

**Transcript of Planning & Zoning Commission
Special Meeting
July 28th, 2022 Minutes
Agenda Item One
City Council Chambers**

The special meeting of the Planning and Zoning Commission was called to order at 6:01 p.m. by Chairman Kent Wilson. Chairman Wilson stated that the meeting was being live streamed for the public through the City of Gallup's Facebook page.

Upon roll call, the following were present:

Chairman K. Wilson
Commissioner K. Mackenzie-Chavez
Commissioner F. Pawlowski
Commissioner M. Long
Commissioner L. Miller
Commissioner J. Cresto
Commissioner K. Spolar

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 F. Pawlowski (No)
Commissioner M. Long (No)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)
Commissioner K. Spolar (No)

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. Chairman Wilson also reminded the Commission that the meeting was being live streamed so everyone needed to speak loud and clear for the public to hear.

ITEM ONE: CASE # 22-00600003: Request by Ryan D. Stearns, Joseph R. Hewgley & Associates, Inc. on behalf of Eiad Suleiman, property owner, for the Rezoning of two (2) Unplatted Tracts of Land **FROM** Single-Family Residential A (SFR-A) Zone District **TO** Mixed-Use Neighborhood (MXN) Zone District containing 3.18 acres M/L and **FROM** Rural Holding Zone (RHZ) **TO** Mixed-Use Neighborhood (MXN) Zone District containing 17.07 acres M/L. The properties are generally located southeast of Philipina Avenue and Strong Drive. This item initially

went before the Planning and Zoning Commission on June 8, 2022, however the approval was invalid due to an administrative error.

CB Strain: Mr. Chairman, as the Commission is aware this is the second time, we're hearing this case. The reason for that is generally for a public hearing following a Robert's Rules of Order it's the majority of the quorum that approves an action. But there is a state law that our City Attorney caught for zoning actions; it's a majority of the members. So in our case, a majority of members would be four (4) affirmative votes. Last time we did have a majority of the quorum vote affirmative, but it was only three (3) members. So that rendered the action invalid. Because it was an error on staff's part that we didn't catch, we need to make sure that the applicant has its due process. In that case, we have to hear the case again. And with that again, Mr. Ryan Stearns is the applicant and agent for Eiad Suleiman who is the property owner. They're wishing to change the zoning designation from Single-Family Residential A (SFR-A) Zone District to Mixed-Use Neighborhood (MXN) Zone District for an unplatted tract of land containing 3.18 acres. And another tract from Rural Holding Zone (RHZ) to Mixed-Use Neighborhood (MXN) Zone District for an unplatted tract of land containing 17.07 acres. Both tracts of land are generally located off of Philipina Avenue and Strong Drive. And more particularly described be a metes and bounds description on the resolution. So 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 particular case, the petitioning property owner, Eiad Suleiman represents 100% ownership of the property and therefore is making a request tonight. Subject properties are currently zoned as I said, Single Family Residential (SFR-A) and Rural Holding Zone (RHZ). Go ahead and pull up the zoning map Nikki. As you can see the big tract of land there with the RHZ on it, that's one of them. And then directly north of that; right in front of it, is the strip of tract of land zoned SFR-A. Both of those are the pieces of property that the property owner wishes to rezone to Mixed-Use Neighborhood (MXN). Currently the reason for the rezone and the reason they're wanting to rezone the property is to develop it with residential development. They want to use it as a mixed-use development. They want to do both single family residential and multi-family, or townhouse or whatever they decide to do. We have a representative here; Mr. Ryan Stearns that could explain the exact type of development that they want to do there as far as residential goes. As the Commission is aware, the City of Gallup is in desperate need of housing. Market rate housing in particular, which is what I believe is going to be built on this location. At a later date before that happens, it will have to be subdivided of course. And that would come back before the Planning and Zoning Commission for approval of the subdivision. Because we're in desperate need of housing, the City Council did declare a housing emergency at their regular meeting on May 24, 2022. So, this particular project would move towards you know, helping out with those housing needs in our city. The Mixed-Use Neighborhood (MXN) allows both single family as I said and multi-family in the same district as well as other uses within that district. But the other commercial uses that are allowed; they're controlled and limited in size. In other words, a big box store couldn't come in and go in there; a Wal-Mart, a Home Depot or something like that. It would have to be a small commercial development. The task force did review this request and a copy of their comments in included in your

agenda packets for review. None of the task force had an issue with the rezone. And this particular request falls under the grounds; the request meets the following grounds for approval: The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one. And because of that staff recommends approval of the rezone from Single-Family Residential A (SFR-A) and Rural Holding Zone (RHZ) to Mixed-Use Neighborhood (MXN) Zone District. With that I'll stand for any questions.

