



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, October 7, 2021 5:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 5:40 pm.

Pledge of Allegiance

- Chair Scroggins led the Pledge of Allegiance.

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson (virtual), Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin (virtual)
- Present: City Manager Dr. Martin Moore and Deputy Clerk Amy L. Lopez

Approval of Agenda for October 7, 2021:

- Secretary Adair made a motion to approve the agenda as written. The motion was second by Mr. Gordon. Vote: Chairman Tom Scroggins- yes; Vice-chair John Thompson – yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the agenda for the October 7, 2021 Planning and Zoning Meeting was approved as written.

Approval of Minutes for September 16, 2021:

- Mr. Gordon made a motion to approve the September 16, 2021 Meeting Minutes as written. The motion was seconded by Secretary Adair. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the minutes from September 16, 2021 was approved as written.

Public Hearing Motion and roll call vote to recess Regular Business Meeting session and to go into Public Hearing Consideration of Public Hearing for the Subdivision of Property: Legal Description:

UPC: 1010025460475000000 Subd: PLAYA ESTATES Tract: PARCEL 18 52.01 ACRES 1994 SPLIT

- Chair Scroggins asked for a motion and roll call vote to go into public hearing regarding.
- Secretary Adair motioned to suspend regular meeting to go into public hearing. Mr. Gordon second the motion. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote motion to suspend the regular business meeting session and begin public hearing for the Subdivision of Property: Legal Description: UPC: 1010025460475000000 Subd: PLAYA ESTATES Tract: PARCEL 18 52.01 ACRES 1994 SPLIT was approved.
- Chair Scroggins: We have this application for a plat for subdivision, from what I understand it is splitting the parcel here into two parts, and one of them, I think is going to tell us about it.
- Deputy Clerk Lopez: Can you please tell me your name as you go up there?
- David Tibbets: My name is David Tibbets. I am a surveyor in Los Lunas and have prepared a split plat of this tract here. I have a handout, if you would like to see it, it is just a reduction of the

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plat. I can pass that out. At any rate, it is a pretty simple division. We are basically trying to create a new 10-acre parcel out of a 52-acre parcel on the South end of the town. I believe you are treating it under the fast-track procedure, there are alternate procedures that are taken sometimes. That makes a lot of sense because it is a really simple, simple project really.

- Chair Scroggins: This 10-acre tract is basically on the Southeast corner of the parcel.
- Mr. Tibbets: Tierra del Sur, the owner of the 52-acres wants to sell that to PetroYates. There's no plans to develop it at the present time.
- Chair Scroggins: Well, one thing that was pointed out to me was access.
- Mr. Tibbets: Yes, I would be happy to talk about that. The access can be from two places, it has considerable frontage on Hwy 47, Rio Communities Blvd. But there is some concern that there would be a problem getting a driveway permit from New Mexico DOT for that new parcel. I am not aware of any, well, that is one thing that has popped up in the last ten to fifteen years. All the older plats never talked about that. A lot of the time they will wait until they get a plan, a subdivision plan or a development plan to create that driveway permit. In fact, I am fairly certain that you can't get, Petro Yates cannot get a driveway plan from the DOT on this 10-acre parcel, until they own it. The present owners, Tierra del Sur could apply for that. However, PetroYates does own a bank of lots on the south side of the property of the proposed 10-acre piece and if you will notice on there, I have put a new 50-foot-wide access easement across the west half of lot 23, which they own, accessing that new parcel. And that is actually a 50-foot access easement from a platted road, which I believe is what your ordinance will require.
- Chair Scroggins: Is that right on the new division line?
- Mr. Tibbets: That new division line actually comes into that northwest corner of lot 23. I have another handout that show that a little more clearly if you would like to see that. I have also, that 50-foot-wide access easement has been executed, created, and executed (inaudible). I have a copy of that if you would like to see it.
- Chair Scroggins: I am confused, because this looks like the 10-acres, I see there is lot 23. (inaudible discussion.) Basically, lot 23 is going to be.
- Mr. Tibbets: We've actually, when you guys give us a head up about that, the access questions, Mr. Yates of PetroYates, actually executed and easement. I've got a copy of it here, I don't have any copies (inaudible). Here is a warrantee deed to that shows that they do indeed own that lot 23.
- Chair Scroggins: So, that lot 23, or half of it, whatever, in that, would end up being, giving access off of Kamia Ave.
- Mr. Tibbets: Kamia Ave, yeah, which hooks up to Marie, Marie Avenue or Marie Drive, whatever it is. I've got a larger picture of that if anyone wants to see it, how it connects up to the rest of the private roads in the rest of the subdivision.
- Manager Dr. Moore: Mr. Chairman, just a quick point of information for you. I just, I don't know if they had access to it yet, but I did send an email to both commission members, a copy of that on an 8.5" x 11" plat. I don't know if they can see their emails or not, but we are trying to get that over to them so they can see it.
- Mr. Tibbets: Anyway, I think that addresses that, you know, they most certainly will apply for a driveway or driveway permit with DOT for 47. I don't anticipate any problems with that, but if there are, the easement coming in from the south end would be adequate to access the property.

