

**Planning & Zoning Commission  
Special Meeting  
July 18<sup>th</sup>, 2018 Minutes  
City Council Chambers**

The special 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 K. Mackenzie-Chavez  
Commissioner J. Dooley  
Commissioner F. Pawlowski  
Commissioner F. Kozeliski

Upon roll call, the following were absent:

Chairman K. Wilson  
Commissioner L. Miller

*Chairman Long had a moment of silence for Chairman Wilson's wife, Jennie Wilson whom recently passed away.*

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)

*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.

*Prior to the discussion of Item One, Commissioner Miller arrived. Commissioner Miller stated that he didn't have a conflict of interest for any agenda item.*

**ITEM ONE: CASE # 18-00600002:** Request by Rudy Piano, Krackin Industries, Inc. on behalf of A & J Produce & Food Services, Inc., property owner, for the Rezoning of approximately 0.78 acres **FROM** Single-Family Residential District (RS-2) **TO** General Commercial District (C-2A). The

property is located at 205 Burke Drive; more particularly described as Lots 14 thru 24 Block 7, Ford Hwy. 66 Addn.

CB Strain began by referring to subsection 10-4K-2B2 of the City of Gallup Land Development Standards. CB explained that the rezone request was brought before the Planning and Zoning Commission being that the property owners held fifty one percent (51%) or more of ownership of the land whereas A & J Produce & Food Services owned one hundred percent (100%). CB used the overhead projector to display the GIS map showing the property's location. He continued by explaining that the property was currently zoned as a Single-Family Residential District (RS-2). He was unsure as to why it was zoned residential being that there was a commercial structure on the property for many years. CB spoke about how the property owners wished to develop the property for an automobile servicing and repair shop. However an automobile servicing and repair shop was not a permitted use in the Single-Family Residential District (RS-2). The property owners are requesting the property to be rezoned to the General Commercial District (C-2A) whereas a vehicle motor, vehicle repair and service shop is permitted as a conditional use. He noted that the conditional use request would be addressed during agenda item two. CB stated that the rezone was compatible with the surrounding property's zoning district and assured the Commission that it was not a spot zone. He went on to explain that the circumstances of the property have changed from a warehouse to an automobile service and repair shop. CB stated that the rezone was necessary to bring the property into compliance being that the use was changing. Staff recommended approval of the zone change from Single-Family Residential District (RS-2) to General Commercial District (C-2A) for the property located at 205 Burke Drive; more particularly described as Lots 14 thru 24 Block 7, Ford Highway 66 Addition.

Chairman Long asked if the Commissioners had any questions of staff.

Commissioner Mackenzie-Chavez asked CB if the lot located east of 205 Burke Drive was also being requested for a rezone. CB stated no and explained how that was a City facility with an electrical substation. He noted that the zoning of that lot was Single-Family Residential District (RS-2), however it was irrelevant to the request at hand.

Chairman Long asked if anyone wanted to speak in favor of the case; there were none.

Chairman Long asked if anyone wanted to speak against the case; there were none.

Chairman Long asked if any other interested parties wished to speak to the case; there were none.

Chairman Long stated the hearing was closed.

Motion to approve or deny the request for Case Number 2018-00600002. Commissioner Kozeliski motioned for approval of Item One. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

**ITEM TWO: CASE # 18-00700003:** Request by Rudy Piano, Krackin Industries, Inc. on behalf of A & J Produce & Food Services, Inc., property owner, for a Conditional Use Permit to allow the operation of an automotive repair garage/shop in a General Commercial District (C-2A). The property is located at 205 Burke Drive; more particularly described as Lots 14 thru 24 Block 7, Ford Hwy. 66 Addn.

