

Planning & Zoning Commission
February 10th, 2021 Minutes
Virtual Meeting

The regular meeting of the Planning and Zoning Commission was called to order at 6:02 p.m. by Chairman Kent Wilson. Chairman Wilson stated that the meeting was being held virtually via video and telephone conferencing. The meeting was also 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 (Yes to Item One and Two)
Commissioner M. Long (No)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)
Commissioner K. Spolar (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the December 9th, 2020 regular meeting. Commissioner Pawlowski motioned for approval of the minutes as presented. Seconded by Commissioner Miller. Motion Carried.

Upon roll call, the following votes were:

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

Chairman Wilson asked the Madam Secretary to state the names of the individuals attending the virtual meeting. Upon roll call the following were present:

CB Strain, Planning and Development Director
Richard Kontz, applicant for Item One & Two

Michael Burnside, agent for Item One & Two
Barry Butler, applicant for Item Three
Neal Butler, applicant for Item Three

Chairman Wilson administered the oath required by State Law for public forum for each of the individuals listed above.

Chairman Wilson stated that 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 notified the Commission that there may be individuals calling in from the public to make comments.

Commissioner Pawlowski recused himself from the Commission for Item One.

ITEM ONE: CASE # 20-00300009: Request by Gallup Housing Authority, property owner, for Final Plat approval of a Minor Subdivision; Romero Development Subdivision an Unplatted Tract of Land situated in the NE ¼ of Section 20, T15N, R18W, N.M.P.M. Also dedicating Romero Circle to reflect the existing fifty foot (50') street right-of-way (R.O.W.). The property is generally located immediately south of Copper Avenue & north of Dani Drive and east & west of Clark Street; subdivision contains 4.4357 acres M/L which includes the dedicated R.O.W. of 0.5819 acres.

CB Strain began by reminding the Commission of a subdivision they approved a few months back for Gallup Housing Authority. The case being presented this evening was pretty much the same as their previous request, which was to clean up their property lines. CB explained how the subdivision contained three (3) unplatted tracts of land and a street that was never dedicated as a City right-of-way. Gallup Housing Authority is now doing an official subdivision on the property which will create the three (3) lots and also dedicate Romero Circle as an official right-of-way. It's a pretty straight forward request whereas they are not reconfiguring anything; just platting what's existing and dedicating the right-of-way. CB stated that the Gallup Housing Authority units were fully serviced with utilities where there were no utility issues. They meet the minimal dimensional requirements for the Multi-Family Residential High (MFRH) Zone District. The Gallup Task Force did review the request and had no additional requirements for the subdivision.

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

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

Richard Kontz, Gallup Housing Executive Director introduced himself and expressed his appreciation to the Commission for the job that they do. Mr. Kontz stated that the Planning Director explained pretty much what they wanted to do for the property. They just want to get things straightened up for the property and dedicate utilities to the city since they have been working on them all these years. Mr. Kontz stated that they also want to keep things clean for federal funding. They have their units fully occupied with 30 residents who currently live there from the low-income housing community. Mr. Kontz stated that he would appreciate a positive action on the subdivision request.

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

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to speak for or against this case. There were none.

Chairman Wilson asked if there were any other parties wishing to speak to this case. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00300009. Commissioner Mackenzie-Chavez motioned for approval of Item One. Seconded by Commissioner Cresto. Motion Carried.

Upon roll call, the following votes were:

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

Commissioner Pawlowski recused himself from the Commission for Item Two.

ITEM TWO: CASE # 20-00300010: Request by Gallup Housing Authority, property owner, for Final Plat approval of a Minor Subdivision; Marce Development Subdivision an Unplatted Tract of Land situated in the SW ¼ of Section 22, T15N, R18W, N.M.P.M. Also dedicating Marce Lane, Marce Way and Marce Place to reflect the existing fifty foot (50') street right-of-way (R.O.W.). Rename Marce Circle to Marce Way and Marce Court to Marce Place. The property is generally located immediately south & adjacent to Trade Mart Square and west of South Second Street; subdivision contains 5.7042 acres M/L which includes the dedicated R.O.W.'s of 0.9851 acres.

