

Planning & Zoning Commission
February 12th, 2020 Minutes
City Council Chambers

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m. by Chairman Kent Wilson.

Upon roll call, the following were present:

Chairman K. Wilson
Commissioner K. Mackenzie-Chavez
Commissioner J. Dooley
Commissioner M. Long
Commissioner L. Miller
Commissioner J. Cresto

Upon roll call, the following were absent:

Commissioner F. Pawlowski

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 M. Long (Yes to Item Two)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)

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

Presented to the Chairman and Commissioners for their approval were the minutes of the January 8th, 2020 regular meeting. Commissioner Dooley motioned for approval of the minutes as presented. Seconded by Commissioner Cresto. Motion Carried.

Upon roll call, the following votes were:

Commissioner J. Dooley (Yes)
Commissioner J. Cresto (Yes)
Commissioner K. Mackenzie-Chavez (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.

Being that the applicant of Item One hadn't arrived Chairman Wilson decided to reverse the agenda order hearing Item Two first. CB Strain reminded the Commission how they were unable to take any action on the item without the presence of the property owner or their representative.

Commissioner Long recused himself from the Commission for Item Two.

ITEM TWO: CASE # 20-00600001: Request by JagWest, LLC and the City of Gallup, property owners, for the Rezoning of Tract 1B, 1C and 2, North and South Portion of Tract 1A, Mentmore West Subdivision Unit 1 and Two Unplatted Tracts of Land **FROM** Rural Holding Zone (RHZ) Zone District **TO** Industrial (I) Zone District. The properties are generally located west of County Road 1 and Chee Dodge Boulevard; Containing a total of 65.8575 acres M/L.

CB Strain began by using the overhead projector to display the GIS Map showing the property's location. Rick Murphy of JagWest, LLC owns the majority of the property being rezoned whereas he owns six (6) tracts containing a total of 65.4513 acres. The City of Gallup owns one (1) tract that contains 0.4062 acres, which has an existing water lift station on the property. CB explained how if they didn't include the city tract with the rezone they would be leaving a small area zoned as the Rural Holding Zone (RHZ) Zone District. So it made more sense to change all seven (7) tracts in that area to be consistent. CB went on to explain how the code requires the applicants own at least fifty-one percent (51%) of the property being rezoned. In this case the property owners, JagWest, LLC and the City of Gallup own one-hundred percent (100%) of the land. The property owners wish to rezone from the Rural Holding Zone (RHZ) Zone District to the Industrial (I) Zone District for future industrial development. CB mentioned how he was unfamiliar with the details of the development; however the property owner, Mr. Murphy was present to answer any questions. The properties are located at the very west of the city adjacent to the city limit line. CB stated that there wouldn't be any adverse effects to the adjacent properties to the west as a result of the rezone. And for the adjacent properties to the east they're currently zoned Heavy Commercial and will act as a buffer between the existing residential neighborhood and the newly zoned Industrial seven (7) tracts. CB read aloud the Zoning Map Amendment Criteria that the properties qualified under:

4. The land area within a RHZ district designation has become appropriate for urban development because of availability of public utilities and services as well as the needs of the public.
5. The social, economic or environmental interests of the public good would be better served by the proposed district than the existing one.

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 RP2020-4. CB informed the Commission that the request was reviewed by the Gallup Task Force and their comments were included in the agenda packets. All the commenting departments

were present to answer any questions the Commission may have.

During CB's presentation Commission Pawlowski arrived. For the record Chairman Wilson wanted to acknowledge his arrival and ask if he had a conflict of interest. Commissioner Pawlowski stated that he had no conflict of interest with any agenda item.

Chairman Wilson asked the Commissioners if they had any questions of staff.

Commissioner Dooley asked CB for clarification on which lots served as a buffer to the surrounding residential districts. CB displayed the GIS Map pointing to the General Commercial properties off County Road One, which was west of the Single Family Residential districts and east of the proposed Industrial district. CB pointed out how the Budweiser property and vacant lot along Sanostee Drive were both currently zoned Industrial. Commissioner Dooley asked if there were any other commercial businesses in that area. CB stated that he knew there was a business at 306 County Road One, however he was unsure as to what type of business it was. Commissioner Pawlowski stated that it was an Indian jewelry place.

