

**PLANNING AND ZONING COMMISSION  
AGENDA****Wednesday, February 12<sup>th</sup>, 2020, 6:00 p.m.  
City Hall Council Chambers**

- \*\*\* Call to Order / Roll Call
- \*\*\* Approval of January 8<sup>th</sup>, 2020 Meeting Minutes

**PUBLIC HEARINGS**

**ITEM ONE: CASE # 20-00700001:** Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

**ITEM TWO: CASE # 20-00600001:** Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

**INFORMATION ITEMS**

- ITEM THREE:** City Council Actions Taken
- ITEM FOUR:** January 2020 Building Permit Activity Report
- \*\*\* Open Floor
- \*\*\* Adjourn

**Planning & Zoning Commission**  
**January 8<sup>th</sup>, 2020 Minutes**  
**City Council Chambers**

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m. by Chairman Kent Wilson.

Upon roll call, the following were present:

Chairman K. Wilson  
Commissioner K. Mackenzie-Chavez  
Commissioner J. Dooley  
Commissioner F. Pawlowski  
Commissioner M. Long  
Commissioner J. Cresto

Upon roll call, the following were absent:

Commissioner L. Miller

Chairman Wilson asked if any Commissioner had a conflict of interest for any agenda item and if so to recuse him/herself prior to discussing the particular item.

Upon roll call, the following votes were:

Chairman K. Wilson (No)  
Commissioner K. Mackenzie-Chavez (No)  
Commissioner J. Dooley (No)  
Commissioner F. Pawlowski (No)  
Commissioner M. Long (No)  
Commissioner J. Cresto (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the December 11th, 2019 regular meeting. Commissioner Dooley motioned for approval of the minutes as presented. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Dooley (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner M. Long (Yes)  
Commissioner J. Cresto (Yes)

*Chairman Wilson administered the oath required by State Law for public forum.*

Chairman Wilson stated anyone wishing to speak limit their comments to three minutes and not to duplicate a previous point; they will have one opportunity to testify.

**ITEM ONE: CASE # 19-00300002:** Request by Joe DiGregorio, Six D., Inc, property owner, for Final Plat approval of a Minor Subdivision; Christine Subdivision Replat No. 1 of Block 4, Lebeck-Atkins Subdivision. Said property is generally located Northeast of Marguerite Street and Aztec Avenue (209 Marguerite Street, 1808 & 1820 W. Aztec Avenue); containing 3.8132 acres M/L.

CB Strain began by using the overhead projector to display the GIS Map showing the property's location. He mentioned how the Shop 'N Save grocery store, gas station, Indian Health Services office and other buildings are currently located on this particular tract of land. The area was originally designated as Block 4 in the Lebeck-Atkins Subdivision and it was later split by deed east to west (creating a tract north and south within Block 4). CB spoke about how the current subdivision regulations wouldn't allow a split by deed; property owners are required to go through a subdivision process. CB used the overhead projector to display the minor subdivision's final plat. He spoke about how it currently consisted of two (2) tracts of land and how the property owner wanted to subdivide into four (4) lots. CB informed the Commission that there were currently three (3) buildings located on the tract of land. The property owners would like to locate each building on its own separate lot and have one (1) lot left over for future development. CB stated that all four (4) lots met the minimum dimensional requirements for the Heavy Commercial (HC) zone district whereas he recommended approval of the minor subdivision. CB mentioned how the Gallup Taskforce (GTF) reviewed the request and their comments were included in the Commission's agenda packets. CB stated that members of the GTF were present this evening if the Commission had any questions to ask them.

Commissioner Dooley asked for clarification on the location because she thought it was for the Lowe's downtown on Aztec Avenue. CB clarified that the subdivision was on Marguerite Street and Aztec Avenue (across Gallup Central High School). He explained how the lots contain a Shop 'N Save grocery store, car wash and an Indian Health Service office. Commissioner Dooley noticed how the Electric Department had comments (Page 1-7) about access running through a lot and wanted more information on that. Marita Joe, Senior Electrical Engineer approached the podium and stated that she had some concerns of the replat. She used the overhead projector to reference the final plat and pointed to where the electrical service was located (northwest of proposed Lot 4). Ms. Joe was unsure as to how it was being served until they traced it out and discovered that it came to the meter within the City Street. Knowing that the meter was in the street they made GTF comments informing the property owner that the gas station's meter was located in the street and that the gas station's service line was going through the property where Shop 'N Save was located. Since this one was the only subdivision submitted for this area in quite some time, the Electric Department asked the property owner to dedicate an easement this plat for that service line that serves the gas station. Ms. Joe also noted for the property owner to inform Shop 'N Save that someone else's service line was going on their property; the gas station owns the service meter. Commissioner Dooley clarified that the service line of the gas station (proposed Lot 4) runs on another property where the Shop 'N Save is located (Block 4, Lebeck-Atkins Subdivision). Ms. Joe responded that was correct and reminded Commissioner Dooley that the electric meter was privately owned by the customer.

Commissioner Mackenzie-Chavez asked CB where the frontage was located for the proposed Lot 2. CB stated that Lot 2's frontage was located on Aztec Avenue. Commissioner Mackenzie-Chavez asked if the property owners were to develop Lot 2 would they have to meet setbacks from Aztec Avenue; just concerned because of the odd shape of the lot. CB responded yes each zone district had its own required setbacks for the front, side and rear. CB used the overhead projector to point to Lot 4 on the final plat and noted how it didn't meet the required setbacks because it was encroaching past the property line. However being that it was existing it could stay as it was. CB mentioned how the gas station would be considered non-conforming, but if the gas station ever goes away the new built structure would be required to comply with the current setbacks. For Lot 2 if anything ever gets built it will have to be setback ten feet (10') from the frontage. Chairman Wilson asked if anything ever changed on Lot 4 with the gas station would they be able to rebuild a similar structure. CB responded stating that they could build a similar structure but it would have to meet the setbacks so it would probably be smaller than the existing building. CB recommended that the gas station be left alone unless there was a catastrophic event or if the building needed to be torn down for whatever reasons.

Joe DiGregorio, property owner approached the podium and introduced himself. Mr. DiGregorio stated that he represented Six D. Inc. and explained the meaning of his company name. He mentioned how his father acquired a lot of property and how he did different things with them. Mr. DiGregorio spoke about how they were cleaning up deeds and realized that they had four (4) different properties that needed to be separated, which was why they're replatting now; to clean things up.

Chairman Wilson asked the Commissioners if they had any questions for Mr. DiGregorio. There were none.

Chairman Wilson asked if there was anyone wishing to speak against this case. There were none.

Chairman Wilson acknowledged that there were several department heads present this evening. He wanted to remind them to submit GTF comments that contain more substance other than, "no comment." Chairman Wilson stated that he would rather prefer a statement about how there are no issues with the request or if infrastructure is satisfactory to support the request. Commissioner Dooley stated she agreed with Chairman Wilson. She spoke about how she wonders if adequate time was given to actually review the request. Commissioner Pawlowski added how he understood "no comment" to mean that the request had been thoroughly reviewed and there were no issues. Chairman Wilson stated that he knew all the departments did a good job, but would like their comments to be more thorough to help the Commission.

Chairman Wilson asked the Commissioners if they had any further questions or comments. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2019-00300002. Commissioner Mackenzie-Chavez motioned for approval of Item One. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner J. Dooley (Yes)  
Commissioner M. Long (Yes)  
Commissioner J. Cresto (Yes)

**ITEM TWO: CASE # 20-00900001:** City initiated request to amend Title 10 “Land Development Standards” of the Municipal Code of the City of Gallup Section 10-2-B-a “Residential” and Section 10-2-B-c “Non-Residential”; Tables 10-2-2, 10-2-4, 10-2-6, 10-2-8, 10-2-19 and 10-2-21. Add side street yard requirements for corner lots within the Rural Residential (RR), Single-Family Residential (SFR-A, B & C), Multi-Family Residential Low (MFRL), Multi-Family Residential Medium (MFRM), General Commercial (GC) and Heavy Commercial (HC) Zone Districts. Establish ten foot (10’) side street yard setbacks for SFR-A & B, MFRL, MFRM and GC and fifteen foot (15’) side street yard setbacks for RR, SFR-C and HC. This item will go before City Council for final approval on January 28, 2020.

CB began by reminding the Commission how the Land Development Standards went through many months of review when the zoning ordinance and regulations were updated. It has come to staff’s attention that some regulations were missing for corner lots. CB explained how corner lots have two (2) street frontages and what they failed to do was carry over the side street yard setback requirements from the old code to the new code. Those requirements need to be added to the Land Development Standards because it’s a safety issue. CB continued by explaining why they require setbacks for a structure on a street frontage because it protects the structure. Structures are setback from the street in case a vehicle leaves the pavement for any reason; there’s a buffer zone to protect the building. It also provides somewhat of a noise buffer from the street as well as providing clear space and open space. So whenever there’s a corner lot both streets surrounding the property need those setbacks in place to ensure the structure is setback adequately to ensure safety and act as a buffer. CB explained how the side street yard setbacks were in the old code, but missed carrying them over into the new code. He emphasized how side street yard setbacks were typically included in any zoning code across the country. CB spoke about how he worked with the consultants, Bohannon Huston to research the side street yard setbacks and compare to other municipalities. In their research they found that a typical side street yard setback was ten feet (10’) in most districts whereas they recommended reducing the distance for Single-Family Residential zone districts.

The old code had fifteen feet (15’) for the RS-1 and RS-2 zone districts (now known as SFR) and no side street setbacks for RAD, RATH and RM3 (now known as Multi-Family.) The text amendment presented this evening will establish side street yard setbacks for the following zone districts as follows:

- Rural Residential (RR) zone district fifteen feet (15') because those are bigger lots having a minimum lot size of one (1) acre and their setbacks are larger.
- Single-Family Residential (SFR-A & B) zone districts ten feet (10') as opposed to the old code where it was fifteen feet (15').
- Single-Family Residential (SFR-C) zone district fifteen feet (15'), which remained the same from the old code being that those were typically larger lots having deeper setbacks.
- Multi-Family Residential Low (MFRL) zone district for single-family, duplexes and townhouses ten feet (10').
- Multi-Family Residential Medium (MFRM) zone district for townhouses and multi-family (apartments) ten feet (10').
- General Commercial (GC) zone district ten feet (10').
- Heavy Commercial (HC) zone district is fifteen feet (15').

CB pointed out how properties within the General and Heavy Commercial are mostly taken up by parking whereas they already have a large distance established from the side street. However, establishing these side street yard setbacks will prevent a design from locating parking in the rear while not having side street setbacks. The text amendment presented this evening will require those setbacks to create the buffer zone. CB explained that as they work more with the code they'll find things that were missed; just like the last text amendment that was presented to the Commission. CB reminded the Commission how this was the second text amendment coming before them since the LDS was updated in August 2018. CB recommended approval of Resolution No. RP2020-2 to provide safety for corner lots.

Commissioner Long asked CB how he determines which is the front yard and side yard on a corner lot. CB stated that it depended on the address street which would serve as the front yard setback. Commissioner Long commented on how that would only apply to a new building. There was a brief discussion between staff and Commissioners on how some properties don't have their front yard setback according to their address. CB explained how it varied with each property; sometimes people would pick which they wanted for their front and side yard while not matching up with the address street. CB also mentioned how the subdivision design played a big part in determining where the front and side yard setbacks were designated. He gave the example of a fifty-foot (50') by one hundred-foot (100') lot where it would be best to use the fifty-foot (50') for the frontage and one hundred foot (100') for the side yard. If not, the lot wouldn't be able to meet the setbacks in the rear or the front. Commissioner Long asked CB if the property owner could choose which is their front and side yard. CB stated yes, however the Planning Department would have to first verify that it met the front, side street, side interior and rear setbacks. Commissioner Long just wanted to ensure that square shaped lots that had the same length on each side gave the property owner the option to choose which frontage they'd prefer. CB confirmed that they could if they met the minimum requirements.

Commissioner Cresto asked CB why the other residential zone districts (MHP, MXN and MXC) weren't included in the text amendment to establish side street yard setbacks. CB explained how the text amendment came about whereas a building permit was submitted for a corner lot and they

noticed how they didn't carry that side street setback from the old code. CB continued by explaining how the Mobile Home Park (MHP), Mixed-Use Neighborhood (MXN) and Mixed-Use Center (MXC) zone districts weren't included in the revision because they're setup in a way that takes care of the side street setbacks. For example, the MXN and MXC zone districts are located within older areas of town whereas they have smaller setbacks. So the setback that's required already will carry for the whole property which is why it wasn't included. Commissioner Cresto pointed out how Table 10-2-19 for the General Commercial zone district lists the front setback as five feet (5') and the side street setback as ten feet (10') which he didn't feel was consistent. Commissioner Cresto asked CB why the side would need to be setback more. CB explained how the consultants had recommended the ten feet (10'), but if the Commission wanted to reduce the side street setback to five feet (5') for General Commercial he would be fine with that. However, Heavy Commercial would need to keep the side street setback as fifteen feet (15'). Commissioner Cresto asked CB if making that revision would conflict with any safety issues in the General Commercial zone districts. CB stated that commercial properties generally had their parking areas and things that take up space anyway so it took care of itself. Commissioner Long clarified that this was only for corner lots. CB responded yes. Commissioner Long stated that he agreed with revision of reducing the side street setback for the General Commercial zone district.

Commissioner Cresto made a Motion to reduce the side street yard setback for the General Commercial zone district from ten feet (10') to five feet (5') for the text amendment presented. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Cresto (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner J. Dooley (Yes)  
Commissioner M. Long (Yes)

Chairman Wilson asked CB if it was practical for the townhouses in MFRM and MFRL zone districts to have a minimum of ten feet (10') for the side street yard setbacks. Chairman Wilson asked if those setbacks were from the property line. CB responded yes. Chairman Wilson asked CB if there would be a sidewalk between the structures of the street at ten feet (10'). CB responded that the sidewalk would be on the other side of the property within the right of way, so it wouldn't be located on the property. Chairman Wilson clarified that the sidewalk would be within ten feet (10') of the structure. CB responded no; the property line would be within ten feet (10') of the structure and the sidewalk would be on the other side of the property line. CB stated that it wouldn't affect the space where the pedestrian infrastructure was located; the side street yard setbacks are just to setback the building from the property.