Chairman Wilson: Thank you staff. Commissioners, questions? Commissioner Long.
Commissioner Long: Chairman Wilson. So because mixed use. Because the MXN is fairly new to us all. With our change to the Land Development Standards. I just wanted to point out a couple of things in the book. If you look at page 16 on the Land Development Standards. The very first paragraph, it kind of highlights it and I'm not saying its right or its wrong. But it is, I just want everybody to understand what Mixed-Use Neighborhood is. It says the purpose of the Mixed-Use Neighborhood (MXN) district is to accommodate neighborhoods serving commercial and office uses to create a transition from established residential neighborhoods to commercial areas. It is intended to encourage pedestrian-oriented development at a scale appropriate to the surrounding area. This district allows individual or small groupings of retail sales and services offering a limited variety of convenience items and services for the needs, what is what CB said. So the only reason I brought that up was because I wanted to know more for myself. If you look at the Use Table, which I think is a very good table because it defines it. The one on page 47 of the Land Development Standards, we brought this up last time, but I think because everybody wasn't here it be good to just point it out. If you go down the MXN side and see what is permissible versus conditional, you can see that it does allow for multi-family and single-family. As well as other types of household living. Also, some group living and community recreational center and I'm going with the "P's" here. Public safety facilities or substations, library, museum, parks, open spaces, religious institutions, community gardens. Under food and beverages, it says small restaurants less than 3,000 square feet. Medical or dental clinics, personal services, retail sales, utilities minor, not sure what that is. But community facility amenity, dwelling dorms, accessory structures, and because it is our new one cannabis home cultivation, which is not everything. Greenhouse, non-commercial, home occupation, office sales area, outdoor recreational vehicle, outdoor storage, recycling, anyway, so on and so forth on a temporary usage. But just to educate ourselves, I think we need to really understand and know what MXN means. I'm not say it's for or against, I am very much for the project. I think we need multi-family housing and I think we do need single family now. But MXN is new to us and I see it on the zoning map as far as break between downtown or commercial development to residential which may or may not be the case here but I did want to make sure we are all educated on it. So that's my call.

Chairman Wilson: Commissioner Cresto. **Commissioner Cresto:** Thank you Chairman. So under this it looks like we could get that whole strip that's already single-family residential. Could be full business load all the way up that street and maybe the frontage street over there by KC Hall. My problem with this is we're looking for affordable housing and allowing that much or just basically unfettered commercial in there. We come back to replat it. Kind of goes against what we're saying we need out in that area and could use in this town with the housing emergency. We have no way of that I could see in here and maybe I'm wrong director. Saying okay you now have to have 40 home sites per residential sites for every five commercial sites or something like that. But I didn't find that in here. Is it in here anywhere, director? **CB Strain:** For what the developer wants to put there; is that

what you're talking about? That's why they're here. From what they've shown us and what they've presented to us in the preliminary subdivision plans is all residential lots. There's nothing commercial that they have shown us. And again when they approached us they said they wanted to do a mixed use. Did we have any districts that you know would allow a mix of commercial and residential. I mean sorry; not commercial; that has multi-family and single-family development. And MXN is a brand new district that we adopted with this new code that we adopted and that is the one and only one that allows for that type of mixed use. Other than that it would have to be zoned either multi-family residential only. Or single-family residential only, which is not what their intent was to do here. And again staff's job is just to make sure that they dot all the I's and cross all the t's with their applications and they're not doing anything that the code doesn't allow or are asking for something that the code doesn't allow. It's up to the Commission to weigh that evidence and make your own determination whether you agree with it or not. **Chairman Wilson:** So walk us through director, what the process one more time. The developer has presented their plan to build in the next years. Any changes in that will come back before the Commission for approval? **CB Strain:** Mr. Chairman, if the rezone is approved, the next step would be subdivision. So they'd have to subdivide the properties into lots that they could build on and sell. They'd have to dedicate streets and they'd have to install all the utility infrastructure. Once you get a subdivision approved it would be very, very difficult to go back and change that into a commercial when they're already platted for residential and marketed for residential. But what they have submitted to us thus far, is all residential lots and there were some amendments to their original plat, based on the original recommendations of the task force for entrances off of Philipina and things like that. But other than that. **Chairman Wilson:** Okay Commissioner Long, you raised the issue about permissible uses, you wish to ask any more questions about that? **Commissioner Long:** No, I mean director Strain, is it comfortable to say that once you get the zoning passed, you can then change the plan? I mean the plat can be brought to you as something, maybe not exactly like what we have seen tonight, but it could be altered slightly? **CB Strain:** You mean if they change their mind and want to put commercial development in there? **Commissioner Long:** Or maybe a little bit of both; family and a little bit of commercial. I mean, it is allowable; correct? **CB Strain:** Absolutely. **Commissioner Long:** So that would be my only question. **Chairman Wilson:** Commissioner Cresto. **Commissioner Cresto:** Thank you Chairman. Looking at our Use Table, the only difference I see between multi-family residential low density and MXN is really down into the commercial side. Is there a reason we skipped over that option? Because it allows single family, two-family attached, cluster housing, townhouse. **Nikki Lee:** The MXN is the only district that allows both single-family and multi-family. That's the reason they chose this. **Commissioner Cresto:** Well our table is wrong. The first line of multi-family residential is low density as well as single-family detached, permissible. **Nikki Lee:** So if you look in the column that says MXN Commissioner; it says dwelling, single-family; it says "P" so that's permitted. That's what they want to do with the stick built homes and then for the multi-family dwelling, that's also in MXN and there's a "P". So that's permitted outright. And you'll notice that in all the other zone districts, those two types of dwellings are not allowed. I mean where both are allowed; this is the only zone district, which is why they chose this district. **Commissioner Cresto:** Multi-family residential; not to disagree with you, but low density MFRL is permissible as well as MXN for single-family. I guess that depends on what cluster development means. **Nikki Lee:** So in multi-family residential low it's only for single-family dwellings but not multi-family. **CB Strain:** So multi-family is not listed in there. It's single-family and cluster housing that's permitted. That's

