

Planning & Zoning Commission
October 14th, 2020 Minutes
Virtual Meeting

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 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 F. Pawlowski
Commissioner M. Long
Commissioner L. Miller
Commissioner J. Cresto
Commissioner K. Spolar

Upon roll call, the following were absent:

Commissioner K. Mackenzie-Chavez

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 F. Pawlowski (No)
Commissioner M. Long (Yes to Item One and Two)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)
Commissioner K. Spolar (No)

Chairman Wilson stated that Commissioner Long had a conflict of interest and would be recused from Item One and Two.

Presented to the Chairman and Commissioners for their approval were the minutes of the August 12th, 2020 regular meeting. Commissioner Cresto motioned for approval of the minutes as presented. Seconded by Commissioner Long. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Cresto (Yes)
Commissioner M. Long (Yes)
Commissioner F. Pawlowski (Not available; lost connection)
Chairman K. Wilson (Yes)
Commissioner L. Miller (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
William Verburg, Public Works, Project Construction Manager
Dennis Romero, Water/Wastewater Director
Marita Joe, Senior Electrical Engineer
Jon Pairett, Fire Inspector
Patrick Mason, property owner of Aequitas Education (Item One and Two)
David Giron Chacon, applicant for Gallup Plastic Recycling (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 Long recused himself from the Commission for Item One.

ITEM ONE: CASE # 20-00300007: Request by Aequitas Education, the City of Gallup, and Joshua Generation for Jesus, property owners for Final Plat approval of a Minor Subdivision; Replat No. 1 of Bernard T. Espelage Addition Within Section 21, T15N, R18W, N.M.P.M. & Lots 1-5, and A Portion of Lot 6, Block G, First Unit of Burke-George Heights & Lot 6, Block F, Replat of Blocks F, H & J in the First Unit of Burke-George Heights Addition & City Tank Site Described as A Tract Known as the Southwestern Hill Reservoir Site Being Situated in the SE ¼ of the NE ¼ of Section 21, T15N R18W, Containing 0.64 Acres M/L & Sports Complex Described As 56.691 Acres M/L in Sec. 21 T15N R18W, N. of Bypass Hwy & A Tract of Land Within 21 15 18 Lying Within the Bernard T. Espelage Containing 4.027 Acres M/L. Also requesting for the City of Gallup to dedicate and vacate several existing and non-existing City right-of-ways and renaming an existing City right-of-way. The properties are located at 405, 425, 515 & 925 Park Avenue and 1380 Elva Drive; subdivision contains 92.6448 acres M/L which includes the dedicated, vacated, and renamed right-of-way portions. This item will go before City Council for final approval on October 27, 2020.

CB Strain began by explaining how the subdivision was pretty complicated whereas there were several elements and factors involved. He would try his best to review the plat as clear and concise as possible, however if the Commission had any questions they could stop him during his presentation. CB gave some background information on how the properties were annexed into the City of Gallup in 1954 and some years after that the land was split in different ways by deed. There was never any formal replats for the properties. He continued by explaining how the properties had changed hands overtime whereas now they are trying to clean the lot lines up and get right-of-ways dedicated to

where they are supposed to be. CB used the screen to display the plat (Page 1-8). He referenced how the northern right-of-way line of Park Avenue went straight across when initially dedicated, however that was not the actual alignment. Same with Elva Drive, the right-of-way is not dedicated where the road actually sits. CB explained how Elva Drive was initially platted straight going south. To fix this they will rededicate Elva Drive where the existing road actually sits. There's also a portion of Elva Drive that will be renamed to Elva Place whereas they don't want to vacate this portion because it will landlock lots to the south and there's also existing gas lines in that right-of-way. Again, on the corner of Park Avenue and Elva Drive where the street was initially dedicated, is not aligned with the actual existing street. So they will have to vacate some of the corners and dedicate a new alignment where it actually sits. CB stated that was where the dedications and vacations came into play for the replat.

