



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, November 07, 2024 4:00 PM
Agenda

Please silence all electronic devices.

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes September 05, 2024 & September 26, 2024

Public Comment: The Commission will take public comments in written form via email through 2:45 PM on Thursday November 07, 2024 to info@riocommunities.net. These comments will be distributed to all Commissioners for review. ***If you wish to speak during the public comment session in person:*** The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Planning & Zoning Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

The Commission will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Commission will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Commission are liable for their own statements, not the Commission. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.

Actions Items

- 1. Discussion – Review of a Variance Denial and Compliance Status on 304 Brugg Dr.**
- 2. Discussion – Review of Zone Code Ordinance**

General Commission Discussion/Future Agenda Items

Adjourn

Please join us from the comfort and safety of your own home by entering the following link @ <https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, September 05, 2024 4:00 PM
Minutes

Please silence all electronic devices.

Call to Order

Chair Good called the meeting to order at 4:01pm.

Pledge of Allegiance

Commissioner Good led the pledge of allegiance.

Roll Call

Commission

Melodie Good
Jimmie Winters
Richard Henderson
Chad Good

Staff

Deputy Clerk Lalena Aragon
Deputy Clerk Rachael Howe
City Manager Dr. Moore
City Attorney Randy Van Fleck

Approval of Agenda

Motion made by Commissioner Winters to approve the agenda as presented. Seconded by Commissioner Good. With a 4-0 vote the agenda was approved as written.

Approval of Minutes August 1, 2024 & August 22, 2024

Motion made by Commissioner Winters to approve the minutes for August 1, 2024 & August 22, 2024. Seconded by Commissioner Good. With a 4-0 vote the minutes were approved.

Public Comment:

Dick Irvin talked about a truck parked on the side of the street for months on Western Drive. He explained that the Police Chief stated his hands are tied because there is no ordinance about trucks being parked on the street. He explained that Western Drive is a narrow road and delivery trucks are having a hard time getting around it and also talked about his concern of fire vehicles getting around the truck.

Isreal Hernandez stated that he brought pictures of a structure he is building in his back yard. He showed the commission pictures of a carport being built and explained the reason for not meeting the setbacks is due to where the septic is located. The commission talked about needing a variance for the carport.

Discussion, Consideration, and Decision – Approval of Recommendation letter to Council Regarding Maverik Inc. Replat Request

There was a discussion.

Motion made by Commissioner Winters for approval of recommendation letter to Council regarding Maverik Inc. replat request. Seconded Commissioner Good. With a 4-0 vote the motion for approval of the recommendation letter to Council regarding Maverik Inc. replat request was passed.

Discussion, Consideration, and Decision – Approval of Recommendation letter to Council Regarding Maverik Inc. Special Use Permit

Motion made by Commissioner Winters for approval of recommendation letter to Council regarding Maverik Inc. Special Use Permit. Seconded by Commissioner Good. With a 4-0 vote the motion for approval of the recommendation letter to Council regarding Mavrck Inc. special use permit was passed.

Discussion, Consideration, and Decision – Approval of Recommendation letter to Council Regarding Billy Baca's Special Use Permit

Motion made by Commissioner Winters for approval of recommendation letter to Council regarding Billy Baca's Special Use Permit. Seconded by Commissioner Good. With a 4-0 vote the approval of recommendation letter to Council regarding Billy Baca's Special Use Permit was passed.

Decision – Ordinances

Chair Good requested to have some workshops to start going over the ordinances. There was a discussion.

General Commission Discussion/Future Agenda Items

There was a discussion on what ordinances they should start with. The Commission talked about having a workshop on Wednesday September 18, 2024 at 3:00pm.

Adjourn

Motion to adjourn made by Commissioner Winters. Seconded by Commissioner Good. Motion carried at 4:55pm.

Respectfully submitted,

Dr. Martin Moore, (Acting) Municipal Clerk
(Taken and transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Melodie Good, Chair

Chad Good, Vice Chairman

Vacant, Secretary

Richard Henderson, Commissioner

Vacant, Commissioner

DRAFT



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, September 26, 2024 4:00 PM
Minutes

Please silence all electronic devices.

Call to Order

Commissioner Good called the meeting to order at 4:01pm

Pledge of Allegiance

Commissioner Good led the pledge of allegiance

Roll Call

Commission

Jimmie Winters

Richard Henderson

Chad Good

Staff

Deputy Clerk Lalena Aragon

City Manager Dr. Moore

City Attorney Cori

Approval of Agenda

Motion made by Commissioner Winters to approve the agenda as presented. Seconded by Commissioner Henderson. With a 3-0 vote the motion to approve the agenda as presented was passed.

Public Comment:

Dick Irvin talked about a truck on the side of the road on Western Drive he stated that is left for a while and now it is back. He then stated that there is now a camper on the side of the road with its steps out going on to the road. He stated that the City needs an ordinance to get this under control.

Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Forum for the Consideration of Billy Baca application for Special Use Permit for a RV Site Legal description UPC 100902842306000000 Subd: LAND OF FRANK SEMINARA Tract: A1 0.69 ACRE 1987 SPLIT/2009 REV (RAINBOW CAR WASH) 4 MANZANO EXPY Rio Communities NM, 87002, UPC 100902843506000000 Legal Description Subd: LAND OF FRANK SEMINARA Tract: A2 .87 AC MAP 102 2009 REV/1987 SPLIT D-5-16B

City Manager Dr. Moore explained that on the application there were two addresses and looking at the County Assessors maps there is no physical address and there was a discrepancy with the address, this one has the correct parcel numbers.

Motion by Commissioner Winters to recess the planning & zoning meeting and go into a public forum for the matters listed above. Seconded by Commissioner Henderson. With a 3-0 vote the motion was passed at 4:07pm.

A public forum was held.

Motion and roll call vote to go back into Planning and Zoning Meeting session

Motion Commissioner Winters to go back into planning and zoning meeting. Seconded by Commissioner Henderson. With a 3-0 vote motion to go back into planning and zoning meeting session was passed at 4:18pm.

