

Planning and Zoning Commission Minutes
City Council Chambers Northside of City Hall
360 Rio Communities Blvd.
June 3, 2021

This meeting was streamed on Facebook Live
<https://www.facebook.com/riocommunities>

Call to Order

- Chairman Tom Scroggins called to order the Planning and Zoning Commission meeting at 6:37 p.m.

Pledge of Allegiance

- City Manager Dr. Martin Moore led the Pledge of Allegiance.

Roll Call

- Present- Chairman Tom Scroggins, Vice-chairman John Thompson, Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin.
- Present- City Manager Dr. Martin Moore and Deputy Clerk Amy Lopez

Approval of Agenda for June 3, 2021

- Mr. L. E. Rubin made a motion to approve the agenda for June 3, 2021 as written. The motion was second by Mr. Lawrence Gordon. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the agenda for the June 3, 2021 Planning and Zoning Meeting was approved.

Approval of Meeting Minutes from May 20, 2021

- Vice-chair Thompson made a motion to approve the May 20, 2021 Meeting Minutes as written. The motion was seconded by Mr. Lawrence Gordon. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the May 20, 2021 Planning and Zoning meeting minutes was approved.

General Discussion

- Vice-chair Thompson said as a future agenda item, he would like to review the master plan.
- Mr. Gordon said it does need reviewed but he would like to finish what they have started and asked when they would discuss the grid.
- Vice-chair Thompson asked what an appropriate home business is and began a discussion.
- Chair Scroggins said if they have the correct license and a business license.
- Vice-chair Thompson said he would like to discuss the grid and talk about home-based businesses, and how businesses might be in an R-1 or R-2 and how we might have to edit the grid to match the ordinance or edit the ordinance to match the grid and continued the discussion.
- Manager Dr. Moore said make sure what you have already matches the existing ordinance to make it easier to approve developers faster and continued the discussion.
- Chair Scroggins said we might have to have another zoning code that would allow home based businesses without commercial traffic.
- Mr. Gordon asked how we are going to police any home-based business.

- Mr. Rubin said the fire department needs to know for a home-based business what kind of chemicals, ammunition storage and other dangers to the fire department.
- Chair Scroggins asked if there is an updated master plan and said it sounds like we need to review the master plan and the zone grid as future agenda items.
- Mr. Rubin asked how often the Comprehensive Plan was to be reviewed.
- Manager Dr. Moore said we should look at it every three to five years and our latest one on the website is from 2017.
- Vice-chair Thompson said he has found it helpful to go back to the zoning grid before we look at that and would suggest we review the Comprehensive Plan before we discuss it and continued the discussion.

Public Comment

- Ann Armijo commented: Good evening, I would like to know about mobile homes being parked in a mobile home being parked in a residential area that we are not even zoned for. I complained last year in April, and nothing could be done because of Covid and now it has been over a year. What are you going to do about the zoning issue? The address is 94 Olson.
- Mr. Rubin said it would not be up to Planning and Zoning to enforce the Zoning Code, that would be enforced by the Code Enforcer, and he would recommend coming to see him.
- Manager Dr. Moore said we can treat that as notice to the City and he would follow up with the Code Enforcer.
- Chair Scroggins said a single wide is not allowed in R-1, but it does not necessarily mean that a double or triple wide would not be allowed and read the New Mexico administrative code saying multi-sectional and manufactured homes would be allowed as long as they meet certain criteria and continued the discussion.

Animal Welfare Survey

- Manager Dr. Moore recognized how hard the commission has worked on the survey and a small test group has taken the survey, but we do not have those results.
- Vice-chair Thompson said he is happy to see opened questions and continued the discussion.
- Mr. Rubin said an important thing that is missing is a response by date.
- Mr. Lawrence said it would be added once we know when it would be mailed and began a discussion.
- Chair Scroggins asked how long it would take to get the date added, printed, folded, and mailed.
- Chair Scroggins said we should just put a date of June 30th as a return by date and start the process. The discussion continued.
- Tom Scroggins said he has a post office box in Belen, and they allow us to put Rio Communities on his PO Box and so he does not get a newsletter and asked how that can be corrected.
- Vice-chair moved that we approve the final draft as the Animal Welfare Survey with a return date of June 30, 2021 and get them mailed. Mr. Gordon second the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the Animal Survey was approved to be mailed with a return date of June 30, 2021.

