

**Planning and Zoning Commission**  
**Regular Meeting**  
**July 18, 2019 6:30 PM**

**Call to Order**

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

**Roll Call**

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, Secretary L. E. Rubin, Dennis Kintzler, Jim Winters, Lawrence Gordon, and Scott Adair
- Also Present: City Manager Lisa Haynes, City Councilor Bill Brown, Code Enforcer Reeves and Deputy Clerk Amy Lopez

**Approval of Minutes of June 20, 2019 Regular Meeting**

- L. E. Rubin made a motion to table the June 20, 2019 Meeting Minutes until Regular Meeting on August 1. John Thompson second the motion. With a 7-0 vote, the minutes for June 20, 2019 was tabled.

**General Discussion**

- City Manager Haynes began a discussion about see click fix, an app that allows you to report code enforcement issues, showing you on the map where the problem is, and complaints will be directed to several staff members, and we will be able to follow up a little better. The discussion continued.

**Zoning Issues**

- Jim Winters began a presentation on the Zoning Ordinance changes. He explained the Mayor said Planning and Zoning and Council will have the same notification and posting rules. He said the important parts are on pages 97-98, everything will be references to these page numbers. He then said the only change is excluding right of ways, all the annexation was added to have the same rules.
- Jim Winters said there are several places in yellow that we need to make changes, red has been deleted. He then said under Conditional Use, it will read for Posting and notification “see Article 4.7-2” and for Special Use it will say, “see Article 4.7-4”. He explained these changes will need to be changes in several areas. He further said under siding material he added, for consideration, metal.
  - Code Enforcer Reeves said also composites and began a discussion.
- Jim Winters said there are several more areas with yellow and went through the notification changes.
- Jim Winters said under Manufactured Housing, he added the statement, “the lot the unit is placed on is individual owned,” in MH1 and not part of the whole structure. He then said the difference is in MH2, a Manufactured Home Park, one entity owns the whole park, and tenants rent the space. Chamisa is individually owned, in a park there is one chunk of land and one owner. Notification and posting changes were also made in this section. The discussion continued.
- Jim Winters said container homes will have to be discussed.
  - Code Enforcer Reeves said that we were talking about making a permit to move in mobile homes, storage buildings, and other units, and asked if that would be included in this area.
- Jim Winters said we can say there is a moving permit and have wording about it saying see the permit, it would be an amendment. He continued to go through notification and posting changes in I-1 thru I-3.
- L. E. Rubin said we could just have it in the beginning of the section.

- Jim Winters said if we do that and not include it in the individual sections, people will not cross reference it and it would cause issues.
  - Code Enforcer Reeves explained there is now a moving permit placard for moving buildings.
- Jim Winters said the placard is new but a moving permit in place already and the Flood Plain Management is also an issue, because a chunk of Manufactured Housing is in the flood plain. The discussion continued.
- Jim Winters said we have a single sheet for the flood plain from the county that we are altering to fit our ma and our city, but that will be the domain of Deputy Clerk Lopez and Code Enforcer Reeves
  - Code Enforcer Reeves said the county is in favor of that because they will send people over to purchase it and then we will send them to get their moving permit.
- Jim Winters said now are more responsible for the data on the sheet, which we weren't in the past.
- John Thompson asked if it was just a way to generate funds or is this designed to solve a problem.
  - Code Enforcer Reeves said there are a few different reasons, it will generate funds, plus it makes his job easier to handle the Tuff Sheds coming in and making sure the setbacks are correct.
- Jim Winters said that there are two colors of tags and if Code Enforcer Reeves sees both he knows that they are moving it legally.
  - Code Enforcer Reeves said all he would have to do is verify the setbacks on the units.
- Jim Winters said most of this will be controlled by County or State. He then said there is one other area, we have added to definitions to clarify what we have already said. He explained "clear line of sight" and "line of sight" will have the exact same wording. The discussion continued.
- Jim Winters said our definition was vague before and the word intersection was confusing and taken out.
- L. E. Rubin asked if it was clear that the line of sight was also a driveway.
- Jim Winters said it is included. The discussion continued.
- Jim Winters said that we will add a schematic for line of sight so there is less confusion.
- L. E. Rubin asked if it was specific to fences or does it include landscaping as well.
  - Code Enforcer Reeves said fences, landscaping, trees, signs, anything that would obstruct the line of sight.
- Tom Scroggins said it was good to have it run along the curb, because if someone is right along the curb you need to be able to see 25'. The discussion continued.
- John Thompson said he is glad that there is not the word continuous line of sight, because there might be a mailbox or something, and it gives a little room for a judgement.
- Jim Winters asked if they wanted to discuss the fence issue that Code Enforcer Reeves brought up.
  - Code Enforcer Reeves said the fencing helps with the line of sight, so if we establish the height right away in the front and the sides of the house to 42" or 4', we could keep people from building 6' fences.
- Jim Winters said keep in mind that people are putting up fences to keep their dogs in and others out.
  - Code Enforcer Reeves a 6' fence to keep people out or their dog in is not justifiable.
- Jim Winters said there are already a lot of fences up so what came be done. The discussion continued.
- Lawrence Gordon said you could use chain-link, or something see through, as long as it is not solid.
- L. E. Rubin said that there are fences for security reasons, and people with lower fences are more likely to have problems.
- Lawrence Gordon said that if you are going to put up a cyclone fence don't add the privacy slats because then it becomes an issue.

