

Planning and Zoning Commission
Regular Meeting
May 16, 2019 6:30 PM

Call to Order

- ◇ Vice-Chairman John Thompson called meeting to order at 6:33 p.m.

Roll Call

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

Approval of Minutes of April 18, 2019 Regular Meeting and May 2, 2019 Regular Meeting

- Dennis Kintzler moved to approve the April 18, 2019 Meeting Minutes. Jim Winters second the motion. With a 5-0 vote, the minutes for April 18, 2019 was approved. L. E. Rubin moved to approve the May 2, 2019 Meeting Minutes. Jim Winters second the motion. With a 5-0 vote, the minutes for May 2, 2019 was approved.

General Discussion

- John Thompson asked where the City is at with the trash ordinance.
- Jim Winters said that it is in the review process with City Council and then there will be a public hearing on it and if no changes need to be made at that time it will go up for vote. He then said it will be up to the citizens. The discussion continued.
- Jim Winters said that each person had a copy of the trash ordinance from the lawyer and there was an original copy to compare it with. He then said that P&Z wanted to require a three-sided enclosure for all dumpsters, the lawyer has added that it must conform to our fencing codes, and there were also a few changes on the number of days.
- L. E. Rubin asked if there were any further discussion about the trash ordinance.
 - An audience member, Ron Gentry, passed out a "Request for Annexation by Petition". He then said he spoke with the City Clerk, asked paperwork for Annexation and was told that there was no paperwork in place because annexation has not happened within the City to date. He explained that there are three ways to obtain annexation and the easiest way was through Petition.
- Jim Winters then said the process for annexation would start with paperwork with legal descriptions and a formal presentation before P&Z.
 - Ron Gentry said he has all of the legal descriptions already.
- Jim Winters said that the land survey, as required by the State, would have to be current, but was not sure what the State considered current. The discussion of location of the properties continued.
- Jim Winters said a public hearing would be necessary, and any neighbor within a 100 ft of the properties in question would have to be as well as post a sign.
- Dennis Kintzler asked if the annexation was approved, would he be able to sell the properties later.
- Jim Winters said that there are rules for subdivision that would have to be followed.
- Dennis Kintzler said the reason he asked was because there would most likely be new businesses coming and wanting to buy his land. The discussion continued.

- Jim Winters said whatever our ruling would be, it would go to Council with the reasons why we approve it, and there have to be valid reasons for approving it, or if we do not approve it, then we have to say why, and then there is a public hearing.
- John Thompson said that once a person presents a formal presentation, there is a time limit, 30 to 45 days.
- Dennis Kintzler said there is no zoning code for agriculture within the City.
- Jim Winters said that mining is also not in our zoning code.
 - Ron Gentry said that his animals are considered a hobby farm, a resident farm.
- Jim Winters said the question is how the land is annexed.
 - Ron Gentry said that he would be requesting that the part on HW 304 be zoned as I-2. He then said the other side of the railroad tracks has mineral extraction, and there is a residential section, fifteen acres where only 5 homes can be built. He further said that he will be asking for three things: I-1 on this side, a variance for that single property for the mining, and residential.
- L. E. Rubin asked if there was paperwork that needs to be filled out by the state.
- Jim Winters said that he would have to send out notifications and have a public hearing. The discussion continued.
- Jim Winters we would rather zone the mineral extraction as “Special Use” rather than doing a variance. The discussion continued.
- L. E. Rubin asked when Ron Gentry was wanting to be added to the agenda for his formal presentation.
 - Ron Gentry said that he would like to present at the soonest available time.
- There was a discussion about the meeting at which Ron Gentry would present.
- Jim Winters said the bottom line is getting the forms to Ron Gentry and then we can decide when he can make a formal presentation to the P&Z. The discussion continued.
- Jim Winters said that Oasis is open. He then said that the owner is going to start working on the laundry mat and then a massage parlor. The discussion continued.
- L. E. Rubin said that if they needed volunteers to put together Welcome Neighbors packets, the Fire Department could help.
- Jim Winters said that he could pass the information to Fran Rossberg. The discussion continued.
- John Thompson said that he noticed that on Broadway in Albuquerque all the wrecking yards are moving out of there, and he does not want them to move down here.
- Jim Winters said he thinks the regulations are getting strict, so they are moving out.
- John Thompson said that he and his family are going on vacation and he will not be here for the next meeting but would be back by the June 20th meeting.

