

Planning & Zoning Minutes
P/Z Room South City Hall
360 Rio Communities Blvd
November 1, 2018

Call to Order

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

Roll Call

- Present: Jim Winters, Tom Scroggins, L.E. Rubin, Dennis Kintzler and Lawrence Gordon
- Also present: Mayor Mark Gwinn
- Absent: John Thompson (excused) and Robert Teague (excused)

Approval of Minutes – October 18, 2018

- Dennis Kintzler moved to accept the minutes as written. The motion was seconded by L.E. Rubin and the minutes of the October 18, 2018 meeting were approved on 5-0 vote.

General Discussion:

- Lawrence Gordon asked about progress on the solid waste ordinance.
- Mayor Gwinn said we're going forward with the ordinance and it is being reviewed by our attorney. He said the final draft will be presented at the Council meeting on 11/13 or 11/22. He said Jim Winters requested input on four areas and he has been told by the attorney that he will add language that the law will support. He suggested a joint meeting between Council and P&Z before we schedule another forum and then we can have a public hearing.
- Jim Winters said they gave us direction on the issue of discounts for people who can't pay. He said their advice was to make that part of the bid process rather than putting it in the ordinance. He said we're still waiting for their response on the other three items but one reason for the delay is that they are revising ordinances at Farmington, Aztec and Bloomfield.
- Mayor Gwinn said the City will have nothing to do with collecting fees.
- Mayor Gwinn said terms for P&Z members Robert Teague, Lawrence Gordon, Dennis Kintzler, L.E. Rubin and John Thompson are due to be renewed and asked if they want to continue. Lawrence Gordon, Dennis Kintzler and L.E. Rubin agreed to continue, and Mayor Gwinn said he will contact John Thompson and Robert Teague.
- Mayor Gwinn said Gordon Reeves is the new code enforcer and Preston Craig is training him. He said Mr. Reeves is working part time now but the position is approved for full time and Council wants it to be a full-time position.
- Dennis Kintzler asked about EDC.
- Jim Winters said they have three members and need another one. He said Mayor Gwinn will announce one at the Council meeting on 11/13.
- Tom Scroggins said it would be good for both commissions to work together.

Zoning Issues/Updates -

- Lawrence Gordon asked if there should be something about access to the property for the fire department in Section 4.8.2.
- Jim Winters said that is in the subdivision regulations and asked if we want to require fire hydrants to be shown on a request for variance.
- L.E. Rubin said applications for a business license should require a drawing of the building where the business is located and where hydrants are.
- Jim Winters said a question regarding distance to the nearest hydrant should be added to the application for a variance or conditional use. He said Planning and Zoning has control of the use of property. He said that's the reason for non-conforming use and P&Z makes the final determination.
- L.E. Rubin said the line of sight regulation has been violated in some places in the city and asked if the code enforcer can go to places where line of sight is not clear.
- Jim Winters said the code enforcer is the only one who can get involved but council could have input.

Request for conditional use – 952 Frederico -

- Jim Winters explained that Helen Smith who has a large lot at the end of Frederico wants to build a patio cover which will be attached to the house. He said the cover will be placed on an existing foundation and all the property in the back of hers is vacant.
- L.E. Rubin confirmed that all neighbors within 100' of the property were given adequate notice.
- Jim Winters said they were all notified by certified letter, and he spoke with the developer who owns the two vacant lots.
- L.E. Rubin said the problem is the 6'6" distance between the carport and the property line. He also said fire hydrants or utility shut-offs are not shown on the plan.
- Jim Winters distributed information from the zoning code dealing with conditional use.
- Tom Scroggins asked about drainage off the roof and the possibility that it will drain on adjacent property and began a discussion.
- Jim Winters said, if the commission agrees to accept the request, a conditional use could be approved, and a condition could be that drainage would be contained on the property. He said they would need an annual review of a conditional use but if nothing changed the permit could be conveyed to a new owner.
- L.E. Rubin moved to accept the request for a variance for setbacks from 10' to 6'6" with the provision that what is indicated on the plans which were submitted is built and if there is any change in the future they will come back to this Commission. The motion was seconded by Lawrence Gordon. Jim Winters said the developer who owns the vacant lots indicated there may be covenants in that neighborhood, but he does not have a problem with the variance. The request for variance was approved on 5-0 vote.

Election of a Chairman –

- Jim Winters said Robert Teague has stepped down as chairman of P&Z but will remain on the commission. He then asked if anyone is interested in taking the position.
- Dennis Kintzler suggested that Tom Scroggins consider the position since he has been a Councilor and P&Z works closely with Council.
- Tom Scroggins said the Mayor has talked to him, but he doesn't think of himself as a chairman. He said Jim Winters has all the technical abilities.

- Jim Winters said once revisions to the zoning code are finished, the technical stuff is complete. He also said Council has appointed him to sign off on building permits temporarily until someone else is appointed.
- Dennis Kintzler moved to elect Tom Scroggins chairman. Lawrence Gordon seconded the motion and Tom Scroggins was elected chairman on 5-0 vote.

ADJOURN

- The next meeting on will be held on November 15 and general discussion and zoning will be on the agenda.
- L.E. Rubin moved to adjourn. The motion was seconded by Dennis Kintzler and the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Pam Johnson, Deputy Clerk

Approved

Tom Scroggins, Chairman

Dennis Kintzler

John Thompson, Vice Chairman

Lawrence Gordon

L.E. Rubin, Secretary

Jim Winters

Robert Teague

Date: _____