Discussion, Consideration, and Decision – Billy Baca application for Special Use Permit for a RV Site

Motion made Commissioner Winters to approve the application for Billy Bacas RV park special use permit adding the inspection from the Fire Department to City Council. Seconded by Commissioner Henderson. With a 3-0 vote the approval of the application for Billy Bacas RV park special use permit with an inspection from the Fire Department to Council was passed.

Discussion, Consideration, and Decision – Approval of Recommendation letter to Council Regarding Billy Bacas Special Use Permit

City Attorney Cori read the changes to the recommendation letter.

Motion made by Commissioner Winters to approve the recommendation letter for Billy Bacas RV Park to City Council. Seconded by Commissioner Henderson. With a 3-0 vote the approval of recommendation letter to Council regarding Billy Bacas RV site special use permit was passed.

General Commission Discussion/Future Agenda Items

Adjourn

Motion made by Commissioner Winters to adjourn. Motion carried at 4:27 pm.

Respectfully submitted,

Dr. Martin Moore, (Acting) Municipal Clerk
(Taken and transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Melodie Good, Chair

Chad Good, Vice Chairman

Vacant, Secretary

Jimmie Winters, Commissioner

Richard Henderson, Commissioner

DRAFT



CITY OF RIO COMMUNITIES
 360 Rio Communities Blvd
 PO Box 560
 Rio Communities, NM 87002
 505-861-6803
www.riocommunities.net



CODE VIOLATION

505-660-3752
 Chris Archuleta

Notify the City by May 10, 2021
 A plan to rectify described violations

April 29, 2021

JOYLYNN RAE
 304 BRUGG DR
 RIO COMMUNITIES, NM 87002

As you may know, the City of Rio Communities is working hard to improve the quality of life in our community. One of the many things we hear is the concern about the appearance and safety of properties in Rio Communities. City ordinances have been designed to protect property values, citizens' rights, neighborhood aesthetics, and public safety. They are intended to prevent the accumulation of materials that could pose a fire, safety, or health hazard, or distract from the beauty of our city. We invite you to join in the effort to improve our community.

Our Code Enforcement staff has determined that the property mention below is not in compliance with City's ordinances dealing with zoning, property maintenance, fit premise and/or public nuisances. Specifically, the property code violations consist of the following:

Property locations:

304 Brugg Dr Rio Communities, NM 87002

- A. Accessory Building being built on property to close to property line. Ordinance 2021-76 4-5-3
- B. Code Enforcement Officer deemed the Accessory Building to be RED TAGED. No other work shall continue until owner compliance with the City Ordinance 2021-76 4-5-3. Or seeks other measure to rectify the violation.

ORDINANCE 2021-76

Chapter 4 Zoning

ARTICLE 5 REQUIREMENTS FOR ACCESSORY BUILDINGS

4-5-3 ACCESSORY BUILDING

These structures are subject to the following:

- A. The total height of any accessory building shall not exceed twenty (20) feet from ground level (measured from the lowest point of the structure to the highest point).
- B. Any accessory building shall not occupy (in total square footage) more than twenty five (25) per cent of the rear yard area in which it is located.
- C. Any accessory building shall be at least ten (10) feet from the main structure or three (3) feet, if covered on side adjacent to the main structure by a 2-hour fire rated material. A transport permit is required for all accessory buildings built offsite to confirm approved placement on the lot. See 4-7-8.

D. Any accessory building shall comply with all setbacks. See Articles 6 and 9 of this Code.

E. A building permit is required for any accessory building that exceeds 120 sq. ft., regardless of foundation. Contact Rio Communities City Clerk for the application.

See attached; 4-6-2 Standard setbacks R-1 applies to your situation.

4-6-1 GENERAL STANDARDS FOR DEVELOPMENT

- A. Purpose All structures, buildings, lots and tracts that fall within the City boundaries shall be developed as described in this Article and any related Article of this Code. All the development standards within this Code shall apply to any tract, lot or parcel independent of any other tracts, lots or parcels.

B 4-6-2 ZONING STANDARD

A. Standard setbacks

Zone Type R-1 Minimum Set backs

Front Offset Minimum 20 -feet

Rear Offset Minimum 10- feet

Minimum Side Offset 5-feet

You can view, print, and download the complete text of all city ordinances at www.riocommunities.net.

If the violation has been corrected, please accept the City thanks and disregard this notice.

I am asking your cooperation in correcting the violations, ~~On or Before April 12, 2021~~

Thank you for your cooperation,

IF YOUR VIOLATIONS ARE NOT CORRECTED, THIS WILL
ROLL INTO A SUMMONS AND BE VISITED BY THE
COURTS

Thank you for your cooperation,

Gordon Reeves

Code Enforcement

code.enforcer@riocommunities.net

505-274-6846



CITY OF RIO COMMUNITIES

Office of Planning and Zoning Commission

360 Rio Communities Blvd.
PO Box 565
Rio Communities, NM 87002
505-861-6803
www.riocommunities.net

OFFICIAL NOTIFICATION OF DECISION

July 19, 2021

Case No: 2021-01

Parties:

Jaylynn Ruel
304 Brugg Drive, Rio Communities, NM 87002

Issue:

Whether to waive, by granting a variance, the city requirement for adequate and proper setback distances between property lines and a structure.

Facts:

1. On July 15, 2021¹, Jaylynn Ruel (Petitioner), who resides in a single-family R-1 zone, petitioned this Commission for a variance to her property, in her own words, "to build a shade and weather shelter for my horse... 3 to 4 ft from my back fence."
2. This application for relief (a variance) is the result of the petitioner being cited by the city for failure to provide minimum setback distances between property lines and a structure; in this instance, a horse shelter².
3. The petitioner came to this hearing having already built her horse shelter without first obtaining a building permit as is required for an accessory building exceeding 120 square feet.
4. Additionally, neighbors of Petitioner were in attendance to give testimony (oral and written) objecting to the issuance of a variance.

Rules:

1. A variance allows for "relief from the strict application of... setback requirements of this code" ...provided the property is "irregular, narrow, shallow, or steep or otherwise have physical conditions." See Section 4-7-3(A)(1) of the Municipal Zoning Code.

