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**VILLAGE OF LOS RANCHOS
PLANNING & ZONING
COMMISSION
MEETING MINUTES
October 14, 2014**

Village Staff

Administrator: Kelly Ward

Planning Director: Tim McDonough

Attorney: Bill Chappell

1. **CALL TO ORDER**

Chairman Hannah called the meeting to order at 7:02 p.m.

A. **ROLL CALL**

Commissioner Craig, Commissioner Seligman, Commissioner Brawley, Commissioner Hannah, Commissioner Tourville. Commissioner Gollis and Commissioner Albert are excused.

B. **APPROVAL OF THE AGENDA**

Chairman Hannah asked Planner McDonough that an item has been deferred from the published agenda to the following month are there any other additional changes to the agenda.

Planner McDonough stated there was one noted on the agenda that is Item 4A was deferred to the November meeting and subsequent to the meeting Item 4D was withdrawn. Those two items will not be discussed.

Chairman Hannah clarified d as in dog.

Planner McDonough reaffirmed d as in dog the item for the variance.

Chairman Hannah stated leaving therefore only Items b as in baker and c as in charlie.

Planner McDonough stated that was correct.

Chairman Hannah asked if there were any questions from the Commissioners on the agenda and seeing none called for a motion to approve the agenda.

MOTION: Commissioner Brawley moved to approve the agenda.

SECOND: Commissioner Craig seconded the motion.

Chairman Hannah called for a vote.

VOTE: the motion was carried unanimously (4-0).

1 2. PUBLIC COMMENT PERIOD-NONE

2
3 3. CONSENT AGENDA

4
5 A. APPROVAL OF THE CONSENT AGENDA

6
7 **Chairman Hannah** stated that the items under the consent agenda are
8 considered to be routine and are enacted by a single motion one of those is the
9 approval of the minutes for the meeting on September 9, 2014. At this point he
10 would like to make a couple of comments on that. One he would like to point out
11 they were there until 11:00 o'clock at night. It was a very lengthy meeting it's all
12 on our recorder, which was acting up as he understands it and he wanted to
13 publicly thank the scribe Marcy for doing as much as she could with the minutes
14 from the recordings. He knows it's hard to do something from a recording and get
15 an understandable transcript from it. As a result of that he knows there was a
16 couple of areas where she summarized some rather lengthy discussions and
17 personally he found ~~found~~ **found** that appropriate in those places, but at this time he is
18 asking if there are any corrections that the Commissioners wish to make. Then
19 recognized Commissioner Brawley.

20
21 **Commissioner Brawley** stated the minutes as he read through them he found
22 **substantive** ~~many of the~~ entries he made himself the meaning has been garbled
23 and he realizes that is a technical problem and what he would like to do is have
24 an opportunity to re-craft those slightly and re-present those to the Commission
25 at a later date. They might be able to review them a little bit more with reliable
26 information from them.

27
28 **Chairman Hannah** stated he'd take this as a motion to defer until the next
29 meeting on the approval of the minutes. And will actually second the motion as
30 he also has concerns about the transcription of his own verbal testimony.

31
32 **HOUSEKEEPING NOTE:** Chairman Hannah recognized Commissioner
33 Seligman had arrived.

34
35 **Chairman Hannah** brought Commissioner Seligman up to date on what they
36 were discussing and stated as a matter of fact, the Commissioners will note that
37 he actually typed up some comments concerning the minutes and gave copies to
38 each of the Commissioners. He has only addressed his own verbal comments in
39 that type up. He believes there are no changes that he has made, but it's very
40 hard to make a transcript from something strictly verbal and he felt there was
41 considerable punctuation changes that needed to make things readable. ~~Ant~~ **And**
42 that is what he has in front of them and why he has seconded the motion. Then
43 asked if there were any more comments and recognized Commissioner Brawley.

44
45 **Commissioner Brawley** suggested that the Commissioners review their portions
46 of the minutes and if need be they might also re-transcribe those so they can be
47 submitted to the Village and then be reviewed at their next meeting.

48
49 **Chairman Hannah** stated that is a good recommendation then asked
50 Commissioner Tourville if he had any comments.
51

1 **Commissioner Tourville** stated no that he was excused from that meeting.

2
3 **Chairman Hannah** stated so it doesn't affect him since he wasn't there.

4
5 **MOTION: Commissioner Brawley** moved to defer the approval of the
6 September 9, 2013 meeting minutes until the November meeting.

7
8 **SECOND: Commissioner Hannah** seconded the motion.

9
10 **Chairman Hannah** called for a roll call vote.

11
12 **ROLL CALL VOTE: Commissioner Craig, yes. Commissioner Seligman, yes.**
13 **Commissioner Brawley, yes. Commissioner Tourville, yes. Commissioner**
14 **Hannah, yes. The vote carried unanimously (5-0).**

15
16 **4. PUBLIC HEARINGS AND APPLICATIONS**

17
18 **Attorney Chappell** swore in those present who would be speaking before the
19 Commission.

