

Planning and Zoning Commission Minutes
City Council Chambers Northside of City Hall
360 Rio Communities Blvd.
May 20, 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 6:07 p.m.

Pledge of Allegiance

- City Manager Dr. Martin Moore led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda for May 20, 2021

- Vice-chair Thompson made a motion to approve the agenda for May 20, 2021 as written. The motion was second by Mr. Lawrence Gordon. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 4-0 vote the agenda for May 20, 2021 Planning and Zoning Meeting was approved.

Approval of Meeting Minutes from May 6, 2021

- Vice-chair Thompson made a motion to approve the May 6, 2021 Meeting Minutes as written. The motion was seconded by Mr. Lawrence Gordon. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 4-0 vote the Planning and Zoning meeting minutes from May 6, 2021 was approved.

General Discussion

- Vice-chair Thompson said he received an email from Economic Development regarding a developer that designs strip malls and is looking at Manzano Expressway as a potential build site. He then explained he believes that if it is not commercially zoned, it could be re-zoned to allow businesses to come in.
- Chair Scroggins said he would like to wait until we have more information and feels that it might not be best butted up against a residential community and began a discussion.
- Mr. Gordon said it should be up to the developer to explore their options and see if they think a business would be viable in that area.
- Manager Dr. Moore said we get those inquiries often and we will put feelers out to see how serious they are before we put a lot of effort into it. He then said we can point them to our comprehensive plan and give them information on the businesses here already. The discussion continued.
- Chair Scroggins asked how difficult it is for us to re-zone an area and if it would require a hearing.
- Manager Dr. Moore said the commission does have the power to re-zone and continued the discussion.

- Chair Scroggins said the City has never come up with an approach to handle large development with NMDOT access, infrastructure questions, and who would pay for what and began a discussion.
- Manager Dr. Moore said a lot of it falls on the developer, the utility companies, and landowners whose land might be crossed, but the City would be responsible for approval of building permits, zoning codes, and common curtesy to surrounding neighbors/businesses. The discussion continued.
- Vice-chair Thompson said he thinks we need to be a little accommodating to developers. He then said the City Manager mentioned a Zoning training on June 25th online.
- Vice-chair Thompson said there is a lot of speeding going on in my neighborhood and we might want to send a notice to the public that there are a lot of people out during the summer and drivers need to mind their speed, but there are no speed limit signs in the neighborhoods.
- Manager Dr. Moore said the speed sign trailer is being repaired and we have some pole mounted speed signs that we will be putting. He then explained we will be getting some officers on overtime working at certain important times of the year to help, they are working on doing some more targeted speed monitoring, and we are starting to see a little more patrolling going on.
- Vice-chair Thompson asked where the money from citations goes.
- Manager Dr. Moore said if it is our Deputy that writes the ticket, we get the money, but if a borrowed officer writes, the ticket it would go to the County. The discussion continued.
- Manager Dr. Moore explained we are working on streetlights and are working on getting more in areas that don't have them and working on getting data boxes, so we know where the hot zones are. He then said if there are areas that we have heard for citizens that are problematic, the Deputies are willing to target those area. The discussion continued.

Public Comment

- There were no public comments.

Zoning Grid (will be discussed with Council)

- Chairman Scroggins said this zoning grid that we have was one that Councilor Winters put together so that developers could see what types of development can go where.
- Vice-chair Thompson asked if we need to review this to see if it is complete and correct.
- Manager Dr. Moore said Councilor Winters created this based on the latest version of the zoning ordinance. He then explained he wanted to make sure there are types of businesses that are up and coming that might have been missed in the past. He then said Councilor Winters wanted the Commission to be comfortable using this in the Appendix of the Zoning Code. The discussion continued.
- Vice-chair Thompson said he has reviewed this and nothing he has found is wrong, Councilor Winters has been thorough, and has done a wonderful job.
- Manager Dr. Moore said the last page has some types of businesses that we want to think carefully about the placement of them.
- Vice-chair Thompson said it should be added to the Ordinance as an appendix and revised later if we need it.
- A discussion began regarding the process of adding it to the Zoning Ordinance.
- Manager Dr. Moore said we might want to add a map with the existing overlays and continued the discussion.
- Manager Dr. Moore said we need to make it as easy as we can for developers.
- Chair Scroggins asked how hard it would be to change this in the future without having to rewrite the ordinance.

