

Planning & Zoning Commission
July 14th, 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 M. Long
Commissioner L. Miller
Commissioner J. Cresto
Commissioner K. Spolar

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 M. Long (No)
Commissioner L. Miller (No)
Commissioner J. Cresto (No)
Commissioner K. Spolar (No)

Presented to the Chairman and Commissioners for their approval were the minutes of the June 9th, 2021 regular meeting. Commissioner Long motioned for approval of the minutes as presented. Seconded by Commissioner Miller. Motion Carried.

Upon roll call, the following votes were:

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

Marita Joe, Senior Electrical Engineer
Hugh E. Williams, Applicant/Property Owner for Item One
Bruce A. Williams, Property Owner for Item One
Jenny L. Williams, Property Owner for Item One

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 # 21-00300003: Request by Hugh E. Williams, property owner on behalf of Bruce A. Williams and Jenny L. Williams, other property owners, for Final Plat approval of a Minor Subdivision; Replat No. 1 of Tract E within Section 35, T15N, R18W, N.M.P.M. The property is generally located on Catalpa Canyon Road directly adjacent to and to the south of the southernmost Municipal boundary line and located within McKinley County; subdivision contains 10.0537 acres M/L. The property lies within the City of Gallup's planning and platting jurisdiction.

CB Strain began by explaining how the owners wanted to subdivide the property from one (1) parcel to two (2) parcels. He used the screen to display the plat pointing to where Parcel E-2 would be dedicated as a sixty foot (60') access easement to provide access to the adjoining properties. The property lies within the City of Gallup's three (3) mile planning and platting jurisdiction. CB explained how New Mexico Statute 1978 Annotated Sections 3-19-7 and 3-20-7 gives a municipality subdivision authority over the property, which was why the item came before the Planning and Zoning Commission for approval. He used the screen to display the GIS Map showing how the property was located outside of the city limits. CB stated that the subdivision came before the Commission to comply with state law; if the owners did not; it would render the subdivision invalid. CB explained how neither utility nor pedestrian infrastructure requirements would apply to this subdivision being that it was outside of the city limits. He continued to explain that there were no water or wastewater utilities tied to this subdivision. The City of Gallup Electric Department did have requirements to dedicate easements on some existing lines. CB informed the Commission that Marita Joe was present this evening if the Commission had any questions pertaining to her task force comments. The Gallup Task Force comments were included in the Commission's agenda packets. CB summarized how this was a pretty straight forward request because it was within the city's three (3) mile planning and platting jurisdiction and they had to follow state law by having the Commission approve it. Once approved, the subdivision plat would be filed at the McKinley County Clerk's Office and the lots would become legal lots of record. CB stated that it was the findings of staff that because the property laid within the three (3) mile planning and platting jurisdiction, the Planning and Zoning Commission had the authority to give approval whereas staff recommended approval of the subject subdivision.

During CB's presentation, Commissioner Pawlowski virtually joined the meeting.

Chairman Wilson asked the Commissioners if they had any questions for staff. There were none.

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

Hugh E. Williams introduced himself as the property owner/representative on behalf of the other property owners. Mr. Williams stated that he was requesting approval of the subdivision. He thanked the Commission for their time and was thankful for their support.

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

Chairman Wilson asked the Madam Secretary if there was anyone who called in wishing to speak for or against this case. There were none.

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

Chairman Wilson stated that the hearing was closed.

Motion to approve or deny the request for Case Number 2021-00300003. Commissioner Mackenzie-Chavez motioned for approval of Item One. Seconded by Commissioner Miller. Motion Carried.

Upon roll call, the following votes were:

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

INFORMATION ITEMS

ITEM TWO: City Council Actions Taken

ITEM THREE: June 2021 Building Permit Activity Report

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.