CB began by stating how this case was similar to the first agenda item. CB used the screen to display the property's location using the GIS Map. He pointed to the Gallup Housing Authority units located off of Second Street and Debra Drive. CB explained how the tracts were never officially subdivided and the streets were never dedicated or named properly. He pointed to the cul-de-sac west of Marce Lane, which were the only properties ever platted in that area. So the Gallup Housing Authority properties located north and south of Debra Drive were never platted. The property owner is now requesting approval of the subdivision so they can create three (3) lots that will contain their housing units and dedicate existing streets as City right-of-ways. However, the current names of the streets do not follow the City Street Naming Regulations. CB explained how the regulations go by the length of the street and how it was configured whether it was going north, south, east or west. The way that these streets are oriented is not in alignment with the regulations whereas Marce Circle will be

renamed to Marce Way and Marce Court to Marce Place. CB used the screen to display the subdivision plat (page 2-3). He pointed to the streets being renamed stating how this will bring them into compliance with the Street Naming Regulations. CB emphasized how Marce Lane was named correctly so it would not affect the houses that were on that street; it was just going to affect the Gallup Housing Authority unit's addresses. All the utilities are in place and all the units are serviced with utilities. There is no need for utility extensions or installations. CB stated that the Gallup Task Force did review the request and they gave a positive recommendation for approval with no additional requirements. All the lots meet the minimum dimensional standards for the Multi-Family Residential High (MFRH) Zone District.

Chairman Wilson asked CB if this completed all the cleaning up of legalities for the Gallup Housing Authority's properties. CB stated that he believed it did, but would have to defer the question to the Gallup Housing Authority Executive Director. CB thought that there may be other properties they own, which may still need to be cleaned up. But for this particular property CB stated all the issues were being addressed and brought into compliance with the zoning and subdivision regulations.

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

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

Richard Kontz introduced himself again and stated that they were just cleaning up lot lines and dedicating right-of-ways. He wanted to make sure the legal descriptions were correct to help them obtain federal funding from HUD and CDBG funding. Mr. Kontz stated that the units were fully occupied whereas there were 30 families who currently resided there. He would appreciate a positive action on this item. For the record Mr. Kontz wanted to inform the Commission that they have one last subdivision they will be bringing for approval called the Arnold Housing Development. He stated that once that was completed, all the Gallup Housing Authority's properties would be in compliance with the zoning and subdivision regulations. Mr. Kontz thanked the Commission for their time.

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

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to speak for or against this case. There were none.

Chairman Wilson asked if there were any other parties wishing to speak to this case. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00300010. Commissioner Mackenzie-Chavez motioned for approval of Item Two. Seconded by Commissioner Long. Motion Carried.

Upon roll call, the following votes were:

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

Commissioner Pawlowski retook his seat with the Commission being that he only had a conflict of interest for Item One and Two.

ITEM THREE: CASE # 21-01000001: Request by Butler Brothers, LLC property owner, for the City of Gallup to vacate a twenty foot (20') wide public utility easement located on an Unplatted Tract of Land in order to allow for the construction of a new self-storage facility. The property is located at 226 Dee Ann Avenue; more particularly described as 2.64 acres M/L in SW ¼ of 27 15 18, Annexed-Rolling Hills #9. This item will go before City Council for final approval on February 23, 2021.

CB stated that it seemed like they were receiving quite a few requests for vacating public utility easements lately, which was what this request was for. He used the screen to display the property's location using the GIS Map. CB pointed to the area where the property owners were wishing to develop a self-storage facility. He then used the screen to display the property's easement survey (page 3-3) and pointed to the cross-hatched area, which was where the existing public utility easement ran through the property. CB explained how there were electric utilities located within the easement with poles, but they have since been removed. So there are no existing utilities remaining. CB stated that vacating the easement will free up the property and allow them to develop more units on the property, which was the goal of the applicant. This is a pretty routine vacation because there are no utilities within the easement so the city has no need for the easement anymore. The Gallup Task Force did review this request and had no concerns with vacating the easement. The Commission's recommendation will be presented to the City Council on February 23, 2021 for final approval.