why its low density. Generally when you have multi-family, it's mid or high density. So that's why we have the MFRM and MFRH. So yeah, you are correct that single-family residential is permitted in the multi-family residential low density, but multi-family is not in townhouses. Townhouses are. So it would be up to the developer. When they approached the city, they said multi-family. So townhouse is different. Townhouse is owned individually and on its own lot. It's a totally different type of development than multi-family. **Commissioner Cresto:** I just didn't see a whole lot of difference until we got down to commercial. Because I don't understand that. Sorry, mister Chairman. I just kind of kept talking there. I apologize. Between the cluster and I guess not understanding what a cluster development is. That's on me, not on you. **CB Strain:** No, the cluster and all that is brand new to the code. Nobody has tried it yet. So, it's something new that's introduced and kind of a new trend to where it's kind of like a gated community type of thing. There's a picture that you could see there. But it's, more for like retirement communities and things like that. **Chairman Wilson:** Yeah, Commissioner Chavez. **Commissioner K. Mackenzie-Chavez:** It could even be like compound housing. **Chairman Wilson:** Is there any other questions. Just before we move on, as a point of order, you two gentlemen came in late will need to sign in before you leave the room tonight. Please and if you wish to speak. Then you will be sworn in at that time. Okay, um, anyone that wishes to speak in favor of the case, please come to the mic and state your name. **Mr. Ryan Stearns:** Excuse me. I'm Ryan Stearns with Joseph R. Hewgley & Associates, Inc. I'm in favor of the project. Yeah, just to clarify a little bit, on some of the, the zoning and the residential and all that. It had a lot to do with lot square footages that are allowed in each one of them. That's why we chose this route. We did look at cluster housing and it just didn't work on this lot. I don't know if you guys are familiar with the lot and the terrain out there. We got to be a little creative about how we do houses, housing and try to get as many houses as we can. One concern was lining up everything along Philipina. In our platting, our replat, in the first review comments they won't allow any driveways off Philipina. So, that will not be, that will be backyards, I guess. So, the goal on that whole side is single family residential and as we work to the south across the lot, then, we get into town homes. Then, the back half of the lot, we really aren't sure kinda what we are doing. If it's going to be Single Family Town homes or Multi-Family. It really depends on what the market kinda tells us. We are only doing the first, about a third of the lot, about a third or half right now. Then we will come, the second subdivision will take care of the back half on the subdivision side. **Chairman Wilson:** Commissioner Chavez. **Commissioner K. Mackenzie-Chavez:** So, in the first phrase how many actual houses, did you say one hundred? **Mr. Ryan Stearns:** No, we are trying to get one hundred (100) to a hundred and forty (140) total. **Commissioner K. Mackenzie-Chavez:** For both phrases? **Ryan Stearns:** Yes, for both phrases. **Commissioner K. Mackenzie-Chavez:** Houses is the overall goal? **Ryan Stearns:** We would love to do houses, we just don't know, we don't know what the markets going to intend. Are our town homes going to sell better or our houses going to sell better. You know, we are in that mediant of two hundred, three hundred-thousand-dollar range is what we are looking at for homes. It's all going to be judge market. **Commissioner K. Mackenzie-Chavez:** So, from the first section of Philipina how many houses are there in total in that first. **Ryan Stearns:** ten (10). **Commissioner K. Mackenzie-Chavez:** There are ten (10) on the one side? **Ryan Stearns:** Yes, and they face the street to the south. They will not face Philipina. And then the ones. The ones on the east they are going to be bigger lots, east property line. They are going to be bigger lots just because how the property. **Commissioner K. Mackenzie-Chavez:** There's going to be four (4). **Ryan Stearns:** Four (4) in that corner. **Commissioner K. Mackenzie-Chavez:** So, ten