¹ Petitioner first appeared before P&Z Commission on July 1, 2021, However, because there was not a quorum among commissioners (minimum number of commission members present to legally conduct business), her request for variance was tabled.

² Petitioner's shelter and stall is 12' x 24' (288 SF) lean-to, constructed of steel pipe, tubing and covered in pro-panel, with approximately 3 to 4-foot setbacks from side and rear property lines.

2. Section 4-5-3 states "[a]ny accessory building shall comply with all setbacks." While, Section 4-6-2 establishes the minimum setbacks for accessory buildings in an R-1 residential zone at: 20-feet in the front, 10-feet in the rear and 5-feet for each side.
3. Section 4-5-3(E) states, "[a] building permit is required for any accessory building that exceeds 120 sq. ft..."
4. Section 4-7-3(A)(2) further states that a variance shall not be granted... where it would adversely affect adjoining properties [or] impair property values."

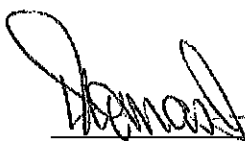
Analysis

1. Petitioner failed to demonstrate that the property on which the horse shelter is located (and thus, the illegal setbacks) is the result of physical irregularities in the property (e.g., too narrow, shallow, or steep or other limiting physical conditions). In fact, a plat sketch of the property (Lot 6, Block 6, Enchanted Mesa Unit 5) shows a symmetrically rectangular lot (150.29-feet by 116.13-feet). As such, there is no mitigating reason or condition that would justify shortened setbacks.
2. Moreover, the current location of the Petitioner's horse shelter in relation to rear and side setbacks does not meet minimum setback distances as established in Municipal Zoning Code.
3. The Petitioner asks this Commission to, not only grant her a variance from setback requirements, but also, overlook the fact that she failed to get a building permit before constructing the horse shelter. However, the petitioner's act in building a horse shelter without a building permit and proper setbacks is, in itself, the act that has caused her request for relief.
4. Based on oral and written testimony provided by Petitioner's neighbors, the close proximity of the horse shelter to their respective properties could adversely affect their right to the full use, and enjoyment of their property (e.g., offensive odors and proliferation of flies).

Conclusion/Decision:

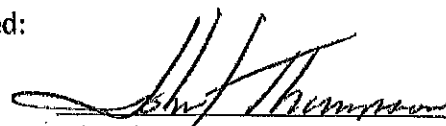
For the reasons stated, the Planning and Zoning Commission for the City of Rio Communities, unanimously disapproves the Petitioner's request for a variance.

So signed on this 5th day of August 2021.



 Thomas Scroggins, Chairman

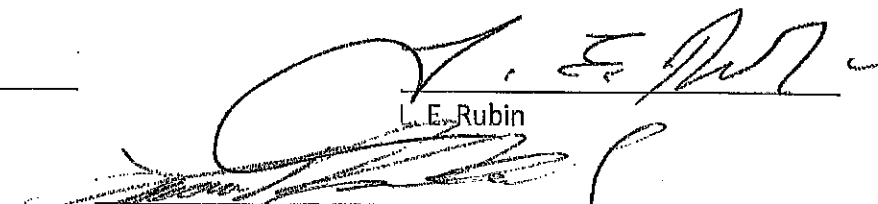
Disapproved:



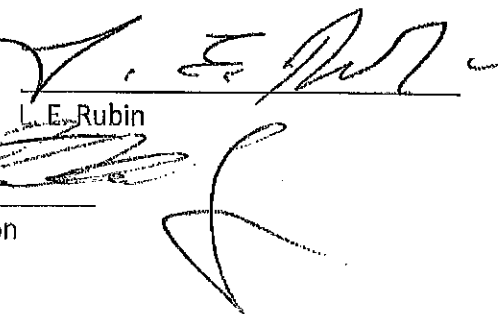
 John Thompson, Vice-Chairman



 Scott Adair, Secretary



 Lawrence Gordon



 L. E. Rubin

Application for Zoning Variance

City of Rio Communities, NM

Instructions

This application form is required to initiate a Variance from the strict application of area, height, dimension, distance, setback, or off-street parking requirements of the Zoning Ordinance of the City of Rio Communities (Chapter 4 of Municipal Code). This form must be completed and submitted with the required administrative fee with six copies of required attachments to the Municipal Clerk. A Variance may be granted by the City Planning and Zoning Commission at a regularly scheduled meeting following receipt of the completed application.

Applicant Information

Applicant Name: Jaylynn Ruel
Mailing Address: 304 Brugg DR, Belen NM 87002
Phone Number: 688 9431

Property Information

Parcel ID#: 101002731024000000
Physical Address and Legal Description: 304 Brugg DR, Belen NM 87002

General Information

Type of Variance (check as appropriate):

- Area Height Dimension Setback
 Off-Street Parking

Location of property that is subject of the request (physical address and legal description):

304 Brugg DR, Belen NM 87002

Current zoning and present use of the property:

RI

Required Attachments

1. A written statement explaining the reason for the request including the exceptional conditions that would justify a variance from the zoning regulations.
2. An accurate sketch plan (to scale) showing relevant structures, property lines, and dimensional measurements of the subjected property and contiguous properties.

