

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
June 21, 2018

Call to Order

- Jim Winters called to order the P&Z meeting at 6:32 pm.

Roll Call

- Present: Jim Winters, Dennis Kintzler, L.E. Rubin, John Thompson and Thomas Scroggins
- Also Present: City Manager Bob Skerry and Municipal Clerk Lisa Adair
- Absent: Robert Teague (excused) Lawrence Gordon (excused)

Approval of Minutes

- Thomas Scroggins moved to approve the minutes for the meeting on May 17 and the special meeting held on May 31, 2018. Dennis Kintzler seconded the motion and the minutes were approved on 5-0 vote.

1. Guest General Presentation

- Jim Winters introduced Ron Gentry and explained that Mr. Gentry will make his presentation tonight and P&Z will have the opportunity to ask questions.
- Mr. Gentry said he gave this presentation at the Council workshop and said this has been on the drawing board for many years - even before the city was incorporated. He located property on a map and said the plan was to annex the area for commercial/industrial use after incorporation. He said this area wasn't incorporated at the time because the number of acres per person didn't work.
- Mr. Gentry said the city needs an income other than government grants. He then said he is proposing a commercial complex which would engulf close to 200 acres south of Horse Ranch Road including all the property on the west side of Hwy 304 across from the industrial park from Horse Ranch Road to the railroad tracks. He said he owns 90 acres of frontage property there which creates an opportunity for small commercial development. He also explained that the railroad track runs through the property and there is room for a rail spur on ninety acres. He also said the property has power, there is sewer and water across the street, and he has divided the property into ten-acre parcels.
- Mr. Gentry said the County has notified them that there will be a hearing regarding re-zoning of twenty acres for an asphalt plant. He also pointed out property that is planned for an equestrian center and continued discussion on proposed use of his property. He also said there is a sand and gravel pit located on his property, but it can't be seen from the highway and he has required permits.
- L.E. Rubin asked if there is an irrigation ditch on the property.
- Mr. Gentry explained that there is an irrigation ditch and located it on the map.
- Jim Winters asked if the property goes to the river edge or the canal edge.
- Mr. Gentry said it goes to the river edge and pointed out the area that is a perpetual wildlife preserve and cannot be touched.
- Dennis Kintzler asked for further explanation of where exactly Mr. Gentry's personal property is located.
- L.E. Rubin asked how many acres are in the mining area.
- Mr. Gentry said there are approximately 25 – 30 acres there and continued to explain the property he owns.
- John Thompson asked what area Mr. Gentry is asking to annex and how it would benefit him.

- Mr. Gentry explained that it would benefit him by being in the city and he has great aspirations that the city is going to turn into a great place. He said he would like for all his property to be in the city which was the original intent.
- Jim Winters asked about Mr. Gentry's water and sewer source.
- Mr. Gentry explained that he irrigates from the canal and the rest is drilled for water and located the water tank and 6" forced sewer main.
- Jim Winters said he cannot tap into the sewer because it is a high-pressure line.
- Mr. Gentry said he wants all his property to be annexed and doesn't want to chop it up and continued his presentation.
- L.E. Rubin clarified that the annexation would include all the property except that located west of the irrigation ditch – it would stop at the irrigation ditch, would not go to the river or include the bosque.
- Dennis Kintzler asked what the highway department has to do with the area.
- Mr. Gentry explained that he sold them land and they included it in the water fowl area.
- Tom Scroggins asked how far the DOT right of way goes.
- Mr. Gentry said the right of way is 150 feet total.
- John Thompson asked if we are taking added responsibility by annexing this property.
- L.E. Rubin said the property is already in our fire district, but police protection would be required if the property is inside the city limits.
- Mr. Gentry explained the liabilities for the City and continued the discussion.
- Jim Winters explained that this is an informal presentation and the reason we asked for it is that once the process starts, P&Z has a finite time to complete our part. He said P&Z is new to the subdivision business and we're working on eight subdivisions now so it will take a couple of months - maybe later in the year.

