

Planning & Zoning Minutes  
P/Z Room South City Hall  
360 Rio Communities Blvd  
September 6, 2018

**Call to Order**

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

**Roll Call**

- Present: Jim Winters, Robert Teague, Tom Scroggins, Dennis Kintzler, John Thompson, Lawrence Gordon and L.E. Rubin
- Also present: City Manager Bob Skerry and Deputy Clerk Pam Johnson and residents George Reed and Ross Harms

**Approval of Minutes – August 16, 2018**

- Tom Scroggins moved to approve the minutes as submitted. John Thompson seconded the motion and the August 16, 2018 minutes were approved as written on 7-0 vote.

**General Discussion**

- George Reed came to the meeting to address the Commission concerning a zoning violation in his neighborhood. He said he lives at the corner of Avenida del Fuego and Estrella place and, on August 17 someone left two dismantled vehicles at an abandoned building down the street from him. He said that is not consistent with the zoning in that area and constitutes an eyesore, a traffic nuisance and a safety hazard.
- Manager Skerry said that situation is covered under the nuisance ordinance and the official process is to file a complaint. He said he can make the owner of the property aware of the violation, but it helps to have a written complaint.
- Mr. Reed said he understands that we don't have a code enforcement officer.
- Robert Teague said the function of Planning and Zoning is to make recommendations to Council, but it does not enforce the ordinances.
- John Thompson said he is glad to see a concerned citizen here tonight, but this commission doesn't enforce codes.
- Bob Skerry said he probably won't have a problem with the owner of the abandoned building if he tells them to clean up their property. He said if we send the people who live in the house on Brown a notice of ordinance violation and they don't comply and don't show up for court, there's no enforcement of the warrants for civil matters.

**Subdivisions Update and Possible Vote –**

- Jim Winters said we need to vote to approve the final draft of the subdivision ordinance.
- LE Rubin moved to adopt the changes to the Subdivision Ordinance draft #6 and forward to Council. The motion was seconded by Dennis Kintzler and passed on 7-0 vote.
- Jim Winters said this will go to Council Tuesday and they'll vote to put the ordinance out for fifteen-day review. He said if Council votes to approve the ordinance, it will be posted.
- Jim Winters said Dennis Kintzler mentioned that he has an idea of what people in his area need but other areas of the city need different rules and may need smaller lots. He explained that when the subdivisions were written, they were left according to the character of the neighborhood. He suggested we may want to go back and define neighborhoods by geographic area. He said in making decisions in zoning and controlling the neighborhoods, the property value would be protected.

- John Thompson said that is a good idea. He said we would be one city but have different neighborhoods which would serve various needs.
- Tom Scroggins asked, if we divide the subdivisions into neighborhoods, would we need to be specific when we name an area and specify the lot sizes, or would we let it be a planned development so that when someone wants to develop an area, they can come to us for approval for what they want to do.
- Jim Winters said he thinks the planned development zoning should remain because, at this time, we don't know what can go there. He said we're at the point now where we aren't sure what the east side of the City will be, but it may not be all houses.
- John Thompson said we would still have flexibility if we let the planned development zoning remain.
- Bob Skerry said about ten years ago, RCA broke the City up into neighborhoods and areas that had similar covenants were grouped together. He said the code enforcement issue is that the code enforcer can issue a citation but a fine of \$500 and ninety days in jail is all we can do. He said it would be helpful if neighborhoods had some type of committee that could provide help for people who can't take care of ordinance violations themselves. He said breaking the subdivisions into neighborhoods would help do that.
- Jim Winters said by establishing neighborhoods, we could define a neighborhood and draw them, so they include people who have similar houses.
- Mr. Harms said he has seen plans for a subdivision along the golf course and the size of lots doesn't fit that area.
- Jim Winters said the lots in the area are the same size as the ones proposed by the developer for the new subdivision.
- Robert Teague said the subdivision complies with the City's Comprehensive Plan which is on the City's website.
- LE Rubin said the developer had to update their subdivision plan to bring them in compliance with the City's regulations.
- Jim Winters said when the City started, the goal was to have houses with expansive yards. He said those residents are older now and want a smaller place, so we need to see how we can accommodate that need. He said we have some rules that allow vacant lots to be divided and two or three units could be built instead of one.
- Jim Winters said we had a good code enforcer who talked to people and when they started to clean up their property, their neighbors did too. He said we're hoping to find someone else that can instigate that sort of cooperation.