Signature of Applicant: Jay Ruel Date: _____

Application Received By: _____ Date: _____

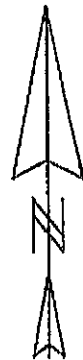
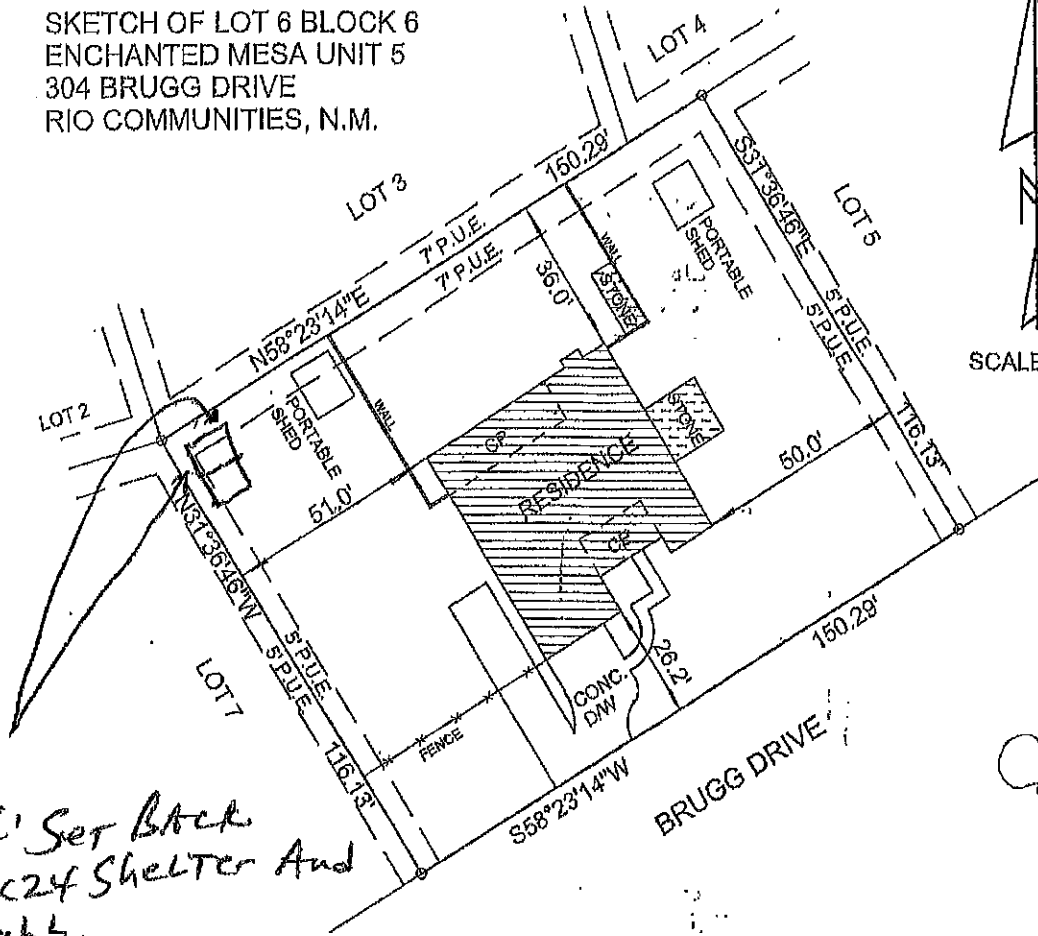
Action Taken: _____ Effective Date: _____

To whom it may concern.

I would like to apply for a variance for my property to build a shade and weather shelter for my horse and I would like to build it 3 to 4 ft from my back fence. The shelter dimensions is going to be 12x24 all pipe and proper set no electricity. please let me know if you have any questions

Jaylae
688-9431

SKETCH OF LOT 6 BLOCK 6
 ENCHANTED MESA UNIT 5
 304 BRUGG DRIVE
 RIO COMMUNITIES, N.M.



SCALE: 1" = 40'

*4' Set Back
 12x24 Shelter And
 Stall
 AS per NOTE!*

JR

NOTE: THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE REMOVAL OF THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.

PLAT REFERENCE: Bearings, distances, and/or curve data are taken from the following plat:

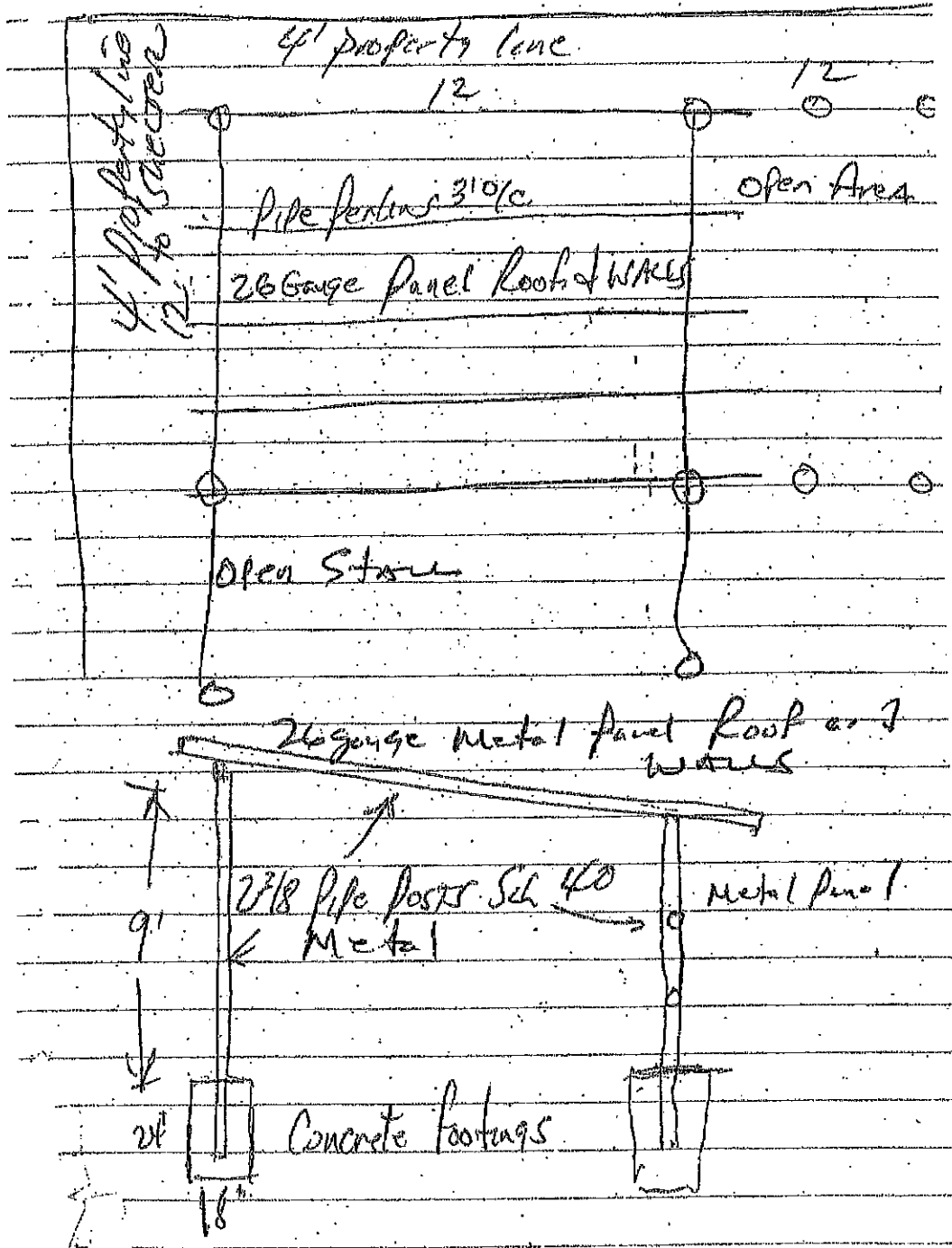
PLAT OF UNIT 5 ENCHANTED MESA, A SUBDIVISION IN VALENCIA COUNTY, NEW MEXICO, SAID PLAT FILED IN THE OFFICE OF THE VALENCIA COUNTY CLERK ON JULY 16, 1973, CABINET C9, PAGE 98.