CB used the screen to display the GIS Map to show the property's location. He pointed to the lots that belonged to the City of Gallup, Aequitas Education, and Joshua Generation for Jesus. CB pointed to the square parcel northeast of the Sports Complex that was created by default when all the other surrounding properties were deeded. This City parcel is now being combined with the Sports Complex property, which will eliminate the landlocked lot. CB again referenced how the northern right-of-way line of Park Avenue was initially platted straight, however that's not how it sat today. They are rededicating the right-of-way where the line actually is and the small strips of land in between are being brought into the right-of-way.

CB turned on his water/wastewater layer of the GIS Map to display how the school has access to water and sewer service. He emphasized how the school had been there for several years. However, there is no water or sewer service within the Elva Drive right-of-way, which is required by code. CB explained that because the school already had service to their building, the code allowed those extensions to be deferred until something triggered it such as, future development. By Subdivision Agreement they are going to defer the extension of utilities. The other deferrals are for the sidewalk, curb, and gutter. CB pointed to the areas where there was no sidewalk, curb, and gutter along Park Avenue. Because of the terrain and the possibility of a future City project through there, they are going to defer those requirements for curb, gutter, and sidewalk. Same thing along Elva Drive, the driveway and sidewalks are non-compliant with the current standards of the City of Gallup Land Development Standards. CB stated that the school was an existing development and they were going to leave it alone until future development occurs. CB reiterated how they are making several deferrals on the subdivision because it was an existing development and they are cleaning up a big mess bringing it into compliance with the current regulation.

CB used the screen to display the plat and explained how it went from eleven (11) lots to five (5) lots. The City tank site lot is being decreased since a right-of-way is being dedicated through there. He mentioned how there was also a new lot being created by Aequitas Education called Lot 6A. CB stated that the subdivision was very complicated; however he believed that they achieved their goal. CB recommended approval of the subdivision being that it met all the subdivision requirements and stated that they were able to defer the requirements for sidewalks and utilities since the code allowed for it.

Chairman Wilson asked the Commissioners if they had any questions.

Chairman Wilson asked CB who owned Lots 6A and 6B. CB stated that Lot 6A belonged to Aequitas Education and 6B belonged to Joshua Generation for Jesus. CB explained how Joshua Generation's only involvement with the replat was for Lot 6B because Elva Drive was being dedicated within a portion of their property. Their lot is being reconfigured slightly to coincide with the existing street where their acreage is decreasing. CB stated that Joshua Generation for Jesus was unable to attend, but they did sign the subdivision application and agreed with the replat.

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

Patrick Mason introduced himself as the president of Aequitas Education. Mr. Mason stated that he was in favor of the replat and thought that it would benefit all the parties involved. He agreed with CB that the area was a mess, which they are now cleaning up with this replat. Mr. Mason explained how they are about to begin a four-million-dollar improvement project at the location for a school. This is their first step to move forward on the project. Mr. Mason stated that the entire area will be benefited by the project and thinks it will improve the entire neighborhood as the continued upgrades progress.

Chairman Wilson asked the Commissioners if they had any questions for Mr. Mason. 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 2020-00300007. Commissioner Cresto motioned for approval of Item One. Seconded by Commissioner Spolar. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Cresto (Yes)
Commissioner K. Spolar (Yes)
Chairman K. Wilson (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner L. Miller (Yes)

CB reminded the Commission that this item would go before the City Council on October 27, 2020 for final approval for the vacated portions of the right-of-way. He explained how the Planning and Zoning Commission approved the subdivision whereas the City Council would be approving the vacation of the right-of-way.

Commissioner Long recused himself from the Commission for Item Two.

ITEM TWO: CASE # 20-00600004: Request by Aequitas Education, the City of Gallup, and Joshua Generation for Jesus, property owners for the Rezoning of 31.7025 acres M/L **FROM** Single-Family Residential (SFR-B) Zone District **TO** General Commercial (GC) Zone District; 54 acres M/L **FROM** Rural Holding Zone (RHZ) Zone District **TO** General Commercial (GC) Zone District; 0.0338 acres M/L **FROM** Single-Family Residential (SFR-B) Zone District **TO** Heavy Commercial (HC) Zone District. The properties are located at 405, 425, 515 & 925 Park Avenue, 1380 Elva Drive, and three vacant lots on Elva Drive.

