

Planning & Zoning Minutes

August 1, 2019

Call to Order

- ◇ Tom Scroggins called meeting to order at 6:36 p.m.

Roll Call

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

Approval & signing of minutes of June 20, 2019 Regular Meeting and July 18, 2019

- L. E. Rubin made a motion to approve the June 20, 2019 Regular Meeting Minutes as written. Dennis Kintzler second the motion. With a 4-0 vote, the minutes for June 20, 2019 was approved. Dennis Kintzler made a motion to approve the July 18, 2019 Regular Meeting Minutes as written. L. E. Rubin second the motion. With a 4-0 vote, the minutes for July 18, 2019 was approved.

General Discussion

- Tom Scroggins said he will not be attending the September 5 meeting.
- Jim Winters said we will be working with the county to redo the Mobile Home Placement Certificate, there is no longer a Flood Plain Manager and we have a remedy to get around it or a while. He explained this new process will be easier for people to follow, it will come through our committee, and it will be required on all building permits.
- L. E. Rubin asked if the form for the Liquor License was finished.
- Jim Winters said it is a Zone Certification Letter, it will be for liquor license and other things and it is finished. He then said Al's Mini Mart will be getting more signage, it is being upgraded, no structures will be moved, and he recommend no fees be charged.
- L. E. Rubin asked if the Phillips 66 on the top will be lighted and the discussion continued.
- Jim Winters said we have had discussions about the difference between the mobile home parks and showed the difference on the county assessors map and began a discussion.
- L. E. Rubin said across from the fire station there is a half a mobile home parked there and began a discussion.
- Jim Winters said we have a storm water drain issue from EPA. He then said there will monitoring stations in the top and bottom limits of the city that monitors e-coli and when they find a certain concentration, they add more monitoring stations in the area to find out where it is coming from. The discussion continued.

Zoning and Sub-division final Ordinances

- Jim Winters said version 13, everything underlined is voted on and has been changed.
- L. E. Rubin asked for the location of changes needing to be made.
- Jim Winters said we are adding 4-7-8 per request of the Code Enforcer to help us know what assessor building are coming in and make sure setbacks are at proper distances.
- Jim Winters said page 38, 4-5-1, definition of an assessor building was added and started a discussion.
- L. E. Rubin said that we need to put a time limit on the POD type storage, because some are sitting there for too long and look bad.
- Jim Winters asked how long it should be.
- Dennis Kintzler said 90 days, they could always ask for an extension.
- L. E. Rubin said we learn from our mistakes, we should have put a time frame on the approval we gave, it has been there for two years.
- Jim Winters said storage for over 90 days needs to be re-evaluated.
- L. E. Rubin said sure.

- Jim Winters added time limit to 4-5-1. He then said under “C” Use of Accessory Buildings on the next page added language to keep them from putting them against the fence.
- Jim Winters said 4-7-8 was added regarding Transport permit.
- L. E. Rubin asked if there was a fee.
- Jim Winters there will be a small fee, but how much is up to the Clerk.
- Amy Lopez asked if 4-7-8 should be added to “C” just to make it clear.
- Jim Winters said that we can do that. He continued to definition on page “i” under 5 and added language. The discussion continued.
- Dennis Kintzler asked when it will go before City Council.
- Jim Winters said they want to see it as soon as it is finished.
- Tom Scroggins asked if there was a motion to approve the Zoning Code as written including correction made tonight.
 - ❖ L. E. Rubin made the motion to approve the Zoning Code as written including correction. Dennis Kintzler second the motion and with a 4-0 vote the Zoning Code was passed.
- Jim Winters said we will try to present this at a Council workshop along with the underlines and they can compare it to the original copy. He then said there are some changes because of the competitive market for smaller houses.
- L. E. Rubin said there was an article for some new housing in Rio Communities.
- Jim Winters said that it looks like they are targeting lots with infrastructure in place for infill.
 - Resident asked how long City Council will take to vote on it, it seems like too much to review for one workshop.
- Jim Winters said it could take multiple workshops to review.
- L. E. Rubin asked if this will have to be voted on at a public hearing.
- Jim Winters said that it is just like a new ordinance and will have to go to public hearing and began a discussion.

Abatement and Build & Construction Ordinances

- Jim Winters said we have previously agreed that we will look at registration of vacant or foreclosed structures as part of abatement. He explained that it can be a long process once lawyers get involved and began a discussion.
- Jim Winters said that there is a building and abatement which gives us the ability to do abatement, we need to look at approving that.
- L. E. Rubin asked who set the penalty for 90 days at \$500.
- Jim Winters said the State of New Mexico. He then said there is a suggested that there be different penalties with first second and third offenses, but ultimately it is up to the judge. He explained we need a form for this permit.
- Tom Scroggins asked under 6-1-4 and 6-1-2, why they were all numbered 7.
- Jim Winters said it needs to be worded better and the reference verified. He then said under 7-4-3 we need to generate a permit, page 21 says P&Z is the appeal board and wording was changed, page 22 “C” will have the same changes made. He further said the last change he saw was we need to delete MH1.
- Jim Winters said we need to discuss the Abatement process, section 3, 7-3, this section allows us to do abatement on dangerous buildings.
- L. E. Rubin said section “A” needed to be changed to the P&Z Commission.
- Tom Scroggins asked if there was a way to put in the Uniform Code for Abatement of Dangerous Buildings and add “or most current”.
- Jim Winters said that would be appropriate. The discussion continued.
- Jim Winters passed out the Code and explained that we have this in place now. The discussion continued.
- Jim Winters said he would recommend to Code Enforcer Reeves that a copy of the code book be purchased for reference at the City. He then said we should review this and decide if we want to get in the business of abatement or not, but I am reluctant until we really understand it.

