



October 19, 2022

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Linda Garcia, District 1 Councilor
Michael Schaaf, District 2 Councilor
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Fran Palochak, District 4 Councilor
Maryann Ustick, City Manager
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MEMORANDUM

To: Gallup City Council

From: Nikki Lee, Acting Planning & Development Director

Ref: Ordinance No. S2022-5; concerning signage, increasing the maximum height and maximum sign area of a Freestanding Sign in the General Commercial (GC) and Heavy Commercial (HC) Zone Districts in Table 10-4-15: On-Premise Sign Standards.

BACKGROUND

Bob Rosebrough, Rosebrough, Fowles & Foutz, P.C. on behalf of Rico Land & Cattle Co., is proposing to amend the City of Gallup Land Development Standards thereby increasing the maximum height and maximum sign area of a Freestanding Sign in the General Commercial (GC) and Heavy Commercial (HC) Zone Districts in Table 10-4-15: On-Premise Sign Standards. Staff has reviewed the request and is presenting the text amendment before the Gallup City Council for approval of draft Ordinance No. S2022-5.

DISCUSSION

Rico Land & Cattle Co. wants to lease a portion of their vacant property on West Highway 66 and Rico Street (Parcel 1, Menapace Section 26 Subdivision) to Pilot Gas Station, which is located in the Heavy Commercial (HC) Zone District. They plan to construct a gas station, which is currently going through the city's subdivision process. As the developers were reviewing the City of Gallup Land Development Standards Table 10-4-15: On-Premise Sign Standards, they realized that they would only be allowed to construct a fifty (50) foot height sign. Thereafter the property owner's attorney, Bob Rosebrough submitted a Text Amendment Application to amend the sign regulations for the Heavy Commercial (HC) and General Commercial (GC) Zone Districts.

Section 10-5-B-d-i3 of the City of Gallup Land Development Standards sets forth text amendment procedures as follows:

3. Zoning Text Amendment Procedures: Comprehensive amendment changes to these Land Development Standards must be initiated by the City Council.
 - a. Amendments to the text of these Land Development Standards may be made by the City Council, on its own motion or upon request of the Planning and Zoning Commission or any City resident or property owner upon a determination that there are sufficient grounds for the amendment.

Section 10-5-B-d-i6c of the City of Gallup Land Development Standards requires applications for amendments to the text of the code to include certain information. That information is as follows:

- I. The name and address of the applicant.
- II. Identification by number and wording of the textual provision(s) that the applicant is requesting to be changed.
- III. An exact description or wording of the change to be requested.
- IV. The reason(s) which support the requested change.
- V. Any additional information deemed necessary by the City Council, the Planning and Zoning Commission or a reviewing official.

The applicant has provided all of the required information in their application; therefore, the application is considered complete.

Section 10-5-B-d-i6eiii sets forth criteria for text amendments. That criteria is as follows:

- I. The proposed amendment is justified by one or more of the warranted or acceptable grounds as specified in this section.
- II. The proposed amendment is consistent with the City master plan.
- III. Approval of the amendment would not have a significant adverse effect upon the character and value of adjacent properties or the surrounding neighborhood.
- IV. Approval of the amendment would not have a significant adverse effect upon the natural environment.
- V. Approval of the amendment would not result in excessive burdens being placed on the provision of municipal services such as water service, utilities, sewage disposal, solid waste disposal, transportation systems, fire and police protection and public schools.
- VI. Approval of the amendment would serve some public interest and would not merely serve the narrow interests of a property owner.

It is the opinion of staff that the applicant has proven that the request meets the above criteria.

The applicants wish to amend Table 10-4-15 of the City of Gallup Land Development Standards for the General Commercial (GC) and Heavy Commercial (HC) Zone Districts for the Freestanding sign height (maximum) and sign area (maximum). Instead of changing the sign regulations for the entire two (2) zoning districts, the applicants are proposing to change only areas within fifteen hundred (1,500) feet of Interstate-40's Exit 16 (west of Gallup) and Exit 26 (east of Gallup). For the Council's reference as to what areas this text amendment will affect, please see the attached maps displaying the two (2) Interstate 40 exits displaying the fifteen hundred (1,500) foot radius. This map will be added to the Appendix of the City of Gallup Land Development Standards.

Being that the fifteen hundred (1,500) foot radius was new to the sign regulations, staff wanted to add clarity regarding the measuring from the center point, which would be where the interstate and highway intersect. Within this fifteen hundred (1500) foot radius, the applicants wish to:

- Change the height (maximum) from fifty (50) feet to one hundred (100) feet
- Change the sign area (maximum) from two hundred (200) square feet to six hundred fifty (650) square feet

Staff worked with the consultants to review a variety of sign regulations from Albuquerque, Farmington, Las Cruces, Santa Fe, and Roswell as well as other cities outside of New Mexico.

- The maximum sign height for commercial districts in those cities varied from fourteen (14) feet to seventy (70) feet. However, according to the United States Sign Council Foundation (USSCF) model of the on-premise sign code, they would recommend a seventy-four (74) foot sign height maximum.
- The maximum sign area for commercial districts in those cities varied from fifty (50) square feet to three hundred (300) square feet. The USSCF model recommended six hundred thirty-nine (639) square feet for the maximum sign area.

After reviewing the proposed text language and comparing it to other cities and national best practices, staff came to the conclusion that the one hundred (100) foot sign height was excessive whereas a seventy-five (75) foot sign height would be more reasonable. Staff agreed with the six hundred fifty (650) square feet of the sign area according to the USSCF model.

However, at the Planning and Zoning Commission meeting on October 12, 2022 the Commission made the following changes to staff's recommendation:

- Maximum sign height of one hundred (100) feet
- Add language to clarify how a one hundred (100) foot sign can only be installed within the fifteen hundred (1,500) foot radius. They did not want the code to cause confusion whereas individuals assumed that if the fifteen hundred (1500) foot radius touched the parcel, they could install the sign anywhere within a touching parcel.

The resolution and ordinance have been updated to reflect the Commission's recommendation. Please see the two (2) attached tables comparing the existing sign regulations and proposed sign regulations.

RECOMMENDATION

It is the findings of staff that the applicant has provided sufficient information, details or proof to justify an amendment to the City of Gallup Land Development Standards to allow

increasing the maximum height and maximum sign area of a Freestanding Sign in the General Commercial (GC) and Heavy Commercial (HC) Zone Districts in Table 10-4-15: On Premise Sign Standards. Staff recommends approval of Ordinance No. S2022-5.

The City of Gallup Planning and Zoning Commission reviewed this request at their regular meeting on October 12, 2022 and sends a positive recommendation to the Gallup City Council for approval of Ordinance No. S2022-5 with Resolution of Recommendation No. RP2022-13