

Planning & Zoning Commission
June 9th, 2021 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 K. Mackenzie-Chavez
Commissioner F. Pawlowski
Commissioner M. Long
Commissioner L. Miller
Commissioner J. Cresto

Upon roll call, the following were absent:

Commissioner K. Spolar

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 F. Pawlowski (No)
Commissioner M. Long (No)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the May 12th, 2021 regular meeting. Commissioner Pawlowski motioned for approval of the minutes as presented. 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 M. Long (Yes)
Commissioner L. Miller (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

Jonathan Heimberg, Applicant & Property Owner

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.

ITEM ONE: CASE # 21-00600001: Request by Gallup Christian Center, Inc., property owner for the Rezoning of 7.341 acres M/L **FROM** Rural Holding Zone (RHZ) Zone District **TO** Heavy Commercial (HC) Zone District. The properties are located at 2133 Cipriano Avenue; more particularly described as 1.97 acres M/L in The Door Subdivision and a tract of land in the NE 1/4 of Section 28, T15N, R18W, N.M.P.M., Gallup, McKinley County, New Mexico, lying within a City of Gallup SOUTHWEST ANNEXATION.

CB: As Mr. Chairman stated, the subject properties are currently zoned Rural Holding Zone (RHZ). Subject properties are right there in the middle (referring to the zoning map on screen). You can see the church which is on the property to the southeast and Gallup Christian Center also owns the adjacent property to the northwest. The request this evening is to rezone both of the tracts whereas the church lies within the Door Subdivision. The tract to the northwest is an unplatted tract of land which holds a metes and bounds description. Subsection 10-5-b-d-i-3-a of the City of Gallup Land Development Standards states that "Amendments to the zoning map which involve a particular area of land may be made my council on its own motion or upon request by the Planning and Zoning Commission or the person or person's holding 51% or more of the ownership of the land may request the Planning and Zoning Commission to amend the map upon determination there is sufficient grounds for the amendment." In this case, the petitioning party whom is the Gallup Christian Center owns 100% of the property proposed for the rezone. As such, they are making the request for a zoning map amendment to the Planning and Zoning Commission this evening. As I mentioned, the current zoning is Rural Holding Zone. The purpose of this rezone is #1 to bring the existing church use into compliance with our current zoning ordinance. Recall how we just recently updated our entire zoning code (Land Development Standards) in 2018. The previous zoning code did allow some uses within the Rural Holding Zone. When we amended the code we made it to where uses are not allowed in the Rural Holding Zone and it's just that; a holding zone. Typically when you have a holding zone you don't have uses that are allowed; you rezone it accordingly when the land is developed. Because of that the church is basically a non-conforming use within the Rural Holding Zone right now. So this rezone will bring the church use into conformance with the current zoning regulations and make the unplatted tract of land to the northwest available for development if/when the owners wish to develop. The request is pretty straight forward whereas they do meet the current dimensional requirements for the Heavy Commercial Zone District, which the properties are being rezoned to. It does meet the criteria for a rezone and that criteria is: the social economic or the environmental interest of the public good would better be served by the proposed district than the existing one. So staff is asking the commission to approve Resolution No. RP2021-4 to rezone the property. In the resolution we do have the entire metes and bounds description for the unplatted tract

of land as well as the description for the tract in the Door Subdivision. The Planning and Zoning Commission does have final authority when it comes to rezones so if approved it will be final. With that I will stand for any questions.

Chairman Wilson: Commissioners do you have any questions for staff?

Commissioner Cresto: I have question.

Chairman Wilson: Yes, Commissioner Cresto.

Commissioner Cresto: Director Strain, I understand that we are going from a Rural Holding Zone to a Heavy Commercial Zone District. I know that is what we are bounded by on two sides here. We also have residential just south of there. Is Heavy Commercial correct for this or would General Commercial be more appropriate next to a residential zone district?

CB: Because it's one tract of land we can't really spot zone a single tract. We have to be consistent with the surrounding zoning designations. Heavy Commercial would not have a significant impact on any development that would occur there. Actually if further down the road the property owners wished to subdivide this and develop it residential, they could actually rezone it to Rural Residential, which is the zoning to the south. They have a couple of options. Right now they want to rezone it to Heavy Commercial. It would not be such an intense use or have such a negative impact. The Rural Residential is pretty much a larger lot. So there is significant, adequate buffering between the two zone districts. It's not like a Single-Family Zone District, for example SFR-A or SFR-B where we have smaller lots like 6,000 square feet or 9,000 square feet. These lots are a minimum of one acre in the Rural Residential Zone District, so they should have enough buffers between them to not impact them.

Commissioner Cresto: Thank you director. I just want to try to protect those people that live south of there.

CB: Sure, understandable.