(10) on one side and opposite building another ten (10) so, so, so. **Ryan Stearns:** Roughly, I think, we are shooting for twenty-eight (28) or thirty-two (32) lots. **Commissioner K. Mackenzie-Chavez:** In the first phrase. **Ryan Stearns:** In the first phrase. We are still working on a lot of that right now. Honestly, we really, the Friday after our meeting we all meant, then two weeks later this all stop. So, we stop spending money right now. So, there's still stuff up in the air but our plan is that first phrase. The first third of that property Single-Family and Town homes. And that's our big infrastructure cost. Because Strong has to be totally redone. **Chairman Wilson:** I believe at our last commission meeting there was a slide or presentation of the layout of the lots on that property. **Ryan Stearns:** I asked them not to share that because it's not right anymore. That was rejected. Well, it was requested to be modified. So, it doesn't really even reflect what we are doing now. It had one loop off of Philipina and then down on Strong. Now we have two roads coming onto Strong, then the loop off of Philipina that will route clear around through eventually. So, most of our primary access is off of Strong now which was requested by the city. Just to help with drainage and utilities. It allows things to work a lot better for the city utilities and things like that. **Chairman Wilson:** Commissioner Miller. **Commissioner Miller:** The last version had all the houses on Philipina, to and the drive way off of Philipina, twenty-eight (28), twenty-three (23), twenty-eight (28). Twenty-three (23) homes I believe in the original version. **Ryan Stearns:** Twenty-three (23) lots. **Commissioner Miller:** Twenty-three (23) lots in original version. So, now Philipina will shift to backyards, basically. **Ryan Stearns:** Yup. **Commissioner Miller:** So, Philipina will stay as an express way. **Ryan Stearns:** Yup. It will have one drive into a street that we will have to put in there for fire department access and things like that. **Commissioner Miller:** When you do that are you going further south into that development, than you had in your original version? Because of your street? **Ryan Stearns:** Yes, we are going about forty (40) foot farther in. **Commissioner Miller:** So, it was also brought up the last time, what if we considered approving the multi-Family just for the first phrase so that we know that will be done. **Ryan Stearns:** I don't think we can really do that because we have too, we have to totally subdivide the property and everything and we aren't willing to do that, I mean, so, it's one who lot. So, I think the whole lot would have to change if we are going to change it. **Commissioner Long:** Is it one lot or two lots? **Commissioner Miller:** It gets two different zoning district. **CB Strain:** Mr. Chairman, Commissioner Miller, yeah, the way it is now, the way it is not they are wanting to rezone the two existing lots. Otherwise, we can't rezone a portion of a lot. It has to be the whole thing. So, that's why we got to do it like this. **Commissioner Miller:** the first lot is in green; the second rural holdings zone is in purple. **CB Strain:** Correct. The layout, the proposed layout doesn't fall within those lines. **Commissioner Cresto:** You crossed those lines, yeah you crossed those lines. **Commissioner Miller:** Yeah, I could see you went further south. **Ryan Stearns:** Well, it's just we've moved further south because we've added a whole another street in there. So, that pushed everything. And then we decided to do. So, we'll have a row along Philipina, a street, a double row, a street, and then we are going to go ahead and do the other side of the street. **Commissioner Miller:** So, you added ten (10) more lots. **Ryan Stearns:** Yeah, Yeah, we added more lots. **Commissioner Miller:** I can draw out the plan for you guys, if you want? **Chairman Wilson:** Any other questions? **Ryan Stearns:** Just so everyone knows the little box inside of that rural holding zone, we don't own that. That is the solar tower. So. **Chairman Wilson:** Any other questions? Commissioners? Okay, anyone at this time open the floor to anyone wishing to speak against the project. **Jason Valentine:** Can we speak for the project? **Chairman Wilson:** Oh, for the project, oh Yes Sir, you still have to floor. **Jason Valentine:** Do I get sworn in? **Chairman Wilson:**