CB Strain stated that the previous agenda item for the rezone was to allow for approval of the conditional use permit at the 205 Burke Drive property. CB explained how automotive/truck servicing and mechanical repair shops were permitted as conditional uses within the General Commercial District (C-2A). He continued by explaining how vehicle repair shops were very common in those districts whereas additional conditions were set to protect adjacent properties, facilities and surrounding neighbors. CB used the overhead projector to display the site plan of the property. CB stated that the site plan was compliant with the City requirements of providing off-street and handicap parking for the facility. He explained how the appellant was going through the building permit process to remodel the interior of their building to be compliant with Americans with Disabilities Act (ADA) and Building Code requirements. CB stated that the building was built prior to the existing code whereas it was considered a non-conforming structure. Consequently the property was relieved of certain provisions of the code such as, landscaping because there was no place to put it. CB reminded the Commission about the neighboring automotive vehicle and repair shop that also had to obtain a conditional use permit with the same site constraints. Many of the conditions set forth on the adjacent property were applied to this evening's request since they have the same type of use. CB read aloud the conditions listed in Resolution No. RP2018-08. CB explained how the code required all frontages to be covered with water and sewer lines; however the said property did not. The City has deferred the extension of the water and sewer lines being that they have access on the east side of the building. CB informed the Commission that the other City departments whom made comments were also present to answer any questions. Staff recommended approval of the conditional use permit contingent upon compliance with all the conditions.

Chairman Long asked if any Commissioner had any questions of staff; there were none.

Chairman Long asked if anyone wanted to speak in favor of the case to approach the podium and state their name. Jay Mason, on behalf of the appellant, Rudy Piano approached the podium and introduced himself. Mr. Mason stated that they completely agreed with the recommendations of the Planning and Zoning Department with two (2) possible exceptions. He spoke about how he felt the grease/oil trap requirement was unnecessary because the sewer only connected to the bathroom. He also wanted to request some relief on the parking requirement for the vehicles waiting for service because they had little or no parking. Mr. Mason spoke about the neighboring property to the north being in violation of their parking conditions due to the same little or no parking issue.

CB stated that the grease/oil trap issue could be addressed by the Wastewater Department. *Chairman Long administered the oath required by State Law for public forum for Dennis Romero.* Dennis Romero, Director of Wastewater explained that the grease/oil trap requirement was an additional safe guard to ensure that nothing ended up in the sink or toilet. Mr. Romero asked if the appellant was going to have solvent benches or what their plan was to safely dispose of solvents, grease or oil. Rudy Piano, appellant approached the podium and stated that they would wash the car parts where it drained into a barrel, which would be picked up by a safety cleaning company. Mr. Romero stated that he was willing to remove the requirement of installing the grease/oil trap in place of administrative controls. He required bathroom signage to instruct employees not to dispose of grease, oil, solvents or other insanitary items into the sewer system. He also required a procedure manual clarifying their cleaning system, which had to be submitted with employee acknowledgement signatures. Mr. Piano stated that he had no problem with that and would work on submitting the procedures. CB stated that the grease/oil trap requirement would be removed from the resolution and amended based on Mr. Romero's recommendation.

CB addressed the other issue that Mr. Mason brought up pertaining to vehicles waiting for service parking on the street. CB spoke about how that same condition was required of the neighboring business, so if the Commission allowed for one business they have to allow for another. He explained how the neighboring business was in violation of that condition whereas a letter was sent to the property owner to cease or the City would take legal action. CB pointed out that having too many vehicles parked on the street was a safety concern.

Commissioner Mackenzie-Chavez asked CB if the dead-end street on Hill Avenue could be used for parking. CB stated that it looked like a hill or arroyo so it wouldn't be possible.

Commissioner Dooley asked CB if the letter was actually sent to the neighboring property owner who was in violation of parking vehicles on Burke Drive. CB stated yes the letter was already mailed.

Mr. Mason wanted to clarify that they agreed to not park on the street; he just wanted to mention that it wasn't an issue. He wanted flexibility in case there wasn't room overnight where they would have to put someone in the regular parking and during the day it would be moved inside the building. CB stated that was okay.

Chairman Long asked if anyone wanted to speak against the case; there were none.

Chairman Long asked if there were any other interested parties wishing to speak to the case; there were none.

Madam Secretary, Nikki Lee informed Chairman Long of the letter received by the Planning and Development Department on Page 1-11, which pertained to Item One and Item Two.

Chairman Long read aloud the letter received from Douglas Howes dated July 16<sup>th</sup>, 2018.

Chairman Long explained that the Commission's duty to read the letter into the record was completed, however in order to do a formal protest the opposing party needed to be present.

