

Planning & Zoning Commission
April 10th, 2019 Minutes
City Council Chambers

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m. by Vice-Chairman Matthew Long.

Upon roll call, the following were present:

Vice-Chairman M. Long
Commissioner J. Dooley
Commissioner F. Pawlowski
Commissioner F. Kozeliski
Commissioner L. Miller

Upon roll call, the following were absent:

Chairman K. Wilson
Commissioner K. Mackenzie-Chavez

Chairman Long 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:

Vice-Chairman M. Long (No)
Commissioner J. Dooley (No)
Commissioner F. Pawlowski (No)
Commissioner F. Kozeliski (No)
Commissioner L. Miller (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the March 13th, 2019 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 J. Dooley (Yes)
Commissioner L. Miller (Yes)

Chairman Long administered the oath required by State Law for public forum.

Chairman Long 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 # 18-00100001: Request by Rico Land & Cattle Co., property owner, for the
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Annexation of Parcel 1, Menapace Section 26 Subdivision containing approximately 125.9497 acres with an initial zoning designation of Heavy Commercial Zone District (HC). Said property is located Southwest of Highway 66 and Rico Street. This item will also go before the City Council for final approval at its regular meeting to be held on April 23rd, 2019.

CB Strain began by using the overhead projector to display the annexation plat, which included a total of 125.9497 acres. CB explained how the property owner recently went through a minor subdivision where they divided one (1) tract of land containing 284.2727 acres into two (2) parcels. Parcel 1 (northern tract) containing 116.4769 acres and Parcel 2 (southern tract) containing 167.7958 acres. The subdivision was within the McKinley County boundaries; however the City had the planning and platting jurisdiction being that it was within three (3) miles of the City. CB used the overhead projector to display the GIS Map pointing to the property's location. He explained how the property owner wanted to annex Parcel 1 into the City, which contained 116.4769 acres. The annexation will also include two (2) transfer tracts of land owned by Viren S. & Sangita V. Patel containing a total of 1.4223 acres and a 300'X300' tract of land owned by CHEV3307W, LLC containing 0.6891 acres. The Twin Buttes right-of-way containing 1.8264 acres and the City of Gallup right-of-way containing 5.5350 acres are also included in the annexation. CB referred to how State Law states that as long as the petition (application) is signed by more than fifty one percent (51%) of the majority owners the remaining acreage can be included in the annexation. In this case Parcel 1 of the Menapace Section 26 Subdivision holds the majority of the number of acres having 116.4769 acres whereas they're allowed to include the surrounding 9.4728 acres. CB mentioned how including the additional 9.4728 acres would avoid the creation of an island. CB stated that the initial zoning designation would be the Heavy Commercial zone district (HC), which was consistent with the surrounding area. CB spoke about how there were three (3) different annexation priority areas whereas the said properties were located within Priority 1 meaning that they had access to utilities. CB recommended approval of the annexation. The Planning and Zoning Commission's recommendation will be presented to City Council on April 23, 2019. If approved the annexation plat will be recorded at the County Clerk's Office and the 124.9497 acres will become part of the City of Gallup. CB continued by stating that the Gallup Task Force was present this evening if the Commission had any questions to ask of them. Their comments were included in the agenda packets on Page 1-5 thru Page 1-8.

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

Chairman Long asked if there was anyone wishing to speak in favor of this case. There were none.

Chairman Long asked if there was anyone wishing to speak against this case. There were none.

Chairman Long asked if there were any other interested parties wishing to speak. There were none.

Chairman Long stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2018-00100001. Commissioner Kozeliski motioned for approval of Item One. Seconded by Commissioner Dooley. Motion Carried.

Upon roll call, the following votes were:

Commissioner F. Kozeliski (Yes)
Commissioner J. Dooley (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner L. Miller (Yes)

ITEM TWO: CASE # 19-00600002: Request by Floyd Hardesty on behalf of Uriah N. Hardesty, property owner, for the Rezoning of approximately 3.959 acres **FROM** Rural Holding Zone (RHZ) **TO** Single Family Residential- B Zone District (SFR-B). The properties are located south of 810 Patton Drive; more particularly described as Tract C-1, 24 15 18, Hidden Valley Subdivision Replat of Tracts C, D & H, 2.467 Acres M/L; Tract C-2 Hidden Valley Subdivision Replat of Tracts C, D & H, 24 15 18, containing 1.492 Acres M/L.