#### **Zoning Issues/Updates –**

- Jim Winters distributed copies of draft #3 of the Zoning Ordinance and explained that we need to discuss what we want in each zone.
- Bob Skerry said there is no I1,2 or 3 zoning in the City unless it's in the industrial park.
- Jim Winters began a discussion regarding conditional use and said we may want to put conditions on all the uses.
- Bob Skerry explained conditional use. He said P&Z defines conditions and if they are met, a conditional use permit is issued. He said the special use is different in that the request must be posted and go to public hearing. He said the conditional use can't be denied if the conditions are met but we can change the conditions.
- Jim Winters said we need to make sure we adequately list conditions in all zoning types. He said people should be able to look at a list and see the conditions that must be met. He said if the list doesn't exist, we need to get rid of Conditional Use.
- Lawrence Gordon said we should omit Conditional Use and make it Special Use so that it goes through the process for approval.
- Jim Winters said we would be better protected by going through the process, but we still may have some liability so it's good to involve the public. He said another question is whether we should post just for the Commission meeting. He said P&Z is the final arbiter and if we approve, it doesn't have to go to Council.
- Bob Skerry said any uses we think may be controversial shouldn't be included. He said that's one of the reasons to divide subdivisions into neighborhoods and provide different conditional uses.

- Robert Teague said if conditions are listed, the P&Z's hands will be tied and because the world is ever changing, we don't want to do that.
- LE Rubin read 4-7-2 Conditional Use Paragraphs A through E which is a list of provisions of authorization for a conditional use permit.
- John Thompson said that's all we need. He said if the use doesn't affect neighbors, traffic, environment and infrastructure it could be allowed.
- Bob Skerry said we may want to allow a business if it doesn't impact the neighborhood.
- Lawrence Gordon said paragraph G under Conditional Use should be omitted because if a use doesn't meet requirements, it becomes special use.
- John Thompson questioned Paragraph E under I-3 Special Use #2 Commercial Sand, Gravel or Concrete Plant. He said there was some discussion about not wanting sand and gravel mining operations.
- Robert Teague said a concrete plant is not the same thing as mining. He said because we're a new city, we shouldn't start listing things we don't want.
- Jim Winters said he has information from Pueblo, CO which has an I-3 zone and they have additional things that we may want to consider adding to I-3 Special Use. He said we should discuss what we want in the zones.
- John Thompson said he will mark this area for further discussion.
- Jim Winters said conditional use means that we would want to put conditions on that use. He said one of those conditions would be that when that operation stops, they would have to reapply.
- Jim Winters said posting questions for conditional use permit should be discussed. He also said the section on accessory buildings needs to be discussed in the context of neighborhoods. He explained that the size of accessory buildings is regulated by the State to try to keep people from living in them.
- LE Rubin asked if the City has an ordinance which prohibits that use.
- Bob Skerry said we do if we know about it, but storage sheds appear overnight or on weekends without our permission. He said the code enforcer is not allowed to go on private property and people don't answer mail, phone calls or the door and don't show up for court.
- Lawrence Gordon asked how often summons can be issued. He said once the number of summons get high enough, they'll be arrested.
- Bob Skerry said Lawrence Gordon should talk to the Sheriff because of his background and ask what they do about warrants.
- LE Rubin said we've contracted with the County Sheriff for an officer and he should enforce warrants for the City.
- Jim Winters said we need documentation of their identity and if they won't answer the door, how would we get that.
- Jim Winters said he added a 15' height limitation for accessory buildings and there is a requirement that accessory buildings be at least 10' from the main structure.
- Robert Teague said there is a requirement that accessory buildings can't exceed the height of the house.
- LE Rubin asked if there is a reason to change the 10' limitation of distance between structures.
- Bob Skerry said the requirements are that an accessory building must be 10' from the back and side property lines and 10' from any building. He said on a quarter acre lot there isn't a place in the back yard where you could put an accessory building and meet those requirements, so the home owner would need to apply for a variance.
- Jim Winters asked that everyone to look at pages 40-51 and think about what we should discuss at the next meeting.

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

**ADJOURN**

- Lawrence Gordon moved to adjourn. Tom Scroggins seconded the motion and the meeting was adjourned at 8:06 p.m.

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