- Chair Scroggins: They can access it.
- Secretary Adair: Wouldn't you want an access off of 47 as well?
- Mr. Tibbets: Oh yeah, definitely. But we can't really apply for a, you know, PetroYates can't apply for a permit until they own the property, and they can't own the property until the plat gets approved. It is exactly catch 22 (inaudible).
- Manager Dr. Moore: Yeah, Mr. Chairman, the question I pose then, if they have talked to the Department of Transportation, was it possible to get access off of 47. So we did ask them to ask that. I think what they are saying is, yes, the Department of Transportation is willing to, you know, work with them on an application as soon as there is a piece of real property to work with.
- Chair Scroggins: You have dealt with this kind of division in the past?
- Mr. Tibbets: Yes, for the last 40 years.
- Chair Scroggins: Does that mean you have dealt with the State Department of Transportation or whoever it is, and what is the likelihood of them letting you make an entrance or exit on Highway 47?
- Mr. Tibbets: Yes, from my experience it would be 100 percent. You know, there's no impediments to a new driveway there. Really, usually it is a line-of-sight problem for most traffic engineers who review the application, and they want to see an actual plan of how they want to pave it and that kind of stuff. But, for just a generic driveway entrance, it is the line-of-sight that matters, and there is a line-of-sight for forever out here.
- Mr. Gordon: Once you get the land, will you be applying immediately for the easement?
- Kathryn Reese: That's our plan.
- Chair Scroggins: Has this land, you say there is no plan to be built on right away, but has it been planned, or would that be something done after.
- Mr. Tibbets: I don't know what their purpose in buying the 10-acres is. Maybe they're, Ms. Reese can speak to that. There's no plans to develop it right now. I don't know. We are basically trying to create the 10-acre parcel, then it can be developed later. There is nothing in your ordinance or zoning that would stop it from being, from coming back later with a plan.
- Manager Dr. Moore: Mr. Chairman, as a point of information, this land is in an area that is part of the planned development area, and in addition there are some parts that are west of there, that we are talking about solar. So, this area we are talking about is pretty wide open as far as plans for development of property. It is within the blue are or planned development zone.
- Mr. Tibbets: Once they have some kind of specific purpose or development in mind, they can bring that plan into you, once the ten acres exists.
- Mr. Gordon: Are you going to be applying for the easement to go onto the property or are you going to make the road down first and apply for everything else later. I j am just asking because.
- Mrs. Reese: My name is Katherine Reese; I work with Mr. Yates. Our short-term plan is, the main plan is, we have a house and 4 adjoining lots, just a piece of those 2 lots where we have the access, and currently we have to go down to Dove Drive, up Marie, and down Spirit Lane to get to that house. So, we would like to put a road across from Hwy 47. We have two wells on the existing lots where the house is and we would like to initially plant trees along there, so there is a (inaudible) and no long-term plan right now for development yet.
- Chair Scroggins: And this parcel is outlined, there is a building.

- Mr. Tibbets: It is not on the 10-acres, it is on the adjacent Rio Grande Estates. (inaudible discussion) It doesn't actually abut the 10-acres.
- Chair Scroggins: So, it is North of those Rio Grande Estates platting.
- Mrs. Reese showed commissioners where items were located on plat with inaudible discussion.
- Chair Scroggins: John, do you have any questions or comments?
- Vice Chair Thompson: No, the City Manager said he was emailing something to, I am assuming, L. E. and myself. Was that another attachment?
- Manager Dr. Moore: Actually, it was in the body of the email, it was a copy of the proposal split.
- Vice Chair Thompson: I think Lisa sent that over yesterday, so I've got it.
- Chair Scroggins: L. E. do you have any?
- Mr. Rubin: I have no questions at this time.
- Chair Scroggins: Do you have any questions?
- Manager Dr. Moore: Mr. Chairman, members of the commission, no that was the one question, honestly, that I felt, after reviewing that application, and I called and let them know there might be those questions today. The only other thing is to see if anyone else here has anything to say.
- Chair Scroggins: I think you have gotten us informed. Do you need any of this back?
- Mr. Tibbets: The only thing I would like back is this one.
- Chair Scroggins: Are you here to talk at the hearing?
- Audience Member: I am here to observe.
- Chair Scroggins: Is there anything else we need to discuss, or should we go back to our business meeting.
- Manager Dr. Moore: Mr. Chairman, I don't believe there is anything else to discuss in the public hearing.
- Chair Scroggins: Do we have a motion to go back to the business meeting?
- Mr. Rubin.: I move we go back into the general business meeting. Secretary Adair second the motion. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the motion to close the public hearing regarding the Subdivision of Property: Legal Description: UPC: 1010025460475000000 Subd: PLAYA ESTATES Tract: PARCEL 18 52.01 ACRES 1994 SPLIT and resume the business meeting was approved.