- John Thompson asked how we differential between an open cyclone fence and a cyclone fence with the slats.
- John Thompson said the keyword is “unobstructed view”.
  - Code Enforcer Reeves said you can have a 6’ fence, and the fencing in the front falls under the line of sight ruling, it is permissible. The discussion continued.
- Jim Winters asked how we are going to educate them.
  - Code Enforcer Reeves said that is his job, but the problem is the people saying they had the fences up before we became a city, but there was a line of sight rule before then. The discussion continued.
- Lawrence Gordon asked what height was decided.
- Jim Winters said between 3’ and 8’. The discussion continued.
  - Code Enforcer Reeves said if they read between 3’-8’, they will just start building. The discussion continued.
- Jim Winters changed it to read “to the height 3’ and above.” The discussion continued.
- Tom Scroggins said we need to approve the zoning ordinance as it is written now.
- John Thompson asked if they could have a hard copy to compare versions before it was approved. The discussion continued.
- Jim said he could email it, and he will take out all the yellow and red and keep the underlines to indicate changes and you can compare it to the old version on the internet. The discussion continued.
- Tom Scroggins said then we need a motion to table it until next meeting. The discussion continued.
- John Thompson said we have never had to make a motion to table it until next time.
- Jim Winters said we need to do subdivision and zoning, and cover building and construction, making very few changes, but they tie into some things we have been talking about, like abatement and some things Code Enforcer Reeves would like to see in there.
  - Code Enforcer Reeves said it ties into registration for vacant and abandoned homes so they can be monitored and keep properties to code.
- A discussion began on the agenda for the August 1st meeting.
- John Thompson asked if anyone had written their recommendation for the public hearing regarding the Anna Ulibarri fence and handed out his summary. He then said that it should be in a file.
- Jim Winters said we need to complete the project just for practice because we are going to have to do this more often. The discussion continued.
- John Thompson asked if we needed to write something to City Council explaining our decision.
- Jim Winters said we will need to do that. The discussion continued.
- Tom Scroggins said that will be decided on next meeting. The discussion continued.
- Tom Scroggins asked how extensive the letter we write be. He then asked if we say the variance was denied because there was not an issue with the land itself, but an issue of line of sight.
- Jim Winters said we, as a group, need to get used to consolidating points, be brief and inclusive, because we have not written a letter to Council of our findings. He then said it is a good practice.

### **Build and Construction Ordinance**

- Jim Winters said hopefully abatement/ building construction will be on the next agenda.
  - Code Enforcer Reeves he had had responses from people out of state, but he is having trouble with the burnt homes. He then said we have our first red tag on the building next door, and I would like to have this on the next agenda. The discussion continued.

- Jim Winters said we can discuss this under general terms.
  - Code Enforcer Reeves said with your blessing we will pass this on to CID.
- Jim Winters said he has an answer for that under building and construction, there is a lot of good items we can use in there.
- Tom Scroggins asked if we will be talking about red tagging next time. The discussion continued.
  - City Manager Haynes said she will be passing it down to CID and they will make them take it down.
- John Thompson asked what action they would need to take, just say pass it on to CID.
- L. E. Rubin asked why planning and zoning would evaluate the structure.
- Jim Winters said we would not be evaluating the structure, we would be evaluating whether we have proper ordinance to request it be done in a certain way, and I found it in building and constructing, and it includes abatement.
- John Thompson said the argument will be it was fine until the contractors ruined it.
  - Code Enforcer Reeves said he is dealing with it as a substandard structure and explained and once it goes to CID the city is out of it. The discussion continued.
- John Thompson asked if a motion can be made to pass it along to CID.
- Jim Winters said we have to find some grounds to pass it along. He then said he did not find out with enough time to get the material from building and construction to you.
- Lawrence Gordon asked what part of the building and construction this is covered under.
- Jim Winters said you might have a copy and we can pull it up on the internet and go through it but it is not on the agenda so we can't vote on it. The discussion continued.
- Dennis Kintzler said we will have to have something legal that says we can do this, but you can't just condemn a building and have us approve it.
  - City Manager Haynes said we are not condemning it we are just saying that no more construction can be done until CID inspects the building.
- Jim Winters said that we would be saying the issue would fall under building and construction, but CID cannot come to look at it until planning and zoning refers it to them.
- John Thompson said he believes it will be under Section 3, demolition and removal of dangerous structure.
- Jim Winters said we are not going to demolish it; we are talking about repairs.
- Scott Adair said chapter 7, building and construction.
  - City Manager Haynes said we can call a special session.
- Tom Scroggins said the soonest we could have a special session would be a week from now, if we got notices out immediately. The discussion continued.
- Jim Winters said we could just call the meeting building and construction because that is what it would fall under.
- Dennis Kintzler said if that is the case, we could vote on it tonight because that is already on the agenda. The discussion continued and it was decided to be voted on at this meeting.
- Jim Winters said it was under Uniform Building Code, chapter 15-20 abatement of dangerous buildings, Section 202. He then read the section, and said he felt that is all that would have to be referenced to CID.
- Tom Scroggins said what we would have to do is pass a resolution saying the property at 382 Rio Communities Blvd would have to be abated.