CB began by using the screen to display the GIS Map showing the property's location and zoning designation. He explained how the zoning needed to be brought into compliance with the subdivision the Commission just approved. Two (2) City properties are currently zoned Single-Family Residential (SFR-B), and one property (1) is zoned Rural Holding Zone (RHZ), which will both be rezoned to General Commercial (GC). CB explained how they are basically carrying the zoning designation from the north and west over to this area, which will now bring the City properties into compliance. Aequitas Education's property is currently zoned Single-Family Residential (SFR-B). CB explained how the updated City of Gallup Land Development Standards changed the regulations for schools in the residential zone districts. Schools are only allowed a maximum of 20,000 square feet in floor area. CB stated that the school way exceeded that with the existing development. To bring the school property into compliance with the current zoning standards for maximum floor area, they need to rezone the property to the General Commercial Zone District. CB stated that they would be carrying the zoning designation from the west all the way over. The Joshua Generation for Jesus properties located on the corner of Park Avenue and Elva Drive are currently zoned Single-Family Residential (SFR-B). CB explained that if they leave those lots as is it would create a spot zone, which is why they are rezoning those properties to General Commercial. Joshua Generation for Jesus also has a triangular lot north of their church currently zoned Single-Family Residential (SFR-B). Again, if they leave this lot as is, it will create a spot zone, which is why it is being rezoned to Heavy Commercial to be consistent with the church property directly to the south. CB stated that the rezones had to done to bring all the lots into compliance with the current standard. The rezone will also allow Aequitas Education to operate without a non-conforming status tied to it and eliminate a spot zoning issue for the Joshua Generation for Jesus properties. **FINDINGS OF CONCLUSION:** CB informed the Commission that the request met the criteria for a rezone and recommended approval of Resolution Number RP2020-10.

Chairman Wilson asked the Commissioners if they had any questions.

Chairman Wilson asked CB if the other school properties located in the City of Gallup were also zoned commercial. CB stated that he was unaware what all the other school properties were zoned as. CB emphasized how the square footage limitation was only for private schools whereas the City does not regulate public schools.

Chairman Wilson stated that the City initiated the zone change whereas CB Strain, Planning and

Development Director presented the item on behalf of the City whereas they are the party speaking in favor of the case. Chairman Wilson asked the Commissioners if they had any questions for the City of Gallup. 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 in favor of this case.

Patrick Mason stated that he wanted to speak in favor of the zone change. Mr. Mason stated that the site has been used as a school for over seventy years and continues to be used as a school for Hozho Academy, which was a public school and not a private school. He felt that it was in the best interest that their use conforms to the standards of the City of Gallup whereas they are in favor of rezoning.

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

Madam Secretary informed Chairman Wilson that a representative for Joshua Generation for Jesus had just joined the meeting, Dennis Gallegos. *Chairman Wilson administered the oath required by State Law for public forum for Dennis Gallegos.*

Dennis Gallegos wanted to speak to this case because after discussing the replat with CB Strain and Nikki Lee he realized that it did involve Joshua Generation's properties. Mr. Gallegos stated that now he sees what is going on with Mr. Mason and the school he understands more. He stated that while growing up in the City, the school has been a historical site for quite some time. Mr. Gallegos agreed with the replat and the rezone to the commercial zone district. He thinks that great things will continue to happen, to help the Gallup community.

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00600004. Commissioner Spolar motioned for approval of Item Two. Seconded by Commissioner Miller. Motion Carried.

Upon roll call, the following votes were:

Commissioner K. Spolar (Yes)
Commissioner L. Miller (Yes)
Chairman K. Wilson (Yes)
Commissioner F. Pawlowski (Yes)
Commissioner J. Cresto (Yes)

Commissioner Long rejoined the Commission being that he only had a conflict of interest for Item One and Two.

ITEM THREE: CASE # 20-00700002: Request by David Giron Chacon, Gallup Plastic Recycling on behalf of United Development Limited Partnership, property owner, for a Conditional Use Permit to allow the operation of a recycling facility in the Heavy Commercial (HC) Zone District. The property is located at 920 East Highway 66; more particularly described as Lots 1 thru 8, Block 1, Ford Hwy 66 Addition.