- 20
21 **A. CU-14-05 A request by Edward Boyssel to operate an educational facility as**
22 **required by §9.2.12(B)(19) in the C-1 Zone of the Fourth Street Character**
23 **Area. The property is located at 6920 4th Street NW and is legally known as**
24 **Tract A Lands of C.F. and Lena M. Bishop No. 2, a certain tract of land**
25 **situate in Los Ranchos de Albuquerque, Section 21, T11N, R3E, NMPM in**
26 **Bernalillo County as the same is shown and designated on the plat filed in**
27 **the Office of the County Clerk of Bernalillo County, New Mexico on January**
28 **22, 1959 in Volume B3, Folio 94. The property contains .400 acres more or**
29 **less.**

30 **DEFERRED UNTIL NOVEMBER MEETING AT THE REQUEST OF THE**
31 **APPLICANT.**

- 32
33 **B. SDP-14-02 A request by LeeAnna Fresquez, Five L's LLC. for Preliminary**
34 **Site Development Plan approval for new commercial development in the C-**
35 **1 Zone of the Fourth Street Corridor and Commercial Character Area. The**
36 **property is located at 7008 4th Street NW and is legally known as Lots 1 and**
37 **2 of the Valrica Addition To The City Of Albuquerque, New Mexico within**
38 **the Town of Alameda Grant, Projected Section 21, T11N, R3E, N.M.P.M.,**
39 **Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico as**
40 **the same is shown and designated on the Plat filed in the office of the**
41 **County Clerk of Bernalillo County, New Mexico on January 19, 1946. The**
42 **property contains 0.5184 acres more or less.**

43
44 **Chairman Hannah** asked Planner McDonough for the planning report.

45
46 **Planner McDonough** reminded them that the microphones are not the greatest.
47 So please take care to speak directly into the microphone. Sit up if you need to.
48 They noticed as the meeting got later people tended to drift away from the
49 microphone, which was totally understandable. Then gave the planning report
50 with recommendations of approval to forward to the Board of Trustees.
51 Reminding the Commission that the two hearings tonight both of them result in

1 recommendations from the Planning & Zoning Commission to the Board of
2 Trustees there is no approval/denial here today only they both go to the Board of
3 Trustees.
4

5 **Chairman Hannah** stated so they can therefore have alternative findings that
6 they might add to whatever Planner McDonough has already listed in the findings
7 on this motion. Asked the Commissioners if that was clear and then asked the
8 Commissioners if there were any questions for the Planner. Seeing none he then
9 instructed if anyone came forward to speak into the microphone and say their
10 complete name and address. Then called the applicant forward.
11

12 **LeeAnna Fresquez** 1420 Bonita Suenos introduced the architect from H + W
13 Architecture Scharles Wilder.
14

15 **Scharles Wilder** 733 Klines St. La Jolla, CA gave a presentation on the site
16 development plan.
17

18 **Chairman Hannah** stated since they also got a preliminary peek a this last
19 month is there anything he wanted to highlight in addition to what he was saying.
20

21 **Scharles Wilder** stated at this point he thinks it's a win/win for the Valley. He has
22 lived in the Valley for 15 years. The building is basically melting away they have
23 looked at salvaging to grandfather it in. He thinks the flooding is always going to
24 be an issue. By bringing the building further from the residence he thinks it's
25 better for the plan and better for the neighborhood as well.
26

27 **Chairman Hannah** thanked Mr. Wilder and asked if any of the Commissioners
28 had questions for the applicant.
29

30 **Commissioner Brawley** thanked Mr. Wilder for presenting the project to the
31 Village and he noticed that he did respond to the comments they made last
32 month. He had a couple of recommendations not so much conditions, but some
33 could end up as conditions. Their fifteen (15) foot setback, one strategy might be
34 since they have a two-foot over hang. What they might find a little less
35 expensive is give themselves a little more landscaping and a little less **pavement**
36 ~~vacant~~ and have a tire stop that overhangs that landscaping by two (2) feet. This
37 is important on the east side, but it's more important on the west side of the
38 parking lot where according to his calculations it will knock down their support
39 posts on their canopy. Placing the curb roughly at the alignment with the
40 handicap bumpers might aid in keeping everything in one piece over the years.
41 So that's one comment another comment is he's not sure of the depth of the
42 drainage he assumes that is a retention pond and so it's going to fill if it's depth is
43 more than eighteen (18) inches typically around here they fence those that are
44 eighteen (18) inches or deeper. But, that needs to be coordinated with the power,
45 which is coming from the north the size of the building, the occupancy of the
46 building, and the policies of PNM might require a ground mounted transformer. A
47 ground mounted transformer and the location of the pond doesn't mix very well
48 so there is some coordination there. Again there are more recommendations
49 than actual conditions on this site plan. Then finally he noticed on the lighting
50 plan you have some up and down lighting fixtures noted, but he's heard that they

1 will be compliant with the dark skies ordinance so he assumes those will be
2 vetted at the proper time.

