

RESOLUTION NO. R2022-24

A RESOLUTION [] REVERSING [] AFFIRMING [] MODIFYING AN ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION APPROVING A REQUEST BY EIAD SULEIMAN, PROPERTY OWNER, FOR A CHANGE IN ZONING DESIGNATION FOR CERTAIN DESCRIBED REAL PROPERTY FROM SINGLE FAMILY RESIDENTIAL (SFR-A) ZONE DISTRICT TO MIXED-USE NEIGHBORHOOD (MXN) ZONE DISTRICT AND FROM RURAL HOLDING ZONE (RHZ) ZONE DISTRICT TO MIXED-USE NEIGHBORHOOD (MXN) ZONE DISTRICT.

WHEREAS, Mr. and Mrs. William E. & Jennifer Lee have filed an appeal with the Gallup City Council for an action taken by the Gallup Planning and Zoning Commission approving a request by Mr. Eiad Suleiman, property owner, for a change in zoning designation for certain described real property; and

WHEREAS, Mr. Eiad Suleiman, property owner, petitioned the Gallup Planning and Zoning Commission for a change in zoning designation from Single Family Residential (SFR-A) Zone District to Mixed-Use Neighborhood (MXN) Zone District and from Rural Holding Zone (RHZ) Zone District to Mixed-Use Neighborhood (MXN) Zone District for certain real property described as follows:

A tract of land in Section 22, T15N, R18W, N.M.P.M., McKinley County, New Mexico more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 22 which is the same as the southwest corner of the George Bubany's Beverly Hills Addition No. 2, filed February 9, 1956;

thence South 89 degrees 48 minutes 00 seconds West for a distance of 918.47 feet to a point on the east line of Strong Drive,
thence North 00 degrees 03 minutes 12 seconds West for a distance of 881.40 feet to the Real Point of Beginning,
thence North 00 degrees 03 minutes 12 seconds West for a distance of 150.00 feet to a point on the south line of Philipin Avenue,
thence South 89 degrees 50 minutes 02 seconds East for a distance of 924.04 feet to the northwest corner of George Bubany's Beverly Hills Addition No. 2,
thence South 00 degrees 15 minutes 28 seconds West for a distance of 150.00 feet,
thence North 89 degrees 50 minutes 02 seconds West for a distance of 923.23 feet to the Real Point of Beginning.
Said described tract contains 3.18 Acres, more or less.

A tract of land in Section 22, T15N, R18W, N.M.P.M., McKinley County, New Mexico more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 22 which is the same as the southwest corner of the George Bubany's Beverly Hills Addition No. 2, filed February 9, 1956 the same being the Real Point of Beginning;

thence South 89 degrees 48 minutes 00 seconds West for a distance of 918.47 feet to a point on the east line of Strong Drive,
thence North 00 degrees 03 minutes 12 seconds West for a distance of 881.40 feet,
thence South 89 degrees 50 minutes 02 seconds East for a distance of 923.23 feet;
thence South 00 degrees 15 minutes 28 seconds West for a distance of 263.22 feet to the northeast corner of the Centel Celluar Tract,
thence North 90 degrees 00 minutes 00 seconds West for a distance of 255.74 feet to the northwest corner of the Centel Celluar Tract,
thence South 00 degrees 11 minutes 09 seconds West for a distance of 255.62 feet to the southwest corner of the Centel Celluar Tract,
thence North 90 degrees 00 minutes 00 seconds East for a distance of 255.42 feet to the southeast corner of the Centel Celluar Tract,
thence South 00 degrees 15 minutes 28 seconds West for a distance of 356.69 feet to the Real Point of Beginning.
Said described tract contains 17.07 Acres, more or less.

WHEREAS, a change in zone designation is being requested in order to allow for single family residential and multi-family residential housing development; 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 owner, Mr. Eiad Suleiman, holds one hundred percent (100%) of the ownership of the area of land involved in the proposed zoning map amendment from Single Family Residential (SFR-A) Zone District to Mixed-Use Neighborhood (MXN) Zone District and from Rural Holding Zone (RHZ) Zone District to Mixed-Use Neighborhood (MXN) 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 social, economic or environmental interests of the public good would be better served by the proposed district than the existing one; and

WHEREAS, after hearing findings of fact and conclusions of law the Planning and Zoning Commission deemed it in the best interest of the public that the request for a change in zoning designation for certain real property as described above be approved; and

WHEREAS, a public hearing was held by the Gallup Cit Council after notice as required by law; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALLUP, NEW MEXICO, that:

1. The action taken by the Gallup Planning and Zoning Commission to approve Case #REZ2022-00600003, for a change in zoning designation from Single Family Residential (SFR-A) Zone District to Mixed-Use Neighborhood (MXN) Zone District and from Rural Holding Zone (RHZ) Zone District to Mixed-Use Neighborhood (MXN) Zone District for certain real property as described above is hereby [] reversed [] affirmed or [] modified.
2. The rezone if affirmed is subject to compliance with the regulations of the Mixed-Use Neighborhood (MXN) Zone District.
3. The rezone pertains only to the properties described herein.

PASSED, ADOPTED AND APPROVED THIS 13TH DAY OF SEPTEMBER 2022

CITY OF GALLUP, MCKINLEY COUNTY

BY: _____
Louis Bonaguidi, Mayor

ATTEST:

Alfred Abeita
City Clerk