

**Planning & Zoning Commission**  
**February 14<sup>th</sup>, 2018 Minutes**  
**City Council Chambers**

The regular meeting of the Planning and Zoning Commission was called to order at 6:02 p.m. by Vice-Chairman Matthew Long.

Upon roll call, the following were present:

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

Upon roll call, the following were absent:

Chairman K. Wilson

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 K. Mackenzie-Chavez (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 January 10th, 2018 meeting. Commissioner Pawlowski motioned for approval of the minutes as presented. Seconded by Commissioner Dooley. Motion Carried.

Upon roll call, the following votes were:

Commissioner F. Pawlowski (Yes)  
Commissioner J. Dooley (Yes)  
Commissioner K. Mackenzie-Chavez (Yes)  
Commissioner F. Kozeliski (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 # 18-00600001:** Request by Nizhoni Self Storage, Inc./Kevin Taira, property owner, for the Rezoning of approximately 2.59 acres **FROM** Rural Holding Zone (RHZ) **TO** Heavy Commercial District (C-3A). The properties are located north of Nizhoni Boulevard, between 1733 S. Second Street and 211 E. Nizhoni Boulevard; more particularly described as: Lot 1-A, Bertinetti Addition and Subdivision Replat No. 1 Containing 1.54 Acres M/L; Lot 2-A, Bertinetti Addition and Subdivision Replat No. 1.

CB Strain began by explaining that Lot 1-A and Lot 2-A were both currently zoned in the Rural Holding Zone (RHZ) Zoning District. CB used the overhead projector to display the GIS Map showing the location. CB explained that there was no development on the west lot (Lot 1-A) and the east lot (Lot 2-A) had existing storage units. When Lot 2-A was initially developed it was not zoned to the proper designation of the Heavy Commercial District (C-3B) and CB was unsure as to why that was not done. The purpose of the rezone request was to change the zoning designation from Rural Holding Zone (RHZ) Zoning District to Heavy Commercial (C-3A) Zoning District to allow for commercial development on Lot 1-A and to correct the zoning for existing development on Lot 2-A. CB added that the proposed commercial development would include two (2) tenant spaces whereas one (1) was already leased and the other would be leased once the building was built. CB continued by explaining that the Code requires at least 51% or more of the ownership of the area to be rezoned. In this case they have 100% of the ownership because there was only one (1) property owner for both lots. CB emphasized that the rezone was consistent with the surrounding zoning districts of that area and it did meet the acceptable grounds for amending the Official Zoning Map. CB read aloud the criteria in section 10-4K-2A of the Land Development Standards, which the appellant does meet.

Commissioner Pawlowski asked CB if the Planning and Development Department had received any verbal or written response from the general public in regards to the zone change. CB responded no; there has been nothing opposing or supporting the rezone request.

Commissioner Dooley asked CB to clarify if Nizhoni Boulevard was a City or State street. CB responded that Nizhoni Boulevard was a City street. Commissioner Dooley asked CB if he was aware of any future plans by the City to install a turning lane. CB stated that at this point there was no design in place for a turning lane or a deceleration lane along Nizhoni Boulevard. Commissioner Dooley asked if the property's parking requirements would remain the same. CB responded yes.

Commissioner Kozeliski asked CB what the measurement was between the curb and the property line. CB responded that he wasn't sure unless he looked at the property's survey, but it could range anywhere from six feet (6') to nine feet (9'). He added that the right-of-way on Nizhoni Boulevard was eighty feet (80') which included the street, curb and sidewalk. Commissioner Kozeliski asked if a restaurant were to be built there, would there be enough room to build a turning lane for Nizhoni Boulevard. CB spoke about the pre-application meeting that the developers had with the Gallup Task Force. The developers wanted to submit a preliminary layout for the property before submitting for any building permits. CB went on to explain that the preliminary site plans showed a

new constructed building and their parking dimensions, which all complied with the City regulations. In order for the developers to move forward, the rezone had to be approved this evening.

Commissioner Mackenzie-Chavez noticed that the property located northwest of the said property was landlocked and asked CB how that happened. CB explained how he researched the old plats of that area and was unable to see if there was ever a right-of-way that might have been vacated by accident. CB stated that another possibility could have been that they started off with a large tract of land and when it was subdivided they didn't realize it was landlocked in the middle.

Chairman Long asked if anyone wanted to speak in favor of the case to approach the podium and state their name. Kevin Taira, property owner approached the podium and introduced himself. He thanked the Commission for allowing him to speak this evening. Mr. Taira explained how he recently received an offer to sell the properties and in the process he discovered that it needed to be rezoned correctly. Mr. Taira explained how the buyer was planning to have a medical supply company on part of the property and leasing out the rest. He went on to state that it would be consistent with what's already on Nizhoni Boulevard; there's already medical supply companies across the street. Mr. Taira thought it would be a good idea to develop that vacant lot since they were never planning on doing anything with it. He added that it's been a vacant lot since he's owned it over the past sixteen (16) years.

Chairman Long stated the hearing was closed.

Motion to approve or deny the request for Case Number 2018-00600001. Commissioner Kozeliski motioned for approval of Item One. Seconded by Commissioner Mackenzie-Chavez. Motion Carried.

Upon roll call, the following votes were:

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

## **INFORMATION ITEMS**

### **ITEM TWO: City Council Actions Taken**

There was a discussion between Commissioners and staff about the City Council reversing their decision on Hannah Sehn's appeal (Case# 17-01100004). Commissioner Dooley stated her concerns about that decision having any bearing on future cases coming before the Planning & Zoning Commission. CB explained that when it came to illegal structures or non-conforming structures they should not have a bearing on the current law. CB explained that the purpose of an appeal was to determine if staff was correctly interpreting the Code. If it was determined that staff was interpreting correctly then it should be enforced as the Code's written. If it was determined that staff was incorrectly interpreting the Code, the

Commission could state what they believe it was.

Commissioner Dooley asked if there was a reason given by City Council as to why they overturned their decision. CB stated that there was no reason given. Commissioner Mackenzie-Chavez asked if there was any recourse for that and can the Commission add to the Code requiring the appellant to return for justification. CB stated that the way the law was written for the appeal process was pretty straight forward. He went on to explain that if City Council overturned the decision of the Planning & Zoning Commission that's the end of it. However, if City Council upheld the decision of the Planning & Zoning Commission the appellant could appeal to the District Court. If the District Court overturned the decision of the City Council then it would end there. CB reiterated that the appellant isn't required to return to the Planning & Zoning Commission for justification. CB added that if the Commission is concerned, they have the right to attend a City Council meeting and ask for justification. Commissioner Dooley requested that the Commission be notified if and whenever an appeal they upheld goes to the City Council so they can attend.

There was brief discussion between Commissioners about landscaping blocking clear view of the street and RV parking requirements.

**ITEM THREE: January 2018 Building Permit Activity Report**

Commissioner Kozeliski asked about the Building Permit Activity Report's line item for demolition in the amount of \$13,000; did that include Gallup Sand & Gravel's demolition project. CB stated no because the International Building Code didn't require a permit to demolish concrete walls; it would have been different if it was a structure or a building. CB explained that the \$13,000 was for two (2) demolition projects at 1811 W. Highway 66 (Thunderbird Motel) and 2504 E. Highway 66 (KFC).

Commissioner Mackenzie-Chavez asked what type of work was being done at Wal-Mart for the valuation of \$875,000. CB stated that it was for the interior flooring.

Commission Adjourned at 6:30 p.m.

PLANNING & ZONING COMMISSION

*for*   
KENT WILSON, CHAIRMAN

ATTEST:

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