3
4 **Scharles Wilder** stated that essentially all the fixtures are down lighting except
5 for the ones in the tower. They will have some holes and wrought iron. They
6 wanted to highlight in the evening, but at ten o'clock at night all the lights go off.

7
8 **Commissioner Brawley** stated the landscaping plan they'll need to coordinate
9 with the new site plan.

10
11 **Chairman Hannah** asked if any of the other Commissioners had any questions.
12 Then stated that he brought up the issue of the restaurant possibilities and what
13 have you and the parking issues. This is probably more appropriate for the
14 Planner to answer. If more than the 2000 square feet that is currently an estimate
15 of the restaurant area is chosen to have as tenants. Does the Village have any
16 way of insuring that too much restaurant doesn't go in there unless something is
17 dealt with from a parking point of view?

18
19 **Planner McDonough** answered yes, for whatever business occupation comes in
20 they would come to the Village for their building permit this is just to show that
21 the building will be finished based on the tenant. At that time they will review the
22 occupancy and the requirements for that type of occupancy. We do have
23 provisions for parking should there not be adequate on site parking. There is an
24 allowance that they can do called shared parking with an appropriate agreement
25 that spells out where the parking is and signed off by the ownership and is filed
26 with the county. It's a legal document entitling them to that parking and that
27 would be a requirement should their parking be inadequate.

28
29 **Chairman Hannah** thanked Planner McDonough and said that covers it for him.
30 Then asked if there were any questions from the Commissioners for any of the
31 applicants. Seeing none, he then asked if there was anyone who wanted to
32 speak in favor of the application. Seeing none, then asked if there was anyone in
33 the audience who wanted to speak against this application. He then called the
34 person closest and again reminded the audience to state their name and address
35 and since he saw a large number of hands he would hope that as they go along
36 people will be brief and not repeat what somebody else has already said to
37 significant extent once the point has already been raised.

38
39 **Greg Hawrylyshyn** 330 Pueblo Solano NW stated in regards to this specific plan
40 he has several issues with the plan presented. His concern is the entrance being
41 off Pueblo Solano. His understanding of the zoning ordinance requires an
42 entrance on 4th Street and he is going to leave the legalities and the zoning to
43 them, as they are the experts. His concern with having the entrance on Pueblo
44 Solano is the added traffic that will add to Pueblo Solano. He, himself and the
45 other residents know they have significant problem already on the street and it's
46 his belief the lone entrance will impact the already problem. The other problem is
47 the number of parking spaces for the restaurant 26 spaces would not be enough.
48 He understands that a plan for shared parking with another property, but as for
49 right now approval for a shell he just doesn't think there is enough information
50 specifically with the number of parking spaces. He knows it meets the zoning
51 ordinance numbers, but it concerns him what the square footage the restaurant

1 will be. The other thing that concerns him with the entrance being on Pueblo
2 Solano is the delivery and drop off of trucks on the property that would create
3 problems. If they have a restaurant they are going to have a lot of deliveries
4 throughout the week and those trucks would be lined up on Pueblo Solano
5 waiting to get into what is basically a one-lane parking lot. He sees that as a
6 potential issue. If the entrance were on 4th Street they could queue up 4th Street
7 easily and enter the property. He is in favor of developing the site generally. The
8 building that is there now needs to be demolished and or improved. He asks that
9 it be done responsibly and within the existing ordinances. The developers should
10 take into mind the neighbors concerns. The issue with the site's drainage Pueblo
11 Solano has a severe storm water drainage problem he knows because he lives
12 on the corner where the French drain is and every time it rains his heart races
13 because he has to run out and put sandbags in front of his house. So raising the
14 site and if water is coming off the site at all it could really impact the entire street.
15 So if the drainage plan is attempting to retain 100% of their water there's a
16 domino effect. And he knows this is a recommendation to the Board. Wants
17 those issues be addressed. So if it is approved how are they going to handle
18 traffic on the street? How are they going to handle the storm drainage and how
19 are they going to handle the truck traffic? His request that the neighbors be
20 involved in and to have the issues raised be addressed by the Village.

21
22 **Chairman Hannah** asked if any of the Commissioners had questions for this
23 citizen.

24
25 **Commissioner Seligman** asked currently where is the ingress/egress coming
26 from. 4th Street or Pueblo Solano?