Note: the error of closure is one foot for every 100,000+ feet along the perimeter of the legal description provided. Easements shown hereon are as listed in Title Commitment No. SP000046513 Provided by Title Company.

Improvement location is based on previous property surveys. No monuments were set. This tract is subject to all easements, restrictions and reservations of record which pertain. This report is not to be relied on for the establishment of fences, buildings or other future improvements.

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other lands. This is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, encroachments, distances, location of easements, acreage or other matters shown thereon.

304 br 93







Barbara and Ben Herrera
303 Recodo Pl
Rio Communities, NM 87002

June 23, 2021

Dear Sirs:

We are located directly behind 304 Brugg Drive where a metal shelter was being built. I initially lodged a complaint because the structure was, in my opinion, way too close to a shared fence. I then found out that it was intended to house a horse.

This is a residential area and we strongly object to our neighbor housing a horse right up against our fence. I am retired and have spent a great deal of money and time to build a zen garden where I enjoy sitting outside watching the birds. I also have a stained glass workshop which is located about twenty feet from the horse structure.

I now am faced with the dismal prospect of battling flies and not being able to open the windows of my beloved workshop because of the smell. I have worked many long hard years to attain my dream retirement space and find it sad that an inconsiderate neighbor who most likely does not even own the horse can ruin it.

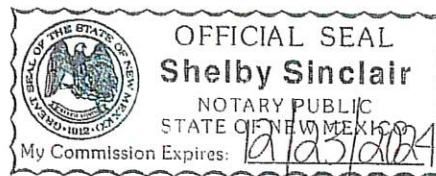
I also would like to point out that it is highly likely Ms. Rael will not be diligent cleaning up after the horse and stock piling bales of hay will also cause a mouse problem. I have also been informed by zoning that the half built structure is not within code and must be moved regardless of what it is intended for.

I thank you for your consideration and trust that you will not let Ms. Rael set a community precedent and turn our neighborhood into a farm.

Sincerely,

Barbara Herrera

Ben Herrera



RIO COMMUNITIES P&Z Commission Meeting Sign in Sheet

Variance Hearing July 1, 2021

Name (Please print)	Address	Phone #	Email (if not on file)
CHOUER ROBERT D	316 BELLE RD	505 307-7436	
Paul Prud'homme	302 Bragg Dr	505-841-7172	
Monique Reardon	317 Haven	505 259-2652	
Jody Zell	304 Perry Dr	684-6431	

RIO COMMUNITIES CITY COUNCIL MEETING

Sign up for Public Comments

DATE: 7/1/21

As required by law, time is provided for the purpose of allowing Rio Communities residents to ask specific questions, make relevant comments, or voice constructive concerns. Rules of public decorum shall be followed at all times by both residents and Council. **Each resident will be allowed three (3) minutes to address the Council. (Minutes are not transferrable to another speaker).** As many questions, comments or concerns will be heard as time allows. Minutes of each meeting will be recorded and maintained as part of the official record and are available to the public upon request.

NAME – PLEASE PRINT	TOPIC
CHOUZ ROBERT D.	Horse shade
Paul & Anndith Couzens	Horse shade
Robert + Irene Reeder	HORSE & LIVESTOCK SMELL
Jony Reel	Horse skills

RIO COMMUNITIES CITY COUNCIL MEETING

Planning & Zoning

Sign up for Public Comments

2021 August 5

DATE: August 5,

As required by law, time is provided for the purpose of allowing Rio Communities residents to ask specific questions, make relevant comments, or voice constructive concerns. Rules of public decorum shall be followed at all times by both residents and Commission. **Each resident will be allowed three (3) minutes to address the Council. (Minutes are not transferrable to another speaker).** As many questions, comments or concerns will be heard as time allows. Minutes of each meeting will be recorded and maintained as part of the official record and are available to the public upon request.

NAME – PLEASE PRINT	TOPIC
Catie & Kelly Russell	



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, July 15, 2021 6:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 6:29 pm.

Pledge of Allegiance

- Mr. Lawrence Gordon led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda:

- Mr. L.E. Rubin made a motion to approve the agenda for July 15, 2021 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 5-0 vote the agenda for the July 15, 2021 Planning and Zoning Meeting was approved.

Approval of Minutes:

- Mr. Lawrence Gordon made a motion to approve the Planning and Zoning Meeting Minutes from June 17, 2021. Vote: Vice-chair John Thompson 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 a 5-0 vote the June 17, 2021 was approved.
- Rubin made a motion to table the July 1, 2021 Meeting Minutes for typographical corrections to be made. The motion was seconded by Vice-chair John Thompson. Mr. Rubin make a motion to table the Meeting Minutes from July 1, 2021 Planning and Zoning Meeting Minutes was tabled.

