

Planning & Zoning Commission
February 13th, 2019 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 F. Kozeliski
Commissioner M. Long
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 F. Kozeliski (No)
Commissioner M. Long (No)
Commissioner L. Miller (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the December 12th, 2018 regular meeting. Commissioner Kozeliski motioned for approval of the minutes as presented. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

Commissioner F. Kozeliski (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner K. Mackenzie-Chavez (Yes)
Commissioner J. Dooley (Yes)
Commissioner M. Long (Yes)
Commissioner L. Miller (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 # 19-00600001: Request by Martin O'Malley on behalf of Gallup Land Partners, LLC property owner, for the Rezoning of approximately 0.4591 acres **FROM** Rural Holding Zone (RHZ) **TO** Heavy Commercial (HC). Said property is located within the east portion of Lot 1A Replat No. 1 of Lot 1 Rollie Subdivision Unit 5 and Replat No. 1 of Tract 1 Rollie Addition No. 5

CB Strain began by explaining how the said property recently went through an administrative subdivision. He used the overhead projector to display the aerial imagery showing the property's location. CB explained how a small portion of 0.4591 acres was taken from the large tract (Tract 1A) to enlarge the smaller lot (Lot 1A). Being that the replat was just a reconfiguration of the two (2) lot lines it was done administratively without the need of a public hearing. CB assured the Commission that they were not increasing the number of lots. He mentioned how both properties were already currently serviced with utilities. CB used the overhead projector to display the area map showing the different zone districts of the two (2) lots; Rural Holding Zone (RHZ) and Heavy Commercial (HC). Being that a portion of Tract 1A (RHZ) was being replatted into Lot 1A (HC) a rezone needed to be done for that portion in order to be consistent with the zoning of the main lot. CB stated that the applicant was requesting the Commission's approval of rezoning a portion of the new lot containing approximately 0.4591 acres from Rural Holding Zone (RHZ) to the Heavy Commercial (HC) zone district. **FINDINGS OF CONCLUSION:** CB stated that the findings of staff for the proposed request met the Acceptable Grounds for Amending the Official Zoning Map per Section 10-5-B-d-i2 of the City of Gallup Land Development Standards. CB recommended approval of the rezone; Resolution Number RP2019-02

Commissioner Kozeliski suggested that instead of rezoning only a portion of Tract 1A to the Rural Holding Zone (RHZ) to rezone the entire tract to the Heavy Commercial (HC) zone district. CB explained how that decision would be up to the property owner of Tract 1A where they would initiate the request; the City can't make them do it. CB explained how typically once a lot was developed the property owners would rezone to the appropriate zone district that was most compatible with the type of use. The City would also verify that it's consistent with the City's Master Plan. CB added that Tract 1A was a vacant piece of property with no future plans of development whereas it would be best to leave the tract in the RHZ zone district and a rezone could be done whenever future development starts. However, if the property owner requested a rezone to the HC zone district they would be able to do so being that it was consistent with the surrounding zone districts. CB reiterated that the Commission's action this evening was to fix the zoning of the 0.4591 acres portion due to the administrative replat. Commissioner Kozeliski asked what the difference was between the RHZ and HC zone districts. CB stated that RHZ was just a holding zone that didn't allow any uses within it whereas it was generally used for large tracts of property that were undeveloped. Usually property owners leave in RHZ until they decide what they're going to do with it; in case they change their mind. Commissioner Kozeliski commented on how he felt they should still designate the lot to Heavy Commercial or Industrial zone districts. CB again stated that it would be the property owners request to do so.

Commissioner Dooley asked CB if the lots were adjacent to other Heavy Commercial (HC) designated lots. CB used the overhead project to display the area map. CB explained how the blue

color represented the HC zone districts where the lots in question were surrounded by HC. Commissioner Kozeliski pointed out that the lots to the east were designated as Industrial (I) zone districts and asked CB if those I zone districts could move into the RHZ. CB stated that if the property owners wanted to request a rezone they could do so. There was a brief discussion between the Commissioners and staff about what type of uses an I and HC zone district permits. Commissioner Kozeliski asked why there seemed to be a cut out to the southwest of US Highway 491 and Silva Street. CB responded that when that portion of land was annexed into the City that parcel wanted to remain in the County.

Chairman Wilson stated that if there was anyone wishing to speak in favor of the case to approach the podium.

Martin O'Malley, General Manager of Gallup Land Partners approached the podium and introduced himself. Mr. O'Malley stated that the two (2) tracts of land to the east that the Commissioners spoke about were both owned by Gallup Land Partners. He continued by explaining that they had a buyer for Lot 1A, which they planned to use for a carwash business. The business needed additional footage in the back (east) to meet dimensional requirements, which was why the lot was replatted. Mr. O'Malley stated that they were requesting to rezone a portion of the new Lot 1A to Heavy Commercial to accommodate the new use. He spoke about how he thought it would be a good business for the area that would immediately generate sixteen (16) jobs.

