

Planning & Zoning Minutes

September 19, 2019

Call to Order

- ◇ John Thompson called meeting to order at 6:34 p.m.

Roll Call

- Present: Chairman Tom Scroggins, Vice-Chairman John Thompson, Dennis Kintzler, Lawrence Gordon, and Scott Adair
- Absent: Secretary L. E. Rubin and Jim Winters
- Present: City Manager Leisa Haynes and Deputy Clerk Amy Lopez

Approval & signing of minutes of September 5, 2019 Regular Meeting

- ◇ Jim Winters made a motion to approve the September 5, 2019 Regular Meeting Minutes as revised. Lawrence Gordon second the motion. With a 5-0 vote, the minutes for September 5, 2019 was approved.

General Discussion

- A discussion began about variances.
- John Thompson said we need to set a precedent that people need to get permits before they build.
- A discussion began about putting announcements in the newsletter to raise awareness of obtaining permits.
- Dennis Kintzler said maybe we shouldn't hear the cases if they have already gone to court and began a discussion.

Procedures for conduct of a hearing

- Scott Adair said he looked at several examples of conducting a hearing and he is willing to write our procedures.
- Tom Scroggins said we need to make sure we time the hearings correctly because we only meet twice a month.
- Tom Scroggins said he didn't think it was necessary for the procedures to be voted on and began a discussion.
- Scott Adair passed out examples, Albuquerque procedures and a rough draft for Planning and Zoning.
- A discussion began about procedures for a liquor license hearing.
- City Manager Haynes said page 4 explains what the job of P&Z is in hearing variances and began a discussion.
- City Manager Haynes began a discussion about fees.
- Tom Scroggins said the only authority P&Z has, is to make a recommendation to approve or deny.
- Dennis Kintzler said we should not be hearing cases after the fact and the discussion continued.
- Tom Scroggins said people are not recognizing Rio Communities as a city and we need to change that.
- John Thompson read a section 7-2-3 from the Zoning Ordinance regarding permitting.
- City Manager Haynes said we will send a letter out saying there will be no hearing because they did not ask for a variance beforehand, this will help people realize they cannot ignore the laws.
- Scott Adair asked if we should ask the City attorney and asked if there needs to be a clause saying P&Z will not hear variance cases after the fact and began a discussion.
- Tom Scroggins said by cancelling the hearing, we won't gain experience with procedures and began a discussion.
- Tom Scroggins asked for the language of the variance permit.
- John Thompson said 4-7-3 and it was read and began a discussion.
- Tom Scroggins said a solution might be for the owner to buy the empty lot next door and take the fence down.
- John Thompson said we need to find out if it is built the right of way and if it is built there, it must come down.
- Scott Adair said that there might be a way to move what needs to be moved and began a discussion.
- John Thompson said we need to think about what the letter will say.
- A discussion began regarding whether the matter should still go to a hearing.
- Scott Adair said we are subject to the Open Meetings Act and cannot hear something because it doesn't apply to our scope of work, but we have not received a packet to determine if we can hear it and began a discussion.

- Lawrence Gordon said they did not do their own due diligence and began a discussion.
- John Thompson said that we should hear it.
- Lawrence Gordon said we need to get it out to the public and a variance could be issued after a permit filed and if it is a legitimate reason.
- Dennis Kintzler asked if people working in their garages get business permits and if they need a special permit.
- John Thompson said it seems like we will have the hearing as scheduled.
- Scott Adair said we can look at the packet and tell them that we cannot hear it, it is not within our scope.
- Dennis said he did not believe that we should hear the case.
- Lawrence Gordon said we should hear it because everything has already been sent out.
- Scott Adair thought we should hear it but knowing there was no permit he has changed his mind.
- Lawrence Gordon said we hear the case now but change the process before it happens again.
- Tom Scroggins said we can use the hearing a flag for others, do it right or there are consequences, but feels that if there was a hearing scheduled and we didn't hear it, a higher court would ask why.
- Scott Adair said it is due process and the discussion continued.
- Lawrence Gordon asked what the future procedure would be for the Clerk in handling variance packets and began a discussion.
- City Manager Haynes said there are developers wanting to come to the next meeting and began a discussion.
- City Manager Haynes asked if Scott Edeal asked to split the lots across Hwy 47 and began a discussion.

ADJOURN

- Lawrence Gordon moved to adjourn. John Thompson second the motion and the meeting adjourned at 8:04 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