



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, July 15, 2021 6:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 6:29 pm.

Pledge of Allegiance

- Mr. Lawrence Gordon led the Pledge of Allegiance.

Roll Call

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

Approval of Agenda:

- Mr. L.E. Rubin made a motion to approve the agenda for July 15, 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 5-0 vote the agenda for the July 15, 2021 Planning and Zoning Meeting was approved.

Approval of Minutes:

- Mr. Lawrence Gordon made a motion to approve the Planning and Zoning Meeting Minutes from June 17, 2021. Vote: Vice-chair John Thompson seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the June 17, 2021 was approved.
- Rubin made a motion to table the July 1, 2021 Meeting Minutes for typographical corrections to be made. The motion was seconded by Vice-chair John Thompson. Mr. Rubin make a motion to table the Meeting Minutes from July 1, 2021 Planning and Zoning Meeting Minutes was tabled.

Variance request for the property located at 304 Brugg Drive, Rio Communities, NM 87002

- Vice-chair Thompson said the only question he had was where the structure was located because he was not able to see that on the Facebook meeting, and it sounds like the main concern is the location of the stall and began a discussion.
- Manager Dr. Moore said the issue is about the structure and not the horse.
- Chair Scroggins said we have talked before that a variance is permanent and design for irregular properties that would prevent an owner from doing certain things; we talked last time about having horses in the area and that it what we need to discuss now.
- Mr. Gordon said that if we say that there are not horses allowed, we want the owner to know she may have to move a horse and continued the discussion.

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- Mr. Rubin said a variance is for three things: irregular lot size, causing undue hardship that would cause them not to meet setbacks, and the comments of the immediate residents. He explained there is a letter attached to the packet against it and we have to consider those three things and if the request satisfies them.
- Secretary Adair said maybe if the variance is not the answer maybe we should go with special use and how would we do that and began a discussion.
- Manager Dr. Moore explained that the variance is strictly whether you want to allow this variance for the placement; Code Enforcement is responsible for enforcing animal issues. The discussion continued.
- Mr Rubin said there are reasons those setbacks were agreed upon by the Commission and I would have to say no to this variance. He explained that the owner did not get a permit, did not place it correctly, the neighbors are unhappy about the placement, and the lot is not irregular.
- Vice Chair Thompson agrees that a variance is not appropriate but would say yes to a special use permit.
- Mr. Rubin said he could still not approve a special use permit because of the feelings of the neighbors.
- Secretary Adair the consideration is the setbacks, and the neighbors are involved in this and because of their response, I feel that more than three feet is necessary and continued the discussion.
- Mr. Gordon said it comes down to our rules. The discussion continued.
- Mr. Gordon said it is on the Public Utility Easement right now and began a discussion.
- Mr. Gordon said if they are willing to move it, then there is no problem. The discussion continued.
- Mr. Rubin said he would like to make a motion to decline the request for a variance and the alternative would be a special use permit and they move the stall to meet what the ordinance as the setbacks.
- Vice-chair Thompson said if they meet the setback requirement then there is no reason for a special use permit and began a discussion.
- Mr. Rubin made a motion to deny the variance, have them move the building to proper setbacks and get a building permit with an engineering stamp. Mr. Gordon seconded the motion. Vote: Vice-chair John Thompson seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the variance was denied, a building permit must be obtained with an engineering stamp.
- Joylynn Rael said she does not want to have to move the structure, it will be costly, and she still has to pay for an engineering stamp. She further explained the neighbors objected to the horse and not the structure and she misunderstood what the ordinance said for the setbacks, it is strictly a structure with no water or electricity.
- The Commissioners and Ms. Rael continued the discussion regarding the decision.
- Mr. Rubin explained that what we decide tonight affects how we have to vote in the future and based on what a variance is, we cannot approve your setbacks, and now we send the results to the Council.
- Joylynn Rael asked how to file an appeal.

- City Manager Dr. Moore said she would need to send a letter addressed to the City Council and would recommend doing it as soon as possible.
- Chair Scroggins asked Secretary Adair to write a letter containing the decision to give to the applicant and the City Council.