Commissioner Mackenzie-Chavez noticed that the appellant submitted a site plan by an architectural company and asked CB if they also needed to submit a survey. CB stated that site plan submitted was similar to the plat dimensions so no survey was requested of the appellant. Commissioner Mackenzie-Chavez referred to Mr. Howes' request for a survey of the property and asked CB if that request was met with the site plan. CB stated that the Commission was only required to read the letter into the record and as Chairman Long stated if Mr. Howes wanted to do a formal protest he needed to physically attend the meeting. If Mr. Howes wanted to pursue it further he would have to request another hearing.

CB also wanted to state for the record that he received a phone call from Joe Zecca whom was within the one hundred foot (100') boundary and wanted it read into the record that he had no problem or issue with the zone change or conditional use permit.

Chairman Long stated the hearing was closed.

Motion to approve or deny the request for Case Number 2018-00700003. Commissioner Kozeliski motioned for approval of Item Two with modifications to the grease/oil trap conditions set forth in Resolution No. RP2018-08. 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 L. Miller (Yes)

Chairman Long stated that they have gone through all the public hearing items and would move to the work session items.

**WORK SESSION ITEMS**

**ITEM THREE:** The City of Gallup Planning and Zoning Commission will hold a special session in order to review the final version of the update to the Gallup Land Development Standards. The general public is encouraged to attend.

CB Strain began by explaining the reason for zoning codes and how it protects the health, safety and welfare of the community. A video was shown to the Commission about a night club where one hundred (100) people died due to codes not being enforced. CB also showed pictures of local businesses with pleasant landscaping to emphasize that landscaping was attainable in Gallup.

CB presented the current and updated Land Development Standards sections that pertained to landscaping.

There were discussions that took place between the Commissioners, Staff and the public regarding the pros and cons of each landscaping requirement.

Chairman Long granted a recess at 7:58 p.m.

The special meeting of the Planning and Zoning Commission was reconvened. Chairman Long called the meeting to order at 8:06 p.m.

The Commissioners wanted the landscaping provisions to add beautification to Gallup without adding excessive costs to the property owners.

Throughout the work session the following amendments were agreed upon:

1. Page 87 under Exceptions #1.c. add, "New irrigated turfgrass shall be prohibited in all residential front yards, except courtyards. Xeric bunch grasses are encouraged in place of irrigated turfgrass."
2. Page 87 under Required Landscape Plan #1 change to, "A landscape plan indicating the proposed landscape areas, the location, mature size and species of all proposed trees and shrubs, along with foot (1') contour lines shall be submitted as part of the building permit application for all development where landscaping is required, except in the Single Family Residential Zoning District (SFR)."
3. Page 88 #3 change "planted" to "covered."
4. Page 88 under Type and Amount of Plant Materials, add #1.d. "Alternative plants not listed on Table 10-4-9 that are drought tolerant are acceptable."
5. Page 91's Minimum Buffer Requirements Table 10-4-12, add "Wall, fence, or vegetative screen  $\geq$  6 ft. in height."
6. Page 92 #4 change to, "...A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm. Natural topography that meets the intent of this requirement shall be acceptable."
7. Page 92 remove Perimeter Landscape Buffers section 10-4-C-d-viii-B (#1 thru #4)
8. On page 92 make the Interior Lot Landscaping (section 10-4-C-d-viii-C) part of the 10% total landscaping requirement (10-4-C-d-ii).
9. Page 93 change "Landscape Requirements for City Owner Property" to "Landscape Requirements for City Owned Property."

Commissioner Mackenzie-Chavez motioned for approval of Item Three with the recommended amendments. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

CB assured the Commission that all their comments and amendments would be shared with the consultants to revise the LDS document.

Chairman Long reminded the public of the next work session on July 25, 2018 at 6 p.m. and encouraged all interested parties to attend.

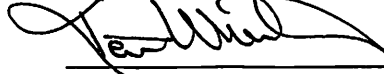
Motion was made by Commissioner Dooley to adjourn the meeting. Seconded by Commissioner Pawlowski. Motion Carried.

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 L. Miller (Yes)

Commission Adjourned at 8:27 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



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