

**Planning and Zoning Commission
Regular Meeting
April 4, 2019 6:30 PM**

Call to Order

- Tom Scroggins called meeting to order at 6:31 p.m.

Roll Call

- Present: Chairman Tom Scroggins, Dennis Kintzler, Jim Winters and Lawrence Gordon
- Absent: Vice-Chairman John Thompson and Secretary L. E. Rubin
- Also Present: Duty Clerk Amy Lopez

Approval of Minutes of March 7, 2019 Regular Meeting and March 14, 2019 Special Meeting

- Lawrence Gordon moved to approve the minutes for the Regular Meeting as written for March 7, 2018. Jim Winters second the motion. With a 4-0 vote, the minutes for February 21, 2019 were approved.
- Lawrence Gordon moved to approve the minutes for the Special Meeting as written for March 14, 2018. Dennis Kintzler second the motion. With a 4-0 vote, the minutes for February 21, 2019 were approved.

General Discussion

- Tom Scroggins said that Tuesday we will be having a new member in P&Z, and he thinks it is Scott Adair.
- Lawrence Gordon asked about potholes.
- Jim Winters said that we will need to get with Celina to see what potholes are getting fixed first. The discussion continued.
- Jim Winters said that Tractor Supply is looking at coming in near Fat Sat's and that there is no news on the subdivisions on 47 because Herman Tabet is not willing to build yet.
- Lawrence Gordon asked about the assisted living facility.
- Jim Winters said that they will be addressing variance and other issues before he will be able to come in and build.
- Dennis Kintzler asked if there is any news on the grocery store.
- Jim Winters said that the man is still looking for an affordable place to build and still has a year lease for his current store in Belen. He went on to say that a Jackalope type of business is still looking to come in to Tillery and they are in negotiations right now.
- Lawrence Gordon asked if the Solid Waste Ordinance is taken care of.
- Tom Scroggins said that it is still at the attorney's and the lawyers might want to speak with some of us from P&Z before finalizing.
- Jim Winters said that the Oasis Café should be opening soon.
- Tom Scroggins said that maybe the restaurant will help the whole Plaza get more business.
- Jim Winters said that Clariant has sold to a medical facility and will be adding more laborers and Keter has expanded. The discussion continued.
- Tom Scroggins said that we need to schedule a meeting with EDC, maybe a quarterly meeting could be arranged. The discussion continued.

Zoning Issues/Updates

- Jim Winters handed out a sheet “Exhibit ‘B’” and said we will be looking at page 41 of “Planning and Zoning: Zoning Code, Draft 5.” He said we will be thinking about accessory buildings and will be looking at 4-5-3A and the height of the building. He continued to say there are several in the community that are more than 15 feet, particularly on the East side, because we didn’t have a Code Enforcer.
- Tom Scroggins said that 4-5-1 has the definition of the accessory building and asked if there was a 25’ height restriction on homes.
- Jim Winters said that there is nothing at all in the residential section on height restriction, under the R-1 section but we could say that an accessory building cannot be taller than the house.
- Lawrence Gordon said that the accessory buildings are not to exceed the height of the house, as stated in 4-5-3A.
- Lawrence Gordon asked if the City wanted to allow accessory buildings to be as tall as a two-story home.
- Dennis Kintzler said that there are several homes in the neighborhood that have accessory buildings that are taller than the houses because they house their RV’s in them.
- Jim Winters said that we will change it from 15 to 20 feet. He then said that what we have listed for antennas is the height can be no more than the highest point of the adjacent building, but that is no longer needed.
- Tom Scroggins said that it is going to be like a fence, the height is going to be determined by what point it is being measured. He then said if it was measured from the bottom of a slab, that would add 4 or 5 inches, or it could be different if it was measured from ground level.
- Jim Winters said that we can write in 20 feet from the ground. He then said that we need to determine the distance between an accessory building and a house or business. He asked everyone to look at the “2018 International Residential Code” under “Exterior Walls, Section 302.1,” where there is a statement about exterior walls needing to be 10 feet from other structures, except accessory structures.
- Lawrence Gordon asked if Tough Sheds, as an example, would have the fire rating required.
- Jim Winters said that if concrete board was added to the outside it would meet the fire code.
- Tom Scroggins said that we could add that the building would need to be ten feet without a two-hour rated firewall or three feet with a two-hour fire rated.
- Jim Winters said that he does not know what to write for a car port or a stand-alone. He gave the description of a carport. The discussion continued.
- Tom Scroggins said that some are building carports and are building storage or shelving at the end of the garage without enclosing the carport.
- Jim Winters said it would be considered a garage if the any part of the carport was attached to the home. He went on to say that we are concerned that someone who adds on carport that is attached to the house is actually building a garage. He then said the garage is attached, and a carport is free standing, and there will need to be a building permit at some point.
- Dennis Kintzler said that as an example, Mayor Gwinn’s house has an attached carport. The discussion continued.
- Tom Scroggins asked if there is a three-foot deep storage the end of the carport, is that alright.
- Jim Winters said that number seven on page 42 covers that.
- Tom Scroggins said that you can enclose 2 walls but not three.
- Jim Winters asked if number 9 should be eliminated, and all agreed it should be.