Chairman Wilson: Any other questions Commissioners? (Pause 60 seconds.) Mr. Johnathan Heimberg, you're the party speaking in favor of the case. For the record, please state your name and you can address the commission.

Jonathan Heimberg: Mr. Chairman, my name is Jonathan Heimberg. I am the pastor of The Door and also the president of the corporation. Just as Mr. Strain has already described, we are just looking to rezone these two pieces of property for those two reasons. One to bring our present usage into conformity with the current zoning regulations. Then to give us the option of looking towards the future if we do decide to develop the unplatted tract of land. At least we know where we stand with the zoning and we can look to the zone for guidance. It just seems like the logical first step.

Chairman Wilson: Thank you. Commissioners, do you have any questions for Mr. Heimberg? (Pause

60 seconds.) Madam Secretary has anyone called in wishing to speak for or against this case?

Secretary: Mr. Chair, no one has called.

Chairman Wilson: Thank you. Are there any other interested parties wishing to speak to the case?
(Pause 60 Seconds.)

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2021-00600001. Commissioner Mackenzie-Chavez motioned for approval of Item One. Seconded by Commissioner Pawlowski. Motion Carried.

Upon roll call, the following votes were:

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

INFORMATION ITEMS

ITEM TWO: City Council Actions Taken

ITEM THREE: May 2021 Building Permit Activity Report

Chairman Wilson: How are we doing year to date Mr. Strain on our Building Permits?

CB: Year to date we are at 86 permits. We are actually doing pretty good considering. We are in June so the projects total valuation is almost four million dollars. We have taken in almost thirty thousand dollars in permit fees. So we are not doing too bad.

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.

CB: I would like to address the commission real quick.

Chairman: Yes.

CB: Last night.

Chairman: State your name.

CB: CB, last night the City Council tried a hybrid meeting, which meant they were all assembled in the El Morro Event Center. They had the speakers present live in-person as well. They still had anyone else that wanted to attend via Facebook. It didn't go real smooth; there were issues with audio and things like that. I was thinking maybe having us try it, but after last night's meeting, I think they need to get it fine-tuned a little more before we do that. So I am proposing that we stay with the Zoom meetings until they iron out the little details. We had a hard time hearing in the back what the presenters were saying. I think it is just the acoustics of the place. Unless the commission wants to try it; I am just recommending that we stick with Zoom meetings for now until we get the bugs ironed out on the hybrid model. I am open to any recommendations. Give me my marching orders and we will do what the commission wants us to do.

Commissioner Cresto: I just wondered a couple of times with a couple of different committees about the problems with that new site for holding those meetings. Are there any other options? As convenient as this is, to come home and not have to change clothes and just show up in my fifth wheel and have this meeting. I don't know that we are getting as much input or discussion as we would in person. Are there any other options other than that new room?

CB: We tried the council chambers where we normally have our meetings, but the problem there is the visual screens, with the screens being behind the commission and you wouldn't be able to see what is on the screens. I think they are looking at different options to maybe get the council chambers up and running again and maybe doing something different. Maybe putting monitors at each of the stations where the commission sits. Right now the only place we can do it is at the El Morro Event Center. I wish we had another place because I would like to get back to the in-person meetings. I think that is pretty important. I think everyone is kind of burnt out on the Zoom meetings. I would hate to have to redo a meeting or reschedule a meeting because of things like the audience not being able to hear or something like that. We could try it if you want, but I am just letting you know last night when we had it there were some little glitches that made it difficult.

Commissioner Long: This is Matt, when are we going back to normal? I mean like June 30th is supposed to be New Mexico reopening. Is there a plan for some normal?

CB: We are basically following what the Governor tells us what we can do. As soon as she reopens us full, then we are back to the old way of doing things.

Commissioner Long: I thought that was going to be on the 30th of June, is it not?

CB: To tell you the truth, I don't know; we are just going with the flow right now. But it could be. We get our orders from the front office and they get their direction from Santa Fe. I am thinking it is close with our vaccination rate as high as it is and we are doing pretty good. So I am hoping soon we are able to go back to normal.

Chairman Wilson: Commissioner Long I would say if June 30th is the date, then I would say we would have a live meeting in July.

Commission Long: That is what I would hope for, I was just curious if there were any bigger plans with the City that I didn't know about.

CB: No, not at this time.

Chairman Wilson: Commissioner Pawlowski, you have a question.

Commission Pawlowski: It was already covered by my predecessor who beat me to the punch. So that would be great. I think all of us are optimistic that we can get back to where we were before and I think it is much better for the public.


Chairman Wilson: Any other comments regarding this subject? If not may, may I have a motion to adjourn the meeting.

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. Mackenzie-Chavez (Yes)

Commission Adjourned at 6:25 p.m.

PLANNING & ZONING COMMISSION


KENT WILSON, CHAIRMAN

ATTEST:



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