

# Planning & Zoning Minutes

## January 3, 2019

### Call to Order

- Tom Scroggins called to order at 6:32 p.m.

### Roll Call

- Present: Tom Scroggins, Jim Winters, Dennis Kintzler, Lawrence Gordon, John Thompson and L.E. Rubin.
- Absent: Robert Teague.
- Present: Municipal Clerk Elizabeth Adair, Deputy Clerk Amy Lopez

### Approval & signing of minutes on December 6, 2018

- Jim Winters moved to approve the minutes. Dennis Kintzler seconded the motion. With a 6-0 vote the minutes of December 6, 2018 was approved as written.

### 1. General Discussion

- John Thompson asked could the 501c3 be for the whole city that people could donate, for instance, titles to their land, for parks, zoning, and recreation.
- Jim Winters said that EDC is working on a 501c3. The creation of the 501c3 might take six months up to a year and began a discussion on how he suggested having a member from both EDC & P&Z and two or three members to manage the 501c3.
- L.E. Rubin asked if there is any news about the solid waste issue.
- Jim Winters said it is still with the Attorney and the attorney said that they should be getting back to us after January 2<sup>nd</sup>.
- Lawrence Gordon asked what the time line is for the exterior of the building to be finished and began a discussion. A Geotest and compaction test had to be done before the work could be finished and the testing held up the process. The columns and the change order also held up the process. The exterior should be finished by the end of February.
- L.E. Rubin explained what has been completed with the fire department (carpeting and approval of the gas) and having the façade match the City's new building. The façade is awaiting the replacement of the doors. A discussion of the cost of the was doors was started.
- John Thompson said old business was to start grouping similar neighborhoods together and suggested some at their own leisure drive around the neighborhood and come back to discuss how the neighborhoods should be grouped into zones.
- Jim Winters said it needs to be decided if they want to go forward with this project.
- John Thompson made a motion to pursue the concept of similar neighborhoods and at some later time decide the size, naming and descriptions of what makes them similar in nature to help create zoning ordinances.
- Jim Winters said maybe everyone should go out independently and look at the neighborhoods. Maybe an agreement could be made based on everyone's findings. There should be about seven different neighborhoods.
- Dennis Kintzler asked if Gentry would have maps and continued the discussion. The agreement was just to take a map of Rio Communities and drive around and try to group Rio Communities into

reasonable neighborhoods using similarities. There will have to an agreement made on how to zone vacant land so that it can be developed in the best possible way.

- Lawrence Gordon second the motion and continued the discussion. With a 6-0 vote the commission approved the exploratory of the concept of looking at similar neighborhoods. Maybe the best, most cost-efficient development for the City would be multiple family homes. City parks might need to be re-zoned as well. Parks are needed. Land swaps and wells might be needed to create new parks. Buying water rights might be what may be needed to water the parks. Farmers in the area might be willing to donate some water for tax deductions. A 501c3 would help with the cost.
- Dennis Kintzler asked if we need to have a cut-off date to create possible zoning groups.
- Jim Winters said the cut-off date will be the next meeting.
- Tom Scroggins said this will be an agenda item at the next meeting of the January 17, 2019.

## 2. Zoning Issues/Updates

- Jim Winters passed out a conditional use from Socorro and started a discussion on the requirements, stating the definitions of special and conditional use.
- Conditional Use Permits:
  - the subject must be compatible with the existing use of that zone. Neighborhoods and industrials zone included
  - will not be used if it adversely affects traffic in the area
  - shall not be granted if the existing infrastructure is inadequate unless new infrastructure is added, such as water, sewer and drainage
  - will not be granted if it would adversely affect adjoining property value or endanger public safety
  - notification of a special permit is required to come before Planning and Zoning and then go to the public for comment
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- Variances are limited by numbers. Something that is measured in a number, such as height, width, etc.
- Special Use Permits (page 4):
  - There are more requirements
  - must be unusual, unique and may be compatible with planned uses within an area
  - The applicant must assume that these regulations and specifications are determined to be applicable to the city council to the special use to be observed
  - Must not affect public safety
  - Special use must only be approved by Planning and Zoning and not by City Council
- John Thompson thought that it was already agreed that special use would not be used.
- Jim Winters thought it would be good to look at what Special Use entailed.
- Clerk Adair asked if the clerk would send out notification or the code officer
- Jim Winters explained that if passed we would adopt it in our format as the responsibility of the clerk to send out the notification
- Tom Scroggins said essentially the differences between Special Use and Conditional use is conditional uses public notification and special use does not require public notification
- It is stated that both Special Use and Conditional Use do require public notice.
- L. E. Rubin said the commission would do the public hearing and make a recommendation to the City Council, and the City Council would approve or deny the permit.

- Jim Winters adds that there is a time limit for the City to approve or deny so that the permits are approved or denied, within 30 or 90 days.
- Tom Scroggins asked what the relationship is between P&Z and the Code Enforcer
- Jim Winters explained that the P&Z writes the rules and the Code Enforcer enforces the rules. The code enforcer may not be a member of the P&Z. He can take general direction from P&Z but the council may not give him specific information. Discussion continues.
- Jim Winters said he will bring the examples at the next meeting a list of special/conditional use permits and continued the discussion. A decision for Special Use needs to be made soon.
- Jim Winters started a discussion on page 40 and 41 of the zoning code and what CID considers an accessory building to be on a permanent foundation and requiring a permanent foundation for anything more than 120 square feet. There are different requirements for accessory buildings on skids. Nothing on skids is enforced. Jim Winters will get clarification from the CID on buildings with skids. The total height that CID would consider that a building cannot be a set amount of feet taller than the roof line of the house.
- Jim Winters said do we want to consider the height by the neighborhood and continued the discussion on using the neighborhood approach. All agreed that the neighborhood approach would be best.
- Jim Winters will look up main structure rule for buildings taller than the ridgeline.
- Jim Winters will talk with Jason Gonzales on the number of feet a fireman needs to get through and continued the discussion on regulation of accessory buildings. It was agreed that whatever number Jason Gonzalez supplied would be the number used. Carports are only allowed in the front yard set backs and have limits.
- Lawrence Gordon asked the houses that they want to eventually put the houses up on 47 on the west side there is not going to be room for carports. Jim Winters responded that what they will be allowed to do will depend on how the rules are written for that neighborhood.
- L.E Rubin asked if they have heard anything regarding the subdivision.
- Jim Winters said they are dead until they have fixed drainage issue.

## **ADJOURN**

- L. E. Rubin motioned to adjourn. Jim Winters second the motion. With a 6-0 vote the meeting was adjourned at 8:05.

Respectfully submitted,

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Amy L. Lopez, Deputy Clerk  
(Taken by Lisa Adair Municipal Clerk)

Approved:

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Thomas Scroggins, Chairman

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John Thompson, Vice-Chairman

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Dennis Kintzler

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Lawrence Gordon

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L. E. Rubin

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Jim Winters

Date: \_\_\_\_\_