2. General discussion

- Jim Winters explained the annexation process and said problems are not discussed in front of Mr. Gentry. He said we don't have property zoned for agriculture and whatever the zoning is now will remain after annexation. He also said we don't have property zoned for mining and if Mr. Gentry's property is annexed all the property owners on the other side of Manzano will want to be annexed for mining use. He said there are many things that need to be discussed before he comes back and further explained other areas that meet the requirements Mr. Gentry is talking about that can be considered for I-1 and I-2 zoning.
- Bob Skerry explained there are two different situations when we talk about annexation and then explained that the industrial park is developed and has water and sewer. He said Mr. Gentry is asking us to annex raw land which violates subdivision regulations. He said what he has now is a paper plat and he needs a subdivision plan.
- L.E. Rubin asked if annexing that strip of land does anything to help us with any idea Belen would have of trying to annex the industrial park.
- Bob Skerry said Belen has to be contiguous to the industrial park to annex. He also explained that the County would be in violation if they put in the equestrian center because they haven't come to P&Z and we're within the sphere of influence which is three miles from city limits.
- Jim Winters explained that if we went through with annexation of Mr. Gentry's property, we would have to write codes for mining and agriculture, and then said the other problem with having agriculture is that it is not in our Comprehensive Plan and we said we would never have any agriculture in the city.

- Jim Winters said he is not saying we should not consider annexation of Mr. Gentry's property fairly and openly, but we have to have hard discussions.
- Bob Skerry said every annexation has to be compatible with our Comprehensive Plan. He said, if we want the annexation, the Plan would have to be amended and it can be changed only if there is a benefit to the city.

3. Subdivision updates

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4. Subdivision and zoning issues/updates

- Jim Winters distributed copies of the 2016 New Mexico Statutes of Zoning Changes and then explained the rules of how land will be rezoned. He said, by our next meeting, he will review our Zoning Ordinance and see where we may need to make changes.
- L.E. Rubin asked if, when changing the ordinance, we can say "meets state requirements" so we don't have to change it again.
- Jim Winters said he will add it to the definitions and refer to each section.
- Tom Scroggins said the statute says, "within 100 feet excluding public right of way" and asked if we have to notify people on the other side of the right of way.
- Jim Winters said we do and then asked who will do the work. He said we can write it so that the person making the request has to do it but how will we know it's done. He explained that Albuquerque will only allow variances for lot size or shape, but we haven't been doing this long and probably won't be able to make ours that finite.
- L.E. Rubin said many times we have to amend the ordinances so maybe we can say we will adopt whatever the State statute is.
- Jim Winters went through the subdivision regulations and noted the ones that need to be updated.
- Bob Skerry explained the definition of a subdivision and what will be required for the Tabet and Edeal subdivisions.
- Jim Winters continued discussion on changes to consider on Chapter 6 Article 6-4-4 of the zoning ordinance. He said the minimum lot size is 70' wide at the front setback and a total of 8,000 square feet. He said some of the lots in one of the subdivisions being considered are 55'.
- Bob Skerry said the market needs to be considered when the ordinance is changed – not a particular subdivision – or the ordinance will have to be changed every time we have a new subdivision.
- Tom Scroggins asked if minimum lot sizes can be written for different areas of the city.
- Jim Winters said we could do that and also add a note that says, "lot sizes can be reduced per commission approval" and we could decide if it's appropriate at the time.
- L.E. Rubin confirmed that it would be on an individual basis and the property owner would have to request a variance. He then asked if we could get in trouble if we give a variance for one and someone else requests a variance and we don't approve it.
- Jim Winters said we need the right reason we say it's ok if we deviate from the norm.
- L.E. Rubin asked what the current restriction for fence height is.
- Jim Winters said it is six feet and up to eight feet needs a permit. He said nothing over eight feet is allowed.
- Jim Winters said we need to have a discussion on the direction we want the city to go and he will take it to council.

- Tom Scroggins said right now bigger doesn't mean better. He said there are a lot of nice places to live that are 1,200 to 1,500 square feet.
- Jim Winters explained that there are about 600 smaller lots in the city east of Hwy 47 and some of them haven't been built on.
- Jim Winters said another section of the subdivision regulation that needs to be addressed is the percentage of area we want set aside for open space. He said twenty percent is too much.
- Bob Skerry said the national average is seven acres of open space per 1,000 people.
- Jim Winters distributed copies of a sign-in form that people who want to be heard at a public hearing will sign. He also distributed a copy of "The Governing Body Acting as a Hearing Panel" and discussed the process.
- Jim Winters distributed copies of the Code of Conduct and the Ethics Policy and started a discussion. He said he would like to discuss the rules of annexation at the next meeting.

ADJOURN

- John Thompson moved to adjourn. Tom Scroggins and the meeting adjourned at 8:49 pm.

Respectfully submitted,

 Pam Johnson, Deputy Clerk
 (Recorded by municipal clerk Lisa Adair)

Approved

 Robert Teague, Chairman

 Dennis Kintzler

 John Thompson, Vice Chairman

 Lawrence Gordon

 L.E. Rubin, Secretary

 Jim Winters

 Tom Scroggins