

Planning and Zoning Commission Minutes
City Council Chambers Northside of City Hall
360 Rio Communities Blvd.
March 18, 2021

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

Call to Order

- Chairman Tom Scoggins called to order the Planning and Zoning Commission meeting at 6:42 p.m.

Pledge of Allegiance

- Chairman Tom Scoggins led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda for March 18, 2021

- Secretary Adair made the motion to approve the agenda for March 18, 2021 as written. The motion was second by L. E. Rubin. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; L. E. Rubin - yes. With 3-0 vote the agenda for the Planning and Zoning meeting on March 18, 2021 was approved as written.

Approval of Meeting Minutes from February 18, 2021 and March 4, 2021

- Secretary Adair made the motion to approve the Meeting Minutes for February 18, 2021 and March 4, 2021 as written. The motion was seconded by Mr. Rubin. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; L. E. Rubin - yes. With a 3-0 vote the agenda for the Planning and Zoning meeting minutes from February 18, 2021 and March 4, 2021 were approved.

Public Comment

- No comments were made.

Discussion, Consideration, and Decision- Approval/non-approval of the variance request involves the construction of a see-through security fence to replace the previously constructed fence. Legal Description: #10090275002850000, 480 Rio Communities Blvd #2

- Chairman Scroggins said since he was not present at the last meeting, but he did go and look at the property in question. He believes that a six-foot see-through fence would probably be alright, but there is a water cover within the fenced area, and there should probably be a gate there.
- Mr. Rubin said he does want to know where his property line is and if his fence is on his property. He would still like to see where his property is. He is unsure if he would agree to put a fence outside the property line.
- Manager Dr. Moore said if it was approved it should have a condition that the fence cannot encroach on the right-of-way.
- Chairman Scroggins said he thinks the utility easement is in the parking area, so there is no utility, and maybe we need a variance because of the shape of the lot and began a discussion.

- Mr. Rubin said Mr. Chavez's thoughts are that his fence was already outside his property so it should be grandfathered in, but since he has already taken down it cannot be put back up and grandfathered in and continued the discussion.
- Manager Dr. Moore said a problem in New Mexico is having roads that are not actually in the right-of-way and they encroach on private land.
- Secretary Adair said he doesn't understand why he does not put it in the backyard, but it is just oddly shaped. The discussion continued.
- Secretary Adair said the attorney explained the City has rights to the land and can tear it down if they needed to get to that area. The discussion continued.
- Manager Dr. Moore said Mr. Chavez will have to comply with whatever decision you make, and you can have several conditions and continued the discussion.
- Chairman Scroggins asked how wide the right-of-way there is because the building itself could be encroaching on it. The discussion continued.
- Mr. Rubin asked if the material Mr. Chavez is building the fence is 6' tall or is it lower and he is adding on to the top?
- Secretary Adair said he would be adding to the top and the discussion continued.
- Chairman Scroggins said one thing that would be grandfathered in would be the corners that are encroaching.
- Mr. Rubin said he still wants to know that the fence will be on his property and asked how this issue was brought up.
- Manager Dr. Moore explained someone had been living there and left, the owner of the property was told by the Code Enforcer that there were issues that had to be fixed and the owner fixed those, but he took down the fence to put up a fence that was not code for that area and that opened a can of worms. The discussion continued.
- Mr. Rubin said the applicant for this variance is not here tonight, but he needs to bring in a survey.
- Manager Dr. Moore said the Commission can table this or place a deadline on the applicant for the proper information and continued the discussion.
- Manager Dr. Moore said you can make a decision even if he does not get you the information within the timeframe given and began a discussion.
- Chairman Scroggins said we should give him until May 16 because we would have to have another hearing.
- Manager Dr. Moore said that if you table it, you don't have to have another hearing.
- Secretary Adair said we should not even be hearing these variances until they have provided all the documents that we need to decide.
- Manager Dr. Moore said we are working on creating a full document for variances that would have to be complete before it could be brought to you for a variance hearing.
- Chairman Scroggins said most cities have a planning and Zoning department, are there any thoughts there could be someone like that here.
- Manager Dr. Moore said we are looking ahead at one, two, five, ten, and twenty-year planning as the City grows and we will be planning for needs just like this. He continued to say we want to be able to prevent these issues in future City planning.
- Secretary Adair asked if they could be trained until we do get something here.
- Manager Dr. Moore said we can build that into the budget.
- Chairman Scroggins said the Council and Mayor Gwinn was big on P&Z going to MOLI and he thinks it would be a good idea for the commissioners to get some training.
- Manager Dr. Moore said he will take that as a homework assignment and try to find you some training and continued the discussion.