Commissioner Long asked CB what the side street setbacks for Single Family Residential was in the old code and if it was still consistent. CB stated that RS-1 and RS-2 (now known as SFR) were fifteen feet (15') in the previous code. Commissioner Long asked what the Multi-Family side street setbacks were in the old code. CB explained how the old code didn't have side street setbacks

established for RAD, RATH and RM3 (now known as Multi-Family.) That was lacking in the old code and because of it those areas still have the same safety hazards. CB mentioned how they've had vehicles run into apartment buildings in the past whereas there is a need to establish side street setbacks for safety reasons.

Chairman Wilson asked if there was anyone wishing to speak to this case.

Angela Olive approached the podium and introduced herself. She informed the Commission that she was representing Bob Olive in regards to his property that he purchased at Cerrito Drive and Red Rock Drive/Ridgecrest Avenue. Mrs. Olive stated that the odd shaped lot was located on a corner lot. She continued by explaining how prior to the property purchase Mr. Olive had his architect contact Stan Henderson, Public Works Director to speak about the zoning regulations. After speaking to Mr. Henderson they moved forward with their plans according to the regulations at that time. Mrs. Olive stated that they haven't started building yet because they just got the basics going; they're working the dirt and everything else. She mentioned how the back of the property goes right off to the area of Ford Canyon Park. Mrs. Olive stated that the plans they currently have are according to the existing zone's dimensional standards of five feet (5') as the side setback. If the text amendment were to be approved this evening they would have to change their plans to reflect the ten feet (10'), which Mrs. Olive feels would really encroach into their plans of the new house. Mrs. Olive spoke about how Mr. Olive spent a lot of money on the architect so she requested that the Commission grant a variance (if the text amendment were approved this evening). Mrs. Olive felt the property would qualify for a variance being that lot was an odd shape and the fact that they already had the plans drawn up prior to the text amendment. She asked the Commission if they could grant a variance of five feet (5') for the side street setback or be grandfathered in after the text amendment was approved.

Commissioner Pawlowski stated that he assumed the new structure would be a single-family home. Mrs. Olive stated that it was actually going to be a multi-family home being that it was permissive in the Multi-Family Residential Low (MFRL) zone district. Mrs. Olive stated that it was going to be a duplex with garages. She pointed out how it was a small piece of property. Mrs. Olive informed the Commission that she had copies of the plans with her and could show them if they pleased. Commissioner Pawlowski stated that he just wanted to know what kind of structure it would be. Commissioner Pawlowski summarized what he believed she was requesting from the Commission which was to be relieved from the ten foot (10') requirement and granted the five foot (5') for the side street setback off Ridgecrest Avenue. He continued by stating that he understood the rationale behind her request, but didn't feel it was a good idea because he was familiar with the busy traffic of the nearby elementary school. Commissioner Pawlowski stated that he wasn't saying that an additional five feet (5') would prevent serious types of accidents, but might be nice to have ten feet (10') for safety reasons. Mrs. Olive stated that she knew there were plans to put in a drainage along the corner where the street turns going down the property and out to the canyon, but she was unsure as to how that would affect that corner.

Commissioner Dooley commented on how she was unsure if this was the appropriate time that Mrs. Olive's issue should be addressed. CB asked Mrs. Olive to see the plans she had. After reviewing

the plans Mrs. Olive had in hand, CB informed the Commission that no permits had been submitted to the Planning Department nor have any reviews taken place on that particular site. CB stated that this was the first time he had seen or heard of it. Mrs. Olive stated that she had the plans that were sent to them from the City of Gallup and showed them to CB. CB stated that the City of Gallup doesn't do plans and after looking at the document he verified that the copy she was referencing was the SFR dimensional standards from the LDS (sent by the City to the property owner.) CB again emphasized how the plans have not been submitted nor reviewed by the City Planning Department. Mrs. Olive stated that the architect based everything off the zoning regulations that were in place at that time. CB pointed out how the plans Mrs. Olive had were stamped and drafted by their architect on July 10, 2019 which was after the new code was adopted in August 2018. So when the architect drew up the plans the new regulations were already in place. CB also pointed out how the new code (adopted in August 2018) didn't have side street yard setbacks for corner lots. Mrs. Olive stated that she understood that there was no regulation for side street yard setbacks, which was why their architect drew up their plans having all side setbacks (side street and side interior) as five feet (5'). Mrs. Olive stated that on Table 10-2-6 in the Land Development Standards it listed the side setbacks as five feet (5') in the Multi-Family Residential Low (MFRL) zone district. CB clarified that the side setback currently listed in the code is only for the side interior setback, which is the setback from another lot; not from a corner street. CB stated that the text amendment presented this evening will establish the side "street" setback as ten feet (10') and carry the side "interior" setback to five feet (5') as it currently stands. CB stated that there were currently no side "street" setback requirements because no one has submitted for a permit located on a corner lot since the code's been updated in August 2018. Chairman Wilson stated that the case before the Commission this evening was to make a decision on the text amendment whereas Mrs. Olive's request wasn't part of that action. Chairman Wilson informed Mrs. Olive that she needed to go through the process with the Planning Department and if a petition was necessary she would back before the Commission. Chairman Wilson stated that all the appropriate paper work needed to be submitted whereas the request would go through the appropriate channels. Chairman Wilson asked CB if that was correct. CB asked Mrs. Olive when they were planning on submitting plans. Mrs. Olive responded that she wasn't sure. CB stated that this text amendment was establishing the side street yard setbacks and after it goes before the Planning and Zoning Commission it would be presented to the City Council for final approval at the January 28, 2020 meeting. Once the text amendment went through that approval process it was then the law. CB informed Mrs. Olive that if the Planning Department hasn't received their permit application to review prior to those dates the new rule would apply. Curtis Hayes, City Attorney pointed out how there was also a thirty (30) day appeal period before the text amendment could become effective. CB stated that was correct. CB explained that whenever an ordinance was adopted there was an appeal period after City Council approved it whereas there was an additional thirty (30) days. So if City Council approves the text amendment at their January 28<sup>th</sup> meeting the new requirements will become effective thirty (30) days after that (if no one appeals it). Commissioner Pawlowski asked CB who could possibly appeal the text amendment. CB responded that anyone could appeal.

CB recommended that the Olives submit their permit application and plans to the Planning Department prior to those deadlines that way they can apply the current requirements, which would meet their needs. Mrs. Olive stated that she understood.

Commissioner Long asked Madam Secretary, Nikki Lee to show the Land Development Standards page with the Single-Family Residential's new dimensional standards being discussed this evening. The overhead projector was used to display (the revised) page 10 of the LDS. *(A copy is attached hereto, marked as Exhibit A and made a part of these official minutes)*. Commissioner Long directed the Commission to see the highlighted area in yellow which was the new side "street" yard setbacks being added this evening. Table 10-2-4 refers to the letter "f" as the side "street" setback and by looking at Figure 10-2-2 it shows where that setback is located. CB pointed to Figure 10-2-2 showing where the lot area, lot frontage, lot width, front setback, side interior setback, side street setback and rear setback were located. Mrs. Olive thanked the Commission for their clarification and time.

Chairman Wilson asked the Commissioners if they had any further questions. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00900001. Commissioner Dooley motioned for approval (positive recommendation) of Item Two with recommended revisions to the General Commercial zone district. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Dooley (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner M. Long (Yes)  
Commissioner J. Cresto (Yes)

The positive recommendation will be presented to City Council on January 28, 2020 for final approval.

**ITEM THREE: CASE # 20-01100001:** Annual Open Meetings Act, Resolution No. RP2020-01. The Open Meetings Act requires that the Planning and Zoning Commission (at least) annually review what constitutes reasonable notice to the public of its meetings. Accordingly, the resolution is presented to the Board for consideration and approval.

CB began by explaining how every year the Commission was required to adopt a new Open Meetings Act resolution to adopt meeting times, what's considered reasonable notice, special and emergency meeting requirements and procedures for notice to the media. CB continued by explaining how they're following the same rules they've followed previous years. If the Commission doesn't want to make any changes such as, changing the days or times of the meetings the presented resolution can be adopted.

Commissioner Mackenzie-Chavez reminded the Commission how they've previously changed the

meeting times from 7 p.m. to 6 p.m. and she wanted to know if the 6 p.m. meeting worked for all the Commissioners. Chairman Wilson and Commissioner Dooley both stated that they preferred the 6 p.m. meetings.

Chairman Wilson asked the Commissioners if they had any further questions. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-01100001. Commissioner Long motioned for approval of Item Three. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner M. Long (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner J. Dooley (Yes)  
Commissioner J. Cresto (Yes)

### **INFORMATION ITEMS**

**ITEM FOUR:** City Council Actions Taken

**ITEM FIVE:** P&Z Commissioner Attendance 2019  
Chairman Wilson acknowledged Commissioner Pawlowski's attendance for 2019 and thanked him for attending every meeting.

**ITEM SIX:** December 2019 Building Permit Activity Report

**ITEM SEVEN:** Building Permit Five-Year Comparison {2015 thru 2019}

**ITEM EIGHT:** Planning & Zoning Agenda Five-Year Activity Report {2015 thru 2019}

Motion was made by Commissioner Dooley to adjourn the meeting. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Dooley (Yes)  
Commissioner F. Pawlowski (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner M. Long (Yes)  
Commissioner J. Cresto (Yes)

Commission Adjourned at 6:45 p.m.

PLANNING & ZONING COMMISSION

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KENT WILSON, CHAIRMAN

ATTEST:

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CLYDE (C.B.) STRAIN  
SECRETARY TO PLANNING & ZONING COMMISSION

10-2-B-a-ii Single-Family Residential, Detached (SFR)

The purpose of the Single-Family Residential (SFR) district is to promote and preserve safe, attractive single-family residential neighborhoods. The principal land use consists of single-family dwelling units on individual lots of varying size and dimensions correlating to historical development patterns represented by Types “A”, “B”, and “C” in Table 10-2-4. Limited uses that support single-family development, such as recreational and civic/institutional uses, religious/educational facilities, and uses incidental or accessory to dwellings, are shown in Table 10-3-1: Use Table.

10-2-B-a-ii-A District Specific Standards

1. A maximum of one (1) principal dwelling structure shall be allowed per lot.
2. A maximum of three (3) accessory structures may be provided if it meets the standards for accessory structures as shown in Section 10-3-C.<sup>5</sup>

Figure 10-2-2: Single-Family Residential, Detached District



Table 10-2-4: SFR District Dimensional Standards				
Development Type	Single-Family Residential			
	A	B	C	
<b>Lot Standards</b>				
<b>a</b>	Lot area, min.	3,000 sq. ft. <sup>6</sup>	6,000 sq. ft.	9,000 sq. ft.
<b>b</b>	Lot frontage, min.	25 ft.	25 ft.	25 ft.
<b>c</b>	Lot width, min.	50 ft.	60 ft.	80 ft.
<b>Setbacks</b>				
<b>d</b>	Front, min.	10 ft.	20 ft. <sup>7</sup>	25 ft. <sup>8</sup>
<b>e</b>	Side, min.	5 ft.	5 ft.	8 ft.
<b>f</b>	Interior	5 ft.	5 ft.	8 ft.
<b>f</b>	Street <sup>9</sup>	10 ft.	10 ft.	15 ft.
<b>g</b>	Rear, min.	15 ft. <sup>10</sup>	20 ft. <sup>11</sup>	25 ft.
<b>Building Standard</b>				
<b>h</b>	Height <sup>12</sup> , max.	26 ft.	26 ft.	26 ft.

Table 10-2-5: Other Applicable Standards	
Overlay Districts	10-2-B-d
Permitted Use Table	10-3-B
Use Specific Standards	10-3-C
Parking and Loading	10-4-A
Access and Connectivity	10-4-B
Landscaping and Screening	10-4-C
Walls and Fences	10-4-D
Architectural Design	10-4-E
Signage	10-4-F
Environmental Performance	10-4-G
Terrain Management	10-4-H

<sup>7</sup> The front setback may be reduced to a minimum of fifteen (15) feet from the minimum requirements in Table 10-2-4 where the garage is setback twenty-five (25) feet from the front property line (existing standard).

<sup>8</sup> The front setback may be reduced to twenty (20) feet where garage or side entry is setback an additional five (5) feet from the minimum requirements in Table 10-2-4.

<sup>10</sup> The rear setback may be reduced to ten (10) feet from the minimum requirements in Table 10-2-4 where an open back porch exists. (Existing standard which was reduced from twenty [20] feet to fifteen [15] feet to accommodate smaller lots and residential developments.)

<sup>11</sup> The rear setback may be reduced to fifteen (15) feet where an open back porch exists (Existing standard).



February 5, 2020

Jackie McKinney, Mayor  
Linda Garcia, District 1 Councilor  
Allan Landavazo, District 2 Councilor  
Yogash Kumar, District 3 Councilor  
Fran Palochak, District 4 Councilor  
Maryann Ustick, City Manager  
Curtis G. Hayes, City Attorney



## MEMORANDUM

To: Planning and Zoning Commission

From: Clyde (C.B.) Strain, Planning & Development Director 

Ref: Case No. CUP2020-00700001, Jennifer M. Bass Short Term Rental Conditional Use Permit, 301 West Victoria Avenue.

## BACKGROUND

Ms. Jennifer M. Bass, property owner, has submitted an application to the Planning and Zoning Commission for approval of a conditional use permit (CUP) to operate an accessory Short Term Rental lodging establishment within the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue, and is more particularly described as Lot 3, Block 11, Bubany Burke Northside Addition.

