

Planning & Zoning Minutes
Public Hearing
P/Z Room South City Hall
360 Rio Communities Blvd
June 7, 2018

Call to Order

- Jim Winters called the meeting to order at 6:30 p.m.

Roll Call

- Present: Jim Winters, Dennis Kintzler, Tom Scroggins and L.E. Rubin
- Absent: John Thompson (excused) and Robert Teague (excused)
- Also present: Herman Tabet, Joshua Sanchez, City Manager Bob Skerry and Deputy Clerk Pam Johnson

Approval of Minutes of May 17, 2018 – no action at this meeting.

1. General Discussion –

- Jim Winters said he will present a solid waste ordinance to Council at a workshop. He said he will come up with something they feel comfortable with and then come back to P&Z.
- Jim Winters distributed documents regarding ex-parte communication and conflict of interest and began a discussion.

2. Alternate Summary Re-subdivisions Public Hearing (Carmel Rd/Montano St/Hwy 47) –

- Jim Winters introduced the P&Z Commission and explained that the public hearing tonight is for consideration of an alternate summary re-subdivision of an area bounded by Carmel Road, Montano and Hwy 47.
- L.E. Rubin moved to go to public hearing. Dennis Kintzler seconded, and the motion passed on 4-0 vote.
- Jim Winters read a statement for anyone who wants to participate tonight. He said we are now in a special session which is a public hearing and explained that this part of the meeting is quasi legal in nature. He said if anyone wants to be a participant, they are required to give their name and street address and refrain from making comments until allowed to do so. He further explained that we will give a general overview of what we're trying to do and have a presentation first from the applicant. He said the meeting will be opened to questions from residents and those within 300' of the property will talk first.
- Jim Winters said he doesn't know when this subdivision was first platted but the replat was approved in 1981, again in 1984 and now we're approving a replat. He said boundaries have not changed but they have to be updated to meet ADA and other regulations. He said one of the issues to discuss is flooding on Carmel even though that is not part of this subdivision. The developer had no comments or questions for the commission and the commission had no questions for the developer.
- Bob Skerry said the developer purchased the property and it was subdivided in 1979 and has been replatted several times but there is no infrastructure in place, so they have to meet new regulations. He said because this is an alternate summary the developer can't change any boundary lines or lot sizes but there are some variances for zoning. He explained that when the city zoning ordinances were

established, they were done according to what most of the covenants and properties in the city were and set a minimum lot size of 8,000 square feet. He said the commission has discussed a variance and revising lot sizes because of the change in the market for people wanting less yard.

- Bob Skerry said part of the application process is to provide a drainage plan and pointed out drainage for this subdivision on a map. He said there is a floodway and a drainage field that goes to the golf course and a 10' x 10' box that contains rock that is supposed to hold the storm water. He said that box has been covered with dirt but it is not on this developer's property although some of the lots on their property is shown on the drainage plan to drain to that floodway. He said the original use for the property was for single family homes and that will not change.
- Cindy Hadley stated her address as 1107 Carmel and explained that her property is shown on the subdivision map as Lot 1, but it is not part of this subdivision.
- Jim Winters said we will correct that on the plan.
- Ms. Hadley said she is concerned about how the project will take place and asked the developer if he will build homes or just develop the property.
- Herman Tabet, the developer, said right now they're planning to do the infrastructure first. He said they had prices on developing the subdivision eight years ago but since then costs have increased and they need to see what the cost is now.
- Ms. Hadley asked if the lots will be cleared and asked about soil containment, water and trash.
- Joshua Sanchez, representing the developer, said all the lots will be developed and the plan for those things is shown on the drawing.
- Ms. Hadley said some concern on the part of the neighbors is about sewer impact and asked if that had been taken into consideration for all the new homes.
- Mr. Sanchez explained that this is phase II so that has been done and updated.
- Ms. Hadley said they are also concerned about water pressure and asked if testing will be done to make sure pressure is sufficient.
- Mr. Sanchez said they have gone to the water company for approval and have been told that there is sufficient water pressure and they have signed off that there will be.
- Jim Winters said all utility companies will be required to check the plans and sign off.
- Ms. Hadley clarified that all electric will be located underground. She then asked about sequencing the work.
- Mr. Sanchez said all the work will be done at one time and all utilities are underground.
- Ms. Hadley asked about the current run-off issue. She showed photographs of what the neighborhood looks like when there is flooding. She said the concern is that drainage from new homes will add to the problem and effect existing homes.
- Mr. Sanchez said he didn't see the box and didn't know if water was running to the golf course and someone blocked the flow of the water.
- Ms. Hadley said this development shouldn't proceed until this issue is resolved. She said another thing that happens with run-off is that the road in front of her house is not paved so the water seeps into the desert. She said the rest of the pavement is cracking and asked if the developer will re-pave.
- Mr. Sanchez said they don't own that property, so they won't re-pave.
- Jim Winters said the city owns it and Carmel is on the list to be repaved but that won't be done until this subdivision issue is resolved.
- Ms. Hadley asked if there is any idea of the price of homes that will be built.
- Mr. Tabet said from \$250,000 to \$300,000 but they don't know yet what will happen with construction costs and they have to stay within their budget. He said they need to get the infrastructure done and

may need to go back to their engineer and ask for help with drainage. He said that is not their business now but realizes it could be. He said he county should be involved in solving the drainage problem.