27
28 **Greg Hawrylyshyn** stated both it's also his understanding that for a new
29 development that there needs to be a certain setback from a residential
30 driveway. And he believes that is 75 feet. The current plan does not meet that
31 requirement. There is no designated driveway. There is no curb. The only things
32 separating the driveway from the parking lot are old telephone poles. There is no
33 drive way it's just an open space.

34
35 **Chairman Hannah** stated since he raised a couple of question of the legality
36 from the code point of view perhaps the Planner would like to take the
37 opportunity to respond to where the driveway can be on Pueblo Solano and the
38 issue of the amount of parking and all that. Any questions. That was the two he
39 was asking about.

40
41 **Greg Hawrylyshyn** stated from a code point of view seems that the building
42 footprint is a little big for the site. He doesn't know if the FAR (Floor Area Ratio)
43 table applies to commercial buildings or not. It doesn't say one way or the other,
44 but if that's the case it seems a little big.

45
46 **Chairman Hannah** stated where the driveway, is whether or not it meets the
47 FAR issue, and whether or not the drainage will stay on the property.

48
49 **Greg Hawrylyshyn** answered correct and the placement of the driveway and the
50 requirement of the trucks loading and unloading and how that relates to the

1 position of the driveway on a residential street and how far away from the stop
2 sign that is.

3
4 **Chairman Hannah** stated they need to give the Planner an opportunity to
5 respond.

6
7 **Planner McDonough** stated as for the FAR it is not required of commercial
8 buildings in the C-1 zone. There are FAR for those applications as for the parking
9 based on anticipated square footage for the retail and restaurant and if it
10 changes they'll need to recalculate then they would be required to address that
11 as it goes. He is not aware of a requirement to have a driveway on 4th Street. As
12 they all know he doesn't know the code by heart and he will definitely research
13 that. He did not see any prohibition from having an entrance for a side street. A
14 question was raised regarding the distance between driveways. The code does
15 suggest 75 feet, but it also says that it's within the purview to the Board of
16 Trustees to adjust that. So they are aware that is an item in the code that it is not
17 a mandatory 75 feet.

18
19 **Chairman Hannah** stated obviously the driveway is on commercially zoned
20 property.

21
22 **Planner McDonough** stated that was correct.

23
24 **Chairman Hannah** asked did he have one more point.

25
26 **Planner McDonough** stated he did. The requirement of the Village is that all run
27 off generated up to the 100-year event that is the criteria used for evaluating. If
28 they get a 1000-year event we will have runoff. And they'll all be in trouble. The
29 hundred-year event is the typical planning event for drainage management.

30
31 **Chairman Hannah** asked Mr. Hawrylyshyn if it addressed his point at this
32 moment.

33
34 **Greg Hawrylyshyn** stated he thinks it does. He just asks at the end they are not
35 approving they are just recommending the forward of the recommendations to
36 the Board to hear the plan.

37
38 **Chairman Hannah** stated the better way to say it is it will be forwarded no matter
39 what. It's just a matter of when it goes will it have our recommendations to
40 approve or disapproved.

41
42 **Greg Hawrylyshyn** asked that they consider disapproval so long as the
43 residents of Pueblo Solano that they will hear tonight and their desire to modify
44 the plan.

45
46 **Chairman Hannah** asked the next person who wants to come up and hear
47 roughly the same comments please ditto them and make it short if they have
48 something new please make a point of it.

49
50 **Ethan Firestone** 359 Pueblo Solano Road NW stated he has lived on Pueblo
51 Solano for the past seven years and have lived in Los Ranchos for a decade. He