## DISCUSSION

Since a “conditional use” may only be appropriate at certain locations within a particular zoning district and with additional safeguards or conditions to mitigate negative impacts on the surrounding area, it is the Boards responsibility to exercise proper discretion when granting approval of the proposed use. Use Table 10-3-1 of the City of Gallup Land Development Standards (LDS) lists Short Term Rental Lodging as an Accessory Conditional Use within the Single Family Residential (SFR-A) Zone District. Acceptable grounds for requesting and granting a conditional use permit (CUP) are shown as attachment “A”.

All proposed short term rental lodging establishments are required to comply with the new standards regulating said short term rental use which requires approval of a conditional use permit (CUP) through the Planning and Zoning Commission prior to operation and compliance with the use specific standards for Short Term Rentals contained in Section 10-3-C-g-iii of the City of Gallup Land Development Standards.

Section 10-3-C-g-iii of the City’s Land Development Standards lists use specific standards for Short Term Rental establishments. These standards are as follows:

1. The owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
2. The owner is responsible for ensuring the accessory short-term rental meets all applicable local, state, and federal regulations.

3. Parties renting the designated bedroom or unit shall have access to a private or shared full bathroom.
4. Guest stays may only occur within the dwelling unit that the owner or resident manager occupies.
5. Occupancy of the accessory short-term rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code.
6. In single family residential zone districts, all vehicles associated with the accessory short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

The City of Gallup Task Force reviewed this request and had no issues with approval with the exception of the Gallup Fire Department's requirement for working smoke detectors and a fire extinguisher. A copy of the Gallup Task Force comments are included in your agenda packet for review.

#### **FINDINGS**

It is the findings of staff that the proposed accessory use Short Term Rental lodging establishment is compatible with the Single Family Residential (SFR-A) Zone District provided all use specific standards for said use are complied with. Staff recommends approval of the conditional use permit contingent upon compliance with the conditions set forth in Resolution No. RP2020-3.

## **RESOLUTION NO. RP2020-3**

A RESOLUTION GRANTING [ ] DENYING [ ] A REQUEST BY MS. JENNIFER M. BASS, PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO OPERATE AN ACCESSORY SHORT TERM RENTAL LODGING ESTABLISHMENT WITHIN THE SINGLE FAMILY RESIDENTIAL (SFR-A) ZONE DISTRICT FOR THE PROPERTY LOCATED AT 301 WEST VICTORIA AVENUE

WHEREAS, Ms. Jennifer M. Bass, property owner, has submitted an application to the Planning and Zoning Commission for approval of a conditional use permit (CUP) to operate an accessory Short Term Rental lodging establishment within the Single Family Residential (SFR-A) Zone District for the property located at 301 West Victoria Avenue, and is more particularly described as Lot 3, Block 11, Bubany Burke Northside Addition; and

WHEREAS, Use Table 10-3-1 of the City of Gallup Land Development Standards (LDS) lists Short Term Rental Lodging as an Accessory Conditional Use within the Single Family Residential (SFR-A) Zone District; and

WHEREAS, Section 10-3-C-g-iii of the City's Land Development Standards lists use specific standards for Short Term Rental establishments. These standards are as follows:

1. The owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
2. The owner is responsible for ensuring the accessory short-term rental meets all applicable local, state, and federal regulations.
3. Parties renting the designated bedroom or unit shall have access to a private or shared full bathroom.
4. Guest stays may only occur within the dwelling unit that the owner or resident manager occupies.
5. Occupancy of the accessory short-term rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code.
6. In single family residential zone districts, all vehicles associated with the accessory short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.
7. Working smoke alarms and fire extinguisher meeting NFPA 10 and IFC 2015 are required; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission after notice as required by law; and

WHEREAS, the Planning and Zoning Commission deems it in the best interest of the public that this application be [ ] GRANTED [ ] DENIED.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GALLUP, SITTING AS THE BOARD OF ADJUSTMENT, that:

1. The application, Case #2020-00700001, for a conditional use permit to operate an accessory Short Term Rental lodging establishment within the Single Family Residential (SFR-A) Zone District at the property located at 301 West Victoria Avenue, and is more particularly described as Lot 3, Block 11, Bubany Burke Northside Addition, is hereby [ ] granted [ ] denied.
2. If approved, the proposed accessory Short Term Rental lodging establishment use shall comply with the following conditions:
  - a. The owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
  - b. The owner is responsible for ensuring the accessory short-term rental meets all applicable local, state, and federal regulations.
  - c. Parties renting the designated bedroom or unit shall have access to a private or shared full bathroom.
  - d. Guest stays may only occur within the dwelling unit that the owner or resident manager occupies.
  - e. Occupancy of the accessory short-term rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code.
  - f. In single family residential zone districts, all vehicles associated with the accessory short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.
  - g. Working smoke alarms and fire extinguisher meeting NFPA 10 and IFC 2015 are required.
3. The application, if approved shall pertain only to the conditional use permit now being sought.

4. Approval of the conditional use permit shall become null and void and the conditional use permit may be revoked if any of the conditions of this resolution are violated at any time.

PASSED, ADOPTED AND APPROVED THIS 12<sup>TH</sup> DAY OF FEBRUARY 2020

CITY OF GALLUP, MCKINLEY COUNTY

BY: \_\_\_\_\_  
KENT WILSON, CHAIRMAN  
PLANNING AND ZONING COMMISSION

ATTEST:

\_\_\_\_\_  
Clyde (C.B.) Strain, Planning & Development Director  
Secretary to Planning and Zoning Commission

**Exhibit “A”**

**ACCEPTABLE GROUNDS FOR REQUESTING AND GRANTING A  
CONDITIONAL USE PERMIT**

1. The use will not have a significant adverse effect on the character and value of adjacent properties or the surrounding neighborhood.
2. The use will not create a hazard, a public nuisance or be injurious to individuals or to the public.
3. The use will not generate undue traffic congestion.
4. The use will not cause noise which is excessive for the particular area.
5. The use will not have a significant adverse effect on the natural environment and attractiveness of an area.
6. The use will not be contrary to the public interest.
7. The applicant will be able to meet any particular requirements specified for such a use in this Ordinance and any additional conditions that the Board may impose.
8. The applicant will be able to meet all requirements imposed by applicable state and federal laws and regulations.
9. The use is consistent with the policies and recommendations of the adopted City Master Plan.



# CITY OF GALLUP

## APPLICATION FOR A CONDITIONAL USE PERMIT

### PROPERTY OWNER INFORMATION

NAME: Jennifer Bass PHONE #: 248-535-4757  
 MAILING ADDRESS: 301 West Victoria Ave. CITY: Gallup STATE: NM ZIP: 87301

### APPLICANT INFORMATION:

NAME: Jennifer Bass PHONE #: same  
 MAILING ADDRESS: same CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

### AGENT INFORMATION: (if applicable)

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 SITE ADDRESS: 301 West Victoria Ave., Gallup, NM 87301  
 LEGAL DESCRIPTION: LOT: 3 BLOCK: 11 SUBDIVISION: Bubany-Burke NS Addn

### CURRENT ZONING DISTRICT:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> INDUSTRIAL (I)                                 | <input type="checkbox"/> GENERAL COMMERCIAL (GC)                        | <input type="checkbox"/> HEAVY COMMERCIAL (HC)                |
| <input type="checkbox"/> MIXED-USE CENTER (MXC)                         | <input type="checkbox"/> MIXED-USE NEIGHBORHOOD (MXN)                   | <input type="checkbox"/> MOBILE HOME PARK (MHP)               |
| <input type="checkbox"/> MULTI-FAMILY RESIDENTIAL LOW (MFRLL)           | <input type="checkbox"/> MULTI-FAMILY RESIDENTIAL MEDIUM (MFRML)        | <input type="checkbox"/> MULTI-FAMILY RESIDENTIAL HIGH (MFRH) |
| <input checked="" type="checkbox"/> SINGLE FAMILY RESIDENTIAL-A (SFR-A) | <input checked="" type="checkbox"/> SINGLE FAMILY RESIDENTIAL-B (SFR-B) | <input type="checkbox"/> SINGLE FAMILY RESIDENTIAL-C (SFR-C)  |
| <input type="checkbox"/> RURAL HOLDING ZONE (RHZ)                       | <input type="checkbox"/> RURAL RESIDENTIAL (RR)                         | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT (PUD)       |

### DESCRIPTION OF REQUESTED USE:

My home has first floor studio (bedroom/kitchenette/bathroom) that I would like to offer as a short term rental through airbnb and directly to visitors/student at the hospital where I work. I apologize I was unaware of this permit process sooner, but have now researched and intend to be in full compliance!

### STATEMENT OF COMPLIANCE WITH THE REQUIREMENTS FOR A CONDITIONAL USE PERMIT (§ 10-5-B-d-iii-2):

This unit was successfully rented by the original owners without adverse effects on the community. There is designated off street parking to avoid congestion. Renters profiles can be renewed prior to booking and only respectful individuals without complaints will be accepted. Occupancy limited to 2 adults - no party or social gathering allowed, most guests will be travelers looking for a quiet night!

\*\*\*ATTACH SITE PLAN OF THE PROPOSED DEVELOPMENT / PROJECT\*\*\*

Jennifer Bass Print Owner's Name  
Jennifer Bass Owner's Signature  
1/6/20 Date

\_\_\_\_\_  
 Print Applicant's Name  
 \_\_\_\_\_  
 Applicant's Signature  
 \_\_\_\_\_  
 Date

PRE-APP. CONFR: <u>1/10/2020</u>	<b>FOR OFFICE USE ONLY</b>	DATE STAMP JAN 10 2020
APPLICATION FEES ACCEPTED BY: <u>NO</u>		
AMOUNT PAID: \$ <u>150.00</u> METHOD OF PAYMENT: <u>Credit Card</u>		
HEARING DATE: <u>2/12/2020</u> CASE #: <u>20-00700001</u>		

NO  
 V.2019.08.12  
 830am

## CONDITIONAL USE PERMIT - STATE OF COMPLIANCE

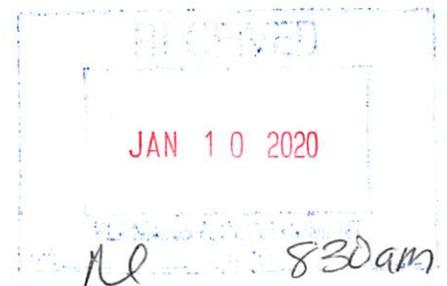
Statement of Compliance with the Requirements for Conditional Use Permit (10-4LA2)

I Jennifer Bass, hereby state that my property at 301 Victoria Avenue, Gallup, New Mexico 87301, if granted a conditional use permit will comply with the following:

1. The use will not have a significant adverse effect on the character and value of adjacent properties or the surrounding neighborhood.
2. The use will not create a hazard, a public nuisance or be injurious to individuals or the public.
3. The use will not generate undue traffic congestion.
4. The use will not cause noise which is excessive for the particular area.
5. The use will not have a significant adverse effect on the natural environment and attractiveness of an area.
6. The use will not be contrary to the public interest.
7. I will be able to meet any particular requirements specified for such a use in the Land Development Standards and any additional conditions that the board may impose.
8. I will be able to meet all requirements imposed by applicable state and federal laws and regulations.
9. The use is consistent with the policies and recommendations of the adopted city master plan.

  
\_\_\_\_\_  
(Signature)

  
\_\_\_\_\_  
(Date)



RECEIVED

By Nikki Lee at 10:15 am, Jan 08, 2020

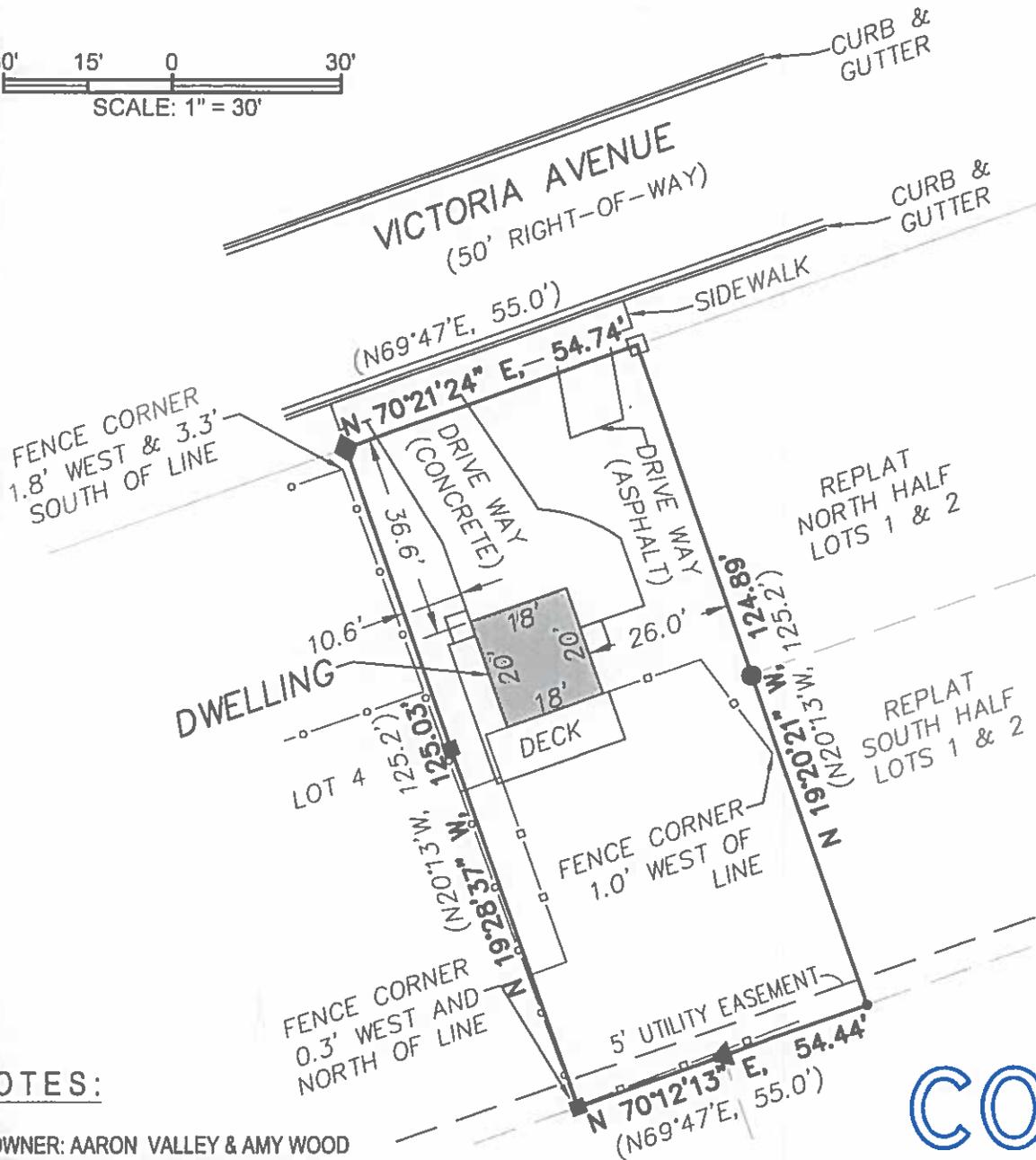
# BOUNDARY SURVEY OF LOT 3, BLOCK 11

## BUBANY-BURKE NORTHSIDE ADDITION

AN ADDITION TO THE CITY OF GALLUP, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF MCKINLEY COUNTY, NEW MEXICO ON MAY 2, 1956.  
GALLUP, MCKINLEY COUNTY, NEW MEXICO.



