

Planning & Zoning Minutes  
P/Z Room South City Hall  
360 Rio Communities Blvd  
September 20, 2018

**Call to Order**

- John Thompson called the meeting to order at 6:30 pm.

**Roll Call**

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

**Approval of Minutes – September 6, 2018 meeting**

- Tom Scroggins moved to accept the minutes of the September 6, 2018 meeting as presented. John Thompson seconded the motion and the minutes were approved on 5-0 vote.

**General Discussion**

- Lawrence Gordon asked if the issue of putting safety barriers on Chamartin came up at the Council meeting.
- Jim Winters said the subject didn't come up, but Council knows about it and we need to bring that up again.
- Bob Skerry said he will have to find the time to research and find out who owns the street.
- John Thompson said two people are building garages that are two stories tall – one on the corner of Kaghan and Dulcenea and one on Dulcenea and Don Diego. He asked if that would have required a special use permit.
- Bob Skerry said we need to have some discussion about accessory buildings and suggested everyone drive through the city and see the problem.
- John Thompson asked if there would be a problem on the sale of the property if the structures exist and haven't been permitted.
- Bob Skerry said there may be a problem if they do a title search, but it probably isn't on the assessor's map.
- Jim Winters said we need to use common sense and put some teeth in the ordinance. He said some ordinances haven't been enforced and the biggest problem is that we've only had a code enforcer for about a year.
- Lawrence Gordon said we need some way to take care of structures that appear on weekends.
- Bob Skerry said a code enforcer can't see everything and 100% compliance is impossible.
- Dennis Kintzler said if neighbors complain, we have to do something.

**Subdivisions update and possible vote** – not discussed at this meeting

**Zoning Issues/Updates:**

- Jim Winters suggested starting at page 1 of the zoning code to look at problems that need to be resolved. He said two issues are conditional use and special use. He distributed copies of information from other municipalities listing things that are allowed as a conditional use in a residential zone and explained that these cities don't have both conditional use and special use. He said a permit is issued for a permissible use but we may have a request for something that would be considered a conditional use and is not on the list. He said we might want to think about what conditions we want to list, and we can list as many as we want. He said he was told by MRCOG that a special use should be dramatically different and something that requires major changes in the rules. He said he was also told that MRGCD would like to see special use areas or zones. He said special use is more intense because of conflict with the neighborhood but everything is not necessarily written down. He said conditional use is for minor things like the number of parking spaces. He suggested going through the list of things that are allowed and see how comfortable we are with those. He said there is no reason to have special use if we have moved as many things as we can to the ordinary permissible use in that zone.

- Tom Scroggins said we shouldn't get rid of special use because things will come up that we can't anticipate.
- Dennis Kintzler said the senior mobile home village is accepting recreational vehicles and asked if that required re-zoning to special use.
- Jim Winters said it didn't require re-zoning because mobile home parks allow recreational vehicles. He said container homes are also allowed in mobile home parks.
- Tom Scroggins said maybe we should allow special uses in industrial areas.
- Bob Skerry said when property is sold the special use is gone also. He said a zoning change would allow them to sell their property as a business.
- Jim Winters said we have dirty situations in the city where there is a machine shop in the garage on residential property. He also said we have two businesses in commercial zones, but they live there. He asked if we want the machine shop to remain when property sells. He suggested starting a list of places where this type of thing is and make those properties "non-conforming use".
- Dennis Kintzler asked if we can put a time limit on non-conforming use, so they would have to come back to us periodically and renew.
- Jim Winters said conditional uses should be reviewed annually by P&Z. He said Albuquerque cancels conditional use if it's not used for a year.
- Dennis Kintzler said then if property changes hands we'd have a chance to cancel the conditional use.
- Tom Scroggins said if someone buys a property with a mechanics shop and wants to continue that business, they would have to come to P&Z to extend the use because that use expires at transfer of property. He asked if family members that may work in the shop could put the business in a corporation after the parents die.
- Jim Winters said that would be a change in title and the conditional use should not be in effect. He said MRCOG said conditional uses need a hearing and approval by P&Z and Council and "Special Use" should be removed from the ordinance.
- Bob Skerry suggested that, if we tell people running a shop, that their zoning will expire they may relocate so we need more commercial zoned property in the City.
- Dennis Kintzler said we might say anything not zoned residential needs special use and set a time limit.
- John Thompson said if future grants depend upon our eliminating "special use", we have to do that.
- Jim Winters said we should eliminate "special use" and strengthen other areas in the code. He said we may want to add special use and include some generic uses for some projects.
- Lawrence Gordon said we shouldn't eliminate special use in case we need it in the future.
- Dennis Kintzler said 4.1.2 Purpose explains the goal for land use in the city.
- Bob Skerry said we should include as many things as we can under I-3 zoning. He said if we leave the requirement for special use and P&Z decides, it's not likely that someone would want to spend a lot of money to bring a business here that is contingent upon the Commission or some in the community that don't want it.
- Jim Winters said we need to include as many general uses as we can think of that don't require any conditions.
- John Thompson suggested adding "examples include but are not limited to the following:" to 4.3.1 C Permitted Use Examples.
- Tom Scroggins said that language should be added to all areas where examples are listed.
- Jim Winters referred to 4.3.1.D R-1 Conditional Use and explained that #1 Multi-family housing duplex, triplex, condominiums or cluster homes (6 units or less) was included because of large pieces of property on the east side of the City. He said those lots are large enough that multi-family could be allowed as a conditional use.
- Tom Scroggins said if someone builds a duplex as a conditional use and that use ends when it's sold, it can't be a duplex any more so what would we do then. He said we need to address conditional use.
- Jim Winters said we could grant a life-time exemption.
- Bob Skerry said Rio Communities is in an opportunity zone, so people can invest in the community and one of the things listed is affordable housing.
- John Thompson said multi-family use requires R-2 zoning so if someone wants to build multi-family housing in R-1 zoning, they would need to apply for a change in zoning.
- Jim Winters suggested we move that to permissible use and take description with it.

- John Thompson said we should define neighborhoods and say homes must be compatible with existing the neighborhood.
- Lawrence Gordon asked where duplexes or triplexes be located.
- Jim Winters said they're all on the east side because that's where there are lots large enough and we specified lot sizes.
- Tom Scroggins said we should remember that duplexes, triplexes and quadraplexes are typically owned by one person and rules for renting are different if more than four units.
- Bob Skerry said the arguments in the past have been about problems with having renters in your neighborhood. He said there are large pieces of land in the city that have been vacant for years.
- Jim Winters said there probably won't be single family homes built on those lots. He said it would benefit the City to have something built there because the infrastructure is already in place but building in a new area would require new infrastructure.

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

**ADJOURN –**

- Lawrence Gordon moved to adjourn. John Thompson seconded the motion and the meeting adjourned at 8:02 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

\_\_\_\_\_  
Jim Winters

\_\_\_\_\_  
Tom Scroggins

Date: \_\_\_\_\_