1 comes before this Commission to urge the rejection of the current proposal to
2 develop the Farmers Plaza at 7008 Fourth Street. He is not opposed to the
3 property being developed, and in fact he is excited by the prospect of a new
4 building and new businesses next door to his home. However, the proposal
5 should not be approved by this Commission without some serious revision.
6 These revisions should be based upon the following: The proposal states that the
7 property is "in a zoned commercial area, with a prior commercial use. The
8 proposed uses, restaurant and retail would typically not generate significant
9 traffic during the peak hours and the amount of traffic generated by the proposed
10 development is deemed to be insignificant to Pueblo Solano and 4th Street." One,
11 the previous business cannot reasonably be compared to six future businesses.
12 The feed store was failing for years and it did not generate a significant amount
13 of traffic on Pueblo Solano for that reason. Additionally the feed store had its
14 primary ingress on 4th Street lessening its impact on our road. The proposal for
15 Farmers Plaza is for six brand new, successful businesses that can only be
16 accessed from Pueblo Solano, not a single failing business with excellent access
17 from 4th Street. Two, Pueblo Solano's traffic patterns are already anything but
18 typical. Our neighborhood has been plagued by constant through traffic between
19 2nd and 4th Streets. Unrelenting commercial and commuter traffic makes our
20 road a frustrating and dangerous place to walk, drive, or live. Our neighborhood
21 has been trying to obtain traffic calming measures from the village for a decade
22 that I know of, and has only recently seen the addition of stop signs at Del Aker.
23 Rush hour traffic routinely backs up past my home creating unwanted air and
24 noise pollution, and sometimes preventing us from being able to pull out of our
25 driveway. To presume that the proposed single access for Farmer's Plaza would
26 have insignificant impact on our road is unrealistic. Three, the feed store was
27 only open from Monday to Saturday and closed by 5pm. Restaurants will add
28 traffic to our street far beyond the hours that were typical to the previous
29 commercial retail business. Additionally the potential for alcohol to be added to
30 that traffic exists if any restaurant in Farmer's Plaza were to obtain a beer and
31 wine or liquor license. The landscaping plan in the proposal shows only a 5 foot
32 landscaped buffer between my property and the developed commercial property.
33 That buffer should be 15 feet according to 9.2.19 (e). The most effective use of
34 this buffer, according to numerous studies, would be to plant a row of tall
35 evergreen trees nearest to our property and a row of evergreen shrubs with
36 foliage close to the ground nearest to the potential sound source (the parking lot
37 and businesses). The plan as it stands shows mostly grasses and chamisa
38 between the properties. Since the purpose of the ordinance cited above is to
39 "minimize noise, light, and sight impact of the non-residential activities upon the
40 residential area." There is a buffer of nine mature pine trees placed by Z-Coil
41 along Pueblo Solano that is an excellent example of what is appropriate as a
42 buffer along an abutting roadway per Village ordinance 9.2.19(D) (4). A similar
43 buffer should be included in the landscaping plan for 7008 4th Street. I would
44 also encourage the retention of the large ponderosa pine that stands on the
45 southern side of the property in question. It looks to be at least 40-50 years old
46 and it would be shameful to cut it down. Safety, he appreciates that the current
47 plan for Farmer's Plaza puts the building as far from my house as possible, but
48 unfortunately it creates a secluded parking lot with little or no visibility from 4th
49 Street. Since we moved into our home we have witnessed graffiti, mail theft, drug
50 dealing, illegal dumping, vagrancy, dumpster diving, and experienced robbery of
51 our own property. They have been told by their neighbors that they have seen

1 what looks like drug transactions happening in the Feed Store parking lot since
2 the closure of the business. I am concerned that the proposed parking lot could
3 provide an even better area for criminal activity than already exists. Conclusion,
4 he firmly believes that developing 7008 4th Street will be a positive influence on
5 the village, our neighborhood, and my home, but only if it is done properly:
6 abiding by Village ordinances, adhering to the Master Plan, and working with
7 residents.
8

9 **Chairman Hannah** asked if there were any questions from the Commissioners.

10 **Commissioner Seligman** asked to see the pictures that Mr. Firestone showed.

11 **Ethan Firestone** showed the pictures, which were passed on to the other
12 Commissioners.
13

14 **Chairman Hannah** asked if there were any more questions or comments from
15 the Planner. Then asked for the next person, who wanted to speak to come
16 forward.
17

18 **Attorney Chappell** stated under Robert's Rules if you are going to have public
19 comments you should probably let the public do the comments and if the
20 Commission have questions for the staff and so forth those should come at the
21 Commission comments as opposed to now.
22

23 **Chairman Hannah** stated he understood.
24

25 **Erica Jett** 359 Pueblo Solano Road NW stated she has lived on Pueblo Solano
26 for 7 years, and been a resident of the Village for 18 years. A redevelopment at
27 the Feed Store could potentially be an exciting and positive development for the
28 Village and our neighborhood. However, it does not come without concerns
29 regarding safety, noise, traffic and the affect on our quality of life. In regards to
30 traffic, the application states, "The proposed uses, restaurant and retail would
31 typically not generate significant traffic during the peak hours and amount of
32 traffic generated by the proposed development is deemed to be insignificant to
33 Pueblo Solano and 4th Street." To state that having a driveway on Pueblo Solano
34 will not generate significant traffic is not only highly unlikely, but also potentially
35 negligent. If they are unaware of the problems that already exist on Pueblo
36 Solano, they can't make an informed decision on how the Farmers Plaza site will
37 affect or increase these problems. For over a decade, our street has had a
38 history of traffic and public safety issues that continue to get worse. Drivers
39 easily speed between 35 and 50 mph, yet half of the Village side of Pueblo
40 Solano has a speed limit of 15 mph and the other half is 25 mph. Neither of
41 which has she ever seen enforced. The majority of traffic on Pueblo Solano is
42 cutting through between 2nd Street and 4th Street. Not only are passenger cars
43 cutting through, but commercial vehicles are too, including Heads Up, Napa,
44 empty school buses, and occasional semi-trucks over 5 tons. Heads Up is on
45 our street beginning around 5:30 am Monday through Saturday easily a dozen or
46 more times per day and almost broke my husband's windshield with an
47 improperly loaded tree. No vehicles over 5 tons are allowed on our street and
48 according to Ordinance 14.2.2(B) 2 ton vehicles are not allowed on Village roads
49 before 7 am. Other problems include loud motorcycle traffic, drivers talking on
50
51