Yes, you do. You swear to testify you about to give is the truth under penalty and perjury. **Jason Valentine:** I do. **Chairman Wilson:** Thank you. **Jason Valentine:** I don't know, I emailed some information in. I don't know. Nikki, did you get my emails? Is there a way you can check your current email. **Chairman Wilson:** Sir, state your name. **Jason Valentine:** My name is Jason Valentine with Coldwell Banker High Desert Realty. I am a local real estate agent and an advocate for bringing housing to our area not just because it's a matter of preservation for my business but because the city desperately needs it. Uh can I hand out a few packets? Well, that's okay and I will maybe emphasize on some of my package information here. So, I think, well, it was reiterated that May twenty, twenty twenty-two, the city of Gallup passed a resolution declaring housing emergency and I want to emphasize something in that resolution which was paragraph four (4) c of that emergency declaration. Which indicated that setting up a process to work with developers to catalyze subdivisions, projects, and development areas supported by the city housing plan, MRA plans, and growth management plan. If you folks will do me a favor and look back about three (3) or four (4) pages to exhibit A. I got an expert called the Growth City Management Master Plan from two thousand nine and you know, one of the things that the city is really advocating for, if you look at exhibit A, is revising one or more zones to encourage the mixed-use zoning and so, that's exactly what we're trying to do here is a Mixed- Use zone. If you folks would look back on exhibit B because I have been doing a little bit of research on this Mixed-Use zoning, quite a bit and what I found on exhibit B. This is just one and I can go through and probably print out thirty (30) more if you guys would like. I felt the need to be a little bit expeditious on time, but Mixed-Use zoning ladies and gentlemen is the way that development is happening across much of the country right now. The reason it's happening, if you look at page two (2) of exhibit B, master plan communities and Mixed-Use districts have attracted investors flush with cash, seeking profit by shoring up supplies. The Mixed-Use zoning is giving the developers the opportunity to mitigate the risk on developments by having alternative to be able to do, yes, rental properties, yes commercial properties along with their Single-Family residents. The simple fact is, if you're not willing to do Mixed-Use zoning, you're probably not going to develop, not get, going to get very many developers moving. The days of massive subdivision being built with nothing but Single-Family houses are probably gone. If you go back to page three of exhibit B, architects say better planning or better planning could ease the cost burden when short of public health. This get along to infrastructure needs and such like that. See, Mixed-Use zoning doesn't just generate tax revenue from property values, Mixed-Use zoning also generates tax revenue from sales tax and such like that. So, those opportunities are actually better opportunities for the City of Gallup to maximize the land that we are developing. I think everybody would agree that we need some help on that. If you go back to exhibit C, I just pulled an example because I just stated that a lot of the Mixed-Used zoning is what develop is going on. Actually, pulled from the city of Oakland, California and if you look at exhibit C, you see what their current projects are. I'm going to give you a quick synopsis on the top five projects right here. The Kirkman Project, to quote, is a Mixed-use development with one thousand thirty-two (1032) residential units, including eighty-five (85) affordable units, thirty-five thousand (35,000) square foot retail, commercial space. That would be deemed a Mixed-Use zoning, not quite the Mixed-Use that we're talking about here, obviously. If we look at ninety-eight (98) San Leandro project. That the proposed ninety-eighth and San Leandro project is multi-phase planned unit development that will included seven (7) development parcels which includes eighty-six (86) apartments, thirty-four (34) apartments, forty-eight (48) townhomes, public easement, open space, parks, etc. Those are Mixed-

Use zone. If you look at the Brooklyn Basin project just to give you guys a little bit of information. The Brooklyn Basin Project **Chairman Wilson:** excuse me, Jason, you need to move your conversation along here. Pushing your time limit, sir. **Jason Valentine:** Yes, sir, The Brooklyn Basin Project consists of Mixed residential, commercial, civic parks. So, just in those top three, I'm just going to cut it off right there for you. Mister Chairman. Those top three, all of them are Mixed-Use zoning. So, we're seeing that that's a, the trend that's going across the country right there. I also the opportunity to talk to a few individuals in the neighborhood who might have a concern about this zoning. And the concern was the Mixed-Use zoning that anything could be put in Mixed-Use zoning. That was what the statement was and it's not entirely true. While the Mixed-Use zoning does, the Mixed-Use zone does have a little bit of usage for like a restaurant under three-thousand (3,000) square feet, you can't bring in a Wal-Mart. There are some concerns that the developers financial ability to complete this project. Unfortunately, that's not something that should be deterred in a rezoning meeting. Mixed-Use zoning, being able to have apartments in the designation. The consensus went from the individuals that I talked to was at the general fear had to be with low-income apartments and there's a significant need for market rate apartments in Gallup. The fact that if there was an opportunity through a Mixed-Use zoning to do apartments here, they'd probably going to be market-rate apartments. The Proximity to the hospital themselves would be an ideal spot from market rate units. The quality of housing being built was a concern from some of the folks in the neighborhood. Well, unfortunately, that's why we have permitting processes and we have inspections as long as we go along and to make sure that there's a minimum standard of what's being built. The real concern seemed came to seem to come down. They don't the, the members of the neighborhood don't want rundown shacks. This was a concern because people of of people who would purchase these units or possibly rented inside the subdivision would not maintain the property. Guys, this is a city enforcement issue. If there's weeds knee high in a in a, in a, in a yard, that's a codes enforcement issue. That's not a developer's issue. But importantly, I want to go back to property values. You know, there's some concern from the neighborhood that property values are going to drop and if you go back to exhibit D and E for a second. Particularly along Kit Carson, Canocito, and Filipino are the items I pulled from the MLS. The developer just indicated that he's going to be building houses here between two hundred and fifty (250,000) and three hundred thousand (300,000). If you look at exhibit D, the average price point on homes that are sold in the last two years in on Kit Carson, two hundred and forty-eight thousand (248,000). So, if anything, the the neighborhood along Kit Carson is going to benefit from progression because new homes are being built which is likely going to increase their property values. If you go to exhibit E which is the homes along Canocito which would be a little further south than what our map is showing right now. The average price point of homes being sold there over the last couple of years, two hundred and fifty seven thousand (257,000). Right in the meat of where this guy wants to build his houses. More importantly, I want to show and unfortunately, if you go back to exhibit F. I was actually in this neighborhood last week. I didn't realize I was in this neighborhood last week, but it was really cool. You look at the exhibit F ladies and gentlemen and I'm going to need some help, feel free to pass that back. Last week I was in Padre Island in Texas with my granddaughter and my stepson. Were having a lot of fun. USS Lexington was a great visit. If you guys get a chance. But if you look at exhibit F right there, you'll see a single- family resident house. I think it's going to be exhibit G if you go to the next page. You're going to see a multi-unit apartment. What I didn't capture on the left side of the Multi-unit apartment is a church. You go down the street a little bit further, I think we're going to