Update from City Manager regarding Cannabis regulations

- City Manager Dr. Moore said the Council of Governments has joined us for the evening and will be talking to you a little later. He then explained he spoke with attorney to provide you a memo to prepare you to create the ordinance for cannabis. There is a point in time cannabis businesses are going to be allowed to come in and Council would like to have an ordinance finished by September. He continued to explain what can be regulated: times, places, and manner; you can limit density, odor, noise; we cannot completely prohibit the sell or use, transportation of, prohibit a sign being put up, or home growth for personal use. He then explained where we might want to limit the businesses to be.
- Secretary Adair asked if there was a limit for personal growth.
- City Manager Dr. Moore said we are not allowed to allow more than what the State does and began a discussion.
- Mr. Gordon asked if there was some way to establish an adult zone somewhere in the City to separate those types of businesses.
- City Manager Dr. Moore said we can establish spaces we would like to see the businesses and there will be no problem with that as long as we are consistent and fair across the board. The discussion continues.
- Mr. Rubin asked if the neighbors get a say in the location of the “adult zone”.
- City Manager Dr. Moore said it is no different than any other zoning exercise, proper notification to properties affected would take place. The discussion continued.
- City Manager Dr. Moore recommended having a special joint meeting with the City Council regarding this matter. The discussion continued.
- Chair Scroggins asked if someone has a lot of land, can you grow to sale.
- City Manager Dr. Moore said it is not clear but might have to be zoned agricultural.
- Commission began a discussion regarding edible marijuana.
- City Manager said there will be a meeting on July 21 from 10 am to 12 pm and asked the Deputy Clerk to send a reminder email on Monday. The discussion continued.

Abatement Ordinance - Recommendation to Council

- City Manager Dr. Moore recommend a motion to accept the draft that was put together by Secretary Adair, get it to the attorney for review and come back next meeting for approval.
- Vice-chair Thompson said to give it to the attorney.
- Chair Scroggins said it will be a clean copy, ready to be given to the Council when we get it back from the attorney. The discussion continued.

Zoning Ordinance Amendments

- Mr. Rubin made a motion to move Zoning Ordinance, Item #5, and Comprehensive Plan Review, Item #6, to the next meeting. Mr. Gordon seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence

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Gordon- yes; L. E. Rubin- yes. With a 5-0 vote the motion to table Items 5 and 6 to the next meeting was approved.

Comprehensive plan review

- Item was tabled until next meeting.

General Commission Discussion/Future Agenda Items

- Chair Scroggins asked if there were public comments.
- Deputy Clerk Lopez read a comment from Dora Silva: What is the point of owning your own home and having to pay the taxes that are imposed if you all get to decide what I get to have in my yard?
- Deputy Clerk Lopez read comments from Elina Schaffino: Wait, you all are imposing HOA type of regulations for a City? Who votes on this stuff?
- Member of the Commission explained the Panning and Zoning Commission votes on regulations that then are approved by City Council; the reason why suck regulations exist is generally for the safety of the community and fire fighters, and if there are any issues brought before the Planning and Zoning Commission, the neighbors directly affected by the situation are asked to present their opinions of the matter.
- Vice-chair Thompson said as he drove around, he found a house on the corner of Nancy Lopez and Frederico being built does not have proper setbacks on the sides and began a discussion.
- Mr. Gordon said the hole on Chamartin was worse after the rain and began a discussion.

Melody Good Property

- Melody Good explained she would like to give her daughter a portion of her property.
- Mr. Gordon asked if there would have to be a well put in and how far it would be from the previous well.
- Melody Good explained the well would be about 500' away and a separate septic would be put in as well. She then said they are thinking about where the road would come in and continued the discussion.
- Melody Good asked what the next step for land subdivision would be.
- City Manager Moore said we would be emailing her a list of items she would need to provide.
- Chair Scroggins thanked Ms. Good for going through the proper steps to get this done.
- Melody Good said she hopes the animal ordinance does not affect her ability to keep her cows.
- Secretary Adair said the City does not currently have agricultural zoning and continued the discussion.

Adjourn

- Chair Scroggins adjourned the meeting at 8:17p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk
(Taken and transcribed by Lisa Adair Municipal Clerk)

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

Lawrence Gordon

L.E. Rubin

Date: _____

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