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

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 19-00600001. Commissioner Kozeliski motioned for approval of Item One as recommended by staff. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

Chairman Wilson stated that the motion has been carried to approve the rezone. He thanked the applicant for attending.

ITEM TWO: CASE # 19-01100001: Annual Open Meetings Act, Resolution No. RP2019-01. 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 that this was the Commission's annual review of the Open Meetings Act. He pointed how their review was normally done in January, but since there was no January meeting it was being presented this evening. Everything within the resolution will remain the same unless the Commission decides to make any changes. CB stated that the Commission will continue to meet the second Wednesday of every month at 6 p.m. in the City Hall Council Chambers, provided they have items. CB continued by stating that 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. The notices will also include information regarding disability accommodations and other special requirements. If the Commission would like to change the meeting dates or times now would be the time to do so.

Commissioner Kozeliski asked CB to add the case number on the first page of his P&Z memo so it would be easier for the Commissioners to reference during the approval process. CB stated that he would make that administrative change on his future P&Z memos.

Commissioner Kozeliski asked for clarification on the ten (10) day notice; was that the amount of time staff had to notify the Commissioners of a meeting? Nikki Lee informed Commissioner Kozeliski that the ten (10) day notice under the Open Meetings Act pertained to the legal notice that informed the public of the meeting. Ms. Lee explained how she emails the Commission a week prior to a meeting, however if the Commission would like more of an advance notice she could so. Commissioner Kozeliski added that he would also like to be informed when there was not a meeting. CB explained that the meeting submittal deadline was the second Friday of every month whereas staff would know at least one (1) month in advance if there was a meeting. Ms. Lee stated that each month after the submittal deadline has passed she will notify the Commission if there is or isn't a meeting. Chairman Wilson informed Commissioner Kozeliski that his procedural issues would be addressed by staff, however if the Commissioners had any comments about the Open Meetings Act now would be the time to do so.

Commissioner Mackenzie-Chavez asked the Commissioners if Wednesdays were still working for everyone. The Commission agreed that Wednesdays worked with their schedules.

Commissioner Dooley asked for clarification on what topics would fall under a closed session. Commissioner Dooley also asked if notes had to be taken during a closed session and if those notes would be made public. CB stated that to qualify for a closed session they would have to be discussing personnel issues, financial/purchasing issues or litigation. He continued by stating that the only time the Commission would probably go into a closed session would be if someone was suing the City for a Planning & Zoning decision. The other qualifying events wouldn't pertain to the Commission because they don't handle employee related issues or financial transactions. CB explained that during a closed session the City Attorney would meet with the Commission where Ms. Lee would be responsible for taking the minutes and no one else would be allowed in besides staff. After the closed session the Commission would disclose to the public that they only discussed the

pertaining issue whereas the details wouldn't be disclosed. CB informed the Commission that they're able to review the New Mexico Open Meetings Act online.

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

Motion to approve or deny the request for Case Number 2019-01100001. Commissioner Dooley motioned for approval of Item Two. 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 F. Kozeliski (Yes)
Commissioner M. Long (Yes)
Commissioner L. Miller (Yes)

Chairman Wilson stated that the motion has been carried to approve Resolution Number RP2019-01.

INFORMATION ITEMS

ITEM THREE: City Council Actions Taken

ITEM FOUR: P&Z Commissioner Attendance 2018

Commissioner Dooley stated that Page 4-1 needed to be revised for Commissioner Long's term expiration date. She recalled that in June 2018 City Council reappointed Mr. Long and herself to the same dates. Ms. Lee apologized for the mistake and will change from May 31, 2018 to May 31, 2020.

ITEM FIVE: December 2018 & January 2019 Building Permit Activity Report

ITEM SIX: Building Permit Five-Year Comparison {2014 thru 2018}

ITEM SEVEN: Planning & Zoning Agenda Five-Year Activity Report {2014 thru 2018}

OPEN FLOOR:

CB reminded the Commission how Randy Van Vleck from the New Mexico Municipal League conducts his trainings every two (2) years for the Planning & Zoning Commissioners. The New Mexico League of Zoning Officials conference will take place on May 1st, 2nd and 3rd of 2019 in Albuquerque, New Mexico. The Commissioner training will take place all day on Thursday, May 2, 2019. If the Commissioners are interested in attending the three (3) or one (1) day training they need to let Ms. Lee know by March 31, 2019. The City will pay for the Commissioner's registration fees and hotel costs; however mileage costs will not be covered. CB highly recommended that all the Commissioners attend because Mr. Van Vleck goes into great detail about the laws and procedures affecting Commissioners. CB spoke about how Chairman Wilson's last training attendance

influenced him to restructure their meetings where they're now in full compliance. Chairman Wilson explained how the Commission can benefit from these types of trainings to better help the Gallup community.

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

Upon roll call, the following votes were:

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

Commission Adjourned at 6:30 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



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