CB began by using the screen to display the GIS Map to show the property's location. CB stated that the applicant wished to operate a recycling facility at the said location. He explained how Table 10-3-1 of the City of Gallup Land Development Standards listed recycling centers as a conditional use within the Heavy Commercial (HC) Zone District, which was why the case was coming before the Commission. CB read aloud the use specific standards that the applicant must adhere, which are as follows:

- a. Outdoor storage of any and all recyclable materials shall be prohibited. CB stated that they are not allowed to store anything outside the facility.
- b. Use shall comply with all New Mexico Environmental Department Solid Waste Division requirements for recycling facilities.
- c. Storage of materials shall remain six feet (6') or less in height. Due to the products involved if they are stored higher than six feet (6') it will place the facility into high-piled combustibles which would require a fire alarm system or fire sprinkler system to be installed. CB stated that they need to keep it below six feet (6').
- d. Maintain means of egress pathways clear of storage items.
- e. Install two portable fire extinguishers with a minimum rating of 4A in the warehouse area. For the lobby and garage areas install two portable fire extinguishers with a minimum rating of 2A.
- f. Install "EXIT" signs and emergency lighting units throughout the facility in compliance with the 2015 International Fire Code.
- g. Facility may require other requirements to be met in accordance with the 2015 International Fire Code when a full fire inspection is completed on the facility. CB explained that if there were other requirements that came up per the Fire Code, they would have to be adhered to at that time.
- h. All New Mexico Environmental Department, Solid Waste Division approvals shall be in place prior to issuing a City Business Registration. CB stated that he did receive an email from the State Environmental Department, Solid Waste Division indicating that Mr. Chacon's application was approved, which means that this condition has been completed.

CB explained how this facility basically served as a transferring point where they would take the product in, clean it up, package it, and ship it out. He reminded the Commission that the applicant was present for the virtual meeting this evening, so if they had any technical questions, he was available to answer. **FINDINGS OF CONCLUSION:** CB informed the Commission that the applicant met all the requirements and as long as they complied with all the conditions set forth in Resolution No. RP2020-9 they were permitted. The findings of staff for the proposed request met the

Acceptable Grounds for Requesting and Granting a Conditional Use Permit. CB recommended approval of the conditional use permit; Resolution No. RP2020-9.

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.

David Giron Chacon introduced himself on behalf of Gallup Plastic Recycling. Mr. Chacon stated that he was trying to open a recycling business in Gallup. He explained how he would be receiving all the plastic from the City of Gallup, sorting them out, making bails, and shipping to facilities where they recycle it. Mr. Chacon stated that all the requirements have been completed and if the Commission had any questions, he was able to answer.

Chairman Wilson asked the Commissioners if they had any questions for Mr. Chacon.

Commissioner Long had a question regarding the condition that stated, "Outdoor storage of any and all recyclable materials shall be prohibited." Commissioner Long asked Mr. Chacon if everything could be adequately stored inside the facility with enough space. Mr. Chacon responded yes; everything would be stored inside the warehouse. Commissioner Long thanked Mr. Chacon for answering and just wanted to make sure he had adequate space.

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.

Jon Pairett, Fire Inspector stated that Mr. Chacon has been amazing to work with. The Fire Department has done several walk throughs of that building. Mr. Pairett stated that they just did an inspection earlier this afternoon. The biggest issue the Fire Department had was the amount of storage, which could contribute to a potential high fire hazard. Mr. Pairett stated that when they went in today Mr. Chacon had all their storage under six feet (6') and agreed to maintain that. All the other Fire Department requirements have been met and they approve the conditional use permit for the recycling facility.

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00700002. Commissioner Long motioned for approval of Item Three. Seconded by Commissioner Spolar. Motion Carried.

Upon roll call, the following votes were:

Commissioner M. Long (Yes)

Commissioner K. Spolar (Yes)

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Commissioner F. Pawlowski (Yes)
Commissioner L. Miller (Yes)
Commissioner J. Cresto (Yes)

INFORMATION ITEMS

ITEM FOUR: City Council Actions Taken

ITEM FIVE: August & September 2020 Building Permit Activity Report

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. There were none.

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

Upon roll call, the following votes were:

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

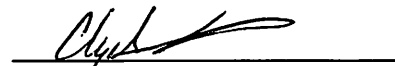
Commission Adjourned at 6:48 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



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