CHECKED: MDP  
DRAWN: ACV



### NOTES:

- 1) OWNER: AARON VALLEY & AMY WOOD  
DOCUMENT No: 370546; RECORDED: 02/17/2015
- 2) ADDRESS: 301 WEST VICTORIA AVENUE, GALLUP, NM 87301.
- 3) FIELD SURVEY PERFORMED: 09/06/2019
- 4) TITLE COMMITMENT PROVIDED BY FOUR CORNERS TITLE COMPANY, COMMITMENT No. 19090279, COMMITMENT DATE: AUGUST 29, 2019  
SCHEDULE B - PART II:  
ITEM 11: NO DITCHES OR CANALS VISIBLE ON SURVEYED LOT.  
ITEM 12: BLANKET EASEMENT NOT PLOTTABLE.  
ITEM 13: DOES NOT AFFECT SURVEYED LOT.
- 5) BEARING REFERENCED TO THE NEW MEXICO STATE PLANE WEST ZONE GRID (OBTAINED PER GPS OBSERVATIONS)  
DELTA ALPHA= -00°31'54". DISTANCES ARE GROUND
- 6) LANDSCAPING, STAIRS, AND PROPANE TANKS NOT SHOWN.

# COPY

### LEGEND

- FOUND 1/2" REBAR & PS4329 CAP, WITH PS13606 WASHER
- ◆ FOUND 1/2" REBAR & PS3441 CAP, WITH PS13606-WASHER
- ▶ FOUND 1/2" REBAR & PS13979 CAP
- FOUND 1/2" REBAR & PS4329 CAP
- FOUND 1/2" REBAR & PS4329 CAP SET PS13606 WASHER
- CORNER NOT FOUND OR SET

- WOOD FENCE
- CHAINLINK FENCE

Prepared by:  
DePauli Engineering & Surveying LLC,  
- Civil Engineers & Land Surveyors -  
307 S. 4th Street Gallup New Mexico, 87301  
Tel: (505) 863-5440  
www.depauliengineering.com

I, Marc A. DePauli, New Mexico Professional Surveyor, do hereby certify that this Boundary Survey Plat was prepared from an actual ground survey performed by me or under my supervision, that I am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, that this boundary survey plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico and that this survey is not a Land Division or Subdivision as defined in the New Mexico Subdivision Act. This is a Boundary Survey Plat of an existing tract or tracts.

*Marc A. DePauli*  
Marc A. DePauli N.M.P.S. Lic. No. 13606

9/23/2019  
Date



Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District.

The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

### AERIAL IMAGERY



Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District.

The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

### SITE PHOTOS

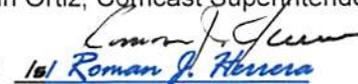


January 23, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer
- Adrian Marrufo, Solid Waste Director
- Jacob LaCroix, GFD, Fire Inspector
- Dianne Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**  Roman J. Herrera

Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-00700001
<b>PROJECT NAME:</b> Conditional Use Permit
<b>PROPERTY OWNER:</b> Jennifer Bass
<b>PROJECT LOCATION:</b> 301 West Victoria Avenue
<b>DESCRIPTION: CONDITIONAL USE PERMIT:</b> The property owner would like to operate a "Short Term Rental" business at the location listed above, this property is located in the Single Family Residential "B" (SFR-B) zoning district and this type of use is not allowed without a conditional use permit. The Planning & Zoning Commission will hear the request at their February 12 <sup>th</sup> , 2020 regular meeting any, conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRIC COMMENTS ARE DUE BY:</b> 31 JANUARY 2020

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

***COMMUNITY PLANNER COMMENTS:***

P1.) Short term rentals is a permitted use within the SFR-B Zone District.

P2.) Short Term Rental use shall comply with all requirements set forth within Section 10-3-C-g-iii "Short Term Rentals" of the City of Gallup Land Development Standards.

P3.) Ok to proceed to public hearing.

***CITY ENGINEER COMMENTS:*** No issues with the CUP for 301 West Victoria Ave.

**WATER DEPARTMENT COMMENTS:** No comments

**WASTEWATER DEPARTMENT COMMENTS:** No comments

**ELECTRIC DEPARTMENT COMMENTS:** No electric issues with CUP.

**FIRE DEPARTMENT COMMENTS:** Have working smoke alarms and a Fire Extinguisher meeting NFPA 10 and IFC 2015.

**SOLID WASTE COMMENTS:** No issues with CUP

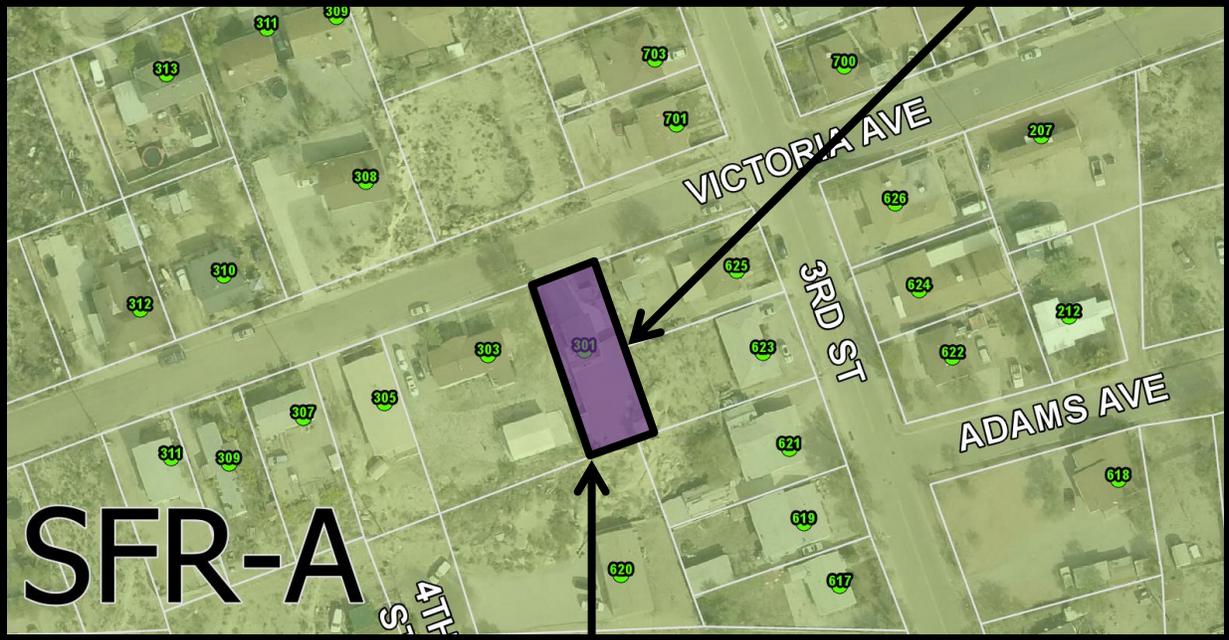
**CENTURYLINK COMMENTS:** CenturyLink has no comment on both of the projects.

**NM GAS COMPANY COMMENTS:** No comments were received from NM Gas.

**COMCAST COMMENTS:** No comments were received from Comcast.

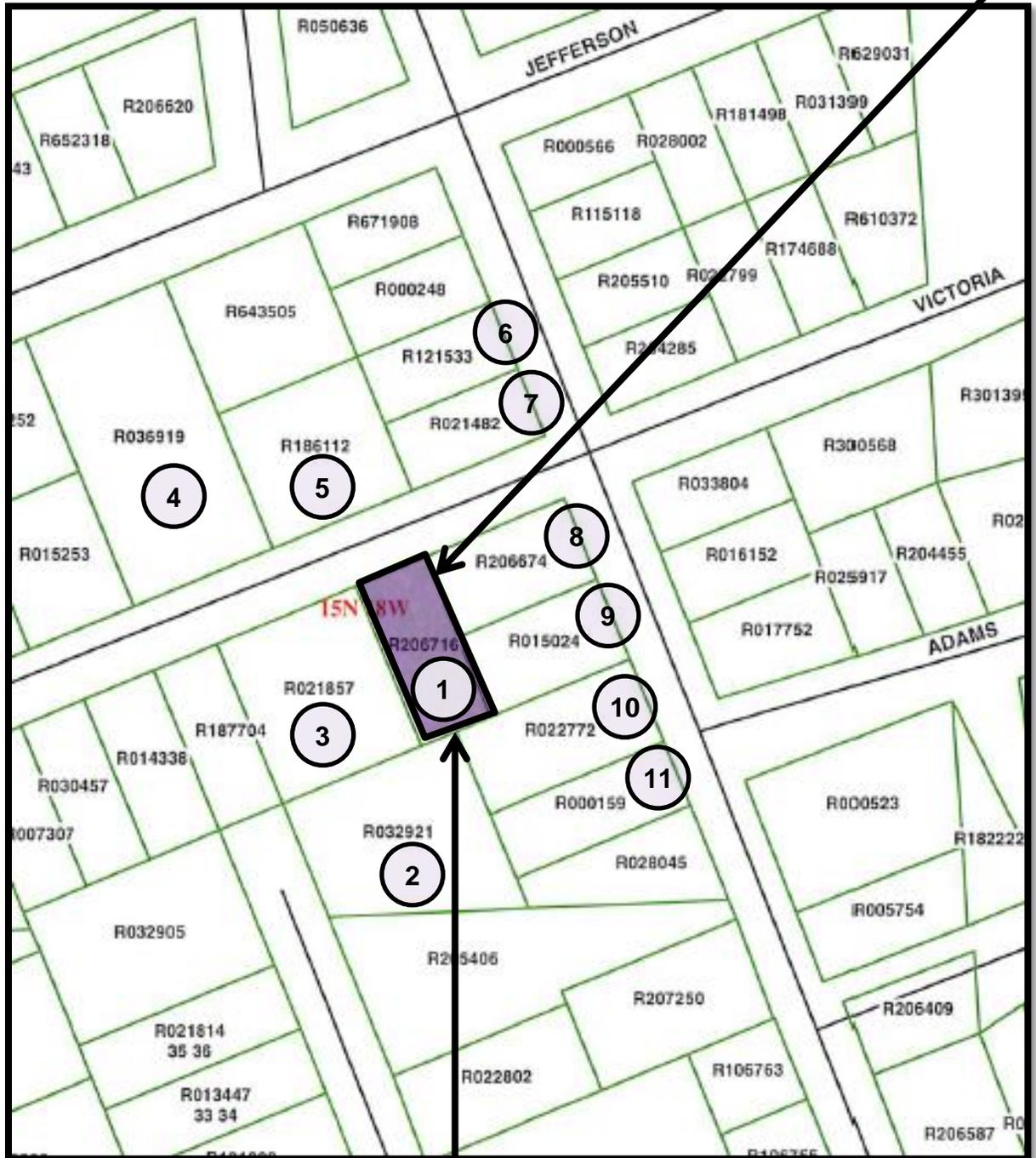
Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

### AREA MAP



Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

### PROPERTY MAP



*Letters sent 01/24/2020*

Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

**ADDRESS LIST**

1. JENNIFER M. BASS  
301 W. VICTORIA AVE.  
GALLUP, NM 87301  
LOT 3, BLK 11, BUBANY-BURKE NS ADDN.  
R206716
2. VICTORIA L. ROHRER  
620 N. FOURTH ST.  
GALLUP, NM 87301  
LOTS 14 & 18, BLK 11,  
BUBANY-BURKE NORTHSIDE  
ADDN.  
R032921
3. BETTY J. MESTAS  
303 VICTORIA AVE.  
GALLUP, NM 87301  
LOTS 4 & 5, BLOCK 11,  
BUBANY-BURKE NORTHSIDE  
ADDN.  
R021857
4. WALTER W. & DAWN P. TYLER,  
TRUSTEES  
2306 MARIYANA AVE.  
\*2306 MARIYANA ST.  
GALLUP, NM 87301  
LOTS 5, 6, 19 & 20, BLOCK 6,  
BUBANY-BURKE NORTHSIDE  
ADDN.  
R036919
5. VICTORIA L. ROHRER  
307 W. JEFFERSON AVE.  
GALLUP, NM 87301  
LOTS 21 & 22, BLOCK 6  
BUBANY-BURKE NORTHSIDE  
ADDN.  
R186112
6. ROBERT D. & MARYALISON  
BERRY, TRUSTEES  
C/O GERALDINE & ANTONIO  
HERNANDEZ  
P.O. BOX 43  
GALLUP, NM 87305-0043  
N ½ OF LOTS 23 & 24, BLOCK  
6, BUBANY-BURKE  
NORTHSIDE ADDN.  
R121533
7. MARY C. VALLEY  
701 N. THIRD ST.  
GALLUP, NM 87301  
THE S ½ OF LOTS 23 & 24  
BLOCK 6, BUBANY-BURKE  
NORTHSIDE  
R021482
8. WESTERN UNITED LIFE  
ASSURANCE CO.  
C/O RAMON & MARY LOU  
GOMEZ  
625 N. THIRD ST.  
GALLUP, NM 87301  
N ½ OF LOTS 1 & 2 BLOCK 11,  
BUBANY-BURKE NORTHSIDE  
ADDN.  
R206674
9. MICHAEL A. MADRID  
623 N. THIRD ST.  
GALLUP, NM 87301  
S ½ OF LOTS 1 & 2 BLOCK 11,  
BUBANY BURKE NORTHSIDE  
ADDN.  
R015024
10. JAVIER A. & LISA MARQUEZ  
1403 PLATEAU DR.

