

Planning & Zoning Minutes  
P/Z Room South City Hall  
360 Rio Communities Blvd  
August 16, 2018

**Call to Order**

- Jim Winters called the meeting to order at 6:36 p.m.

**Roll Call**

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

**Approval of Minutes**

- L.E. Rubin moved to accept the minutes of August 2, 2018 as submitted. Dennis Kintzler seconded the motion and the minutes were approved on 6-0 vote.

**General Discussion –**

- Lawrence asked if safety barriers could be placed around the road damage on Charmartin.
- Jim Winters said we weren't aware that Charmartin was on the County's list when we moved all the streets over to the city when we incorporated. He said we have the right to refuse to maintain it, but someone needs to bring the issue to Council.
- Bob Skerry explained that drainage there caused the problem. He said that has been a problem from day one and will be expensive to fix.
- Jim Winters said someone has also brought up a drainage problem on Manzano Expressway.
- Jim Winters distributed copies of page 4 of the subdivision ordinance and explained that Article 6-1-8 says property owners within 300' of a proposed subdivision must be notified but the zoning ordinance says anyone within 100' so we're not consistent. He suggested we stay consistent and say either 100' or 300' (for sign and certified letter). He said residents within 100' will get a certified letter and those beyond 100' will see the sign.
- Bob Skerry questioned the requirement for notification of a public hearing within five days. He said that also needs to be consistent and changed to fifteen days.
- Jim Winters said if we say notification within fifteen days of a public hearing and notification by certified mail to residents within 100' we're consistent. He said he will submit the changes to Council and let them know P&Z was unanimous in recommending the changes and they can decide what they want.

**Zoning Ordinances –**

- Jim Winters submitted copies of the Zoning Ordinance and started a discussion on changes and corrections. He suggested that Articles 4-3-5, 4-5-4, 4-6-2, and 4-6-4 may require lengthy conversation and should be postponed. He then began discussion on Article 4-7-4 Special Use Permit and explained the current ordinance states that special use permits expire when the use stops or when the house

changes owners. He asked if we have granted a special use permit, do we want to let that use stay when property is sold.

- Lawrence Gordon said the new owner should have to reapply for the special use.
- Jim Winters said we need a way to check and maybe it would have to be on the sale of the house. He also said we could say that at a certain time all people who are running a business in a residential zone will be contacted and given a special use permit that will expire and is conditional on a fire inspection and payment of gross receipts tax. Further conversation on how to handle special use permits for existing businesses in the City was postponed until the next meeting.
- “Follow rules listed in 4-18-9 and 4-18-10 for notification and posting” was added to Page 52 Paragraph C Notification.
- Jim Winters began conversation regarding 4-9-2 Exception and explained that this is an exception for non-conforming use. He said if we have a problem with the way people are using property, we would ask them to give us a plan showing how they will modify or change. He said the ordinance says we’ll notify the owner of our findings seven days after receipt of the proposed plan and questioned that length of time. After some discussion, it was agreed that the time should be thirty (30) days.
- L.E. Rubin said we should specify that notification would be in writing.
- Jim Winters began discussion on Article 4-9-8 on page 57 which states that a non-conforming use may be transferred by sale only for the same use.
- John Thompson said the new owner should re-apply for the non-conforming use.
- L.E. Rubin said the ordinance should be consistent and say that any permitted special use goes with the owner – not the land. He said the new owner should have to re-apply for a non-conforming use.
- Jim Winters started discussion on Article 4-14-8 Paragraph 4. He questioned annexing vacant land for R-1 development if we already have vacant land zoned for housing in the City.
- Dennis Kintzler said he doesn’t like the idea that a landowner can control the size of the community. He said if a developer purchases land outside the City and immediately begin to annex and build on it why would we let an established land owner sit on vacant land. He said we shouldn’t discourage developers.
- L.E. Rubin said someone may be willing to annex vacant property and build homes in the city when a property owner already in the city with vacant land isn’t going to build.
- Bob Skerry said the reason for planning is to be congruent and expanding logically where land is contiguous to our borders. He said we don’t want to end up annexing property and having to build roads and provide services. He said we want to control growth by waiting until all the property designated in blue on the zoning map is used before we start annexing.
- Jim Winters said we need to figure the rules for annexation and think about stating something that says we won’t stress our infrastructure.
- Jim Winters suggested we come back to pages 43 through 47 because they may require extensive discussion. He asked that everyone look at the part of the zoning code not covered tonight for discussion at the next meeting.

**Comprehensive Plan Review** – not discussed at the meeting

**ADJOURN –**

- John Thompson moved to adjourn. Tom Scroggins seconded the motion and the meeting adjourned at 8:09 pm.

Respectfully submitted,

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Pam Johnson, Deputy Clerk

Approved

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Robert Teague, Chairman

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Dennis Kintzler

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John Thompson, Vice Chairman

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Lawrence Gordon

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L.E. Rubin, Secretary

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Jim Winters

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Tom Scroggins