1 their cell phones, looking down at their cell phones, driving on the wrong side of
2 the road, running the 3 way stop sign at Del Aker, parking on our street to eat
3 their lunch or take a nap or get something out of their trunk, as well as Sheriffs
4 speeding in excess of 50 mph without their lights on. There is too much access
5 on our street. It is constantly littered with liquor and wine bottles. There are
6 almost weekly dumpster divers at the apartments and Z-Coil. My husband
7 recently witnessed mail theft on our street and now many of us have locked
8 mailboxes. Over the summer, the empty feed store was graffiti, two stop signs
9 and the street sign at 4th Street were stolen, and it was used as a dumping
10 ground for trash including furniture, lamps, and bags of weeds. Neighbors have
11 also seen drug deals being made in the parking lot of the Feed Store and Z-Coil.
12 Former public safety officer Fred Radosavich did the most recent traffic study in
13 2012. We never received a copy nor saw the study results because Fred said
14 his printer was broken. The traffic study done on our street in 2009 showed a
15 maximum of 500 cars a day on Pueblo Solano, exposing our neighborhood to
16 excess air and noise pollution. The ditch has fallen in 3 times over the last 7
17 years, needing repaired. Due to the density problem, especially during rush hour
18 times, traffic can back up 3-4 properties deep east of 4th Street, which prohibits
19 us from getting out of our own driveway. This density problem would also affect
20 the proposed Farmers Plaza site, as they wouldn't be able to use their side street
21 driveway either, thus adding to the traffic problem. In the 7 years of living on
22 Pueblo Solano, our neighborhood has signed petitions, written letters, attended
23 meetings, and had two traffic studies. I lived 11 years at a street half a mile a
24 way from Pueblo Solano between 2nd Street and 4th Street in the Village that
25 didn't have a single one of these problems I just listed. Pueblo Solano is atypical
26 and needs to be addressed with drastic calming measures before adding the
27 impact of 6 new businesses. It seems like it would be more cost effective to dead
28 end Pueblo Solano or put in speed bumps as opposed to fixing the ditch every 2
29 to 3 years and continuing to risk public safety. In 9.1.1 of the Village Master Plan,
30 the street network and hierarchy shows that Pueblo Solano is not a principal
31 arterial, nor a minor arterial, not even a collector street. Therefore by definition,
32 Pueblo Solano is "designated as local/residential, designed only to carry traffic
33 with in residential neighborhoods." 4.2.2 Air Quality Objective of the Master Plan
34 says, "Maintain the lower speed limit on commercial and residential streets to
35 reduce pollution." 4.5.2 Noise Mitigation Goal of the Master Plan says, "Keep
36 reduced speed limits throughout the Village." 9.3.0 Roadway Policy D of the
37 Master Plan states, "Provide infrastructure for safe traffic volumes and speeds to
38 the extent appropriate and possible on Village roads" with action steps including
39 "a plan for slowing traffic, discouraging non-stop commuter traffic, installing traffic
40 calming devices, or diverting the traffic to designated arterials, enforce speed
41 limits, and employ speed lowering measures. " Ordinance 9.2.4 (F)(4), which
42 applies to all development and redevelopment in the Village for the purpose of
43 implementing the goals of the Master Plan, says that all development on parcels
44 in the Fourth Street corridor shall provide driveways for vehicular access based
45 on the following restrictions, which there are 6 of. I'd like to point out #4, which
46 states, "Corner lots may make use of public side streets for egress provided they
47 are at least seventy-five (75) feet from other driveways measured from the center
48 of the respective driveways." The proposed site is a corner lot making use of the
49 public side street, Pueblo Solano, in the plan. However, it is 35 feet from our
50 driveway, not 75 feet. Property law states that egress is defined as meaning exit.
51 Ingress means entrance. They are not interchangeable. Therefore, there is no