CB informed the Commission that the August Planning and Zoning Commission Meeting would be held in-person. He explained how they would continue to stream meetings live on Facebook and how they would no longer hold zoom meetings. Madam Secretary asked the Commission how they would like to receive their agenda packets. When they were meeting in-person staff would hand deliver agenda packets, however when the virtual meetings started they emailed electronic agenda packets. Chairman Wilson asked the Madam Secretary to take a vote on how the Commission wanted their agenda packets distributed; electronically via email or paper copies hand delivered.

Chairman K. Wilson (Electronic)
Commissioner K. Mackenzie-Chavez (Electronic)
Commissioner F. Pawlowski (Hand delivered)
Commissioner M. Long (Electronic)
Commissioner L. Miller (Electronic)
Commissioner J. Cresto (Electronic)
Commissioner K. Spolar (Electronic)

Agenda packets will be distributed electronically moving forward.

Madam Secretary spoke about how she emailed the Commissioners regarding the New Mexico Municipal League (NMML) Cannabis Training being held virtually on July 21, 2021. Ms. Lee stated that it would be beneficial for the Commissioners to attend because new cannabis laws would be eventually incorporated into the Land Development Standards (LDS). She asked the Commissioners to let her know if they were able to attend. CB informed the Commission that the state adopted statutory language that made cannabis legal for recreational use. Each municipality is required to adopt some regulations pertaining to cannabis just like they do for any other adult use. The city is looking at zone district locations, hours of operation, distance from schools, whether they are going to be permitted outright or with conditional use permits. CB explained how the consultants were working on the cannabis language whereas staff already went through a first draft last week. He was hoping to bring the text amendment before the Commission in August and there may possibly have to be a special meeting. The state is going to start issuing licenses on September 1, 2021 whereas municipalities have to adopt their ordinance prior to that date. CB stated how it was a little confusing how the state was doing it because there was the retailer's side and the grower's side. He understands that they are going to start issuing licenses for the grower and operational side on September 1, 2021, but not issuing licenses for retailers until April 1, 2022. If the city does not get their ordinance adopted by September, then businesses will be allowed to locate wherever they want and the city does want to regulate that. CB stated that the text amendment would go before the Commission for recommendation and to the City Council for final approval. He was planning to take the text amendment to the Commission at the August 11, 2021 meeting and to the City Council at the August 24, 2021 meeting.

Commissioner Cresto asked Madam Secretary if the NMML Cannabis Training information could be shared with them, for example the recording or the PowerPoint presentation. Madam Secretary stated that she would request the information from NMML and share with the Commission.

Chairman Wilson asked CB who was actually writing the language to incorporate the new cannabis

regulations. Chairman Wilson assumed that since it was a state statute that the state would be the one handling the language. CB explained how the state was giving a lot of the authority to the municipalities on how they wanted to zone it. The state gives the basic laws to make it legal and other things such as not limiting certain things and giving the municipality the right to set business hours, set location criteria, etc. They lay out the ground work, but it's up to each municipality to create their own zoning regulations tied to that use and how strict they want to be. For example, the city does not really want to allow cannabis uses in the Downtown Overlay District because they want to revitalize downtown. CB stated that the city was also looking at the hours of operation and when a conditional use permit would be appropriate. CB explained how the city was ahead of other municipalities because they already had contracted consultants, Bohannon Huston and Dekker Perich Sabatini (DPS) who were the ones who did the large code update in 2018.