Variance request for the property located at 304 Brugg Drive, Rio Communities, NM 87002

- Vice-chair Thompson said the only question he had was where the structure was located because he was not able to see that on the Facebook meeting, and it sounds like the main concern is the location of the stall and began a discussion.
- Manager Dr. Moore said the issue is about the structure and not the horse.
- Chair Scroggins said we have talked before that a variance is permanent and design for irregular properties that would prevent an owner from doing certain things; we talked last time about having horses in the area and that it what we need to discuss now.
- Mr. Gordon said that if we say that there are not horses allowed, we want the owner to know she may have to move a horse and continued the discussion.

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

- Mr. Rubin said a variance is for three things: irregular lot size, causing undue hardship that would cause them not to meet setbacks, and the comments of the immediate residents. He explained there is a letter attached to the packet against it and we have to consider those three things and if the request satisfies them.
- Secretary Adair said maybe if the variance is not the answer maybe we should go with special use and how would we do that and began a discussion.
- Manager Dr. Moore explained that the variance is strictly whether you want to allow this variance for the placement; Code Enforcement is responsible for enforcing animal issues. The discussion continued.
- Mr Rubin said there are reasons those setbacks were agreed upon by the Commission and I would have to say no to this variance. He explained that the owner did not get a permit, did not place it correctly, the neighbors are unhappy about the placement, and the lot is not irregular.
- Vice Chair Thompson agrees that a variance is not appropriate but would say yes to a special use permit.
- Mr. Rubin said he could still not approve a special use permit because of the feelings of the neighbors.
- Secretary Adair the consideration is the setbacks, and the neighbors are involved in this and because of their response, I feel that more than three feet is necessary and continued the discussion.
- Mr. Gordon said it comes down to our rules. The discussion continued.
- Mr. Gordon said it is on the Public Utility Easement right now and began a discussion.
- Mr. Gordon said if they are willing to move it, then there is no problem. The discussion continued.
- Mr. Rubin said he would like to make a motion to decline the request for a variance and the alternative would be a special use permit and they move the stall to meet what the ordinance as the setbacks.
- Vice-chair Thompson said if they meet the setback requirement then there is no reason for a special use permit and began a discussion.
- Mr. Rubin made a motion to deny the variance, have them move the building to proper setbacks and get a building permit with an engineering stamp. Mr. Gordon seconded the motion. Vote: Vice-chair John Thompson 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 a 5-0 vote the variance was denied, a building permit must be obtained with an engineering stamp.
- Joylynn Rael said she does not want to have to move the structure, it will be costly, and she still has to pay for an engineering stamp. She further explained the neighbors objected to the horse and not the structure and she misunderstood what the ordinance said for the setbacks, it is strictly a structure with no water or electricity.
- The Commissioners and Ms. Rael continued the discussion regarding the decision.
- Mr. Rubin explained that what we decide tonight affects how we have to vote in the future and based on what a variance is, we cannot approve your setbacks, and now we send the results to the Council.
- Joylynn Rael asked how to file an appeal.

- City Manager Dr. Moore said she would need to send a letter addressed to the City Council and would recommend doing it as soon as possible.
- Chair Scroggins asked Secretary Adair to write a letter containing the decision to give to the applicant and the City Council.

Update from City Manager regarding Cannabis regulations

- City Manager Dr. Moore said the Council of Governments has joined us for the evening and will be talking to you a little later. He then explained he spoke with attorney to provide you a memo to prepare you to create the ordinance for cannabis. There is a point in time cannabis businesses are going to allowed to come in and Council would like to have an ordinance finished by September. He continued to explain what can be regulated: times, places, and manner; you can limit density, odor, noise; we cannot completely prohibit the sell or use, transportation of, prohibit a sign being put up, or home growth for personal use. He then explained where we might want to limit the businesses to be.
- Secretary Adair asked if there was a limit for personal growth.
- City Manager Dr. Moore said we are not allowed to allow more than what the State does and began a discussion.
- Mr. Gordon asked if there was some way to establish an adult zone somewhere in the City to separate those types of businesses.
- City Manager Dr. Moore said we can establish spaces we would like to see the businesses and there will be no problem with that as long as we are consistent and fair across the board. The discussion continues.
- Mr. Rubin asked if the neighbors get a say in the location of the "adult zone".
- City Manager Dr. Moore said it is no different than any other zoning exercise, proper notification to properties affected would take place. The discussion continued.
- City Manager Dr. Moore recommended having a special joint meeting with the City Council regarding this matter. The discussion continued.
- Chair Scroggins asked if someone has a lot of land, can you grow to sale.
- City Manager Dr. Moore said it is not clear but might have to be zoned agricultural.
- Commission began a discussion regarding edible marijuana.
- City Manager said there will be a meeting on July 21 from 10 am to 12 pm and asked the Deputy Clerk to send a reminder email on Monday. The discussion continued.

Abatement Ordinance - Recommendation to Council

- City Manager Dr. Moore recommend a motion to accept the draft that was put together by Secretary Adair, get it to the attorney for review and come back next meeting for approval.
- Vice-chair Thompson said to give it to the attorney.
- Chair Scroggins said it will be a clean copy, ready to be given to the Council when we get it back from the attorney. The discussion continued.

Zoning Ordinance Amendments

- Mr. Rubin made a motion to move Zoning Ordinance, Item #5, and Comprehensive Plan Review, Item #6, to the next meeting. Mr. Gordon 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 a 5-0 vote the motion to table Items 5 and 6 to the next meeting was approved.

Comprehensive plan review

- Item was tabled until next meeting.

General Commission Discussion/Future Agenda Items

- Chair Scroggins asked if there were public comments.
- Deputy Clerk Lopez read a comment from Dora Silva: What is the point of owning your own home and having to pay the taxes that are imposed if you all get to decide what I get to have in my yard?
- Deputy Clerk Lopez read comments from Elina Schaffino: Wait, you all are imposing HOA type of regulations for a City? Who votes on this stuff?
- Member of the Commission explained the Panning and Zoning Commission votes on regulations that then are approved by City Council; the reason why suck regulations exist is generally for the safety of the community and fire fighters, and if there are any issues brought before the Planning and Zoning Commission, the neighbors directly affected by the situation are asked to present their opinions of the matter.
- Vice-chair Thompson said as he drove around, he found a house on the corner of Nancy Lopez and Frederico being built does not have proper setbacks on the sides and began a discussion.
- Mr. Gordon said the hole on Chamartin was worse after the rain and began a discussion.

