

Planning & Zoning Commission
April 11th, 2018 Minutes
City Council Chambers

The regular meeting of the Planning and Zoning Commission was called to order at 6:07 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 March 14th, 2018 regular meeting. Commissioner Pawlowski motioned for approval of the minutes as presented. Seconded by Commissioner Kozeliski. Motion Carried.

Upon roll call, the following votes were:

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

Presented to the Chairman and Commissioners for their approval were the minutes of the March 29, 2018 special meeting. Commissioner Dooley motioned for approval of the minutes as presented. 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 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 # 18-00100001: Request by Alberto Villegas, on behalf of PMV Real Estate Limited, property owner, for the City of Gallup to vacate a portion of a ten foot (10') public utility easement (P.U.E.) south of the property in order to enlarge the existing structure. There will also be a ten foot (10') public utility easement (P.U.E.) dedicated on the northeast portion of the property for utility use. The property is located at 3205 Industry Drive; more particularly described as a Tract of Land in 23 15 19, the S ½ of containing 10.59 acres M/L. This item will go before the City Council for final approval at its regular meeting to be held on April 24th, 2018.

CB Strain began by stating that Alberto Villegas was present on behalf of PMV Real Estate Limited to request for the vacation and dedication of public utility easements in order to expand their existing building. With the existing electric service line the property owner isn't allowed to expand their building to the north, but once the easement is vacated it will allow for their addition. CB used the overhead projector to display the GIS map showing the property's electrical line. The Electric Department agreed that the property owner could terminate and remove that electrical line. The Electric Department did however recommend the dedication of a new public utility easement for electric on the property's frontage to accommodate any future development. CB explained how the Gallup Task Force (GTF) had reviewed the request whereas only the Water Department set conditions. CB used the overhead projector to display the GIS map showing the property's water line. The Water Department requested that the property owner cap the water line that was previously used to serve a building that no longer exists and relocate the water meter to the property line. CB continued by using the overhead projector to display the property's Easement Survey. He pointed to the area where the easements would be vacated and dedicated. He noted that the water line wasn't shown on the survey because they're not dedicating or vacating it; just terminating and capping it. CB explained that the Planning and Zoning Commission's recommendation would go before City Council on April 24, 2018 for final approval. If the vacation and dedication of the public utility easements are approved they will be recorded with an ordinance.

Commissioner Pawlowski asked CB for clarification on the Water Department's GTF comments (Page 1-7). CB stated that the Water Department didn't want the water line active because there was no building there to serve. Commissioner Kozeliski asked if the property currently had water. CB stated yes and clarified that the active water line was a different water line, which was not shown on

the map. To verify CB asked the applicant, Alberto Villegas if their building currently had water. Mr. Villegas stated yes they have running water.

Chairman Wilson asked CB if the vacation of the utility easement would cause future issues if the property owners ever decided to subdivide the property and how would utilities be provided. CB stated that the vacation of the easement was supported by the Electric Department and they found it satisfactory to dedicate an easement on the property frontage. However, if it does get subdivided in the future another easement would have to be dedicated if the new property line goes past the dedicated easement. CB stated that he wasn't aware of any plans to subdivide the property right now. CB mentioned that there was a George Chavez subdivision drafted in 1985 where they split the current property into two (2) lots, but the plat was never recorded. Therefore the George Chavez subdivision doesn't exist whereas this property is only one (1) lot. Chairman Wilson thanked CB for clarifying that the easements could always be changed at a later date whereas it doesn't need to be presently done.

Commissioner Long asked CB if there would be an issue with the billboard encroaching into the new dedicated public utility easement. CB stated that if there was ever utilities put in that dedicated easement then the property owner would have to remove the billboard. Commissioner Long asked who would be responsible for the costs of removing the billboard, terminating and capping the water line. CB stated that it would all be at the property owner's expense. Commissioner Pawlowski asked CB if the property owner had agreed to that. CB asked Mr. Villegas if he agreed to pay for those expenses. Mr. Villegas stated yes, he was willing to pay for those expenses.

Commissioner Mackenzie-Chavez asked CB if capping the water line would affect neighboring properties, for instance if the Kachina Plant reopened. CB stated that the capping of the water line shouldn't affect any neighboring property because it would be capped on the applicant's property whereas the Kachina Plant would still have access to water. CB and Commissioner Mackenzie-Chavez spoke about the bad conditions of the Kachina Plant building.

Commissioner Long noticed on the GIS map a fire hydrant was located at the end of the water line (which the City was requesting to be terminated). He commented that keeping the water line may benefit the area in case they ever have to flush the water line to a dead end line. Chairman Wilson added that according to the GTF comments the Fire Department had no issues. CB stated that he would double check with the Fire Department to ensure that they're okay with terminating the fire hydrant; they may have missed it. CB explained that during the Gallup Task Force (GTF) review each department is required to comment on the request and make notations if anything interferes with their requirements or codes.

Commissioner Dooley asked CB where the sewer and gas lines were located. CB used the overhead projector to display the GIS map showing the property's sewer line. CB stated that the City doesn't plot the gas lines so they're unaware of gas line locations. Commissioner Dooley noticed that the gas company didn't make any comments during the GTF review. CB explained that New Mexico Gas Company, Century Link and Comcast hardly make comments during the GTF review, but they're always given the opportunity to add their input.

Chairman Wilson asked if anyone wanted to speak in favor of the case to approach the podium and state their name. Alberto Villegas, on behalf of property owner PMV Real Estate Limited approached the podium and introduced himself. Mr. Villegas stated that he wanted the Commission to know the purpose of the request, which was to expand their building to allow for more storage. He explained how they have a lot of orders coming in everyday whereas they're in need of an expansion. He stated that more than likely they'll be hiring more people to take care of all their customers. Mr. Villegas ended by asking the Commission to approve their request so they can build a new building for their materials.

Chairman Wilson wanted to address the Commission's fire hydrant concern to Mr. Villegas. Chairman Wilson asked Mr. Villegas if he had requested that water line to be capped. Mr. Villegas stated no, but if the Commission wanted them to leave the water line there it would be okay with him. Chairman Wilson stated no; he was just asking and wanted to ensure that Mr. Villegas felt they had proper fire protection. Mr. Villegas stated that they were okay.

Chairman Wilson asked if there were any further questions by Commissioners; there were none.

Chairman Wilson stated the hearing was closed.

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

Upon roll call, the following votes were:

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

CB notified the applicant to be present at the City Council meeting on April 24, 2018 at 6 p.m. for the final approval. Mr. Villegas agreed to attend and thanked the Commission.

INFORMATION ITEMS

ITEM TWO: City Council Actions Taken

ITEM THREE: March 2018 Building Permit Activity Report

OPEN FLOOR:

CB informed the Commission that at the City Council meeting on April 10, 2018 they upheld the

Planning and Zoning Commission's decision to deny the Conditional Use Permit request of the USA RV Park. Chairman Wilson stated that Commissioner Dooley, Commissioner Mackenzie-Chavez and himself attended the City Council meeting. Chairman Wilson commented that Commissioners need to be careful not to have a quorum present when a case goes before the City Council. He commended Commissioner Dooley and Commissioner Mackenzie-Chavez for doing a good job in representing the Commission.

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

Upon roll call, the following votes were:

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

Commission Adjourned at 6:28 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



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