

Planning and Zoning Commission Minutes  
City Council Chambers Northside of City Hall  
360 Rio Communities Blvd.  
November 5, 2020

**This meeting was streamed on Facebook Live**  
<https://www.facebook.com/riocommunities>

**Call to Order**

- Vice-Chairman John Thompson called to order the Planning and Zoning Commission meeting at 6:29 p.m.

**Pledge of Allegiance**

- Vice-Chairman John Thompson led the Pledge of Allegiance.

**Roll Call**

- Present- Vice-Chairman John Thompson, Secretary L. E. Rubin, Scott Adair, Lawrence Gordon, and Dennis Kintzler
- Absent- Chairman Tom Scroggins
- Present- Deputy Clerk Amy Lopez

**Approval of Agenda**

- L. E. Rubin made the motion to approve the agenda for October 15, 2020. The motion was second by Dennis Kintzler. Vote: Vice-Chairman John Thompson; Secretary L. E. Rubin – yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon - yes. With a 5-0 vote the agenda for the Planning and Zoning meeting on October 15, 2020 was approved.

**Approval of Meeting Minutes from October 1, 2020**

- L. E. Rubin made the motion to approve the Meeting Minutes for October 1, 2020. The motion was seconded by Lawrence Gordon. Meeting Minutes for the joint meeting with City Council on for October 1, 2020 were signed. Vote: Vice-Chairman John Thompson; Secretary L. E. Rubin – yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon - yes. With a 5-0 vote the agenda for the Planning and Zoning meeting was approved.

**General Commission Discussion**

- John Thompson mentioned there will be a flag raising ceremony at City Hall on November 11, 2020 at 11 am.

**Public Comment**

- No comments were made.

**Zoning Ordinance Chapter 4-13-5 – (sign illumination)**

**– Discussion & Consideration Action**

- A discussion began on the current ordinance and how it prevents the City from putting up an electronic sign.
- Scott Adair said the yellow is what he added to our current ordinance and explained the rules regarding scrolling signs and safety and continued the conversation.
- Scott Adair said you can have a blinking sign with a complete thought but not a scrolling sign with a complete thought because of the time it takes to read it.

- John Thompson asked if the sign was already ordered and if not, should we take more time to review this because it will affect others as well and began a discussion.
- Scott Adair said there is not enough clarity with our current sign ordinance, it will need to be redefined to prevent future problems, he has added that non-commercial and non-profit might be excluded; he explained the rules for the sign that he added and continued the conversation.
- Dennis Kintzler said there are some signs in the County that are huge and began a discussion.
- John Thompson asked how the group would like to proceed.
- Dennis Kintzler said we should go through it thoroughly; he believes that a scrolling sign is better and began a discussion.
- Scott Adair asked if we are advocating for a scrolling sign or a blinking sign, based on what the research shows that a scrolling sign is more distracting and less safe, you would rather go with the scrolling sign.
- Dennis Kintzler said yes and began a discussion about a sign given to the Moose Lodge and Ron Gentry now owns.
- Dennis Kintzler began a discussion on the sign location for City Hall.
- John Thompson said maybe we should not add the restriction of scrolling and continued the discussion.
- John Thompson said his reasoning is different, he does not want it to limit things for future businesses; he then said Section 13-1, in the case of our City sign, it is up about 15' and would not affect pedestrians, but we do need to make sure it not distracting to drivers and began a discussion.
- John Thompson read the section on sign illumination and animation and began a discussion.
- John Thompson asked if anyone has a problem with 13-9a and read it; he then asked if that was for Commercial or all signs.
- Scott Adair said it should be all signs.
- John Thompson began a discussion about the time signs should be turned off.
- John Thompson said we should it to give the Mayor or City Manager permission to grant exceptions and began a discussion.
- Scott Adair said that we can add the exception for DOT signs and continued the discussion.
- John Thompson asked if the consensus is to eliminate paragraph C and began a discussion.
- John Thompson read section 13-6 and began a discussion about length of time a sign takes to go from one message to another.
- Scott Adair said that he has no problem taking out F and G and began a discussion.
- Dennis Kintzler said that without motion a sign won't draw attention.
- John Thompson disagreed that if a sign is static is it less effective.
- A discussion began about signals for the fire station.
- John Thompson is worried about creating an ordinance that hinders signs for future businesses.
- Scott Adair said that safety is the biggest issue.
- John Thompson said we should just take out D.
- Lawrence Gordon agreed.
- John Thompson read sign exceptions; he then read the added definitions and began a discussion.
- L. E. Rubin made a motion to send this to City Council for consideration. Lawrence Gordon seconded it by Lawrence. Vote: Vice-Chairman John Thompson; Secretary L. E.