Commissioner Mackenzie-Chavez stated that since there was no development west of Chee Dodge Boulevard, were there sidewalks? Stan Henderson, Public Works Director responded no; there were no sidewalks on that side of Chee Dodge Boulevard whereas it was a dirt street. Commissioner Mackenzie-Chavez wanted to know if the pedestrian infrastructure improvements would be triggered at the time of development. Mr. Henderson stated that if the tract was developed, yes it would trigger improvements of the roads and sidewalks. Commissioner Mackenzie-Chavez asked Mr. Henderson if County Road One had any sidewalks. Mr. Henderson stated that there were sidewalks to the south of Chee Dodge Boulevard and no sidewalks to the north of Chee Dodge Boulevard.

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

Rick Murphy, property owner approached the podium and introduced himself. Mr. Murphy agreed with what CB had previously stated regarding the adjacent General Commercial properties serving as a buffer. He said it was a perfect place for Industrial zoning being that there were very little Industrial zoned properties in the City right now. Mr. Murphy continued by stating that his development would help the economic based jobs that they've been trying to promote in the area. He pointed out how the surrounding properties to the south and all the way along the railroad tracks were all zoned Industrial. Mr. Murphy thought this would be a good place good place for future growth and a good situation to improve Gallup.

Commissioner Dooley wanted to know what Mr. Murphy's intent was with zoning the properties Industrial. Mr. Murphy stated that it would be all clean stuff; not any big smoke stacks. He had nothing specific at this time, but all what he would consider being clean assembly/manufacturing type of things. Commissioner Dooley stated that once he develops he'll be required to install the infrastructure such as, water, sewer, electric, etc. Mr. Murphy stated yes that was correct. Commissioner Dooley asked if he would consider not using a common sewer line; not thinking of holding ponds or anything like that. Mr. Murphy stated no; there were no evaporation ponds in mind at this time. Mr. Murphy reiterated how they don't have anything specifically targeted there;

however they would meet all city requirements. Commissioner Dooley clarified that as of right now all they have planned for the property is to permit Industrial uses. Mr. Murphy stated that was correct.

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

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00600001. Commissioner Cresto motioned for approval of Item Two. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

Chairman Wilson acknowledged the arrival of applicant, Jennifer M. Bass whereas Item One was opened.

Commissioner Long retook his seat with the Commission being that he only had a conflict of interest for Item Two.

ITEM ONE: CASE # 20-00700001: Request by Jennifer M. Bass, property owner, for a Conditional Use Permit to allow for a short-term rental as an accessory use to the Single Family Residential (SFR-A) Zone District. The property is located at 301 West Victoria Avenue; more particularly described as Lot 3, Block 11, Bubany-Burke Northside Addition.

CB began by reminding the Commission how this was the fourth (4th) Conditional Use Permit coming before them for a short-term rental. The City of Gallup Land Development Standards (LDS) requires a short-term rental to obtain the Commission's approval of a Conditional Use Permit in single-family districts. CB read aloud the use specific standards for short-term rental establishments from Section 10-3-C-g-iii of the LDS as follows:

1. Owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
2. The owner is responsible for ensuring the accessory short-term rental meets all applicable local, state, and federal regulations.
3. Parties renting the designated bedroom or unit shall have access to a private or shared full bathroom.
4. Guest stays may only occur within the dwelling unit that the owner or resident manager

occupies.

5. Occupancy of the accessory short-term rental shall not exceed the occupancy allowed for single-family use as defined in the Municipal Code.
6. In single-family residential zone districts, all vehicles associated with the accessory short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

CB read aloud the following condition that was added to Resolution No. RP2020-3:

7. Working smoke alarms and fire extinguisher meeting NFPA 10 and IFC 2015 are required.

CB stated that if approved, an inspection would be made to verify the smoke detectors were installed.