GALLUP, NM 87301  
LOT 15 BLOCK 11, BUBANY-  
BURKE NORTHSIDE ADDN.  
R022772

11. RICHARD ACEVEDO  
619 N. THIRD ST.  
GALLUP, NM 87301  
LOT 16, BLOCK 11, BUBANY-  
BURKE NORTHSIDE ADDN.  
R000159



Jackie McKinney, Mayor

Linda Garcia, District 1 Councilor  
Allan Landavazo, District 2 Councilor  
Yogash Kumar, District 3 Councilor  
Fran Palochak, District 4 Councilor

Maryann Ustick, City Manager  
Curtis G. Hayes, City Attorney



February 5, 2020

## MEMORANDUM

TO: Planning and Zoning Commission

FROM: Clyde (C.B.) Strain, Planning & Development Director 

REF: Case No. REZ2020-00600001: request by JagWest, LLC and the City of Gallup, property owners, for a change in zoning designation from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for certain described real property.

### BACKGROUND

JagWest, LLC and the City of Gallup, property owners, have petitioned the Gallup Planning and Zoning Commission for a change in zoning designation from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for certain real property described as Tract 1B and 1C, Tract 2, and the North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1, and two unplatted tracts of land to be described with a metes and bounds descriptions.

### DISCUSSION

Subsection 10-5-B-d-i-3a of the City of Gallup Land Development Standards states that amendments to the official zoning map which involve a particular area of land may be made by the Council on its own motion or upon request of the Planning and Zoning Commission, or the person or persons holding fifty one percent (51%) or more of the ownership of the area of land may request the Planning and Zoning Commission to amend the map upon a determination that there are sufficient grounds for the amendment. In this case petitioning property owners, JagWest, LLC, and the City of Gallup, represent 100% ownership of the property proposed for rezone and as such are making the request for a zoning map amendment to the Planning and Zoning Commission.

Subject property is currently zoned Rural Holding Zone (RHZ) Zone District. The purpose for the request for a change in zoning designation from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District is to allow industrial development of said properties with the exception of Tract 2 owned by the City of Gallup which contains an existing utility facility.

Section 10-5-B-di2 of the City of Gallup Land Development Standards list Zoning Map Amendment and Text Amendment Criteria. A copy of Section 10-5-B-di2 is included in your agenda packed and marked as "Exhibit A" for your review.

The Gallup Task Force has reviewed this request and all comments submitted apply to future development of said tracts of land. No impacts or additional improvements are required for rezoning.

### **FINDINGS**

Section 10-5-B-di2 sets forth criteria for zoning map amendments as shown in exhibit "A". It is the findings of staff that a rezone is necessary in order allow for subdivision and commercial development which is consistent with surrounding properties, therefore the request meets the following grounds:

1. The land area within a RHZ District designation has become appropriate for urban development because of availability of public utilities and services as well as the needs of the public. .
2. The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one.

Staff recommends approval of the zone change request from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for the property as described above and in the metes and bounds description, both of which are contained in Resolution No. RP2020-4.

**RESOLUTION NO. RP2020-4**

**A RESOLUTION [ ] GRANTING [ ] DENYING A REQUEST BY JAGWEST, LLC AND THE CITY OF GALLUP, PROPERTY OWNERS, FOR A CHANGE IN ZONING DESIGNATION FOR CERTAIN DESCRIBED REAL PROPERTY FROM RURAL HOLDING ZONE (RHZ) ZONE DISTRICT TO INDUSTRIAL (I) ZONE DISTRICT.**

WHEREAS, JagWest, LLC and the City of Gallup, property owners, have petitioned the Gallup Planning and Zoning Commission for a change in zoning designation from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for certain real property described as Tract 1B and 1C, Tract 2, and the North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1, and two unplatted tracts of land to be described with a metes and bounds descriptions as follows:

A TRACT OF LAND LYING IN A PORTION OF THE ANNEXATION PLAT MENTMORE MEADOWS, SECTION 22, TOWNSHIP 15 NORTH, RANGE 19 WEST, N.M.P.M., GALLUP, MCKINLEY COUNTY, NEW MEXICO AS THE IS SHOW ON THE PLAT FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON JULY 24, 1974. BEING MORE PARTICULARLY DESCRIBED WITH NEW MEXICO STATE PLANE WEST ZONE GRID BEARING AND GROUND DISTANCES AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N02°31'27"E ALONG THE WEST LINE OF SAID SECTION 22, 180.14' TO THE REAL POINT OF BEGINNING:

THENCE N02°31'27"E ALONG SAID WEST SECTION LINE, 1182.62' TO A POINT;

THENCE N63°19'19"E LEAVING SAID WEST SECTION LINE, 992.68' TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MENTMORE ROAD ;

THENCE S26°41'17"E ALONG SAID WEST RIGHT-OF-WAY LINE, 1110.26' TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF MENTMORE ROAD AND NORTH RIGHT-OF-WAY LINE OF CHEE DODGE BOULEVARD;

THENCE S63°18'43"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 1292.63' TO A POINT OF CURVATURE;

THENCE ALONG A CURVE THE RIGHT HAVING A RADIUS OF 529.05', LENGTH OF 277.37', DELTA OF 30°02'20", AND CHORD DIMENSIONS OF S78°19'53"W, 274.20' TO A POINT OF TANGENCY;

THENCE N86°38'57"W, 14.31' THE POINT OF BEGINNING;

CONTAINING 33.0174 ACRES; and

WHEREAS, a change in zone designation is being requested in order to allow for industrial development on said tracts of land with the exception of Tract 2 owned by the City of Gallup containing an existing utility facility; and

WHEREAS, Subsection 10-5-B-d-i3a of the City of Gallup Land Development Standards states that amendments to the official zoning map which involve a particular area of land may be made by the Council on its own motion or upon request of the Planning and Zoning Commission, or the person(s) holding fifty one percent (51%) or more of the ownership of the area of land may request the Planning and Zoning Commission to amend the map upon a determination that there are sufficient grounds for the amendment; and

WHEREAS, the petitioning property owners, JagWest, LLC and the City of Gallup, hold one hundred percent (100%) of the ownership of the area of land involved in the proposed zoning map amendment from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for the property as described above; and

WHEREAS, Section 10-5-B-di2 of the Gallup Land Development Standards sets forth minimum criteria for zoning map amendments; and

WHEREAS, it is the findings of staff that the request meets the following grounds for approval:

1. The land area within a RHZ District designation has become appropriate for urban development because of availability of public utilities and services as well as the needs of the public.
2. The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission after notice as required by law; and

WHEREAS, the Planning and Zoning Commission deems it in the best interest of the public that this application be [ ] granted [ ] denied.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GALLUP, SITTING AS THE BOARD OF ADJUSTMENT, that:**

1. The application, Case #REZ2020-00600001, for a change in zoning designation from Rural Holding Zone (RHZ) Zone District to Industrial (I) Zone District for certain real property as described above is hereby [ ] granted [ ] denied.

2. The rezone if approved is subject to compliance with the regulations of the Industrial (I) Zone District.
3. The rezone pertains only to the properties described herein.

**PASSED, ADOPTED AND APPROVED THIS 12<sup>TH</sup> DAY OF FEBRUARY 2020**

**CITY OF GALLUP, MCKINLEY COUNTY**

BY: \_\_\_\_\_  
KENT WILSON, CHAIRMAN  
PLANNING AND ZONING COMMISSION

ATTEST:

\_\_\_\_\_  
Clyde (C.B.) Strain, Planning & Development Director  
Secretary Planning and Zoning Commission

Exhibit "A"

### **10-5-B-d-i2**

## **Zoning Map Amendment and Text Amendment Criteria**

Amendments to the text of the Ordinance are warranted when the provisions of the Ordinance evidence such defects as: ambiguity, omission, inconsistency, obsolescence, inadequacy, excessive stringency or generally fail to serve the public interest. Acceptable grounds for amending the Official Zoning Map are that one (1) or more of the following criteria would be met:

1. There was a mistake in the original mapping of the district for a particular area and the proposed amendment would correct this mistake. In most instances, a mistake would imply that the zoning district which was applied originally did not correspond well to the character of the existing land use in the area.
2. The exact location of a particular zoning district boundary is obscure or irrational or severs a lot area into two (2) or more zoning districts so that it is difficult to develop the lot area properly.
3. Due to changing circumstances of land use in the area, the proposed zoning district would be better suited to the area than the existing zoning district.
4. The land area within a Rural Holding Zone designation has become appropriate for urban development as a result of availability of public utilities and services as well as the needs of the public.
5. The social, economic or environmental interests of the general public good would be better served by the proposed zoning district than the existing one.
6. The proposed change in zoning district boundaries is needed to bring the Official Zoning Map into conformance with changes in the text of the Zoning Ordinance or with the City Master Plan.

APPLICATION FOR REZONING

(ZONE CHANGE)

AMENDMENTS TO THE OFFICIAL ZONING MAP OR TEXT OF THE ZONING ORDINANCE ARE INITIATED BY APPLICATION TO THE CITY ON PRESCRIBED FORMS. EACH APPLICATION FOR ANY AMENDMENT TO THE OFFICIAL ZONING MAP MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN, SITE PLAN, BUILDING DEVELOPMENT PLAN, SKETCH PLAN, PROGRAM OR DEVELOPMENT, OR OTHER RELATED MATERIAL AND INFORMATION AS REQUIRED BY THE CITY. AFTER AN APPLICATION FOR AN AMENDMENT IS ADVERTISED FOR PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION, ANOTHER APPLICATION FOR A CHANGE FOR THE SAME PROPERTY OF THE TEXT MAY NOT BE FILED WITHIN TWELVE (12) MONTHS FROM THE DATE OF FINAL ACTION BY THE GOVERNING BODY ON THE APPLICATION.

PROPERTY OWNER INFORMATION:

Name: JagWest, LLC
Address: 808 Boardman Drive City: Gallup State: NM Zip Code: 87301
Telephone: 505-979-5255 Fax:

APPLICANT INFORMATION:

Name: Rick Murphy
Address: 808 Boardman Drive City: Gallup State: NM Zip Code: 87301
Telephone: 505-979-5255 Fax:

SITE ADDRESS: See Attached LEGAL DESCRIPTION: See Attached Surveys
Lot: Block: Subdivision:

Other (if not lot and block): 6 vacant lots on Mentmore Rd. (County Rd. 1) & Chee Dodge Blvd. NL

TOTAL SITE ACREAGE: 65 Ac DESCRIPTION OF REQUESTED USE: Warehouse & Factory
65.4513 acres (according to surveys)

PRESENT ZONING DESIGNATION OF THE LAND: RHZ REQUESTED ZONE CHANGE: I

\*PMU District may require submittal of a Master Plan. Check here [ ] if Master Plan is included.

REASON(S) FOR THE REQUESTED CHANGE: Change to Industrial Zone so it is similar to existing zoning along the Rail Road track

\*\*ATTACH A SITE PLAN OF THE PROPOSED DEVELOPMENT / PROJECT\*\*

JagWest, LLC
Print Property Owner's Name

MANAGER [Signature]
Signature

1/10/20
Date

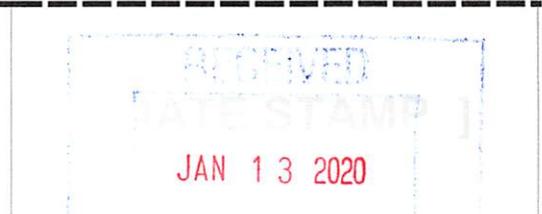
Rick Murphy
Print Applicant's Name

[Signature]
Signature

1/10/20
Date

OFFICE USE ONLY

Pre-App. Confr. Application & Fee Accepted by: [Signature]
Fee Paid: \$ 1,760.00 Method of Payment: Check #1005
Hearing Date: 2/12/2020 Case #: 20-00600001



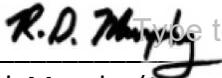
To whom it may concern:

On behalf of Jagwest, LLC I would like to request the rezoning of 6 tracts from Rural Holding Zone (RHZ) to Industrial (I) zone district. The criteria we qualify under is listed in the City of Gallup Land Development Standards section 10-5-B-d-i2 as:

d. The land area within a RHZ district designation has become appropriate for urban development because of availability of public utilities and services as well as the needs of the public.

e. The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one.