Rubin – yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon - yes. With a 5-0 vote the motion to send changes to the sign ordinance to Council for approval was approved.

### **Pecos Builders – Discussion**

- John Thompson explained Pecos Builders is wanting to know what will be allowed to be built on four small lots that would fit in with the neighborhood and began a discussion.
- Scott Adair said they need to do research and see what will sell.
- John Thompson said that he would like to see 2 big homes built on the four lots and asked if that fourth lot could be designated as a pocket park.
- Scott Adair said if the four lots were divided into 3 the lots would be a decent size and began a discussion.
- L. E. Rubin suggested they give us an elevation drawing to see what it might possibly look like and began a discussion.
- John Thompson said it would be best to invite Pecos Homes to the next meeting.

### **ATVs – Discussion**

- Scott Adair said the Ordinance is from the State and it seems to cover everything and suggested approving it as is.
- Dennis Kintzler asked if Council has approved the signs.
- Lawrence Gordon said they will be up for approval for Council on Tuesday. Dennis Kintzler said the signs were all we were asking for and began a discussion.
- Dennis Kintzler said we are trying to protect the people on the ATVs and they are running around at night with no lights on.
- John Thompson asked if there is anything we need to do to approve this and began a discussion.
- Scott Adair said a lot of the statute is cited in here, but he would have to research it and began a discussion.
- L. E. Rubin said we would like to have them cited and seen by our Municipal Court
- Scott Adair said
- L. E. Rubin said if the City adopt the entire Universal Traffic Ordinance so they can cite them at the Municipal Court and began a discussion.
- Scott Adair said do we agree that if it is written somewhere that this should be an extension of the State Statute, but we need to make sure that something in our Ordinance is referenced to the universal traffic code.
- John Thompson said it would be under chapter 12, vehicles and traffic and continued the discussion.
- Lawrence Gordon asked if the signs that will be put up will have the ordinance number and began a discussion.
- Deputy Clerk Lopez said the Code Enforcer will be posting the ordinance number on the signs.

### **Service Station Shed – Discussion**

- John Thompson said he has a hard time remembering variance, special use and conditional use and explained the service station put up a large shed and wanted a building permit and wanted a variance. He then asked if a permit would be enough without a variance.
- L. E. Rubin asked how it was attached to the ground.
- John Thompson said it is just attached with large tie downs and began a discussion.

- John Thompson asked if the commission should we give him a permit after he has already put up the structure and would we give him a variance, a special use or a conditional use.
- L. E. Rubin said he will still have to go to CID because of the size of the building and began a discussion.
- Lawrence Gordon said would we have to give a variance on it because it does not meet the requirement for space between the structures and continued the discussion.
- L. E. Rubin said we need to be careful because if we grant this variance, we might have to keep granting them for others and began a discussion.
- Lawrence Gordon said if it a variance it will have to come to the Council and then to us and then we approve it or deny it, and we will have a reason to support our decision.
- John Thompson read 4-7-3 and explained there are two other people building motor home garages in Enchanted Mesa that have not applied for permits yet, so would it be the intent of our commission to grant them a variance.
- L. E. Rubin said we would be approving this after the building went up.
- Lawrence Gordon said we have to start making people come to us before they put something up and not after.
- Scott Adair said that we cannot let people benefit from misdeeds.
- L. E. Rubin said there should be a penalty for coming to us after they have already put up a structure without a permit or needing a variance.
- Scott Adair said we should add a section of the newsletter and talk about sections of zoning code each time so that the public will become aware of what is expected and began a discussion.
- A discussion began on neighborhood watch.
- L. E. Rubin asked what we are going to do with the shed.
- Lawrence Gordon said we should do a variance.
- John Thompson said the variance will be on next meeting agenda along with a speaker from Pecos Homes.

### **Adjourn**

- L. E. Rubin motioned to adjourn and carry the neighborhood plan to the next agenda. Scott Adair second the motion and the meeting adjourned at 8:04 p.m. with a 5-0 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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John Thompson, Vice-Chairman

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L. E. Rubin, Secretary

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Scott Adair

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Lawrence Gordon

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Dennis Kintzler