CB began by using the overhead projector to display the boundary survey and GIS Map showing the zoning designations of the two (2) tracts. The property owner wants to rezone the two (2) tracts from the Rural Holding Zone (RHZ) to Single Family Residential- B (SFR-B) zone districts. CB explained that the purpose of the request was so the property owner could develop single family dwellings on the said properties. The code requires that applicants own at least fifty one percent (51%) of the property being rezoned and in this case the property owner owns one hundred percent (100%) of the land. CB read aloud the Zoning Map Amendment Criteria that the property qualified under:

4. The land area within a Rural Holding Zone designation has become appropriate for urban development as a result of availability of public utilities and services as well as the needs of the public.

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 RP2019-03

Commissioner Kozeliski asked who the parcels immediately to the west and east of the said properties belonged to. CB stated that the parcels to the west were located within the County; more than likely a checkerboard area. And the parcels to the east were where the Red Hills Mobile Home Park was located. CB used the overhead projector to display the GIS Map pointing to the City limit boundary line located west of the said properties.

Commissioner Dooley asked CB if the use would be for a mobile home. CB stated that it wouldn't be a mobile home; it would be a manufactured home. Commissioner Dooley asked if the property owners would have to comply with the current code for manufactured homes under the Housing and Urban Development (HUD) requirements. CB stated yes; they would have to comply with the same standards as a single family dwelling within the SFR-B zone district. Commissioner Dooley clarified that the request was specifically for one (1) manufactured home to be placed on the property and not

additional mobile homes. CB explained how there was only two (2) tracts whereas one (1) manufactured home could be placed on each tract. CB informed Commissioner Dooley that the applicant was present if she would like to ask him more specific questions.

Floyd Hardesty, agent approached the podium and introduced himself. Mr. Hardesty stated that he was speaking on behalf of the property owner, Uriah Hardesty. He explained how they wanted to put a manufactured home on the lot, which was a four (4) section home. The bigger tract on the north side (Tract C-1) has a big hill whereas they don't want to develop anytime soon. Mr. Hardesty continued by stating that maybe someday in the future they may develop, but for now they're only developing the south tract (Tract C-2).

Commissioner Dooley asked Mr. Hardesty if they would be using the two (2) tracts for family use. Mr. Hardesty stated yes it would be for personal use. Commissioner Dooley asked if sometime in the future they would consider adding additional homes. Mr. Hardesty stated that maybe in the future they could develop the northern tract (Tract C-1), but they would have to take that hill down so that would be many years down the road.

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

Chairman Long asked if there was anyone else wishing to speak in favor of this case. There were none.

Chairman Long asked if there was anyone wishing to speak against this case. There were none.

Chairman Long asked if there were any other interested parties wishing to speak. There were none.

Chairman Long stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2019-00600002. Commissioner Pawlowski motioned for approval of Item Two. Seconded by Commissioner Kozeliski. Motion Carried.

Upon roll call, the following votes were:

Commissioner F. Pawlowski (Yes)
Commissioner F. Kozeliski (Yes)
Commissioner J. Dooley (Yes)
Commissioner L. Miller (Yes)

INFORMATION ITEMS

ITEM THREE: City Council Actions Taken

ITEM FOUR: March 2019 Building Permit Activity Report
Commissioner Dooley commented that the building permits seemed to be trending downward. CB acknowledged that the Planning Department wasn't issuing many large commercial permits; mostly

for smaller jobs such as, residential reroofs, fences and small remodels. There was a brief discussion between staff and Commissioners regarding the new Starbucks and Safeway renovations.

OPEN FLOOR:

Commissioner Kozeliski requested the land use applications be revised to add a line for the applicant to print their name. Nikki Lee will handle Commissioner Kozeliski’s request.

Nikki Lee informed the four (4) Commissioners who would be attending the New Mexico League of Zoning Officials conference in Albuquerque that their travel information would be emailed soon.

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

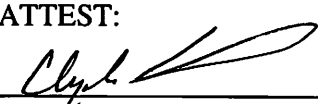
Upon roll call, the following votes were:

- Commissioner J. Dooley (Yes)
- Commissioner F. Kozeliski (Yes)
- Commissioner F. Pawlowski (Yes)
- Commissioner L. Miller (Yes)

Commission Adjourned at 6:25 p.m.

PLANNING & ZONING COMMISSION


 KENT WILSON, CHAIRMAN

ATTEST:


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