Sincerely,

 Type text here 1/22/20  
Rick Murphy (Jagwest, LLC) Date

**RECEIVED**  
By Nikki Lee at 8:14 am, Jan 24, 2020

TAX ID	LEGAL	DESCRIPTION	ZONE	ACERAGE
R139785	TRACT 1B MM WEST UNIT 1	WEST FRONTAGE	RHZ	4.0264
R139734	PORTION TRACT A UN PLATED 33.0174	WEST FRONTAGE	RHZ	4.4674
R137243	PORTION TRACT A UN PLATED 33.0174	WEST OF WEST FRONTAGE	RHZ	28.55
R301302	TRACT 1A MM WEST UNIT 1 26.5448	NORTH PORTION OF 1A SCE 22	RHZ	10.1875
R215975	TRACT 1C MM WEST UNIT 1 1.8627	WEST CORNER SOUTH SEC 27	RHZ	1.8627
R119075	TRACT 1A MM WEST UNIT 1 26.5448	BY RAIL SOUTH SEC 27	RHZ	16.3573

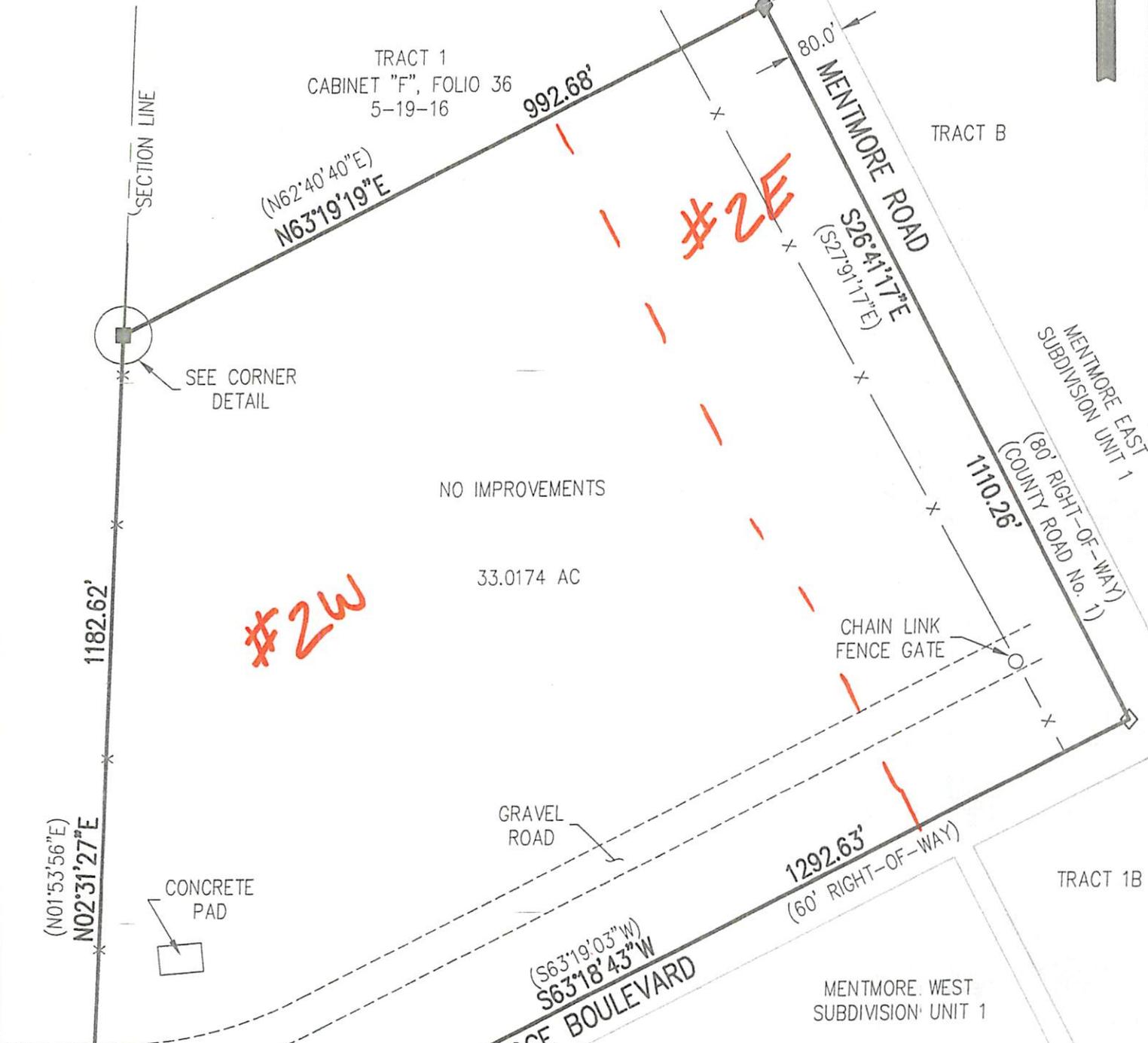
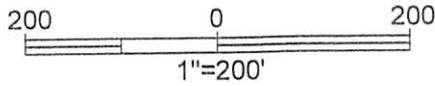
JagWest, LLC  
6 Tracts  
Total Acreage of 65.4513

RECEIVED  
JAN 13 2020  
nl 10 am

# BOUNDARY SURVEY OF A TRACT OF LAND LOCATED IN A PORTION OF ANNEXATION PLAT MENTMORE MEADOWS

SECTION 22, T15N, R19W, N.M.P.M., GALLUP, MCKINLEY COUNTY, NEW MEXICO.  
 AS THE SAME IS SHOWN ON THE PLAT OF SAID ANNEXATION PLAT FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON JULY 24, 1974.

SEE SHEET 2 OF 2  
 FOR DESCRIPTION, NOTES, CURVE  
 TABLE, & CERTIFICATE

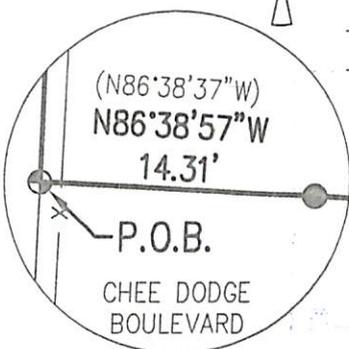
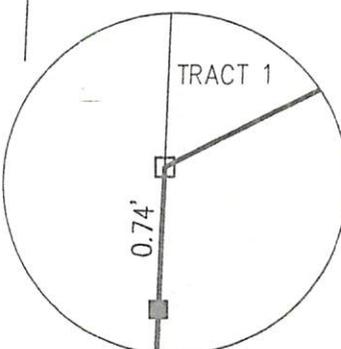
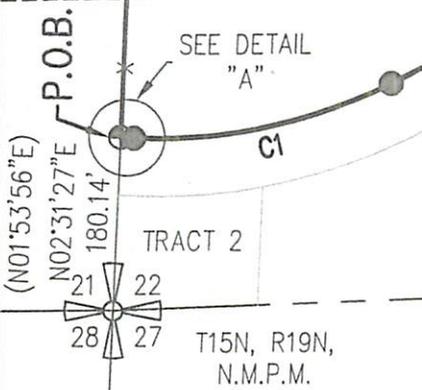


#2W

#2E

### LEGEND

- FOUND 1/2" REBAR w/ PS13606 CAP, SET PS13606 ALUMINUM CAP
- ◇ FOUND 1/2" REBAR, SET PS13606 ALUMINUM CAP
- ◆ FOUND 1/2" REBAR & PS4329 CAP, TIED PS13606 WASHER
- FOUND 1/2" REBAR & PS4329 CAP, w/ PS13606 WASHER
- FOUND 5/8" REBAR, w/ PS13606 WASHER
- ⊕ FOUND 3" BRASS CAP IN CONCRETE CITY OF GALLUP CONTROL POINT MENTMORE "CP24"
- ( ) RECORD DIMENSION
- ⊕ SECTION CORNER FOUND 2 1/2" STEEL AXEL, w/ PS13606 WASHER
- x — WIRE FENCE
- ○ — CHAIN LINK FENCE



JAN 13 2020

Prepared by:  
 DePauli Engineering & Surveying LLC.  
 - Civil Engineers & Land Surveyors -  
 307 S. 4th Street Gallup New Mexico, 87301  
 Tel: (505) 863-5440  
 www.depauliengineering.com



DRAWN: KCB  
 CHECKED: MLD  
 C:\Users\Public\Survey\MENTMORE (RICK MURPHY)\MENTMORE WEST UNIT 1\MMW1-4.dwg, 1/11/2018 9:51:23 AM, MATAJOUR

# BOUNDARY SURVEY OF A TRACT OF LAND LOCATED IN A PORTION OF ANNEXATION PLAT MENTMORE MEADOWS

SECTION 22, T15N, R19W, N.M.P.M., GALLUP, MCKINLEY COUNTY, NEW MEXICO.  
AS THE SAME IS SHOWN ON THE PLAT OF SAID ANNEXATION PLAT FILED IN THE OFFICE OF THE CLERK OF MCKINLEY  
COUNTY, NEW MEXICO ON JULY 24, 1974.

## DESCRIPTION :

A TRACT OF LAND LYING IN A PORTION OF THE ANNEXATION PLAT MENTMORE MEADOWS, SECTION 22, TOWNSHIP 15 NORTH, RANGE 19 WEST, N.M.P.M., GALLUP, MCKINLEY COUNTY, NEW MEXICO AS THE IS SHOW ON THE PLAT FILED IN THE OFFICE OF THE CLERK OF MCKINLEY COUNTY, NEW MEXICO ON JULY 24, 1974. BEING MORE PARTICULARLY DESCRIBED WITH NEW MEXICO STATE PLANE WEST ZONE GRID BEARING AND GROUND DISTANCES AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE N02°31'27"E ALONG THE WEST LINE OF SAID SECTION 22, 180.14' TO THE REAL POINT OF BEGINNING;

THENCE N02°31'27"E ALONG SAID WEST SECTION LINE, 1182.62' TO A POINT;

THENCE N63°19'19"E LEAVING SAID WEST SECTION LINE, 992.68' TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MENTMORE ROAD ;

THENCE S26°41'17"E ALONG SAID WEST RIGHT-OF-WAY LINE, 1110.26' TO A POINT OF INTERSECTION OF SAID WEST RIGHT-OF WAY LINE OF MENTMORE ROAD AND NORTH RIGHT-OF-WAY LINE OF CHEE DODGE BOULEVARD;

THENCE S63°18'43"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 1292.63' TO A POINT OF CURVATURE;

THENCE ALONG A CURVE THE RIGHT HAVING A RADIUS OF 529.05', LENGTH OF 277.37', DELTA OF 30°02'20", AND CHORD DIMENSIONS OF S78°19'53"W, 274.20' TO A POINT OF TANGENCY;

THENCE N86°38'57"W, 14.31' THE POINT OF BEGINNING;

CONTAINING 33.0174 ACRES ±

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	277.37'	529.05'	30°02'20"	S78°19'53"W	274.20'

## NOTES :

1) OWNER: TRIPLE J. LIMITED PARTNERSHIP  
BK. 30 DEED, PG. 871, RECORDED: 6-3-1980

2) FIELD SURVEY PERFORMED: NOVEMBER - DECEMBER, 2017

4) TITLE COMMITMENT PROVIDED BY FOUR CORNERS TITLE COMPANY,  
COMMITMENT No. 17100270, EFFECTIVE DATE: DECEMBER 6, 2017  
SCHEDULE B - PART II:

ITEM 9: NO DITCHES OR CANALS VISIBLE.

ITEM 10: BLANKET ROADWAY LEASE AGREEMENT NOT PLOTTABLE.

ITEM 11: EASEMENT SHOWN LABELED CHEE DODGE BOULEVARD.

ITEM 12: DOES NOT AFFECT THIS SURVEY.

ITEM 13: DOES NOT AFFECT THIS SURVEY.

ITEM 14: DOES NOT AFFECT THIS SURVEY.

ITEM 15: DOES NOT AFFECT THIS SURVEY.

5) BEARING REFERENCED TO THE NEW MEXICO STATE PLANE WEST ZONE  
GRID (OBTAINED PER GPS OBSERVATIONS) DELTA ALPHA= -0°35'15".  
DISTANCES ARE GROUND

**SEE SHEET 2 OF 2**  
FOR SURVEY & LEGEND

Prepared by:  
DePauli Engineering & Surveying LLC.  
- Civil Engineers & Land Surveyors -  
307 S. 4th Street Gallup New Mexico, 87301  
Tel: (505) 863-5440  
www.depauliengineering.com

RECEIVED  
JAN 13 2020  
10 am

I, Marc A. Depauli, New Mexico Professional Surveyor No. 13606, do hereby certify that this Boundary Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is not a Land Division or Subdivision as defined in the New Mexico Subdivision-Act and that this instrument is a Boundary Survey Plat of an existing tract or tracts.

*Marc A. Depauli*  
Marc A. Depauli, N.M.P.S. Lic. No. 13606

1-17-2018  
Date



APPLICATION FOR REZONING

(ZONE CHANGE)

AMENDMENTS TO THE OFFICIAL ZONING MAP OR TEXT OF THE ZONING ORDINANCE ARE INITIATED BY APPLICATION TO THE CITY ON PRESCRIBED FORMS. EACH APPLICATION FOR ANY AMENDMENT TO THE OFFICIAL ZONING MAP MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN, SITE PLAN, BUILDING DEVELOPMENT PLAN, SKETCH PLAN, PROGRAM OR DEVELOPMENT, OR OTHER RELATED MATERIAL AND INFORMATION AS REQUIRED BY THE CITY. AFTER AN APPLICATION FOR AN AMENDMENT IS ADVERTISED FOR PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION, ANOTHER APPLICATION FOR A CHANGE FOR THE SAME PROPERTY OF THE TEXT MAY NOT BE FILED WITHIN TWELVE (12) MONTHS FROM THE DATE OF FINAL ACTION BY THE GOVERNING BODY ON THE APPLICATION.