FINDINGS OF CONCLUSION: CB reiterated to the Commission that a short-term rental was a permitted use within the Single Family Residential (SFR-A) Zone District as a conditional use. The property owner met all the requirements for the application and as long as they complied with all conditions set forth in Resolution No. RP2020-3 they're 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 Number RP2020-3.

CB used the overhead projector to display the GIS Map to show the property's location and explained how it was a small home built as a two story house. CB then used the overhead projector to display the property's boundary survey, which showed they had plenty of parking in the front to accommodate the property owner and guest vehicles.

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

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

Jennifer Bass, property owner approached the podium and introduced herself and apologized for her tardiness.

Chairman Wilson administered the oath required by State Law for public forum being that Ms. Bass wasn't present at the beginning of meeting to be sworn in.

Ms. Bass began by explaining how her house was designed for a short-term rental purpose and there was sufficient parking to accommodate her guests. She didn't see any issues with her request and was open to answer any questions the Commission may have. Chairman Wilson stated that he understood Ms. Bass' property had been previously used as a short-term rental and wanted to know if she was aware of any previous complaints. Ms. Bass stated no; she wasn't aware of any complaints. Chairman Wilson acknowledged her cooperation in bringing her short-term rental into compliance by going through the Conditional Use Permit process. Chairman Wilson asked the Commissioners if they had any additional questions of Ms. Bass. There were none.

Chairman Wilson asked if there was anyone wishing to speak against this case.

Walter Tyler approached the podium and introduced himself. Mr. Tyler stated he was opposed to the change in zoning to permit a short-term rental. He spoke about how he's heard about short-term rentals in Albuquerque where people use that type of use for parties. There have been cases where people are injured, which was why he was very opposed to allowing a short-term rental. Mr. Tyler stated that he lives in the area and didn't feel comfortable with a short-term rental in his neighborhood. Chairman Wilson asked the Commissioners if they had any questions of Mr. Tyler. There were none. Mr. Tyler stated that it was a good residential area and didn't favor the idea of a short-term rental because it would attract parties.

Ms. Bass asked Chairman Wilson if she could approach the podium to speak to Mr. Tyler's concerns. Chairman Wilson stated yes. Ms. Bass stated that she understood Mr. Tyler's concerns because when she previously lived in Nashville there were issues with those same concerns. Ms. Bass stated that she only rented out a one (1) bedroom that was limited to two (2) adults maximum whereas it wouldn't be a place for any social gathering. She spoke about how her main objective was to provide short-term hospital workers a place to stay. Ms. Bass was very familiar with the struggle short-term workers have in obtaining suitable housing whereas her rental offers them convenience. Ms. Bass stated that she doesn't really advertise to people passing through town; just mainly to hospital staff. Ms. Bass again acknowledged Mr. Tyler's concerns and assured him that she would be monitoring her guests so they weren't a burden on the surrounding neighbors.

Commissioner Mackenzie-Chavez asked Ms. Bass if she lived at the residence. Ms. Bass responded yes; she lived upstairs and the guest room was downstairs with their own entrance. Commissioner Mackenzie-Chavez pointed out how that would be a way to monitor her guests since she'll be at the home and the studio was right underneath. Ms. Bass stated that was correct and although the guest room was separate from her living quarters she could still monitor them being so close.

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2020-00700001. Commissioner Mackenzie-Chavez motioned for approval of Item One. Seconded by Commissioner Dooley. Motion Carried.

Upon roll call, the following votes were:

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

Chairman Wilson informed the audience that there was a ten (10) day appeal period. And there was no additional approval needed by City Council.

INFORMATION ITEMS

ITEM THREE: City Council Actions Taken

ITEM FOUR: January 2020 Building Permit Activity Report

OPEN FLOOR:

No discussion

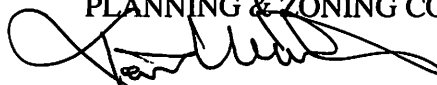
Motion was made by Commissioner Pawlowski to adjourn the meeting. Seconded by Commissioner Cresto. Motion Carried.

Upon roll call, the following votes were:

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

Commission Adjourned at 6:26 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



CLYDE (C.B.) STRAIN

SECRETARY TO PLANNING & ZONING COMMISSION