go down probably to let's see where am I at? G H I. Help me out here. You're going to look at townhouses. And then I think I close it out with another Single-Family house. And that's basically what I drove around was a four (4) corners of this block. It's a very nice subdivision. Would anybody in Gallup be objected to that? Probably not. But that's what a Mixed-Use development looks like when it's completed. There's small stores in this neighborhood, the church, townhouses, and apartments all in the same half mile area.

Chairman Wilson: Thank you. Any questions for Mr. Valentine. Thank you sir. At this time the meeting will move to anyone wishing to speak against the case, please come to the podium and state your name.

Bill Lee: Evening Mr. Chairman, my name is Bill Lee, homeowner in the area being talked about and discussed this evening. So Mr. Chairman and members of the Commission, I think that; I'm really glad that this came back before Planning and Zoning. The reason I'm glad is because last time I didn't really have a chance to go back and look. Through my line of work I was fairly involved when the land standards were put into place and I went back and looked at notes. And I think it was the intent at that time, as Mr. Commissioner Long has pointed out, mixed-use was really designed to better serve those neighborhoods that butted up against businesses and business districts and commercial districts. So that there would be a blending that would take place there. Not to be something that stood on its own with no offense to the previous speaker, I'm sorry we're not Oakland, California; we're not New York where there is heavy urban and commercial districts where you have to try to make mixed-use blend. That's not where we are. I think we're talking about setting a dangerous precedent here tonight if we allow this to go through. I've already talked to several land owners who are watching what this Commission is going to do and if this is allowed they too are going to be coming for a rezoning to do mixed-use. In areas that I think are far less likely to be serving any kind of need other than that of putting in businesses and close proximity to large residential areas. So I think there is a dangerous precedent that is about to be set if you continue down the path to approve this. I want to see housing in Gallup, I don't see any problem with zoning this as single-family residential or multi-family. In other areas I think it can be broken up. I understand that the land owner doesn't want to come back to the Commission to redo these things, but sometimes we have to follow process and we have to do what is best for the community. I think this is a dangerous precedent and its opening up. We have already seen changes in their design between what they presented the first time and this time. The key word that was mentioned from the developer this evening was, "We'll see what the market bares." Well, if the market doesn't bare for houses and for apartments or townhomes, but it bares for putting in maybe a convenience store or a small business in that area, maybe that's what we do. And we already approved it and its already permissible and now we're in a place where we're just stuck. I would encourage you to really think long and hard about this. There has to be a way to make this work better so we do get homes in Gallup. I think that is critical, but I don't think this is the way to do it. And for that I thank you for your time Mr. Chairman and members of the Commission. I stand for any questions if you have any.

Chairman Wilson: Commissioner Chavez. **Commissioner Mackenzie-Chavez:** Yeah I have to disagree about the mixed-use. I mean I think the intention; I live in Chihuahuita, which is mixed-use. And the idea was to have really diverse, lively, small scale neighborhood that has lots of different uses in it. And to allow for those mom-and-pop stores. I disagree that its about a buffer zone. That its

just a line between commercial and housing. I know when we were working on the standards, I mean it was talked about allowing for a really kind of active and all different opportunities for small business owners to have a live-work situation. I just want to be clear on the mixed use; it's not about a buffer zone. It's about creating really diverse neighborhoods. **Bill Lee:** Mr. Chairman and members of the Commission, may I respond? Commissioner Chavez, I don't think it's a buffer zone. I think it's a blending zone. It's not to create buffers or put up walls. It's to blend those things and I don't think that you're talking about blending anything in an area that's strictly residential right now. So that's my concern. **Commissioner Mackenzie-Chavez:** Well I mean there's the church right there, there's the dollar store and there's the Pepsi plant. There's I mean. **Bill Lee:** And all of those are along a commercially zoned area. **Commissioner Mackenzie-Chavez:** I just think that putting up, we need more diverse neighborhoods and when I think that the opportunity to have new housing. I also think that how you have apartments and townhouses and multi-family is a good thing for our community. **Bill Lee:** Mr. Chairman and Commissioner Chavez, I don't agree. I don't disagree that having housing and multi-housing and those types of thing is a good thing. I don't disagree with you there. I do disagree with a mixed-use zoning. That's my beef here. **Chairman Wilson:** Okay thank you Mr. Lee. Any other questions from Commissioners for Mr. Lee now. Okay someone else wish to speak against the project, please come to the mic.