Chairman Wilson asked if the public would have any input to the proposed cannabis regulations. CB stated yes and explained how the text amendment would be just like any other revision whereas it would go through a public hearing to the Commission and then to the City Council. At each of those hearings, the public would have the opportunity to voice their opinions, concerns, and ideas. CB stated that they would not have separate work sessions for the public because they do not have time being that the state will be issuing licenses beginning September 1st. So they are going to handle it just like any other Commission meeting where it's open to the public and they are able to make comments. Chairman Wilson asked if CB thought they would get scrutinized for rushing the revision through and that it should be given more time for public input. CB explained how the state was pushing it whereas the cities have to get on board and stay within the given timeline, which was why it was being fast tracked. If they don't, people/businesses that come in before the city adopts an ordinance will be allowed to locate wherever they want with no requirements and it will be hard to create regulation and enforce after the fact. So that first round of people/businesses would have to be grandfathered in, which would create a problem. CB understood what Chairman was saying, but the state was the one rushing this whereas a lot of cities were scrambling to get their ordinances in place. CB was confident that the city would be able to get the ordinance adopted before the state starts issuing licenses in September. CB explained how he would bring the new code language to the Commission; if they want to make changes they can do so and also open the floor for the public to make comments/suggestions. It will be the Commission's decision to either accept the language as presented or make amendments. That will then be passed on to the City Council whereas they can do the same thing; make amendments and receive suggestions from the public. CB stated that the public would have two (2) opportunities to attend the public hearings and voice their concerns. Chairman Wilson stated that he would hate for the Commission to barely see the proposed language the evening they are requesting approval. Chairman Wilson stated that it was too important to not thoroughly review prior to approval. CB clarified how the training Madam Secretary spoke about earlier was to educate municipalities about the state's rules whereas it was not about the local rewrite.

Commissioner Cresto stated that he would like to review the language possibly during a special meeting prior to the actual hearing. He agreed with Chairman Wilson and did not want to just put a rubber stamp approval on the text amendment; he wants to review and make recommendations. CB stated that a work session could be setup for the Commission to review the language. The city will receive the draft language from the consultants on July 26, 2021 and there's a work session

scheduled with the City Council on July 27, 2021. CB stated that he could have a work session with the Commission on July 28, 2021 whereas they would just review and not make any final approving decisions. The work session will have to be advertised in the newspaper. Commissioner Mackenzie-Chavez stated that she could not attend on the 28th, but could attend on the 29th at 6 p.m. Commissioner Cresto asked CB if the Commission would be able to attend the same work session as the City Council on July 27, 2021. CB stated that he would have to ask the City Attorney to ensure it was not an issue if two different bodies attended together. Madam Secretary informed the Commission that the work session was scheduled for July 27, 2021 at 4 p.m. CB explained how the Commission could give their suggestions and guidance to staff at the work session, which would be incorporated into the final LDS document that would be presented to the Commission at the August 11, 2021 meeting. Keep in mind that the public could still make suggestions at the public hearing and it's up to the Commission if they want to go with that or not. If the Commission decides to make amendments according to the public's input at the public hearing, staff will get the LDS document revised and that revised document will be presented to the City Council. Chairman Wilson stated that having a work session for the Commission would be the most efficient way to ensure they were able to participate.

Chairman Wilson asked the Madam Secretary to take a vote to see what dates work for the Commission to have a work session. Work session with the City Council on Tuesday, July 27, 2021 at 4 p.m. or with just the Commission on Thursday, July 29, 2021 at 6 p.m.

Chairman K. Wilson (Yes both dates work)
Commissioner K. Mackenzie-Chavez (Yes both dates work)
Commissioner F. Pawlowski (Yes both dates work)
Commissioner M. Long (Yes both dates work)
Commissioner L. Miller (Yes both dates work)
Commissioner J. Cresto (Yes both dates work)
Commissioner K. Spolar (Yes both dates work)

Madam Secretary will email the Commission by tomorrow to inform them about the final work session date according to what the City Attorney recommends.

CB wanted to let the Commission know that the Coal Avenue Commons project was nearly completed; they just needed to do the lighting. Murphy Builders did an excellent job; it looks really nice.

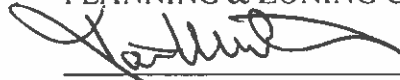
Motion was made by Commissioner Long to adjourn the meeting. Seconded by Commissioner Spolar. Motion Carried.

Upon roll call, the following votes were:

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

Commission Adjourned at 6:38 p.m.

PLANNING & ZONING COMMISSION



KENT WILSON, CHAIRMAN

ATTEST:



CLYDE (C.B.) STRAIN

SECRETARY TO PLANNING & ZONING COMMISSION