

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
July 6, 2017

Call to Order

- Robert Teague called the meeting to order at 6:30 pm.

Roll Call

- Present: Robert Teague, L.E. Rubin, Dennis Kintzler and John Thompson
- Also present: Councilor Bill Brown, City Manager Bob Skerry, Deputy Clerk Pam Johnson and Lawrence Gordon

Approval & signing of minutes -

- L.E. Rubin moved to approve the minutes of the June 15, 2017 meeting as submitted. The motion was seconded by Dennis Kintzler and passed on 4-0 vote.

1. General Discussion –

- Robert Teague introduced Melody Good who has come to the meeting tonight to discuss a revision she would like to make to her subdivision plan. He said she has questions about the process.
- Ms. Good said her property was subdivided under Valencia County rules and she doesn't understand if she qualifies for alternative procedure. She explained that she wants to divide an acre out of the subdivision for her daughter to build a house.
- Ms. Good said there is a 30' road easement into the property and they are on septic and well systems. She also said they maintain the roads.
- Bob Skerry said the property is within the flood plain and he let her know to get in touch with state environment service to get regulations for a mound system within a flood plain. He said the regulations have changed and they will require an engineer to mark the elevation.
- L.E. Rubin asked about the total acreage and the location of the proposed home.
- Ms. Good said there was a total of 41 acres but they sold four acres and showed the location of the proposed home on the map.
- Bob Skerry said the property is currently zoned R-2 and explained that it was designated R-2 because of the property that is adjacent to it. He said R-2 zoning gives the property owner more choice and the most latitude possible for use of the property.
- Bob Skerry explained that the state adopted subdivision rules in 2005 that require the developer to provide roads, water and electric to each lot. He said if property is divided into 120 lots, the process is different and requires sub-dividers to put up money to install utilities to each lot to keep them from selling all the lots and not having enough money for utilities. He also said there are other provisions such as setting land aside for parks and other uses if an entire subdivision is developed but the Goods aren't asking for that sort of development.
- Bob Skerry said that subdividing property for use by a family member is different and Mr. and Mrs. Good meet that criteria. He explained that when they come in for the final process, they should bring a survey and a letter from the state environment department and the state engineer stating they

qualify for a well permit. He said the lot will have to be surveyed and separated from the subdivision and the location of the house shown on the property.

- L.E. Rubin asked if there might be covenants that prohibit breaking off an acre.
- Bob Skerry said the Goods established covenants when they subdivided the property.
- L.E. Rubin asked if the city has zoning that restricts breaking off a one or two-acre plot within their subdivision.
- Robert Teague read the rules for alternate procedure and said it seems that this is the procedure they could use.
- Bob Skerry explained that the commission can't vote tonight but the Goods needed an idea of what the commission might do before they start spending money on surveys, etc.
- Robert Teague explained the process of getting on the agenda so that a vote can be taken.
- Ms. Good asked if they can get a well permit before Planning and Zoning approval.
- Bob Skerry said they need a statement from the state engineer that they qualify for a well permit. He said the process is to ensure that the person buying the land can get a well permit, a sewer permit and any other utilities required.

- Bob Skerry introduced Albert Goodman who lives at 124 San Lucas and explained that Mr. Goodman wants to build a carport and has questions about a variance.
- Bob Skerry said Mr. Goodman owns a quarter acre lot and has 16' from his property line on one side and 7' on the other. He said Mr. Goodman wants to put the carport on the 16' side next to the house.
- Bob Skerry said the way the code was written is ambiguous. He said accessory buildings require a 10' setback but the way the ordinance reads, a carport is different than an accessory building. He said the commission will need to discuss it, but Mr. Goodman probably fits into the exemption without going through the variance process.
- Robert Teague said the only requirement in the ordinance for setback is 10' from an existing building for an accessory building. He said there is nothing about setbacks for carports even though there are rules for carports.
- Mr. Goodman said the carport is 12' x 26' 11' high, prefabricated with open sides and is not on a concrete slab.
- John Thompson said his only objection is that some people hang sheets or Visqueen on the sides of an open carport and it becomes an eyesore.
- Robert Teague said there are rules in the ordinance under the carport section that cover that.
- Bob Skerry said he gave Mr. Goodman a letter advising him about covenants that could be in place on his property. He said he can sign off if P&Z agrees, but Mr. Goodman may or may not be in violation of covenants. He explained that he can sign off on a building permit but the city or the commission has no authority over covenants and his neighbors can still object.
- Bob Skerry said if it seems plausible to the commission, he will ask Mr. Goodman to sign the covenant letter and sign off on a building permit.
- Dennis Kintzler said we need to consider Mr. Goodman's request the same as everyone else that comes in for same project in the future.
- Bob Skerry said the commission needs to review the ordinance regarding carports and see if it needs to be amended. He then explained that any amendment to an ordinance is the same as an ordinance and must be processed and sent through council. He said amendments are tracked so that we can show what ordinances were in effect and when and explained the process for passing an ordinance.

- Bob Skerry requested that everyone drive by La Merced School. He said there is a possibility that we may partner with the school system. He said the school is open during the summer and they have soccer field, a baseball field and playground equipment. He said we may get some land adjacent to or near the school and do a joint powers agreement with the school to add some things. He said there is also a small park in Chamisa that has playground equipment, and we should look at things that can be used.
- Bob Skerry said he talked with the new manager at the senior mobile home park. He said she told him she is getting calls from contractors for Facebook that want to park RV's in the park and live in them for six months. He explained the mobile home park rules were written to allow RV's because we have Salt Mission Trail and Abo Ruins but no place for visitors to stay. He said the zoning allows RV parking but some people living in the park may not like it.
- Pam Johnson distributed W9 forms and explained that they need to be turned in at the next meeting. She also explained that the sign-in sheet needs to be signed at each meeting.

2. Discuss: Parks/Trails – Public Forum –

- Robert Teague said he doesn't have a date for the public forum yet.
- John Thompson said he changed "master plan" to "comprehensive plan" and deleted the reference to the number of years.
- Robert Teague said the mail-out still says 20-year.
- John Thompson suggested we display an enlarged copy of the ballot on an easel at the forum and explain how it should be marked.
- John Thompson asked if we can start looking at forming a 501c3 corporation so we can start asking people to donate land to the community.
- Bob Skerry said that is a long process and takes a lot of time. He said we need one that would be for the betterment of the city but not for anything specific.

3. Discuss: Industrial or Commercial Vehicle within city limits/Parking –

- Robert Teague said the city doesn't have ordinances against parking semi-trucks on the streets. He said there is a safety issue but most towns are lenient.
- John Thompson asked about a noise ordinance for the city.
- Bob Skerry said noise ordinances are tied to decibels that have to be measured.
- Robert Teague said we can't tell people they can't park on their property but we might look at having some type of a code that restricts parking big rigs on city property because the city becomes liable. He asked everyone to look over material on trucks parking on streets. He said he would like to have everyone's thoughts and he will put the matter on the next agenda.
- Robert Teague asked everyone to keep thinking about an ordinance requiring weekly trash pick-up.

ADJOURN –

- L.E. Rubin moved to adjourn the meeting. John Thompson seconded and the meeting was adjourned at 8:09 p.m. on 4-0 vote.

Respectfully submitted,

Pam Johnson, Deputy Clerk

Date: _____

Robert Teague, Chair

John Thompson, Vice Chair

L.E. Rubin, Secretary

Dennis Kintzler