1 entrance on this plan. The language of this ordinance is clear and unambiguous.
2 The driveway needs to be moved 75 feet away from our driveway, and in order
3 for there to be ingress, a driveway needs to be located on 4th Street. Setbacks -
4 9.2.12 (e)(2)(b) "Where a C-1 lot abuts a residentially zoned lot, the minimum
5 side setback shall be ten (10) feet, and the minimum rear setback shall be fifteen
6 (15) feet." The current site plan has a 12.5-foot rear setback, not 15-foot as the
7 ordinance states. The side of our house is on the property line. If our house
8 wasn't on the property line, we might agree that 12.5'-feet in setback is close
9 enough. But since the west wall of our house sits on the property line as my
10 husband showed you in the photo, that means cars would park 12.5' feet away
11 from the side of our house. The noise level of the parking lot will be high with
12 vehicles idling, car doors closing, and car alarms being set, delivery trucks, and
13 Waste Management trucks. It's noise that we're going to hear from inside our
14 house, as well as if we want to spend anytime outside. There is a delicate
15 balance between C-1 and R-3 properties next to each other, and complying with
16 this ordinance helps maintain this balance. Losing any of the set back would
17 infringe upon our quality of life that is so highly regarded in the Master Plan. This
18 is a situation where it is appropriate to meet the minimum set back ordinance, if
19 not more. 2.1.2 Village Neighborhood Action Step of the MP says, "Observe
20 setback requirements." 4.5.2 Noise Mitigation Objective of the MP says,
21 "Maintain a zoning ordinance which sets the appropriate noise limits and
22 restrictions for residential and commercial areas, balances the needs for
23 commercial and social activities, and supports the quiet and tranquility within
24 Village residential areas." She knows their not here to talk about future tenants.
25 They'll save that section for another time. One thing she is going to point out. If
26 there is going to be a restaurant she saw no plan for a grease trap. Her
27 understanding is that it's not an after thought. That would need to be included
28 and she'd also like to mention the dumpster location is also at 12.5 feet for the
29 house. When Farmers Feed was in business initially the dumpster was about that
30 distance from their house. The smell was so bad at times that they could not go
31 outside. And the first time Waste Management picked it up they did so at 4:30 in
32 the morning. It sounded like the world was ending that's how loud it was. They
33 had a good relationship with Kenny Fresquez at the feed store. Once he moved
34 that dumpster roughly 75 feet there was no longer a smell and once she talked to
35 Waste Management it became a non-issue too. These are things that can be
36 resolved if they work together. In conclusion as listed in the application under the
37 planning and zoning recommendation for this application to go to the Board of
38 Trustees, #6 says, "Construction shall meet all current Village, County, and State
39 Codes." This application is not in compliance with all ordinances. This
40 development has worth to the Village and to the neighborhood, and therefore it is
41 worth doing right from this first step tonight, which is complying with Village
42 ordinances before approval, as well as addressing public safety issues on Pueblo
43 Solano. Our street is part of the Village and we'd like to see it treated as such. To
44 quote the Master Plan one more time, MP 4.1 Village Quality of Life "The quality
45 of the air, the purity of the water, and the peace and quiet of this special place
46 are main ingredients of Village Life."

47
48 **Chairman Hannah** asked if there were any questions then asked if anyone had
49 anything else to comment on.
50

1 **Claudia Cole** 323 Pueblo Solano NW stated that when Z-Coil put up their
2 business in there and we came in and talked about that we were also concerned
3 about the plan originally was to put in a driveway on Pueblo Solano and because
4 we didn't want that we asked them to change it and they did. They put in that
5 large buffer. They put I the driveway for that large parking lot from 4th Street. That
6 was fine because they were nice enough to change their plan so we didn't have
7 to worry about dealing with that traffic coming out of there. We think this new
8 business will have quite a lot more traffic than Z-Coil so we would appreciate it if
9 they all would. And she doesn't know if they are the ones that decide all that.
10 This may be just a waste of time, but they'd appreciate the designers and the
11 architect to consider that. And maybe change and put their entrance and exit on
12 4th Street.
13

14 **Chairman Hannah** asked if there were any questions from the Commissioners.
15 Just to clarify, yes they can make a recommendation of approval or disapproval,
16 but it will go to the Board of Trustees, who can take their recommendations or
17 make other comments and decisions on their own. So it really is valuable to be
18 there at both places because we are all a volunteer organization of citizens. We
19 try to represent the citizens as best as they can with a voice, which ultimately are
20 made by the elected representatives the Board of Trustees. Is there someone
21 who has something new they want to say and asked them to come forward.
22

23 **Alex Sfaklanos** 315 Pueblo Solano NW stated he just moved there six months
24 ago. And he can say the traffic is a real problem he has a hard time getting out of
25 his driveway in the morning and he is often awakened by the large trucks. His
26 major concerns are he has a young child, who likes to ride his bicycle. He knows
27 other people on the street, who have young children as well and every time he
28 see the kids out there on their bikes he's terrified that something is going to
29 happen. It is such a problem in that area and he cannot see how it could be
30 possible that building that commercial development with the only access on
31 Pueblo Solano is not going to drive the increase of traffic. People will take short
32 cuts to 2nd Street thru Pueblo Solano to get into that place. He asks them to not
33 recommend that this be accepted the way it is now without some alterations.
34 Even though he bought his first chickens from the feed store it's nice to see it
35 being developed and have something new put in there.
36