RV and Motorhome Parking

- Chair Scroggins said we should talk about this because it comes up often.
- Vice-chair Thompson read the Ordinance regarding storage of recreational vehicles on page 16 of Chapter four of the Zoning Code.

- Chair Scroggins said you can only have on a side yard and no restriction in the back yard if they are 5-foot away from a fence but cannot be parked more than ten days a year non-consecutively or consecutively.
- Vice-chair Thompson said he wanted to discuss this because we do have so many retirees and they often have them and began a discussion.
- Vice-chair Thompson said he bought a house with an RV pad with electrical hook up on the side of his yard, so is he grandfathered in.
- Mr. Rubin said there are quite a few bigger lots that have RV pads that even have septic ran to them.
- Vice-chair Scroggins asked if we want to have an ordinance that we aren't enforcing.
- Chair Scroggins said the ten-day limit is only for the front yard, but we have people living in them, and you are saying we have a requirement community and so maybe we need to extend the time limit on how long they can be in the front yard. He then said it does not say that it cannot be permanent in the back and side yard.
- Vice-chair Thompson said we should research the State and the County regulations.
- Chair Scroggins said we need to see what it says about people living in them in the backyard.
- Manager Dr. Moore said it would be necessary to have a conditional use permit to do that in an R-1.
- Mr. Rubin said it would violate the electrical code unless they had an appropriate hook up installed and continued the discussion.
- Vice-chair suggested doing a little research to see how long the State and County approved for a recreational vehicle being parked in the front yard.
- Chair Scroggins said we need to review setbacks for the recreational vehicle and began a discussion.
- Mr. Lawrence said the rules need to be the same for RVs and sheds, but we also need to be friendly to retirees.
- Mr. Rubin said the problem is not necessarily storing them, it is people living in them and continued the discussion.
- Chair Scroggins said he will add the discussion to the next meeting.
- Mr. Rubin made a motion to table RV and Motor Home Parking. Vice-chair Thompson second the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 4-0 vote the motion to table RV and Motor home parking was tabled.

Parks

- Vice-chair Thompson said the next meeting for the parks will be June 7, 2021 at one.
- Chair Thompson said it would be nice if someone would report back on information learned at the parks meeting at our next meeting.

Neighborhoods

- Vice-chair Thompson asked if there are any neighborhood name change discussion or boundary discussion.
- Manager Dr. Moore said the mobile home park is getting pressured to repave their road and upgrade.
- Mr. Rubin said there was discussion to allow neighborhoods to name themselves.
- Vice-chair Thompson said we have to start with something and let them change them later and continued the discussion.
- Mr. Gordon said we have to get the survey back first, then we can have a meeting for the public, but we need more information.
- Vice-chair Thompson said if we rely on people in the patio homes to set the limits on animals, it will restrict a large lot from having an animal that could be accommodated by the space.
- Mr. Gordon said it will all lead to a hearing, so the survey is the best place to start.

- Vice-chair Thompson said it is a good idea to talk about neighborhoods and asked how we would use it, as part of the Master plan, general guidance, or something else and continued the discussion.
- Mr. Rubin said it will be interesting to see how the population as a whole feel about having other than the typical domesticated pets such as dogs and cats.
- Mr. Gordon said the older generation might be fine with it, but the younger generation might not be, it is slowly changing to a city mentality and continued the discussion.
- Mr. Rubin said it is more important how the animals are taken care of rather than what type of animals people have, he is aware that people that don't take care of the animals and create a nuisance, and if there are bad smells it is a code enforcement issue. He then said we will have to write in the ordinance the ability to write a citation that will hold up in court.
- Chair Scroggins said we can refer to the abatement ordinance in the animal ordinance.
- Mr. Rubin said we can start a conversation regarding with the public using the newsletters.

Adjourn

- Mr. Gordon motioned to adjourn and carry the neighborhood plan to the next agenda. Secretary Adair second the motion and the meeting adjourned at 8:02 p.m. with a 5-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L. E. Rubin

Lawrence Gordon