

Planning and Zoning Commission Minutes
City Council Chambers Northside of City Hall
360 Rio Communities Blvd.
June 17, 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 6:39 p.m.

Pledge of Allegiance

- Vice-chairman John Thompson 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, Municipal Clerk Lisa Adair, and Deputy Clerk Amy Lopez

Approval of Agenda for June 17, 2021

- Vice-chairman Thompson made a motion to approve the agenda for June 17, 2021 as written. The motion was second by Mr. 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 17, 2021 Planning and Zoning Meeting was approved.

Approval of Meeting Minutes from June 3, 2021

- Mr. Rubin made a motion to approve the June 3, 2021 Meeting Minutes. The motion was seconded by Mr. 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 June 3, 2021 Planning and Zoning meeting minutes was approved.

General Discussion

- Municipal Clerk Adair explained the new agenda and minutes builder that helps the clerks create agendas and build packets that include the agenda, draft minutes and information which is now available to the public without attending the meeting. She then said from now on we will be having a book to record any agenda items that come up during the meeting so that it can be added to the agenda builder and explained there will be bi-monthly meetings with the Clerk, the City Manager, and Commission Chair to review the agenda.
- Vice-chair Thompson asked if it would make more sense to have two places within the meeting to allow for public comments because they might not have questions until they have heard the items discussed in the meeting and began a discussion.
- Mr. Rubin said we should also allow the public to have a comment section after Commission Discussion and Consideration Action and continued the discussion.
- Clerk Adair said the new agendas will have the public comment section at the end of the meeting as well as a blurb informing the public, they are able to send an email comments before the meeting and continued the discussion.

- Chair Scroggins said the first public comment would be for any topic, whereas the second public comment section would be regarding what was up for consideration and continued the discussion.
- Clerk Adair said we can add that people can now attend the meetings and she is going to request the Commissioners to provide any relevant items that will pertain to the agenda items, and those would also be available to the public ahead of time so the public can be informed before the meeting to make comments. The discussion continued.
- Chair Scroggins asked if the agenda and packet are available to the public, but we still have to post physical copies and continued the discussion.
- Chair Scroggins asked when the packet would be available to the public.
- Clerk Adair said the agenda has to be published six days before the meeting, but the packets should be posted to the website by the Tuesday for the meeting.
- Chair Scroggins said they would have access to the packet and the agenda on the website by the Tuesday before the meeting and continued the discussion.
- Mr. Gordon asked if the information on a variance hearing would be available online before the hearing.
- Clerk Adair said no that kind of hearing would not be public until the hearing and continued the discussion.
- Chair Scroggins said he received an email from Deputy Clerk Lopez who had asked for a checklist for items needed to make an informed decision on a variance and asked what the Commission would like to see included in the packet.
- Secretary Adair asked that drawings be dimensioned.
- City Manager Moore said after looking at the variance application, it is not clear on what is needed for a hearing, and we are looking for the Commissions input to make the hearing go smoother.
- Secretary Adair said he would like to have the Code violation cited.
- Vice-chair Thompson said we might want to add a comment saying they are welcome to present anything that would help us decide and began a discussion.
- Mr. Rubin said would it be unreasonable to ask for justification for wanting or needing a variance.
- Mr. Gordon said we need to have a fine in the amount of \$500 or \$1,000 for building something without a variance first, rather than building it and asking for forgiveness later and continued the discussion.
- City Manager Dr. Moore said that is up to the Code Enforcer and the Court to fine code violators and continued the discussion.
- City Manager Dr. Moore said having a full time Code Enforcer will help and continued the discussion.
- City Manager Dr. Moore said there is an education component that is not getting out there.
- Chair Scroggins asked if there is a fine within the Ordinance to charge those who are in violation of getting permit.
- City Manager Dr. Moore said there is a fine of \$500. He then said we may need to approach realtors and developers that are doing business in the City and provide them with the Ordinances and continued the discussion.
- Mr. Rubin said we are going to, as a Commission, to say no, you did not go through the appropriate steps so we can't grant your variance and continued the discussion.
- Mr. Gordon asked if people can be grandfathered because we don't have an active Code Enforcer at the moment.
- City Manager Dr. Moore said no, it is still a City Ordinance and can be enforced. He then said we are also having conversation with the County to see if we can work together to help with Code Enforcement and began a discussion.