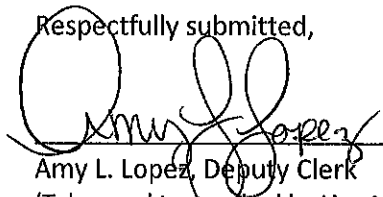
Melody Good Property

- Melody Good explained she would like to give her daughter a portion of her property.
- Mr. Gordon asked if there would have to be a well put in and how far it would be from the previous well.
- Melody Good explained the well would be about 500' away and a separate septic would be put in as well. She then said they are thinking about where the road would come in and continued the discussion.
- Melody Good asked what the next step for land subdivision would be.
- City Manager Moore said we would be emailing her a list of items she would need to provide.
- Chair Scroggins thanked Ms. Good for going through the proper steps to get this done.
- Melody Good said she hopes the animal ordinance does not affect her ability to keep her cows.
- Secretary Adair said the City does not currently have agricultural zoning and continued the discussion.

Adjourn

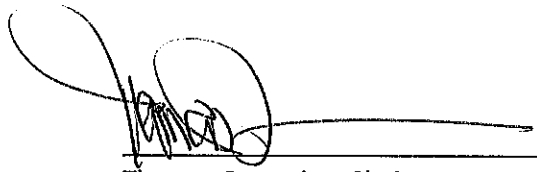
- Chair Scroggins adjourned the meeting at 8:17p.m.

Respectfully submitted,



Amy L. Lopez, Deputy Clerk
(Taken and transcribed by Lisa Adair Municipal Clerk)


Approved:



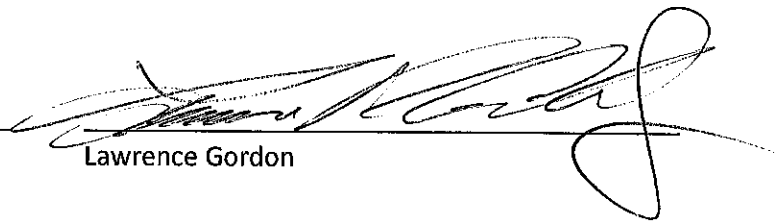
Thomas Scroggins, Chairman



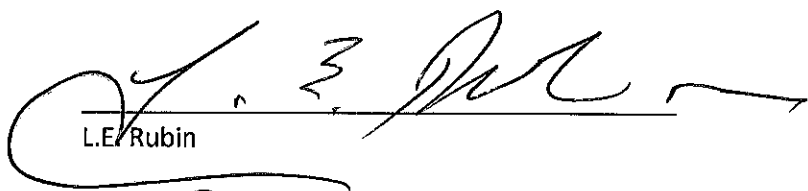
John Thompson, Vice-Chairman



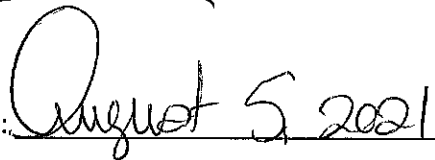
Scott Adair, Secretary



Lawrence Gordon



L.E. Rubin

Date: 

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City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, August 5, 2021 6:30 PM

Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 6:29 pm.

Pledge of Allegiance

- Councilor Jim Winters led the Pledge of Allegiance.

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson, Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin
- Present: Councilor Jim Winters, City Manager Dr. Martin Moore, Deputy Clerk Amy L. Lopez, Attorney Chris DeFillippo, and Municipal Clerk Lisa Adair

Approval of Agenda:

- Vice-chair Thompson made a motion to move the public comment up to number seven on the agenda. 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 August 5, 2021 Planning and Zoning Meeting was approved as amended.

Approval of Minutes:

- Vice-chair Thomson made a motion to approve the July 1, 2021 Meeting Minutes as written. The motion was seconded by Mr. Rubin. 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 minutes from July 1, 2021 was approved as written.
- Vice-chair Thomson made a motion to approve the July 15, 2021 Meeting Minutes as written. The motion was seconded by Mr. Rubin. 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 minutes from July 15, 2021 was approved as written.
-

Letter for Variance Decision

- Chair Thompson said Secretary Adair has written the letter, which they received a copy of, stating that we disapproved the variance and read the letter into the minutes.
- Secretary Adair asked if she had been cited by the Code Enforcer.
- Manager Dr. Moore said she had been cited but not taken to court and was told not to bring her horse yet.

- Mr. Rubin made a motion to adopt the decision the letter as read. Vice-chair Thompson 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 letter for Variance decision stating the disapproval of the variance was approved.

Change of Time for P&Z Meetings

- Chair Scroggins said we are discussing the changing of meeting time of Planning and Zoning meetings to 5:30 rather than 6:30.
- Vice-chair Thompson said 5:30 would be great.
- Mr. Gordon asked when it would go into effect.
- Municipal Clerk Adair said next meeting.
- Secretary Adair made a motion to change the meeting time from 6:30 to 5:30 pm beginning August 19, 2021. 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 change of meeting times from 6:30 to 5:30 was approved.

Abatement Ordinance

- Chair Scroggins explained this is up for discussion to be approved to go to Council and began a discussion.
- Manager Dr. Moore said the attorney felt comfortable with the changes Planning and Zoning presented.
- Attorney DeFillippo said he was fine with the changes and could answer any questions.
- Vice-chair Thompson made a motion to forward the Abatement Ordinance to City Council with the recommendation that they adopt it.
- Vice-Chair Thompson asked for an explanation of the amount of time of 5 days listed on the ordinance.
- Chair Scroggins said that is the amount of time a person has after being cited, the Governing body has to make a determination and notify the property owner they 5 days to fix the issue.
- Mr. Rubin said a public safety issue should be given 5 days because it is a hazard, but a weed violation might not be as serious.
- Manager Dr. Moore said 5 days after the Code Enforcer has given a citation, the Code Enforcer can come to the Governing body who would make a decision, then the Governing Body would make a resolution to take further action. The discussion continued.
- Attorney DeFillippo explained that would be, as an example, a dilapidated building was cited and given 5 days to fix the problem, and if they did not, they would be given another 10 days before action was taken against them, and they can be given another 30 days, giving them a minimum of 15 days and at maximum they would have 45 days.
- Vice-chair Thompson made a motion to recommend the Abatement Ordinance go to Council. Mr. Gordon 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 Abatement Ordinance will be sent to Council with recommendation of approval of the ordinance.