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

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

Barry Butler introduced himself and stated that he would appreciate a positive recommendation to their vacation request. CB summarized it very well and Mr. Butler had nothing to add.

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

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to speak for or against this case. There were none.

Chairman Wilson asked if there were any other parties wishing to speak to this case. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2021-01000001. Commissioner Pawlowski motioned for approval (positive recommendation) of Item Three. Seconded by Commissioner Mackenzie-Chavez. Motion Carried.

Upon roll call, the following votes were:

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

The positive recommendation will be presented to the City Council on February 23, 2021 for final approval.

ITEM FOUR: CASE # 21-01100001: Annual Open Meetings Act, Resolution # RP2021-01. 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 dates/times and what was considered reasonable notice. CB stated that the Commission will continue to meet the second Wednesday of every month at 6 p.m., provided they have items. Regular meetings will require a ten (10) day notice, special meetings three (3) day notice, and emergency meetings twenty-four (24) hour notice to the news media. They have a procedure for notice to the news media and provisions regarding compliance with ADA requirements. CB stated that if the Commission would like to change the meeting dates or times, now would be the time to do so. If not, they can adopt the resolution as presented.

Commissioner Cresto asked CB how often applicants come in the day before a meeting requesting to be added on the agenda. CB stated that it has never happened because the rules are pretty clear on the deadlines. The Open Meetings Act does not set out specific deadlines as to when someone can apply; it just sets out the notice requirements and dates/times of the meetings. CB explained how the Planning & Development Department requires applications be submitted by the second Friday of the month before. That way they have sufficient time to give public notice, send to the Gallup Task Force for review, and send out letters of notification to applicants and the surrounding property owners. Commissioner Cresto stated that he just wanted to ensure they were not requiring applicants to wait for long periods of time to get on the agenda. CB explained how they work with applicants as much as they can if there was a good reason for being late or if they were missing minor documents.

Chairman Wilson asked CB how quickly the Gallup Task Force members respond to requests. CB stated how they typically have a ten (10) day review and Nikki stays on top of reminding them. They make it clear that if their comments are not submitted by the deadline, it will be distributed to the applicant without their comments and they will be required to attend the Commission meeting. CB stated that for the most part all departments submit their comments on time. Chairman Wilson wanted to ensure that applicants were moving through their city process pretty smoothly. CB stated yes; if the applicant submits a complete application it is the Planning & Development Department's responsibility to get it processed and put on the Commission agenda.

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

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to speak for or against this case. There were none.

Chairman Wilson asked if there were any other parties wishing to speak to this case. There were none.

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2021-01100001. Commissioner Mackenzie-Chavez motioned for approval of Item Four. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

INFORMATION ITEMS

- ITEM FIVE:** City Council Actions Taken
- ITEM SIX:** P&Z Commissioner Attendance 2020
- ITEM SEVEN:** December 2020 & January 2021 Building Permit Activity Report
- ITEM EIGHT:** Building Permit Five-Year Comparison {2016 thru 2020}
- ITEM NINE:** Planning & Zoning Agenda Five-Year Activity Report {2016 thru 2020}

OPEN FLOOR:

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to comment on a non-agenda item. There were none.

Chairman Wilson asked if there was anyone in attendance that would like to comment on a non-agenda item.

Chairman Wilson wanted to thank the Commissioners for their patience through the several virtual meetings. When they are able to meet in-person again Chairman Wilson would like to host a Commissioner training to refresh their thinking and meeting structure. The Commissioners agreed.

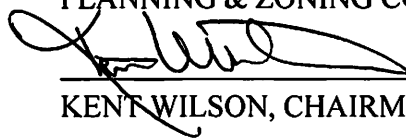
Motion was made by Commissioner Pawlowski to adjourn the meeting. Seconded by Commissioner Mackenzie-Chavez. Motion Carried.

Upon roll call, the following votes were:

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

Commission Adjourned at 6:41 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



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