Marie Chioda: My name is Marie Chioda and I represent, I'm with my family, my mother, Amalia Colaianni. And she's got the bigger home on Philipina. And it's just to me the way it looks, you got the three large ones up there. You got all the Kit Carson, Canoncito area and then passed that you've got Country Club area. I just don't feel the mixed-use would; I'm with Bill on this; not be appropriate for this area as you're driving in, coming into these areas of these homes that are larger, more valuable. The look, the aesthetics themselves, adding to that putting in the mixed-use where you can actually let's say if the housing doesn't work. And they start putting in commercial properties in there. I just don't think that it's going to add to the area. There's a lot of areas in Gallup, in my opinion that look like a hodge podge; they're not; you got a lot of mix. And I think with this particular area, the schools and all the zoning and that they've done, I see that they just need to leave it as a single-family residential area or multi-family. And not going with commercial; I'm afraid of commercial; I'm like Bill Lee. I'm afraid that you're accepting it into a dangerous area; especially with the way the homes are up in that area and the value of the neighborhoods. I think with the schools, it's going to create a danger area. **Chairman Wilson:** Thank you. Any questions Commissioners for Mrs. Chioda? No. Thank you Marie. Anyone else wishing to speak at this time?

Tim Adcock: I have one thing to say; my name is Tim Adcock. I need to be sworn in. **Chairman Wilson:** Yes sir. Do you swear that the testimony that you're about to give is the truth under penalty of perjury? **Tim Adcock:** I do. **Chairman Wilson:** Thank you. **Tim Adcock:** Like I said, my name is Tim Adcock. I live about two or three blocks away from there. Mr. Valentine called me and we had a very good conversation about everything. And he brought up some of the concerns that I was going to ask. As of, \$250,000 to \$300,000 homes. I was under the impression that they were smaller or less expensive. So, I don't have a problem with the single-family homes or the multi-family. What I am afraid of and I brought it up earlier, when you get into a multi-use like this; from what I understand they gentlemen that owns the property is not a citizen of Gallup. And I believe he's got a business here, but he is not here. It seems to me that when people don't live in Gallup, they don't

really care what happens. They don't see it every day; they don't drive by it every day. So, if it does go into multi-use and it becomes a hodge podge of different stuff, they don't see it but we're stuck with it. You know what I mean? Seems like these people come to Gallup and they have these grand ideas and we fall for it and it turns into a mess. So that's all I'm asking is just to watch and see what is going to happen. I mean, when he spoke about the City Ordinances about weed pulling or dilapidated houses or stuff like that. They don't do that; our city doesn't do that. We can drive down any street, anywhere in town and you can see it doesn't happen. So, leave it up to the city to enforce stuff like that it just doesn't happen; it's not going to be done. You know; but that's all I got to say. When they're not residents and they come here and they want to change stuff so much that we just gotta watch and it becomes a mess and they don't have to see it, but we have to live in it. **Chairman Wilson:** Thank you. Any questions? No. **Jason Valentine:** Once again this is Jason Valentine. You know when I did talk to Mr. Adcock here. One of the things we agreed with is the execution of the plans and enforcement of the codes and such things like that, after the fact. In what seems to be lacking. And whole heartedly, that's what the fears seem to be from the people I talked to in the neighborhood. They love the idea of new housing; they don't like the idea of that new housing dilapidating and falling apart and becoming hazards. And I think we all can agree that the execution of the plan; it's nice to have a plan. But the execution is not good, what happens? So I think that's where the Planning and Zoning comes in; are we going to hold ourselves accountable to ensure the plans are executed well. That's really what the question of this is; if its going to be executed well; it's going to be a nice subdivision. It's going to add value to the neighborhood. If its not executed well and we don't hold people accountable it's going to turn into another poor setting. Thank you. **Chairman Wilson:** Thank you. Staff would you come to the mic please? Director Strain, I would like you to express the function of your department and how it relates to the issues that have just been raised. And what will come back before the Commission and so forth to maybe address some of the concerns about the rezoning request. **CB Strain:** Again, the rezone request is when the developer approached the city with their plan. The mixed-use neighborhood district is the only district that allows both multi-family and single-family and townhouses and things like that. That's why it's called mixed-use because it allows all those uses. Otherwise, you're just doing either single-family or mixed-use or townhouses only. So that fit with what they wanted to do. It's also in conformance with the recommendations of our Growth Management Master Plan. It's not something that's outrageous for this area according to our master plan. So again we look to see if number one if it is in line with our master plan, if it fits what the developer is proposing and if it meets those criteria then we present it to the Commission. We'll present it anyway; even if it does or doesn't. If it didn't then staff would tell you their request does not meet the code requirements. In this case, they met all the requirements of the code. And that's why I say its staff job to make sure they do the basic minimum requirements and its up to the Commission to weigh the evidence that staff presents to approve or disapprove. So that's where we're at now. **Chairman Wilson:** Do you care to address Code Enforcement at all? **CB Strain:** Code Enforcement is an issue in any town. We enforce codes every day. I have two Code Enforcement Officers for the whole city. We have two to three hundred cases on the books right now for weeds, trash and debris, vacant structures, abandoned vehicles; you name it; graffiti. We'll never get caught up in a hundred years; there's no way. I've got funded for two more Code Enforcement Officers, thank God. So, I'll have four officers, but even with four there's no way. If we go from one end of town to another, we will run out of paper before we can cite everybody. When we cite people, they come and say that we're picking on them; leave them alone; I pay this much in taxes; I do this.