- Manager Dr. Moore said that it would be easy enough and continued the discussion.
- Chairman Scroggins said we will be discussing this item with Council, and we should take this as homework before the meeting and try to find things we have missed. The discussion continued.
- Mr. Rubin said we might need to make sure we properly define things with multiple meanings, such as a shed, tool shed, and garden shed and began a discussion.
- Manager Dr. Moore said we might consider a matrix sheet that goes with the grid to give clarity.
- Manager Dr. Moore said it can become a resolution or use it as an internal reference guide and began a discussion.
- Manager Dr. Moore said we could add a disclaimer saying that it is a courtesy map and is not to be used in a legal capacity.

Abatement

- Chair Scroggins said we will be questioned about this by Council.
- Secretary Adair said that it is not written to the audience, there is too much lawyer talk, but that was his only issue.
- Manager Dr. Moore said there is a section that deals with weeds, trash, etc., but then there is a section that covers unsafe structures and being able to handle those types of structures. He then explained that Council had split opinions over having two ordinances instead of one to handle each type of abatement, and he then asked how the Commission felt about having just one Ordinance.
- Vice-chair Thompson said whichever is easier.
- Manager Dr. Moore said Councilor Brown was concerned about nuisances, real property, and eminent domain, but Council felt that eminent domain would be a separate issue but allow the other two to be one ordinance.
- Chairman Scroggins said there are ways of handling nuisances in this ordinance without using eminent domain, but we have burnt houses where the City might have to go past that to take care of those violation. The discussion continued.
- Manager Dr. Moore said he has seen some problem properties taken care of because of an ordinance like this, sometimes the property owners will relinquish the properties, but feels that the owner needs to take responsibility for the property.
- Chairman Scroggins said we need to write it so that it is understandable to the public and continued the discussion.
- Mr. Rubin asked if this is passed as an ordinance, what happens to the buildings that were out of compliance before this was passed.
- Manager Dr. Moore said there are exceptions to the grandfathering clause if there are health and safety risk and began a discussion.
- Manager Dr. Moore said when we were talking about definitions, we will get different people interpreting them in different ways, but that is why the City has attorneys. He then said the wording has to be correct in the ordinance to be defensible, but it should be understandable as well.
- Chairman Scroggins said we might want to talk to the attorney about the wording in the ordinance and determine if there could be an easier way to say that.
- Vice-chair said we should read this and see what our interpretation is and continued the discussion.
- Mr. Gordon said he would like to review it once and be done with it. The discussion continued.
- Secretary Adair said you could leave it in legal language with explanations written in to make it clear and continued the discussion.
- Chairman Scroggins asked Secretary Adair to go through it and outline what we might want to add.

- Secretary Adair said that he will compare it to what he originally wrote and make notes to bring up to Council and continued the discussion.
- Vice-chair Thompson said the ordinance needs to say that the property owner is responsible and began a discussion.
- Chairman Scroggins said it does say the property owner is responsible.
- A discussion began regarding the open meetings act.

Animal Welfare Survey

- Chair Scroggins said he believes that Council has approved the question and it will be talked about at the joint meeting.
- Manager Dr. Moore said they are writing the questions in a way that will result in better information to use to make the best decisions in rewriting the animal ordinance. He then explained that if there are certain types of animals in certain areas, rezoning might be required.
- Chairman Scroggins said if you look at item 2-G in the abatement code would get some of the people that have made comments about the offensive smells and such some relief because the Code Enforcer could enforce that.
- Manager Dr. Moore explained some of the questions that might be on the questionnaire.
- Vice-chair Thompson asked Deputy Clerk Lopez what the major complaints she gets.
- Deputy Clerk Lopez said farm animals with their smells and destructive nature to fences and weeds are the most common complaints and began a discussion.
- Manager Dr. Moore said we want to be able to allow certain things, but as we need to have a well-planned community as we grow and began a discussion.
- Chairman Scroggins said we will meet with Council next week but will add to the next agenda the animal welfare and neighborhoods because they go together, and motorhome parking.
- Vice-chair Thompson recommended going over the master plan in the month of June.

Training (will be discussed with Council)

- Manager Dr. Moore said MRCOG will be opening up to training seminars now and it wouldn't hurt to ask them to have a focused training on items that might be important to us and began a discussion.

RV and Motorhome Parking

- There was no discussion.

Parks

- There was no discussion.

Adjourn

- Vice-chair Thompson motioned to adjourn and carry the neighborhood plan to the next agenda. Secretary Adair second the motion and the meeting adjourned at 8:12 p.m. with a 5-0 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