- Chairman Scroggins said one this commission's strengths is that none of us has a background in planning and zoning because we think out of the box and continued the discussion.
- Mr. Rubin asked if we table this, does it need to be on the next agenda.
- Manager Dr. Moore said list it on the agenda and it can be on the agenda until you make a decision, and if the applicant gives enough information to make a decision, you can do so without further the discussion.
- Mr. Rubin made a motion to table this until the next meeting and ask the City Manager to have the City staff contact the applicant and tell him what documents we need including the legal parameters of where his property lies and where the right-of-way is and at this time, we are not able to take any action until we get those documents.
- Secretary Adair seconded the motion with the addition with a complete list of materials.
- Mr. Rubin said I would like to amend my motion to include that. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; L. E. Rubin - yes. With a 3-0 vote the motion to table the decision on Mr. Chavez's variance pending more information was approved.

Public Comment

- No comments were made.

Animal Welfare

- Mr. Rubin said we have been working on a survey to mail and the Council was supposed to be looking at that, but we have not mailed it yet. He then said he saw on next door that there was a horse running around loose in the City the other day.
- Manager Dr. Moore said he would provide an update for the animal welfare survey on April 15, 2021 and would provide the proper materials before then and continued the discussion.
- Chairman Scroggins said a due date is needed for replies so that we get them back.

Apartment on Damon

- Chairman Scroggins said Vice-chair Thompson set me some information on the apartments on Damon and they are thinking of putting another duplex on the lot. He continued to explain there might not be the room on the lot. He then said I have looked at our zoning and duplexes. After reading the acreage needed for a duplex, said he thinks we might have the same kind of problem as the problem Mr. Chavez is running into and began a discussion.
- Chairman Scroggins said looking at our zoning, high-density R-1, it requires .5 acres for a duplex and continued to read the land requirements. He then explained you have to have two parking spaces for unit, so they would also need room for four parking spaced.
- Mr. Rubin said they have to have some type of marker designating parking spots.
- Chairman Scroggins continued the discussion.

General Discussion

- Mr. Rubin said some time ago, we gave an approval for someone on Del Fuego for a fence that was higher than 8' and put gates across his driveway, but it has been several years, he has not finished the fence, but we did not give him a timeline so it will be hard to make him finish it now. He then said he is not sure how we can bring him back in to give him a time limit.
- Manager Dr. Moore said the City, the Code Enforcer can go after him for noncompliance and can get with the attorney to see if there are any State laws of compliance that we can look at.

- Secretary Adair said the variance forms should ask for more specific information regarding what the variance is for.
- Manager Dr. Moore said the point of this commission is to have a variance request before someone does something that is violation of the Code and the judge can rule that a person must come and get a variance. He then said we can go before the Council and say we are working on improving certain areas so that we can get ahead of the curve.
- Chairman Scroggins said one of the problems we have had as a newer city and with so many years of no regulations, is people don't think they have to get a permit.
- Manager Dr. Moore said there is an education process with new build and people taking things down and how they have to be up to code. He continued to say for us to grow and have a community we can be proud of, so we must keep training everyone. The discussion continued.

Adjourn

- Mr. Rubin motioned to adjourn and carry the neighborhood plan to the next agenda. Secretary Adair second the motion and the meeting adjourned at 8:04p.m. with a 4-0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L. E. Rubin

Lawrence Gordon