- Ron Gentry said right now you have the entire abatement process that is turned over to the construction industry on 15.2 so this has nothing to do with it, it is all up to construction industries.
- Jim Winters said that for your case that is true.
 - Ron Gentry said no for anybody.
- Jim Winters said that there is a process you could go through and create your own abatement by hiring an inspector.
 - Ron Gentry said I realize what you could do.
- Jim Winters said that is what we are pushed to do but I am reluctant to do that.
 - Ron Gentry said he was told by the manager that you would consider this, you would send out to CID to condemn my building.
- Jim Winters said that request may have been made, but this group did not do that, what we did was say that under these regulations we have in place, a qualified inspector could look at the building, and make the determination, we are not making a recommendation or statement out of this group.
 - Ron Gentry said he was told CID would be here within the week and condemn the whole awning.
- Jim Winters said we looked through our minutes.
- L. E. Rubin said we just approved our minutes and you are more than welcome to have a copy.
- Jim Winters said we do not have the authority to do what was asked of us.
- L. E. Rubin said the document you handed us will take some time to read and thought it should be discussed at the next meeting.
- Jim Winters said that would be appropriate, we need to read it and understand what we can use, can use and what we want to use.
- L. E. Rubin said we should have copies of what they want us to pass for abatement.
- Tom Scroggins said maybe we should spend a whole meeting on this.
- Jim Winters said he thought that was a good idea and we can couple that with the registration of the dangerous and foreclosed buildings. He then explained there would be a fee that would allow the Code Enforcer to go check monthly to make sure it is being checked on, and that should be the first step on abatement.
- Tom Scroggins said we have had squatters.
- L. E. Rubin asked if the last two items that were not discussed will be moved to the next meeting.
- Tom Scroggins said we never really gotten a letter written about the variance hearing.
- Jim Winters said even though the case has been resolved we really should follow through for practice. The discussion continued.
 - Resident said the red tag issue has already been discussed, and Gordon is not here, will it be added to the next agenda.
- Tom Scroggins said that he would have to speak with Gordon.
 - Ron Gentry said it is extremely difficult what is going on with the red tag thing going on and it says on here that the City of Rio Communities did this and the Planning and Zoning Commission had evaluated the building.
- L. E. Rubin said if you read the minutes, he would see that I specifically asked under what authority would this commission even inspect it, none of us are qualified, if there is going to be an inspection it would have to go through CID.
 - Ron Gentry said he understood that, the red tag was placed on the building but was not signed by anyone and began a conversation.
- Tom Scroggins asked if we are going to approve or disapprove the Subdivision section.
- Jim Winters said he has not made any new changes we just need to vote.
 - ❖ L. E. Rubin made a motion to approve the subdivisions, chapter 6, as it is written, and send it to City Council for review and their consideration. Dennis Kintzler second the motion. The motion was passed with a 4-0 vote.

Annexation

- Jim Winters said Mr. Gentry had requested annexation and we provided forms, the first pass at annexation we requested him to list all the properties, we still have some questions. He explained we will need a statement on three properties saying Mr. Gentry has the authority to request for those properties to be annexed, and 5 properties are in a trust and need a statement declaring him as trustee.
 - Ron Gentry asked if he could write it out and have it notarized.
- Jim Winters said that would be fine. He then said some of the properties are zoned differently in the county that Mr. Gentry is asking them to be zoned and we will need to discuss those at the annexation hearing.
 - Ron Gentry asked if there is a time frame for getting this passed.
- Jim Winters said it would have to go with a public hearing, any neighbor within 100' of your properties will have to be notified and there are close to 40. The discussion continued.
- L. E. Rubin asked what is the time frame that the letters have to go out before the meeting.
- Jim Winters said 15 days.
- Tom Scroggins said the soonest we could have a public meeting would be the second September meeting and the discussion continued.
 - Jan Gentry asked if there was anything else, they would need to turn in.
- Jim Winters explained that they would have to discuss the zoning issues at the hearing, but as long as they turned in what was missing it would be fine. He explained there would have to be a letter of agreement on any zoning changes.
 - Ron Gentry asked will it be possible to have a time frame of deadlines so that this goes quickly.
- Jim Winters said yes, we have to hear this within 90 days from when it was turned in and a discussion continued.

CID red tag process

- Not discussed at this meeting

Fencing variance letter

- Not discussed at this meeting

ADJOURN

- Jim Winters moved to adjourn. Dennis Kintzler second the motion and the meeting adjourned at 8:05 p.m. with 4-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Approved:

Thomas Scroggins, Chairman

L. E. Rubin, Secretary

John Thompson, Vice-Chairman

Lawrence Gordon

Dennis Kintzler

Jim Winters

Scott Adair