Zoning Issues/Updates

- Jim Winters said that we have version 6 and we are starting on page 54 and he would be passing out the first 53 pages at the end of the meeting. He then said we would be coming back to a few pages
 - Page 54 had a single word change.
 - Pages 55-63 had no changes.
 - Page 64 had I-1 and I-2 added to “A” and grammatical errors were fixed.
 - Page 65 had changes made to “Clear Angle of Sight”.
 - Pages 66 and 67 had no changes.
 - Page 68 had notification language added.
 - Pages 70 and 71 had no changes.

- Page 72 had changes about not having control over content of billboards, and the reference to the State law still needs to be added, and part of “C” was deleted.
- John Thompson asked if there can be any regulation on vulgarity.
- Jim Winters said that they can put anything up there, but the Attorney General might have something to say about it.
- Jim Winters said that “C” will be Code Enforcement for sign compliance.
- L. E. Rubin said that it reads like the citation goes to the commission instead of going to the Judge, and asked why we would need to make a recommendation to the City Council when it would be P&Z.
- Jim Winters said that needs to be taken off.
- John Thompson suggested that we can’t have a sign that mimics safety vehicles, like red and blue lights.
- Scott Adair said that there are already laws in place to prevent that.
- Jim Winters said that this is to issue a sign permit. He then said that we need to take the Code Enforcers statement out of there and into “D”, and “C” was changed to “shall approve or deny the permit.”
- John Thompson said that there are to be not signs with movable parts, it could be electronic.
- Jim Winters said that you are not allowed to have a sign that flashes or scrolls, so we will have a problem with the sign for the City.
- L. E. Rubin said that anything that advertises a business, product, or trade shall require a sign permit.
- John Thompson said that safety signs scroll.
- L. E. Rubin said that sign permits are only for businesses and the City is not a business.
- Jim Winters said that “C” should be based on “the nature of noncompliance stated in the citation the commission shall make a recommendation to the action”, so we are ruling whether it is permitted or not. He then said that we will move the Code Enforcer statement to “D”, and we can add the words “appeal to City Council for final disposition.” The discussion continued.
- L. E. Rubin said that one page 73, 4-13-5, fixes the City’s sign problem, it is not a commercial sign. The discussion continued.
- Jim Winters continued
 - Page 75, E, number 2, was removed. Political signs in yards are only regulated on the amount of time they can be up.
 - Page 76, removal of 4-13-8A.
 - Page 78, 4-14-5, posting notification for general rule for annexation was added.
 - Pages 80-82 had no changes.
 - Page 83 had changes to pagination.
 - Page 84 had no changes.
 - Page 85 needs to include the G5, this will need to be included and discussed next meeting. The discussion continued on G5.
 - Pages 90-94 had no changes.
 - Page 95 had words “or most current version” was added.
 - Page 96 had a posting change.
 - Page 97-page “P” had no changes.
 - Page “Q” added “expires with change of ownership”.
- Jim Winters handed out the pages 1-55 of the current version, Draft 7, of the “Zoning Code.” He continued to say that he has been holding off other items in P&Z so that we can finish and get this out. He

then said that we will be going to Unicode and we will have a search engine on our website that will help people find codes, because they are not able to find anything now on the website.

Abatement Issues

- John Thompson asked if there were any abatement issues.
- Jim Winters said that Council must give us direction on what they are needing as far as abatement, and right now we don't have a representative at Council Meetings to ask.
- L. E. Gordon said that he says it is on the agenda for Abatement issues and Council Brown had a handout on Abatement. He then asked if we are reviewing the issue or not.
- Jim Winters said that Tom Scroggins wanted abatement discussed, but we have been trying to finish the Zoning because we have all those houses wanting to come in, and every one of them will have a lot of variances. The discussion continued about the houses wanting to come in.
- Jim Winters said that the 47 houses to be built by Tabet probably won't be built because of the money it would cost to fix the drainage and because he has the expense of the Golf Course. The discussion continued.

Adjourn

- L. E. Rubin moved to adjourn. Dennis Kintzler second the motion and the meeting adjourned at 8:08 p.m. with 5 -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

Scott Adair