- Jim Winters said it is covered under our Building and Construction, Chapter 15.20, and reference section 202. The discussion continued.
- Jim Winters asked if there was a motion to pass it on to CIT.
- L. E. Rubin said before they were going to separate these buildings and engineer would have had to sign off on it and so where does that put the liability, would that fall on the engineer.
- Scott Adair said that he has not looked at the construction packet to know what was negotiated. The discussion continued.
  - City Manager Haynes said when they pulled away, they didn't remove the pillars because they realized there was a problem.
- L. E. Rubin asked if the pillars on City property.
- Jim Winters said we have some liability as long as they are standing there.
- L. E. Rubin asked if we can take the pillars down.
- Lawrence Gordon said no, then the awning would collapse. The discussion continued.
- Lawrence Gordon asked if the pillars could be replaced and ours removed.
- Jim Winters said there are several solutions.
- Tom Scroggins said we don't have to come up with the solution, we need to pass it to CID. The discussion continued.
- Code Enforcer Reeves presented a video of the damage of the awning and began a discussion.
  - ❖ John Thompson made a motion to pass the issue of the building located at 382 Rio Communities Blvd. on the north side of the building, and as referenced by City Ordinance 7-3-1 and Uniform Code for Abatement of Dangerous Buildings, Chapter 15.20 and it's section 202, refer to CID for assessment and further action.
  - ❖ L. E. Rubin said CID will do the assessment. The discussion continued.
  - ❖ Lawrence Gordon seconded the motion and with a 7-0 vote the motion was approved.
- Jim Winters said there is one other issue we need to talk about, planning and zoning is in charge of liquor license. He then said page 9 is the reference to us and what we could do is charge an annual license charge in the amount of \$250. He then said we have an establishment in town that changed ownership, and with a new owner you have to get a new license. A discussion began.
- Jim Winters said they require certain guidelines to be met, they cannot be so far from schools and churches, from property line to property line. He explained that going from the place the alcohol is sold to the church is within the guideline, but from property line from property line it is not. He then said this place sold liquor 30 years before the church was built. He further said it is the golf course, and one of the holes on the golf course is closer than 300' of the church and they have carts on the course to sell liquor. He continued to say we could say it is in a proper zone to sell liquor.
- Dennis Kintzler asked if there is a clause that the church has to request that they not sell liquor.
- Jim Winters said that that is what happened, the church did not sign the letter, saying they give permission because they do not believe in alcohol, but they are not objecting but won't sign the letter, which makes us have to give them certification.
- Lawrence Gordon said he does not see any problem as long as the church abstained.
- Tom Scroggins said they already had a liquor license when the church was built, and the thing that might apply is that they don't have cart sells every day but only for special occasions.
- John Thompson asked if we could say no alcohol sales on certain holes.
- Scott Adair asked who would enforce that.

- Jim Winters said they are requiring a certification from us to ensure it is in a proper zone.
- Scott Adair said if anything, they violated the 300' rule when they built the church. The discussion continued.
- Jim Winters said all we need to do is certify they can sell liquor, if they need a reference, we can put it in the file and give it to them.
- Tom Scroggins asked if the form needs to be filled out.
- Jim Winters said it is simple stuff, fill it out give it to the clerk and email it where it goes.
- Tom Scroggins said does it need to be put on the agenda for the next meeting.
- Jim Winters said we will need to decide if we need to vote on it or if it is in the perfunctory thing, saying it is in the proper zone, and if you feel that way, I can do that, because I do building permits.
- John Thompson said he thought it was perfunctory and all agreed.
- Dennis Kintzler said it doesn't seem like the church has objections. The discussion continued.
- Jim Winters said Scott Adair would help redesign the form and then we can give it to the clerk and email it, without a vote.

### Adjourn

- Jim Winters moved to adjourn. Lawrence Gordon second the motion and the meeting adjourned at 8:14 p.m. with 7-0 vote.

Respectfully submitted,

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Amy L. Lopez, Deputy Clerk

Date: \_\_\_\_\_

Approved:

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Thomas Scroggins, Chairman

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L. E. Rubin, Secretary

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John Thompson, Vice-Chairman

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Lawrence Gordon

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Dennis Kintzler

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Jim Winters

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Scott Adair