

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
July 12, 2018

Call to Order

- Jim Winters called the meeting to order at 6:35 pm.

Roll Call

- Present: Jim Winters, Dennis Kintzler, John Thompson, LE Rubin and Thomas Scroggins
- Also Present: Deputy Clerk Pam Johnson
- Absent: Robert Teague (excused) Lawrence Gordon (excused)

Approval of Minutes – June 7, 2018 Public Hearing and June 21, 2018 Regular Meeting

- There was some discussion on clarification of Jim Winters' response regarding L.E. Rubin's question on variance requests at the bottom of page 3 of the June 21 minutes. It was determined that his statement should be corrected to read "if we deviate from the norm, we need the right reason we say it's ok. John Thompson moved to accept the minutes of June 7 as submitted and June 21, 2018 as amended. Tom Scroggins seconded the motion and the minutes were approved on 5-0 vote.

General Discussion -

Subdivision Updates –

- Jim Winters distributed copies of Draft #3 of Chapter 6 Subdivisions and started a discussion regarding the changes and additions. He explained that the changes are marked in yellow and everything underlined is added. This Draft is attached and made part of the minutes.
- John Thompson said he doesn't see anything about where the Notice of Public Hearing should be posted.
- Jim Winters said that is in the bylaws and that should be changed also.
- John Thompson questioned the location of some of the posting places and said since the ordinance was written, we have the Coffee Shop and the Oasis Center is going to open. He asked how easy it is to add to the list of posting places and suggested we review them in sixty days.
- L.E. Rubin said the minimum number of posting places is six, but we can post it at as many places as we want.
- Tom Scroggins asked about the sign that will be in front of the building being a posting place.
- L.E. Rubin asked about the process if a developer requests a variance during a subdivision approval process.
- Jim Winters explained that if a subdivider is working on something and decides he wants a variance he can do that.
- Tom Scroggins clarified that if a variance is requested it would have to go to public hearing.
- Jim Winters said a public hearing on the variance is necessary because it may affect other land owners.
- L.E. Rubin asked what happens to the original application if the variance is denied.
- Jim Winter explained that nothing happens - it would be the subdivider's choice whether to continue if his variance request is denied.
- Jim Winters explained the changes to 6-1-10 Amendments. He said amendments for Planning and Zoning are slightly different because we don't need to have a public hearing for P&Z amendments, but we do for City Council. He said Bob Skerry wants to add a hearing for P&Z amendments so that is something in questions now.
- Dennis Kintzler asked why "hearing" was changed to "forum" under 6-2-1-F.

- Jim Winter explained that a forum is public comments, but a public hearing is quasi-legal. He said the purpose of the forum is to gather information, but a hearing concerns a final document.
- L.E. Rubin clarified that Council would still be required to have a hearing and asked how many are required.
- Jim Winters said one public hearing is required if it doesn't go through Planning and Zoning but there could be more if there are changes.
- L.E. Rubin said the copy of the solid waste ordinance he saw still had some items that would go to the attorney and questions about wording. He asked if that had been cleaned up.
- Jim Winters said it has not. He said he asked Council if they wanted the lawyer to clean it up and then have a forum or have a forum and then decide what needs to be cleaned up. He said they decided to have the forum before it goes to the attorney and set the date for some time in August.
- Jim Winters explained the section added to the ordinance as 6-2-1-G regarding Alternate Summary Plat. He said this is a quick procedure for subdivisions where there may be two or three lots and the outside dimensions don't change. He said some one can come to P&Z for advice with a sketch showing changes they want to make, and we can let them know the requirements and what we need. He said then they come back and do a presentation which requires a public hearing and we vote on it. He said if we vote to approve, it would move automatically to Council but if our vote is not to approve, they can still go to Council for review and Council can overturn. He said if we reject, we need to write a detailed explanation of why it was rejected and that goes to Council because they have the right to know our objections.
- L.E. Rubin asked if there is a time limit on variances that are granted. He said we granted a variance for a fence about two years ago, but it has never been built.
- Jim Winters said an expiration date would need to be a condition of granting the variance.
- John Thompson asked if the submission date should be flexible, so people could bring things in for consideration at our mid-month meeting.
- Jim Winters said we need more time for a final plat but that could be changed a minimum of fifteen calendar days instead of first Friday of the month.
- Tom Scroggins questioned the minimum lot sizes in 6-4-4-B and started a discussion.
- L.E. Rubin asked if we give Scott Edeal a variance for smaller lots do we have to give a variance to everyone.
- Jim Winters said we do if conditions are the same. He said the real criteria is whether land is unusable, or do we restrict use of property and if that's the case, we should be able to grant a variance.
- L.E. Rubin said we should set a lot limit instead of having to deal with variances.
- Jim Winters said the limit should be set at 45' but the questions is whether we do that for some areas or new subdivision. He said we have some subdivisions on paper that have small lots.
- L.E. Rubin questioned the statement "Easements do not constitute street frontage" in 6-4-4 Lots and started a discussion.
- Jim Winters suggested adding a statement that side easements are not part of the lot size requirement.
- John Thomson said the Huning Ranch subdivision is well done and he would have no problem approving that for Rio Communities. He said his concern is whether the next builder will do as well.
- Jim Winters said the subject of an architectural review board has been argued in the past and should be discussed again. He said the developer is the initial architectural review board and they decide what is allowed. He said we should find some way to put in the rules that P&Z does the initial review. He suggested adding a statement in general information regarding zoning.
- Tom Scroggins said section 6-4-4 would be deleted if we add that statement.
- Jim Winters said if that section is eliminated, we should add a note that says, "see zoning ordinance for any restrictions."
- Jim Winters said he will make the changes agreed on tonight and discussion on lot sizes can be continued at the next meeting.
- Jim Winters distributed a copy of 6-6-3 Open Space Requirements that will be discussed at the next meeting. He also distributed a copy of NM Statute Chapter 3 regarding annexation. He said whatever decision P&Z or Council

makes is not the final decision on annexation. He said DFA makes the call for anything of any consequence that happens in the City.

Subdivision and Zoning Issues/Updates

Last Ethic Session

Adjourn –

- L.E. Rubin moved to adjourn. John Thompson seconded the motion and the meeting adjourned at 8:06 p.m.

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