PROPERTY OWNER INFORMATION:

Name: CITY OF GALLUP

Address: PO BOX 1270 City: GALLUP State: NM Zip Code: 87305

Telephone: (505) 863-1220 Fax:

APPLICANT INFORMATION:

Name: SAME AS PROPERTY OWNER

Address: City: State: Zip Code:

Telephone: Fax:

SITE ADDRESS: 3845 CHEED DODGE BLVD. LEGAL DESCRIPTION: Lot: Block: Subdivision:

Other (if not lot and block): TRACT 2 MENTMORE WEST SUB. UNIT #1 CONTAINING 0.4062 ACRES M/L

TOTAL SITE ACREAGE: 0.4062 ACS DESCRIPTION OF REQUESTED USE: EXISTING WATER LIFT STATION (MENTMORE LIFT STATION)

PRESENT ZONING DESIGNATION OF THE LAND: RURAL HOLDING ZONE REQUESTED ZONE CHANGE: INDUSTRIAL (I) (RHZ)

\*PMU District may require submittal of a Master Plan. Check here [ ] if Master Plan is included.

REASON(S) FOR THE REQUESTED CHANGE: CHANGE ZONING DESIGNATION TO INDUSTRIAL TO BE CONSISTENT WITH THE 6 PROPERTIES BEING REZONED BY JAGWEST, LLC.

\*\*ATTACH A SITE PLAN OF THE PROPOSED DEVELOPMENT / PROJECT \*\*

MARYANN USTICK
Print Property Owner's Name

[Handwritten Signature]
Signature

1/23/2020
Date

SAME AS PROPERTY OWNER
Print Applicant's Name

Signature

Date

OFFICE USE ONLY

Pre-App. Confr. Application & Fee Accepted by: [Handwritten Initials]

Fee Paid: \$ [Handwritten 0] Method of Payment: N/A

Hearing Date: 2/2/2020 Case #: 20-00600001

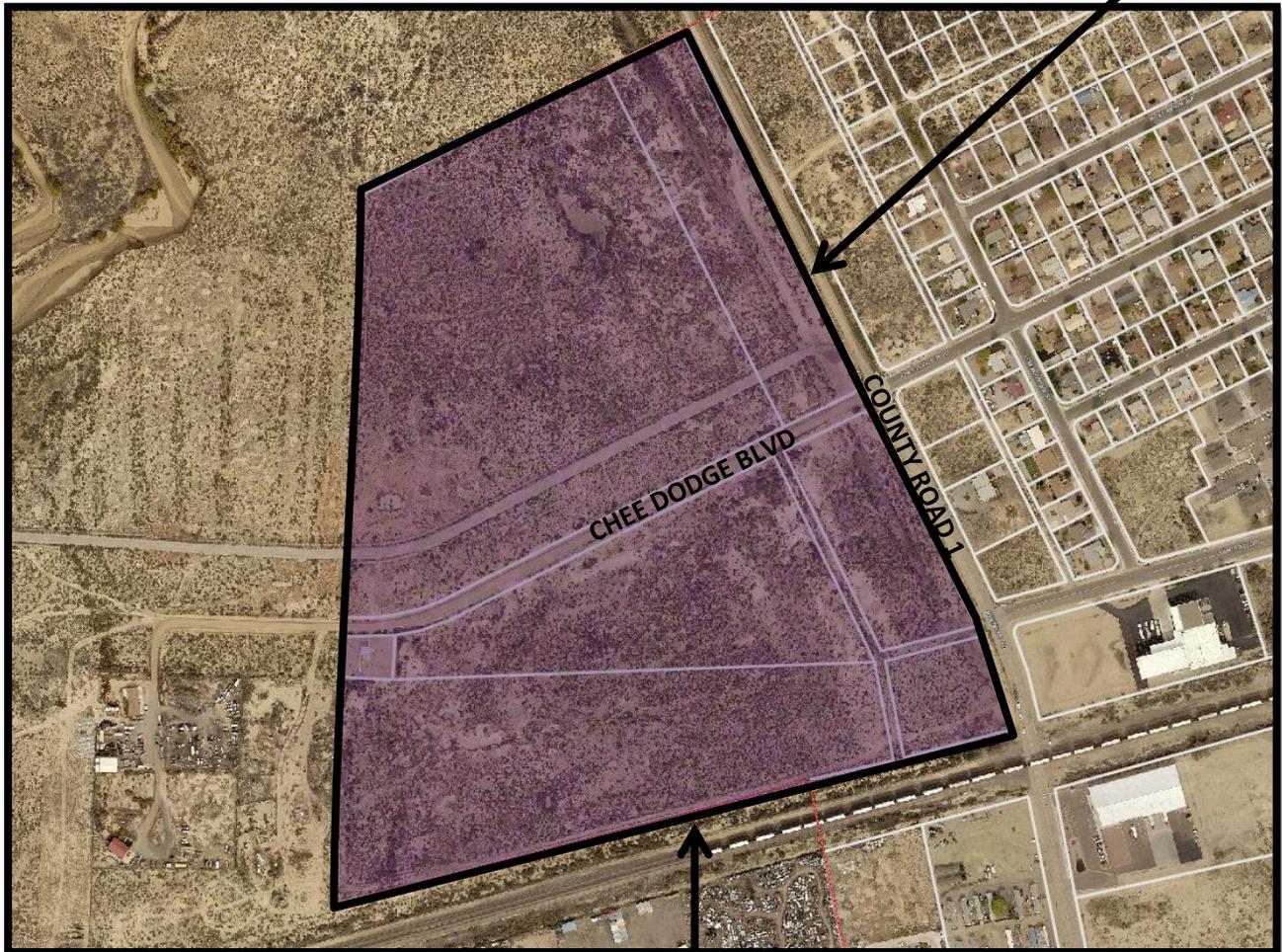


PLANNING & DEVELOPMENT
[Handwritten initials and date 3/25/20]
V01.06.2017

Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District.

The properties are generally located west of County Road 1 and Chee Dodge Boulevard;  
Containing a total of 65.8575 acres M/L.

## AERIAL IMAGERY



Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

### SITE PHOTOS



January 23, 2020

**MEMORANDUM**

**TO: GALLUP TASK FORCE {GTF}**

- C.B. Strain, Community Planner
- Stan Henderson, Executive Director, Public Works Division
- Mike DeClercq, Water/Waste Water Superintendent
- Marita Joe, Senior Electrical Engineer I
- Adrian Marrufo, Solid Waste Executive Director
- Jacob LaCroix, GFD, Fire Inspector
- Dianne Willato, CenturyLink Engineer
- Irma Bustamante, NM Gas Co. Distribution Superintendent
- John Ortiz, Comcast Superintendent

**FROM:**   
Roman J. Herrera

Roman J. Herrera, Development Review Coordinator

**cc:** Dennis Romero, Water & Wastewater Executive Director  
John Wheeler, Electric Director

<b>CASE #:</b> 20-00600001
<b>PROJECT NAME:</b> Re-Zone
<b>PROPERTY OWNER:</b> JAG West, LLC, c/o Richard Murphy & The City of Gallup
<b>PROJECT LOCATION:</b> West of County Rd. 1, beginning at R/R tracks & due north to the City Limits, aka The South Portion of Tract 1A; the North Portion of Tract 1A; Track 1B; Track 1C in the Mentmore West Subdivision Unit 1 & 28.55 Acres M/L In The SW ¼ of Sec. 22, T15N, R19W & 6.06 Acres M/L In The SW ¼ of Sec. 22, T15N, R19W. City of Gallup Property - Tract 2, Mentmore West Subdivision Unit 1, 4062 Acres.
<b>DESCRIPTION: RE-ZONE:</b> The property owner is requesting that the referenced Tracts be rezoned from Rural Holding Zone (RHZ) to Industrial (I) for future warehouse & factory developments. The rezone request will be heard by the Planning & Zoning Commission at their February 12 <sup>th</sup> , 2020 meeting any conditions for approval should be included in staff recommendation to the Commission.
<b>ELECTRONIC COMMENTS ARE DUE BY: 31 JANUARY 2020</b>

**NO TASK FORCE MEETING HAS BEEN SCHEDULED**

**COMMUNITY PLANNER COMMENTS:**

P1.) Request for rezone meets the minimum requirements for a rezone.

P2.) Rezone meets the following criteria:

- The land area within the RHZ district designation has become appropriate for urban development because of availability of public utilities and services as well as the needs of the public.
- The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one.

P3.) Ok to proceed to public hearing.

**CITY ENGINEER COMMENTS:** Development will trigger 6' wide ADA compliant sidewalks on the frontage of County Road 1 and 5' wide on Chee Dodge Blvd. Chee Dodge Blvd will also require roadway construction with pavement. Storm drainage plan and improvements will also be required for the property in question.

**WATER DEPARTMENT COMMENTS:** Upon development, water main must be extended north on county Road 1 from Chee Dodge along frontage of property to northern edge of property

**WASTEWATER DEPARTMENT COMMENTS:** Upon development, sewer main must be extended from manhole in county road 1 along frontage of property to north edge of property.

**ELECTRIC DEPARTMENT COMMENTS:** No issues with Re-Zone. Coordinate with Electric Department upon development additional easements and 3ph line extension may be required.

**FIRE DEPARTMENT COMMENTS:** No Fire Department issues with Re-zone. Future construction may require installation of hydrant(s), a sprinkler systems, and/or fire department apparatus access roads. Future code requirements will be construction dependent.

**SOLID WASTE COMMENTS:** No issues with Re-zone. Future requirements per Construction phase.

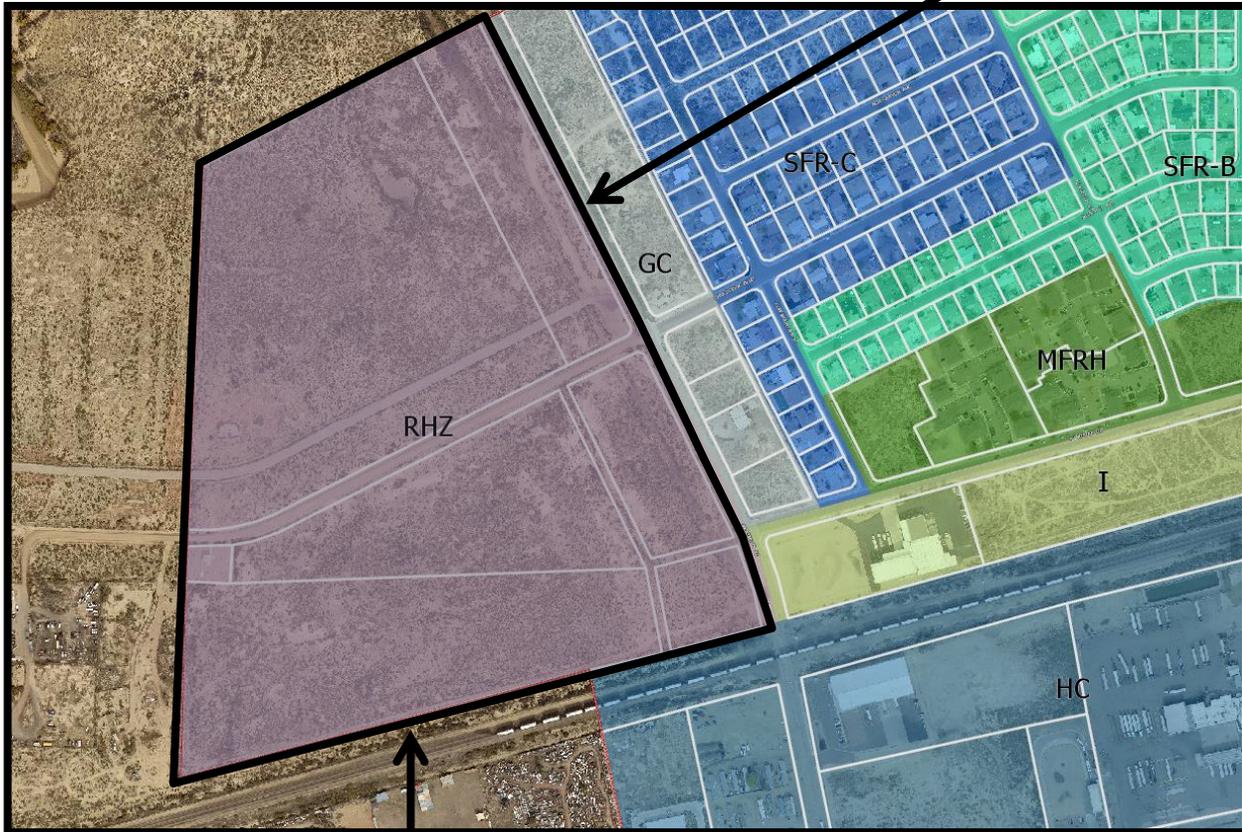
**CENTURYLINK COMMENTS:** CenturyLink has no comment on both of the projects above.

**NM GAS COMPANY COMMENTS:** The only comment we have is that they not have any permanent structures placed over our service line.