Discussion, Consideration, and Decision - Subdivision Property: Legal Description: UPC: 1010025460475000000 Subd: PLAYA ESTATES Tract: PARCEL 18 52.01 ACRES 1994 SPLIT

- Chair Scroggins said we can discuss this now and decide or wait until next time.
- Mr. Gordon said he has no further questions or discussion, but hopes when they return, we get the appropriate paperwork.
- Vice Chair Thompson said he is in favor.
- Manager Dr. Moore asked for a motion for approval.
- Secretary Adair made a motion to approve the subdivision. Mr. Gordon second the motion. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote, the Subdivision of Property: Legal Description: UPC: 1010025460475000000 Subd: PLAYA ESTATES Tract: PARCEL 18 52.01 ACRES 1994 SPLIT was approved.

Zoning Ordinance Amendments

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- Chair Scroggins said we have been advised to table this until January because of everything else going on here.
- Manager Dr. Moore said there are so many issues that are being addressed regarding public safety and law enforcement at this time that will affect this, and it would be best to discuss it at a later date when those items have been taken care of and began a discussion.
- Chair Scroggins asked for a motion to table the Zoning Ordinance Amendments until January.
- Mr. Gordon motion to table the discussion of zoning ordinance amendments until January of 2022. Secretary Adair second the motion. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the motion to table Zoning Ordinance Amendments was approved.

Zoning Grid

- Chair Scroggins the Zoning Grid, Comprehensive plan and Accessory Building Setbacks, we would like to table until next meeting on recommendation of the City Manager. He then said to start this off, we have been having some discussion on comprehensive plan on Nextdoor and there are people that are questioning that, and we might want to discuss this at the next meeting.
- Mr. Gordon said Secretary Adair has been working hard on the animal ordinance and asked to have it added on the agenda for next meeting.
- Mr. Rubin made a motion to table items 5, 6, and 7 until next meeting. Mr. Gordon second the motion. Vote: Chairman Tom Scroggins- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the motion to table Zoning Grid, Comprehensive Plan – Draft Letter, and Accessory Building Setbacks until Planning and Zoning Meeting held on November 4, 2021 was approved.

Comprehensive Plan – Draft Letter

- Tabled until November 4, 2021

Accessory Building Setbacks

- Tabled until November 4, 2021

Public Comments

- Jody Skelton: We are going into the season to be stealing and you want to table public safety.
- Manager Dr. Moore explained public safety is on the agenda for the City Council meeting which will be held October 12th and we will be discussing some potential actions as well as the planning and coordinating of actions moving forward to improve public safety.

Commission Comments

- Manager Dr. Moore said at the next meeting he would like to address the commission regarding where public safety is going, how it might or might not affect us, the ordinance and how we will enforce it.
- Chair Scroggins said because we have to be involved with you and the city attorney, there was not enough information to be presented at this meeting.
- Manager Dr. Moore said we would like to request one member of the commission to participate with public safety.

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- Secretary Adair said he would volunteer and began a discussion.
- Manager Dr. Moore said it would be best to have just two, it would be similar to how we handled the cannabis ordinance, we want to move the issue along and get it approved by City Council.
- Mr. Gordon said he would like to be the second commissioner to attend and began a discussion regarding notice of quorum.
- Vice Chair Thompson said he would like to make sure all of the commissioners can come and notice of forum be sent out for Councilor Bill Brown’s service at the Fire Station.
- Deputy Clerk Lopez said a notice of quorum has already been sent out regarding that and the discussion continued.

Adjourn

- Mr. Gordon motioned to adjourn and carry the neighborhood plan to the next agenda. Secretary Adair second the motion and the meeting adjourned at 6:51 p.m. with a 4-0 vote.
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Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

Lawrence Gordon

L.E. Rubin

Date: _____

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