Cannabis Ordinance and Setting Up Future Special Workshops

- Manager Dr. Moore said we had a committee that worked on this, looked at other Municipalities and Counties on the regulation of liquor and other items, we looked at a summary on the Cannabis law, and put together a draft ordinance that covers time, order and place. He then said we looked at where it should be zoned, much of the C-2 and C-3 areas were agreed upon as well of a couple of planned areas on the outskirts of town that could be used if it is appropriate; we looked at the times of sale and that would be similar to the times liquor can be sold; the issue of manner was not allowing it to be sold in the same place as alcohol and looked at home growth and home delivery.
- Attorney DeFillippo said we can present the areas we would like to present areas it would be allowed to Council.
- Chair Scroggins said there are blue areas near the school and churches.
- Manager Dr. Moore said there would be requirements in place that would keep the businesses so far away from those and continued the discussion.
- Vice-chair Thompson said there was no definition of what is considered mature and immature plants, and is the number twelve and twelve correct, it should be six and six. The discussion continued.
- The Commission began a discussion regarding the word club and its definition.
- Attorney DeFillippo said club was from the State Statute and continued the discussion.
- Mr. Gordon asked how we regulate multitenant units that would go into the ventilation units.
- Attorney DeFillippo said an individual that owns/manages/operates/controls a premise, would be responsible for keeping smoke out of the ventilation system according to the D. Johnson Clean Air Act and continued the discussion.
- Mr. Gordon said asked if the MMML would be able to look at it.
- Attorney DeFillippo said they would not be able to give more advise than we have already gotten.
- Chair Scroggins asked if the committee regarding this issue will be able to meet again to address future issues.
- Manager Dr. Moore said have kept the committee and will meet as needed; we are going to recommend to Council that they have a special meeting, and there will be a public hearing August 23, 2021.
- Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. The motion to send the Cannabis Ordinance to Council for approval was approved with a 5-0 vote.

General Commission Discussion/Future Agenda Items

- Chair Scroggins said he would like to talk about revising the Zoning Ordinance.
- City Manager Dr. Moore said there is a process in the Zoning Ordinance that requires three public hearings to make a change to zoning code ordinance and he would like the to change because it is redundant and began a discussion.
- A discussion began regarding getting the department report to Municipal Clerk Adair the Thursday before a City Council meeting.
- Chair Scroggins said we will need to look ahead and submit a report to Clerk Adair for Council Meeting and asked Secretary Adair to create the report. He then said next meeting we will look

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at the process for amending P&Z ordinances, comprehensive plan review and equitable enforcement of ordinances.

Public Comment

- Catie Russell said there is a vacant lot across the street from us and we would like to purchase it; she asked if they could purchase it and use it for parking or build a garage, leaving enough space to build a home later.
- Manager Dr. Moore said we can work with you, the same setbacks would apply and since you have an RV, you would have to make sure that it is parked within the setbacks.
- Mr. Rubin asked if the garage would be large enough to house the RV.
- Catie Russell said it would be parked next to it but have a carport for the RV and began a discussion.
- Chair Scroggins said as long as you comply with what the ordinances are now, if they change, you will be grandfathered in.
- Mr. Rubin said the building will require a City permit and get CID approval.
- Councilor Winters said there is a similar situation within the City and suggested looking at the title on your house and see if there are covenants in your area and we do not have any control over covenants. The discussion continued.
- Attorney DeFillippo said Section 4-4-5 explained all standalone buildings have to fit in to the surroundings. The discussion continued.
- Secretary Adair asked if someone bought a lot across the street just to park and RV, is there something in the ordinance that restricts that.
- Attorney DeFillippo said in order to park one, and only one, on a piece of property, you must follow the setbacks; it is allowed without a structure. The discussion continued.
- Chair Scroggins said he looks at RVs, 5th wheels and mobile homes as the same thing, as they are all trailers. The discussion continued.

Zoning Ordinance Amendments

- Not discussed at this meeting.

Comprehensive Plan Review

- Not discussed at this meeting.

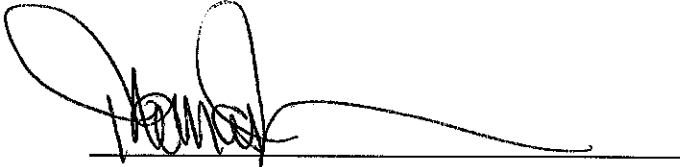
Adjourn

- Chair Scroggins adjourned the meeting at 7:58p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

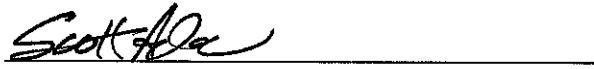
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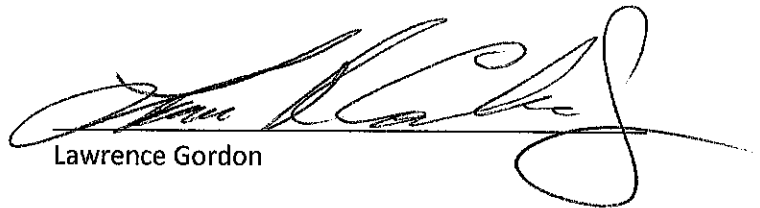
Thomas Scroggins, Chairman



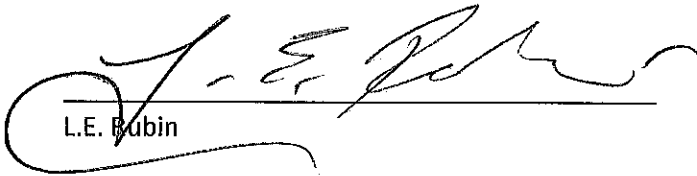
John Thompson, Vice-Chairman



Scott Adair, Secretary



Lawrence Gordon



L.E. Rubin

Date: _____

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