Then we get the entitled people. So you know; you're damned if you do and damned if you don't.

Chairman Wilson: Commissioners, any questions? **Ryan Stearns:** I would like to speak.

Chairman Wilson: Okay Mr. Stearns, one last time. **Ryan Stearns:** Ryan Stearns again. I wanted to address a couple of things. When the one gentleman talked about having someone from out-of-town; not a citizen from Gallup. That is absolutely incorrect. He does own property; he owns two properties. He actually owns a house in Gallup; he's here over about 80% of the time. And one of these lots is actually a house for him. So, he will be living in the neighborhood. I just wanted to address that. And as far as the area of mixed-use neighborhood, we do this all over. This is a prime location for this. You have commercial property to the west; it is shown as single-family residential, but there is a church there and a parking lot. It is a blending from the commercial to the SFR-B. In my opinion, its one of these things that we run into. Everybody wants housing; everybody wants; you look around this mixed-use neighborhood; this is the trend. People work from home; people don't go to the office anymore. They don't drive; they walk. So, we're not planning on putting in any commercial there. If someone wants to buy a lot and we sell it and they put something there we can't prevent that. But we have no intention of that. It just seems like that you know; everybody wants residential but they don't want to take any chances of having it in there back yard. Thank you.

Chairman Wilson: No other questions Commissioners? The hearing is closed. Do I have a motion to approve or deny the request for the case as presented? **Commissioner Mackenzie-Chavez:** I'll make a motion for the case as presented that we approve the zoning change for Item One. **Chairman Wilson:** We have a motion; I need a second. **Commissioner Pawlowski:** I'll second that. **Chairman Wilson:** We have a motion and a second. Is there any additional discussion needed by the Commissioners to review evidence or facts? Commissioner Chavez. **Commissioner Mackenzie-Chavez:** I mean I think that realistically we have to think about how many people are willing to come in and develop in Gallup. Housing is incredibly expensive. I'm a proponent of mixed-use; I live in a mixed-use neighborhood. I mean, I understand the fear of having commercial, but I mean we can't guarantee anything. But I think the ideas behind mixed-use are about having people working and living. We're talking about smaller; not big box. I mean if you look down as Matt pointed out. There are churches that are allowed, small office buildings; there's nothing that would really be huge. If for some reason they end up walking away and not doing housing. But realistically how expensive housing is; mixed-use is the trend. Just ensure that people can have all different types of housing and all different opportunities for land use. I think work-live situations; that's the trend and having a developer come in; they want options. We haven't had a lot of new housing built in Gallup for a long time. **Chairman Wilson:** Anything else Commissioners? If no, we're going to carry the motion. Madam Secretary, can we have a roll call please?

Upon roll call, the following votes were:

Commissioner K. Mackenzie-Chavez (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner M. Long (No)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)
Commissioner K. Spolar (Yes)
Chairman K. Wilson (Yes)

Nikki Lee: Approved with four affirmative votes. **Chairman Wilson:** Motion approved. We now have an open floor, is there anyone in attendance that would like to make a public comment? No. Okay can I have a motion to adjourn the meeting?

Motion was made by Commissioner Long to adjourn the meeting. Seconded by Commissioner Cresto. Motion Carried.

Upon roll call, the following votes were:

Commissioner M. Long (Yes)
Commissioner J. Cresto (Yes)
Commissioner K. Mackenzie-Chavez (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner L. Miller (Yes)
Commissioner K. Spolar (Yes)

Commission Adjourned at 7:00 p.m.

PLANNING & ZONING COMMISSION

KENT WILSON, CHAIRMAN

ATTEST:

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