

## Gallup Council denies used car lot request

Written by By Bernie Dotson Sun Correspondent  
Friday, 24 March 2017 10:07

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### Appellant can appeal to District Court

The Gallup City Council unanimously denied a local business owner a request on appeal to set up a used car lot at a location along West Historic Highway 66 and near the heart of downtown.

The action took place during a public hearing at the March 16 city council meeting and after the city's planning and zoning department denied a similar request.

Gallup Planning and Development Director C.B. Strain introduced the matter to council members, saying Nafiz Abusufiah, the appellant, petitioned the planning and zoning commission Jan. 11 to consider the approval of a conditional use permit to operate an automobile and truck sales business.

The property in question is Jewels & Java, located at 100 W. Historic Highway 66 and directly next to the Gallup-McKinley County Chamber of Commerce.

"The individual had a hearing before the planning and zoning commission for a conditional use permit to sell vehicles at that location," City Attorney George Kozeliski explained after the meeting. "He was appealing the planning and zoning decision. He can now appeal to District Court since the city council affirmed the planning and zoning decision. What he wants to do is sell used cars at his place of business and there is simply no room to do it."

Strain told council members that after hearing testimony and findings of fact and conclusions of law that the planning and zoning commission denied the request for a conditional use permit by

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a 4-1 vote. Based on Gallup's land development standards, and the building's square footage, seven parking spaces, inclusive of one handicapped parking space, are required, Strain explained.

The requirement for parallel parking is nine feet for parking and 25 feet for a driving lane.

Chamber Director Bill Lee testified that space is already tight and tough for big and small vehicles to maneuver around the chamber parking lot. An easement component came up during discussions, also.

"The area behind the chamber gets used quite a bit," Lee said. "It's very tight for us."

Attorney William Stripp of Ramah argued on behalf of Abusufiah, saying that there was sufficient space for parking and that the proposed used car business wasn't one akin to Gurley Motors or something big and extensive along those lines.

"There is no evidence that it (the used car business) will create a public hazard or nuisance," Stripp said. "This will not undo traffic conditions. His other businesses are in decline," Stripp said, noting that Abusufiah planned to close an existing frozen yogurt business, and keep an Indian jewelry trade shop.

Councilor Linda Garcia asked Abusufiah if the yogurt and jewelry businesses would continue alongside the used car sales.

"Would the other businesses continue with the car sales?" Garcia asked. "How many employees would you have?"

Abusufiah said the jewelry business would most likely stay, but the frozen yogurt side of the operation would go. He said the businesses already up and employs three people, mostly family members, but more regular employees would be added once the car lot opened.

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Kozeliski noted that another issue with everything was the access and utility easement behind the chamber building.

“They want to park vehicles there as well,” Kozeliski said. “That is not allowed. The problem is that the chamber of commerce sub-divided the property in 2001 and made this lot subject to access easements. They then sold the lot, so the property is subject to a lot of easements,” one of which is where the city has a sewer line, Kozeliski said.

Kozeliski continued, “The city owns everything to the east which is part of the old train station that is subject to a number of restrictions because of the funding used and the agreements the city made when the train station was remodeled about 20-25 years ago. We cannot sell. The chamber of commerce wanted to buy the same parking lot years ago and we could not sell it to them.”

Stripp left the public hearing abruptly alongside Abusufiah and some family members that spoke during the public hearing. He did not say if he’d take the matter to District Court, but Stripp has a reputation as being an attorney for the people.

“District Court can hear the case de novo, just like the city council did,” Kozeliski said. “(Mr. Stripp) can only go to District Court now and appeal the council’s decision.”

As of press time, there was no record showing that Abusufiah had file an appeal in District Court.

***By Bernie Dotson  
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