

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
July 19, 2018

Call to Order

- Jim Winters called the meeting to order at 6:33 p.m.

Roll Call

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

Approval of Minutes –

- L.E. Rubin said “grating the variance” should be corrected to “granting the variance” on line 21, Page 2.
- L.E. Rubin moved to approve the minutes of the July 12, 2018 meeting as corrected. John Thompson seconded the motion and the minutes were approved on 5-0 vote.

General Discussion

Subdivisions Updates –

- Jim Winters distributed copies of Draft #5 of the Subdivision Ordinance and began a discussion regarding lot width on Page 30.
- Bob Skerry questioned the need to specify lot width in the subdivision regulations. He said developers who own property zoned PD have to come to P & Z for approval before anything is built so the decision regarding lot width could be made then.
- Jim Winters suggested adding a statement that says, “lot width requires P & Z approval”.
- Dennis Kintzler asked how we dance around it if we don’t set a minimum.
- L.E. Rubin said if we don’t set a minimum they don’t have to come for a variance.
- Jim Winter said the number carries into the zoning ordinance where there are lot widths and the developer has to come to P & Z anyway.
- Bob Skerry said subdivision regulations require that plans for any subdivision be approved by P & Z. He said a statement could be added that the size of the lots needs to be congruent with the neighborhood.
- Jim Winters said that would give P & Z the authority to make the decision but whatever we do for one we have to do for everyone, so we have to be very careful.
- Dennis Kintzler asked what we do if someone wants to build tiny homes.
- Jim Winters said they would have to be like the surrounding area and that’s how it’s handled in the zoning code.
- Bob Skerry said the benefit to a builder is that anything they come up with that is marketable should be ok with P & Z.
- L.E. Rubin asked why a 70’ minimum lot width was designated when the regulations were drawn up.
- Jim Winters said that was the average lot width for most of the subdivisions in the City.

- Dennis Kintzler said we see statistics showing the average value of a lot in Rio Communities, but what size lot are they referring to.
- Bob Skerry said the average lot is between 7,000 and 8,000 square feet.
- Tom Scroggins said the lots in Herman Tabet's subdivision aren't 8,000 square feet.
- Bob Skerry said they aren't and Mr. Tabet will have to apply for a variance. He said the market changes and all a developer who owns property zoned PD has to do is convince P & Z that what they want to do will look good and benefit the City and the neighbors.
- John Thompson said it may not matter what the lot width is.
- Tom Scroggins said, anytime we approve smaller lots, we need to consider parking.
- Bob Skerry said that's part of the zoning requirement.
- Jim Winters said the subdivision regulation forces someone to come to P & Z if they want to change the zoning on property that is already zoned. He said they would need to explain to P & Z why they want to change.
- L.E. Rubin said whatever we do will automatically go into zoning so if we don't have a minimum here it wouldn't make sense to have one in zoning.
- Bob Skerry explained that owners of property zoned PD don't change zoning, but they are required to come to P & Z and tell us what they want to do, and P & Z has to say it's ok.
- L.E. Rubin asked what the basis is for rejection if what we do with this ordinance doesn't have to be reflected in the zoning ordinance.
- Bob Skerry said the Comprehensive Plan would be the basis for rejection if the proposed subdivision isn't conducive to the betterment of the City.
- John Thompson clarified that P & Z only has to explain why they reject it.
- Jim Winters said the best reason to reject is the Comprehensive Plan because it states what the citizens said they wanted and is irrefutable. He said the reason zoning rules are put in place is for the betterment of the community, not the land owner and those statements can be found in the Comprehensive Plan.
- John Thompson moved to amend 6-4-4-A by deleting everything after the first sentence and adding "Any arrangement must meet the qualifications stated in 6-1-4". Tom Scroggins seconded, and the motion passed on 5-0 vote.
- L.E. Rubin moved to amend 6-4-4-B1 by deleting everything after the second sentences and adding "Any minimum residential lot size must follow requirements stated in 6-1-4". John Thompson seconded, and the motion passed on 5-0 vote.
- L.E. Rubin started discussion on Addendum A – Curb and Gutter Designs. He asked how the roll top curb affects water run-off when we have heavy rain. He said there is some language in the current ordinance that says the curbs have to be constructed in such a way that they will contain water. He said the roll top curb won't do that.
- Jim Winters said they will if they're engineered properly. He said the problem is that most of the developments in the City have eight to ten houses and very few areas have engineered streets and curbs.
- Tom Scroggins said, even if they're the right height, with the rains we've had lately, they wouldn't have contained the water.
- Dennis Kintzler asked if all curbs have to be cement. He said a lot of curbs are asphalt.
- L.E. Rubin said people driving on an asphalt curb will crumble it. He said they don't hold up well when people park next to the curb and suggested leaving the requirement that curbs be concrete. He said

he isn't unhappy with any of the three curb designs shown in the addendum, but he doesn't think any of them will hold back much water.

- Dennis Kintzler said definition of the roadway is all a curb really is.
- Jim Winters said the only reason for the curb is to keep the asphalt from breaking apart on the sides. He said he will find a better drawing and reference 11" and bring it back for further discussion.
- Jim Winters started a discussion on Open Space requirements.
- John Thompson asked if the current requirement has been a problem or if the requirement for a donation is so big that it drives potential developers out.
- Jim Winters said we haven't had a problem yet, but we haven't had any new subdivisions. He said Herman Tabet has land to trade, but other developers may not. He suggested saying "see P&Z for other alternatives" if the number of lots in a subdivision will be more than 51. He said that would bring them to P&Z and could be negotiated.
- Tom Scroggins asked if a developer doesn't want to eliminate homes to meet the open space requirement could the City have a list of land available that could be acquired for that use.
- Dennis Kintzler said a developer may want to give money.
- John Thompson moved to leave the percentages stated in 6-6-2C Table 6-1 and add "See Planning and Zoning for other options" to the note. The motion was seconded by L.E. Rubin and passed on 5-0 vote.
- Jim Winters said he will make the corrections agreed on tonight and we will look at the ordinance one more time.

Subdivision and Zoning Issues/Updates

Last Ethics Session –

- Jim Winters started a discussion regarding Due Process and distributed copies of "Due Process for Planning Commissioners". He explained that due process gives the land owner the right not to lose his land without a procedure. He said due process is to allow both parties the opportunity to present their side.
- Jim Winters said, any time we go through a notification process, we need to send a notice to VIA because they may have a stake in the matter and it's not to our advantage to figure out if they do. He said, if we send them a notification, they can decide what they want to do.
- Jim Winters asked everyone to read "Legislative Change in Zoning" and explained that zoning in Rio Communities is by the legislative process.

ADJOURN

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

Respectfully submitted,

Pam Johnson, Deputy Clerk

Approved

Robert Teague, Chairman

John Thompson, Vice Chairman

L.E. Rubin, Secretary

Date _____

Dennis Kintzler

Lawrence Gordon

Jim Winters

Tom Scroggins