**COMCAST COMMENTS:** No comments were received from Comcast.

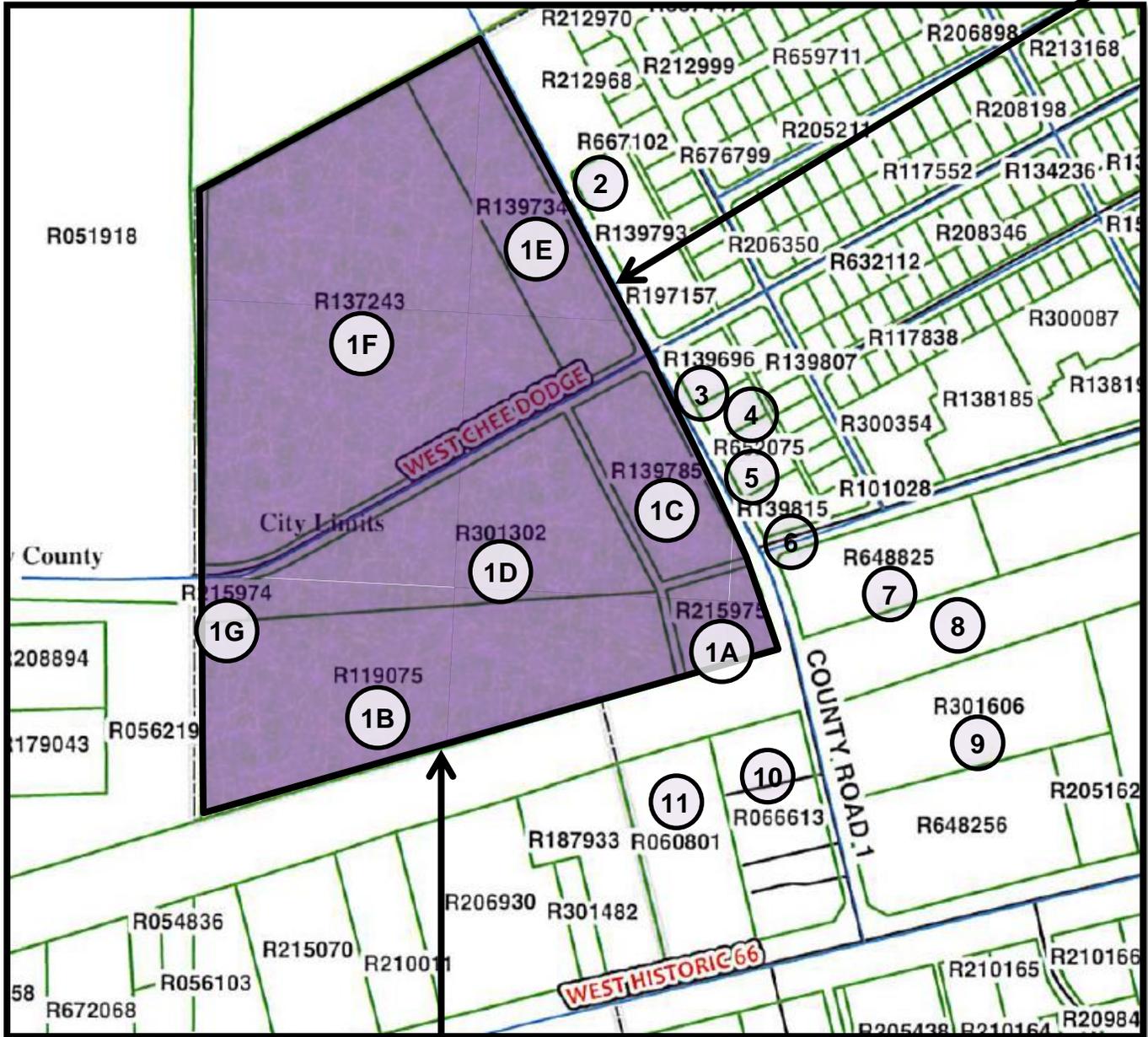
Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

### AREA MAP



Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

### PROPERTY MAP



*Letters sent 01/24/2020*

Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land FROM Rural Holding Zone (RHZ) Zone District TO Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

**ADDRESS LIST**

- |     |  |     |  |
|-----|--|-----|--|
| 1A. | JAGWEST, L.L.C.<br>808 S. BOARDMAN DR.<br>GALLUP, NM 87301<br>TRACT 1C, MENTMORE WEST<br>SUB. UNIT 1, CONT. 1.8626<br>ACRES M/L<br>R215975 | 3.  | TRACT A, MENTMORE EAST<br>UNIT 1<br>R139696  |
| 1B. | THE SOUTH PORTION OF<br>TRACT 1A, MENTMORE WEST<br>SUB. UNIT 1 CONT. 16.36<br>ACRES M/L<br>R119075   | 4.  | TRACT B, MENTMORE EAST<br>UNIT 5<br>R139807  |
| 1C. | TRACT 1B, MENTMORE WEST<br>SUB. UNIT 1 CONT. 4.0264<br>ACRES M/L<br>R139785  | 6.  | TRACT D, MENTMORE EAST<br>UNIT 5<br>R139815  |
| 1D. | THE NORTH PORTION OF<br>TRACT 1A, MENTMORE WEST<br>SUB. UNIT 1, CONT. 10.1855<br>ACRES M/L<br>R301302                                      | 1G. | CITY OF GALLUP<br>P.O. BOX 1270<br>GALLUP, NM 87305-1270<br>TRACT 2 MENTMORE WEST<br>SUB. UNIT #1 CONT. 0.4062<br>ACRES M/L<br>R215974 |
| 1E. | 6.06 ACRES M/L SEC. 22 T15N<br>R19W, IN SW ¼ OF W. OF<br>COUNTY ROAD 1<br>R139734  | 5.  | TEME, INC.<br>306 COUNTY ROAD ONE<br>GALLUP, NM 87301<br>TRACT C, MENTMORE EAST<br>UNIT 5<br>R652075                                   |
| 1F. | 28.55 ACRES M/L IN SW ¼ OF<br>SEC. 22 T15N R19W<br>R137243   | 7.  | DMS REALTY LLC<br>4321 YALE NE<br>ALBUQUERQUE, NM 87107<br>TRACT F-1, REPLAT OF TRACT<br>F, MENTMORE EAST UNIT 4<br>R648825            |
| 2.  | TRACT B, MENTMORE EAST<br>UNIT 1<br>R139793  | 8.  | BNSF RAILWAY COMPANY<br>2650 LOU MENK DRIVE<br>FORT WORTH, TX 76131<br>DESCRIPTION: RAILROAD<br>RIGHT-OF-WAY                           |

9. WINFIELD INVESTMENTS, LLC  
P.O. BOX 307  
VANDERWAGEN, NM 87326-  
0307  
TRACT 1B, REPLAT OF TRACT  
1 TOMADA PROPERTIES  
ADDN., COCA COAL SUB.  
CONT. 6.2913 ACRES M/L  
R648256
  
10. MARTEL MARKETING, LLC  
3601 W. HWY 66  
GALLUP, NM 87301  
4.744 ACRES M/L IN NW ¼ OF  
SEC. 27 T15N R19W A/K/A  
SHELTON ADDN.  
R066613
  
11. ORIN & SHANNON SOWERS  
P.O. BOX 2933  
GALLUP, NM 87305-2933  
LOT 2, SITUATED IN THE N ½  
OF SEC. 27 T15N R19W  
DURANTE ADDN., CONT. 4.60  
ACS M/L  
R060801

## **Summary of City Council Actions**

*January 2020*

### **January 14<sup>th</sup>, 2020:**

CASE # 19-00900001: City initiated request to amend Title 10 “Land Development Standards” of the Municipal Code of the City of Gallup Section 10-2-B-a “Residential”; Subsections 10-2-B-a-i-A2, 10-2-B-a-ii-A2, 10-2-B-a-iii-A1b and 10-2-B-a-iv-A2b. Amend the maximum number of accessory structures allowed within the Rural Residential, Single-Family Residential, Multi-Family Residential Low and Multi-Family Residential Medium Zone Districts from one (1) to three (3) accessory structures.

City Council **approved** the Text Amendment (Ordinance No. S2020-1).

### **January 28<sup>th</sup>, 2020:**

CASE # 20-00900001: City initiated request to amend Title 10 “Land Development Standards” of the Municipal Code of the City of Gallup Section 10-2-B-a “Residential” and Section 10-2-B-c “Non-Residential”; Tables 10-2-2, 10-2-4, 10-2-6, 10-2-8, 10-2-19 and 10-2-21. Add side street yard requirements for corner lots within the Rural Residential (RR), Single-Family Residential (SFR-A, B & C), Multi-Family Residential Low (MFRL), Multi-Family Residential Medium (MFRM), General Commercial (GC) and Heavy Commercial (HC) Zone Districts. Establish ten foot (10’) side street yard setbacks for SFR-A & B, MFRL, MFRM and HC and fifteen foot (15’) side street yard setbacks for RR and SFR-C and five foot (5’) side street yard setbacks for GC.

City Council **approved** the Text Amendment (Ordinance No. S2020-2).

CITY OF GALLUP  
 PLANNING & DEVELOPMENT  
 110 W. AZTEC AVENUE  
 GALLUP, NM 87301  
 505.863.1240

MONTHLY COMPILATION OF PERMITS ISSUED

CITY OR COUNTY: GALLUP, MCKINLEY COUNTY, NM	MAILING ADDRESS: P.O. BOX 1270 GALLUP, NM 87305
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DESCRIPTION	MONTH OF: JANUARY		YEAR TO DATE: 2020	
	NUMBER OF PERMITS	VALUATION	NUMBER OF PERMITS	VALUATION
NEW SINGLE FAMILY DWELLINGS	0	\$ -	0	\$ -
RESIDENTIAL ADDITIONS / ALTERATIONS	2	\$ 113,600.00	2	\$ 113,600.00
RESIDENTIAL STORAGE SHED	1	\$ 7,000.00	1	\$ 7,000.00
RESIDENTIAL GARAGES & CARPORTS	0	\$ -	0	\$ -
RESIDENTIAL SITE PERMITS	0	\$ -	0	\$ -
NEW COMMERCIAL BUILDINGS	0	\$ -	0	\$ -
COMMERCIAL ADDITIONS / ALTERATIONS	1	\$ 150,000.00	1	\$ 150,000.00
COMMERCIAL STORAGE SHED	0	\$ -	0	\$ -
COMMERCIAL GARAGES & CARPORTS	0	\$ -	0	\$ -
COMMERCIAL SITE PERMITS	0	\$ -	0	\$ -
NEW CHURCHES	0	\$ -	0	\$ -
CHURCH ADDITIONS / ALTERATIONS	0	\$ -	0	\$ -
RE-STUCCO / SIDING / DECKS	0	\$ -	0	\$ -
NEW ASPHALT / ASPHALT OVERLAY / SEALCOAT	0	\$ -	0	\$ -
EXCAVATION / GRADING	0	\$ -	0	\$ -
NEW APARTMENTS	0	\$ -	0	\$ -
APARTMENT ADDITIONS / ALTERATIONS	0	\$ -	0	\$ -
HOTELS / MOTELS	0	\$ -	0	\$ -
ROOF REPAIR	3	\$ 181,701.00	3	\$ 181,701.00
DEMOLITION	2	\$ 3,200.00	2	\$ 3,200.00
FENCE / RETAINING WALL	2	\$ 11,675.00	2	\$ 11,675.00
FOUNDATION ONLY - CHARGE	0	\$ -	0	\$ -
FOUNDATION ONLY - NO CHARGE	0	\$ -	0	\$ -
SWIMMING POOLS	0	\$ -	0	\$ -
DECK	0	\$ -	0	\$ -
TOTAL PERMITS & VALUATION	11	\$ 467,176.00	11	\$ 467,176.00
TOTAL PERMIT FEES		\$ 4,291.18		\$ 4,291.18

**CITY OF GALLUP  
PLANNING & DEVELOPMENT**

**MONTHLY COMPILATION OF PERMITS ISSUED  
JANUARY 2020**

DATE ISSUED	PERMIT NO.	OWNER / BUSINES	CONTRACTOR	SITE ADDRESS	PERMIT TYPE	PERMIT FEES	VALUATION
1/2/20	19 - 300	CASH PROPERTIES	AIR PROS HEATING & COOLING, LLC	2405 FUHS AVENUE	COMMERCIAL ALTERATIONS	\$ 1,450.38	\$ 150,000.00
1/7/20	19 - 303	LAUREN BONTE	MERRILL FENCE COMPANY, LLC	1735 CAMINO DEL SOL	FENCE PERMIT	\$ 93.30	\$ 2,450.00
1/14/20	19 - 289	NM COUNCIL OF GOVERNMENTS	COMMERCIAL ROOFING, LLC	106 W. AZTEC AVENUE	COMMERCIAL RE-ROOFING	\$ 628.50	\$ 91,201.00
1/14/20	20 - 001	ST. PAUL MISSIONARY CHURCH	BONAGUIDI CONSTRUCTION, LLC	512 N. 11TH STREET	DEMOLITION	\$ -	\$ 1,200.00
1/14/20	20 - 002	FRANK COLAIANNI	BONAGUIDI CONSTRUCTION, LLC	220 W. PRINCETON AVENUE	DEMOLITION	\$ 84.75	\$ 2,000.00
1/15/20	20 - 005	PHILBERT PABLITO	TUFFSHED, INC.	1703 HELENA DRIVE	RESIDENTIAL STORAGE SHED	\$ 130.50	\$ 7,000.00
1/22/20	20 - 003	TAIRA & TAIRA	GALLUP ROOFING, INC.	913 W. AZTEC AVENUE	COMMERCIAL RE-ROOFING	\$ 144.00	\$ 12,500.00
1/22/20	20 - 008	SALVDOR O. CHAIDEZ	DIAZ RESIDENTIAL CONSTRUCTION, LLC	1712 CALLE PINON	RESIDENTIAL ALTERATIONS	\$ 29.00	\$ 1,200.00
1/24/20	20 - 007	DIALA GALLUP, LLC	MERRILL FENCE COMPANY, LLC	919 US HIGHWAY 491	FENCE PERMIT	\$ 172.00	\$ 9,225.00
1/30/20	20 - 009	SIX D INC.	GALLUP ROOFING, INC.	1120 E. HISTORIC HIGHWAY 66	COMMERCIAL RE-ROOFING	\$ 565.50	\$ 78,000.00
1/30/20	20 - 010	ROBERT HAMBLEM	DIAZ RESIDENTIAL CONSTRUCTION, LLC	1602 PONY CIRCLE	RESIDENTIAL ALTERATIONS	\$ 993.25	\$ 112,400.00
<b>TOTALS:</b>						<b>\$ 4,291.18</b>	<b>\$ 467,176.00</b>

2	RESIDENTIAL ADDITIONS / ALTERATIONS
1	RESIDENTIAL STORAGE SHED
1	COMMERCIAL ADDITIONS / ALTERATIONS
3	ROOF REPAIR
2	DEMOLITION
2	FENCE / RETAINING WALL
<b>11</b>	<b>TOTAL PERMITS</b>