- Ms. Hadley thanked the developer and said she appreciates what he is doing because it is progress and does things for the community. She said they want new homes, more people and more kids and are excited that the developer wants it to be that kind of a subdivision but there are infrastructure issues. She then asked if construction could be limited to hours between 7 a.m. to 6 p.m.
- A resident who lives at 1103 Carmel said there has been flooding so bad that they've had to build a block wall to keep water from getting into the house.
- Syl Saavedra who lives at 1000 Irving Court said he has lived here thirteen years and has not witnessed any flooding. He said he has never heard any of the other neighbors talk about flooding but if this subdivision is going to cause flooding, that is a concern. He thanked Mr. Tabet for developing the property. He said the reason we incorporated was to get some movement in the city and this subdivision will improve the community. He said the plan for the draining in this subdivision is for the water to flow south. He said there has been an ongoing problem with standing water and he doesn't know why it has not been addressed. He asked if any of the houses will face west because, if so, there will be more traffic on Carmel and then asked if Carmel will be paved from Mantano to the south side of the golf course.
- Jim Winters said there will be twenty-one homes on Carmel that will increase traffic and explained the traffic pattern.
- Mr. Saavedra said he has heard that low income housing will be built on the east side of Hwy 47.
- Jim Winters said he hasn't heard of low income housing, but the plan is to build smaller homes on the east side of Hwy 47.
- Mr. Tabet said another outlet to Hwy 47 is needed and he can talk to DOT.
- Bernadette Cooney who lives at 1099 Carmel said her background is in construction on federal land. She said the developer is proposing to build on erodible land and asked if they have a dust abatement plan.
- Mr. Sanchez said they follow SWPPP regulations.
- Ms. Cooney asked how it was determined that a 10' x 10' box would facilitate flooding. She said for that box to be correct, it will have to be dug up. She asked if the drainage plan had been updated and where she can access the information.
- Mr. Sanchez said their engineer went through the plans and checked and the plans have been updated.
- Ms. Cooney asked about the total square footage of the land where the sixty-four homes will be built.
- Mr. Tabet said approximately twelve acres without roads.
- Mr. Sanchez said that flooding is coming from another subdivision – not theirs. He said their plans are designed for their subdivision and the water flows to the southwest corner of their subdivision. He said the problem with drainage needs to be addressed but the flooding is occurring now without their construction.
- Jim Winters said we're down to two flooding issues – one existing and one potential.
- Mr. Saavedra asked for a completion date.
- Mr. Tabet said it will take four or five months to get the infrastructure completed.
- Bob Skerry said the next step is that the commission recommends to Council and Council will have a hearing. He said the developer will get sign-offs from utility companies.
- Mr. Tabet said a decision on his project should not be put off because of someone else's problem.
- Jim Winters said the community was first maintained by Horizon and then by VIA. He said the city maintains the roads but that's all we own. He said the city does not own land in the drainage area.

- Bob Skerry said the developer has a drainage plan signed by an engineer. He said if something goes wrong and there is flooding the engineer will deal with it. He said the drainage plan has been updated and includes getting rid of the water on their property and if someone sealed up the box that was supposed to hold storm water, that is not the engineer's problem to solve.
- Mr. Sanchez said they can't fix the problem because they don't own the property.
- Jim Winters said he appreciates the comments made tonight so we'll decide what we need to do.
- Tom Scroggins moved to close the public hearing. L.E. Rubin seconded, and the motion passed on 4-0 vote.
- Dennis Kintzler said it appears there was a problem long before this developer decided to build. He said the city can't fix it, but it should drain better once it's made available for housing than it does now.
- Jim Winters asked if it is possible to drain most of the water to the south.
- Bob Skerry said to grade so that it all drains south would be a major deal. He said before someone sealed off the rock pit, it probably didn't flood. He said we can see where it has been graded and sodded and sealed over and that has to be fixed.
- L.E. Rubin asked if the commission allows moving forward with this project and recommends to Council and Council approves and the infrastructure is put in and flooding starts if that a city problem.
- Bob Skerry said the project engineer has to guarantee the drainage plan works. He said it is our job to approve the drainage plan and we have sixty days to talk to engineers and contractors and look specifically at this issue. He said it's not quick and easy but has to be solved and it's up to the developer to follow the drainage plan.
- Jim Winters said approving this project allows the developer to get signatures and review a mechanism that will guarantee this drainage issue is solved or it won't go forward.
- Bob Skerry said the developer is paying for pavement and to our specs. He said they have a drainage plan but it's up to everyone involved to solve the problem of where the water goes.
- Dennis Kintzler moved to allow the project to continue with the understanding that it won't go to Council and they will resolve the drainage issue. L.E. Rubin seconded, and the motion passed on 4-0 vote.
- L.E. Rubin said we see the plans but nothing about giving land to city.
- Jim Winters said that would be a contract between the city and the developer.
- Bob Skerry said everything decided at P&Z goes to Council and they decide if they want the subdivision or not.

ADJOURN –

L.E. Rubin moved to adjourn. Tom Scroggins seconded the motion and the meeting adjourned at 8:44 p.m.

Respectfully submitted,

Pam Johnson, Deputy Clerk

Approved

Robert Teague, Chairman

John Thompson, Vice Chairman

L.E. Rubin, Secretary

Dennis Kintzler

Lawrence Gordon

Jim Winters

Tom Scroggins