

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

Call to Order

- Tom Scroggins called the meeting to order at 6:34 p.m.

Roll Call

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

Approval of Minutes of November 15, 2018 meeting

- Jim Winters moved to approve the minutes as submitted. Lawrence Gordon seconded the motion and the minutes of the November 15, 2018 meeting were approved on 6-0 vote.

1. General Discussion

- Jim Winters distributed information he was asked to put together for the Opportunity Zone and the International Trade Zone. He said he used the Tillery property, the property located on the opposite corner from Tillery, the property south of Hwy 47 along Hwy 304 that lies within the industrial park and the property near the southern side of Rio Communities which is a parcel of land occupying 29 acres zoned R2.

2. Solid Waste Redux –

- Tom Scroggins asked Dennis Kintzler to report on a meeting they attended with our attorneys regarding the solid waste ordinance.
- Dennis Kintzler said they met with Marcus Rael and his assistant and they are going through the items we recommended for the solid waste ordinance that was brought before Council. He said they hope to get back to us again in January. He said they thought what we discussed was proper, but they've added some things that we didn't ask them to. He said, apparently they were under the impression that we were going to do the billing so some of what we have is not applicable. He also said the City should ask them to add that the trash hauler can pursue all legal means to collect.
- Jim Winters said the City wants collection to be the hauler's responsibility, but he has been told they will only pick up trash three times if the customer hasn't paid and that defeats our purpose of mandatory trash pick-up.
- Dennis Kintzler said we also asked that they maintain an office in Rio Communities.
- Tom Scroggins said we probably won't hear back from the attorneys before our meeting on January 3rd but we should put this on the agenda for further discussion. He said we may want to put the things we're concerned about in a letter to them.
- Lawrence Gordon said we should try to get all our concerns covered.
- Dennis Kintzler suggested we have someone on this commission ask questions of the attorney.
- Tom Scroggins said we need to discuss getting a 501c3 that could donate money to help people who can't pay.

3. Zoning Issues/Updates

- Jim Winters distributed a list of choices that need to be made on how P&Z should proceed with the zoning ordinance. He said he recommends that the notification and posting be updated to stay in compliance. He also said the numbers on setback criteria could be changed and leave it at that.
- Dennis Kintzler asked if we've decided we want to change the setback criteria.
- Jim Winters said we've discussed that but haven't decided. He said sub-zones could be created to reflect existing neighborhoods and setbacks could be different depending on the type of properties in the neighborhood.
- John Thompson said we have discussed uniformity of neighborhoods.
- Jim Winters said RCA started the concept of putting similar neighborhoods together as a group and we could do that with sub-zones. He said this would be an issue for vacant lots throughout the City but would not pertain to existing homes and started a discussion on covenants pros and cons. He said covenants may not be enforceable in court.
- L.E. Rubin said it would be a neighbor dispute and that comes down to whether neighbors want to take a problem to a judge.
- Jim Winters began a discussion on the option to eliminate "special use" and move appropriate items to conditional use. He said those that we don't move to conditional use could be eliminated or moved to another zone. He also said statements like "similar to" could be added for design statements.
- Jim Winters referred to the definition in the zoning code of "conditional use" and "special use" and began a discussion regarding special use.
- Lawrence Gordon questioned eliminating "special use" because of the comments made by someone at MRCOG that she wouldn't sign off on a grant if we include special use zoning.
- Jim Winters said another term we need to think about is "variance". He said we have to be careful because the reasons we can grant a variance are specific.
- Tom Scroggins said we've talked about variances and if we're granting too many, the zoning should be changed.
- Jim Winters said we should add a category if we're granting the same variance over and over again unless it's limited to the reasons listed in the definition of variance.
- Jim Winters referred to the City of Albuquerque's definition of conditional use and that they have a public hearing for each request for that zoning. He said it would be nice to have a list, but we don't list every possible use.
- Jim Winters said there are areas in town that have 3,500 square foot lots and will probably have to have common walls and require rezoning to R-2. He said another area in town is zoned MH-1 and a lot of those lots are 50 x 90, and it would be hard to put a manufactured home there. He suggested we need to come up with definition of conditional use.
- Tom Scroggins said there are instances where certain uses would be considered special use rather than conditional use.
- Lawrence Gordon agreed but said Albuquerque's definition of conditional use covers that.
- Jim Winters said we would be granting a use that is different from the rest of the area. He said we need to look at permits and decide if we need "special use permits".

ADJOURN –

- L.E. Rubin moved to adjourn. Lawrence Gordon seconded the motion and the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Approved

Tom Scroggins, Chairman

Dennis Kintzler

John Thompson, Vice Chairman

Lawrence Gordon

L.E. Rubin, Secretary

Jim Winters

Date

Robert Teague