- Mr. Gordon asked if we did use the County and cases went to our Court, who would receive the money from those fines.
- City Manager Dr. Moore said it would come to the City.
- Vice-chair Thompson said there was a park meeting and different types of parks were discussed while going over the master parks plan and it seems the best option for the City would be to buy the land behind the coffee shop to have a gathering area, without a playground, or the land behind City Hall. He then explained the more cost-effective option would be to have a very small pocket park on the sawtooth, but some argued that it would be better to use the money to start a highly visible park.
- City Manager Dr. Moore said that there are private entities that are considering teaming up with the City to help create parks.
- Chair Scroggins began a discussion regarding the Regulation and Licensing Department Cannabis Regulation Act letter.
- City Manager Dr. Moore said he has had a discussion with the State and the law was written so that we cannot completely block the sale of cannabis, but we will need to restrict how far they can be from churches and schools, and it would need to be written within our zoning code, and we will need to start having this discussion. The discussion continued.
- City Manager Dr. Moore said after asking for clarification from the State office, one of things they told us is the law is clearly written so that we cannot block cannabis use, but we can regulate around schools, daycare centers, and am not sure about churches, but if we do not put regulations on where they can and can't go, the likelihood of them being able to be near those things is high. He then said the most appropriate means of regulating cannabis use establishments, for growing, processing or selling, is through the zoning code; there are some examples coming out of Colorado, but time and place of use are things we can look at regulating, and began a discussion.
- Secretary Adair asked if cannabis law will be less restrictive than alcohol and asked what about growing it in homes.
- City Manager Dr. Moore said we are not sure yet, it is not written the same as the liquor laws and continued the discussion.
- Mr. Rubin asked if the law defines for Municipality employee use of Cannabis, driving City Vehicles, and how it could be a safety issue, whether it is medical or recreational, there is no breath test for marijuana.
- City Manager Dr. Moore said we are working on the personnel policy and there will be lawyers from the State and Municipality are also looking into it. The discussion continued.
- Chair Scroggins said he believes that those laws allow for people to grow a certain amount for personal use and began a discussion.
- Mr. Gordon said the City has received the funds to fix the hole on Chamartin, even though it will take time.
- Mr. Rubin asked if the animal survey has been sent out.
- Mr. Gordon said we have gotten 750 out and will finish next week with the return date changed to July 15th and began a discussion.
- Chair Scroggins said if we keep track of when the letters come back, we might be able to tell which areas have the largest area of concern and began a discussion.

Public Comment

- No Public Comment

Abatement

- Vice-Chair Thompson moved to table the discussion on abatement to a different meeting.

- Manager Dr. Moore said he would come back with a recommendation for abatement, if you feel there is someone from the Commission that would like to come speak to me, he is a happy camper.

Zoning Grid

- Vice-chair Thompson said as he was going through the grid and the Ordinance to see if they matched up and suggested to make the grid, then looked at the grid to see how the grid worked as an overall rule and found the grid matches the ordinance but it does not mean that it is right. He then gave an example of having ball field that are permitted in R1 and R2, but will it be zoned as a park, a ball field should be a Park, recreation, or other. He gave an example of having an athletic park at a mobile home park and would that need to have a special permit, gave more examples, and explained homebased businesses also need to be considered.
- Manager Dr. Moore said the way the grid is set up is that it matches up with ordinance and can be presented to Council as matching up and can begin working on an economic development plan and at least we have a picture for the developer to look at and continued the discussion.
- Vice Chair Thompson made a motion to recommend to Council this is an accurate representation of an existing ordinance, but we reserve the option to refine the Zoning grid and to include ECD. Mr. Rubin seconded 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 recommend to Council the grid is an accurate representation of the existing ordinance but reserves the option to further refine the grid with the inclusion of Economic Development.

Parks

- Chair Scroggins said parks will be moved to the next agenda.
- Vice-chair Thompson moved to continue discussion of abatement, zoning grid and parks into a future meeting. Mr. Rubin seconded 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 motion to table abatement, zoning grid, and parks to a future meeting was approved.

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