- Jim Winters asked if anything needs to be done with number 8, regarding the height of carport.
- Lawrence Gordon said it was essentially the same thing as the accessory building, people are going to build it to store their RVs and it might need to be tall.
- Jim Winters said we should use 4-5-3A language to fix it. He said that there should be a clause on architecture and aesthetics, so that we have input into how they look.
- Tom Scroggins said that an attached carport needs to have a conditional use permit that required approval, but conditional use ends when the home is sold.
- Jim Winters said that we should add “any carport attached to any main dwelling requires a building permit.”
- Lawrence Gordon asked what if someone buys the property, but the structure was grandfathered in, how is it addressed.
- Jim Winters said that it should be accepted because the County Assessor should assess that as part of the structure and will hit the tax roll. He said that he gave a list to the assessor for them to investigate, before had a Code Enforcer. The discussion continued.
- Jim Winters said, moving on to 4-6-2, R-1, we have 30 feet written in, but some areas 30 feet is a good chunk of the lot. He discussion continued.
- Dennis Kintzler said that we should reduce it to 15 feet.
- Lawrence Gordon said that 15 or 20 feet would be best.
- Tom Scroggins said that there is something that said that the setback has to be as far as the other homes on the street.
- Lawrence Gordon said that if there are new subdivisions being built, it should not be 30 feet.
- Jim Winters said that we could write 15 feet but add an asterisk saying, “if there are already houses on the street the offset, the offset needs to match.” The discussion continued.
- Tom Scroggins said that because of the length of vehicles we might need to make it 20 feet.
- Jim Winters said that the new sidewalks need to be 4 feet, but it will have to be part of the driveway.
- Tom Scroggins said the sidewalk would be built in the City’s property, so 20 feet will be fine.
- Lawrence Gordon said that 20 feet would be fine for a new sub-division, but if someone were to build an individual home in an existing neighborhood, it would need to be 30 feet to match the other offsets and not 20 feet.
- Tom Scroggins said that it could be left at 30 feet for existing neighborhoods and have the asterisk denoting 20 feet for new construction.
- Jim winters said that we can leave it 30 feet and have the asterisk denoting 20 feet for new construction, R-1 will be ok but R-2 will need to be changed. The discussion continued.
- Jim Winters said we should write, “if existing neighborhood: the setback must be equal or less than the existing housing on the block.” He then said that this would cover R1 and asked what should be done about rear offset for R1.
- Tom Scroggins said we did have on here whether 5 feet minimum or 10 feet for the rear offset.
- Jim Winters said that the reason that was added was “exteriors walls and their projections should not be within 5 feet of a lot line,” but there is a new standard.
- Tom Scroggins said that for smaller lots, there should be smaller offsets.
- Jim Winters said that we need to make R1 completely separate from R2. He then said that R1 is everything on the East side except on Damon, near the old City Hall except a small lot, then going all the way down Damon until you get to Goodman that is all R2. He asked if the offset should be 20 feet because those are multi-family and would have different rules, all off street parking. He

further said, the problem will be new sub-divisions coming in, so we should put the asterisk in for the new subdivisions. He went on to say that these are minimum offsets and we may have to do variances. The discussion continued.

- Tom Scroggins said that 5 feet would allow a fireman and hose through.
- Jim Winters said R-2 is basically all the properties on Carmel, Greens Point from Golf Course, everything on Maddox Loop, Western and Horizon Vista. He said it also includes all the stuff across from the senior park. He then said that multi-family is shared wall or reduced space between houses. He went on to explain where all the multi-family zoning is. He further said that it can be where they have common walls or 3 or 4 feet between them, and some of them in a subdivision in Tierra del Sol that have common wall, but everything else has reduced space between homes.
- Tom Scroggins said that he is confused, because there is R1, R2, R1 Multi Family and R2 Multi family, and he thinks the definitions don't match.
- Jim Winters said there is 2 R1's and the one with the triplex should be eliminated, because it was added to encourage builders to come in and build a duplex. He then said we should wipe out R1 multi-family. The discussion continued.
- Jim Winters said that somewhere we need to write definitions for R2's as single-family common wall, reduced wall. He said that we need to finish R2 and asked if we want to go with 20 feet in the front for a minimum setback.
- Tom Scroggins said it should be the same as R1, except for between the side yard, because it allows for common wall. He then said not all zero lot line buildings are attached.
- Lawrence Gordon said your foundation walls could be separate with a firewall in between them.
- Jim Winters said that MH2 are Manufactured Home parks and we have 2, Chamisa and Vista Grande, and they have different rules, currently they are 30 feet set back in the front. The lots are 50 feet wide and 90 feet to 100 feet long, with this there is not enough room, and maybe it needs to go to 20 feet.
- Tom Scroggins said that a 20 feet in the front and a 10 feet minimum in the back, and then 10 feet side to side in MH1 and that would allow the fireman to get through.
- Jim Winters agrees that there needs to be a way for the fire department to get through.
- Tom Scroggins said that with a new MH1, there needs to be an alleyway.
- Lawrence Gordon said that we can pick up where we left off next meeting. The discussion continued.

Abatement issues

- Was not discussed at this meeting.

Adjourn

Jim Winters moved to adjourn. Lawrence Gordon second the motion and the meeting adjourned at 8:08 p.m. with 4 -0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

L. E. Rubin, Secretary

John Thompson, Vice-Chairman

Lawrence Gordon

Dennis Kintzler

Jim Winters