37 **Chairman Hannah** asked if there were any questions from the Commissioners.
38 Seeing none. He saw one more hand up and asked them to come up.
39

40 **Will Goldgale** 341 Pueblo Solano NW stated he has been living on Pueblo
41 Solano for 30 years about 4 houses in. He was on Pueblo Solano a good decade
42 before they became part of the Village. He considers that the good old days. He
43 has to go back to the traffic issue. They've heard it. It's evolved; it's turned into
44 Paseo Solano the bandaide you guys put there with the 3-way stop allows people
45 to stop and see how fast they can hit 50 from a dead stop. He goes to work every
46 morning at quarter after seven in the morning. He has to wait for all the
47 gardeners and all the other guys. Five times he has to stop to get out of the
48 driveway. He expects progress. He expects change. He just thinks the Village
49 has ignored this issue for decades now. He is praying that the Village gives them
50 speed bumps, dead end it at the ditch and he doesn't care what they put
51 anywhere. But if the Village is going to put something that's going to add more

1 traffic it's just going to make them more alienated and they going to see more of
2 this happen the more dangerous. We are going to see something really awful
3 repeated. Thanks for listening.
4

5 **Chairman Hannah** asked if there were any questions and then stated there was
6 one more speaker.
7

8 **Eric Huetter** 334 Pueblo Solano stated there has been a long history with long-
9 term businesses to have an open line with the residents. They give back to the
10 community. He thinks a huge part of them wanting to develop, to create revenue
11 for our area would also entail listening more to what we have to say and maybe
12 helping us approach the Commission and solving our issues together. He doesn't
13 know exactly what it would take to do that. He knows they beat up the traffic first
14 we have pedestrian safety issues. We have zoning issues. We have noise
15 ordinance issues and all of these things would really be great to review it. It really
16 tips everybody's list the traffic and safety issues that's going on in the
17 neighborhood. He has had people lose control coming around the corner through
18 their front door and almost hit their vehicles and they have had to re-landscape
19 their yard because of the traffic issues. He really hopes that what they are doing
20 that they can come to us and we can all discuss something. Whatever it takes
21 other alternatives to make something happen for traffic control. He just begs
22 them to help them out.
23

24 **Chairman Hannah** asked if there were any questions from the Commissioners
25 and urged the audience to go to the Board of Trustees meeting because the
26 zoning commission doesn't really deal with traffic calming activities and those
27 kind of things. They deal with zoning of property and where driveways go with
28 that, but certainly the people who raise the issue on calming traffic issues on the
29 road that really is for the Trustees. So be sure to go. The meeting is November
30 12th. Then asked if there was anyone who hadn't spoken yet.
31

32 **Jan McNeil** 335 Pueblo Solano thanked the Commission for the great job they
33 do. She is not going to talk about the traffic. She is talking about parking they are
34 saying that perhaps Z-Coil will agree and allow overlap parking. Have they ever
35 heard what happens at Farm & Table on Sunday afternoon or Monday night or a
36 Tuesday? They are on 4th Street and they have a pretty big parking area. She
37 understands there is a possibility that there will be a beer or brewpub or
38 something similar to that. That is under consideration. You put a few drinks in a
39 guy or a woman they are going to park wherever they damn well please. This is
40 definitely not what Pueblo Solano wants they fought development before in the
41 sense of our neighborhood they will fight again. Please our children can't go out
42 and play. God forbid if the dog gets loose. They go back to the traffic it's
43 congested and it started when 4th Street was starting to develop and it's been
44 there ever since. Egress and ingress on Pueblo Solano has to be out of the
45 question. Consideration of what goes in there they have no control we do and we
46 are hoping that. She wants to see success. She wants to see it developed. Does
47 the development as it stands right now building and parking comply with the rules
48 and regulations in the Village are there any exceptions. They have 300 feet of
49 setback or work area that they are talking about.
50

1 **Chairman Hannah** stated he believed the Planner in his report made the
2 statement he believed it met the ordinances that was part of his planning report.
3

4 **Jan McNeil** stated fine thanked them and thanked them for their time.
5

6 **Chairman Hannah** asked if there were any questions. Seeing none. Stated he
7 believed everybody has had a chance to speak that wanted to he doesn't believe
8 there is anybody else and his understanding Attorney Chappelle the applicant
9 has a chance to respond.
10

11 **Attorney Chappelle** stated they can certainly permit that yes.
12

13 **Chairman Hannah** asked the applicant if he wanted to make a response to
14 some of the comments that were raised.
15

16 **Scharles Wilder** stated there were a few things that they wanted to clarify. They
17 are not proposing that this building is entirely on big restaurant. They only met
18 the parking calculations for up to 2000 square feet. The restaurant could be a
19 coffee shop, or a brewpub; it could be a satellite anything. They are not trying to
20 make this one big restaurant, which obviously they would never make the parking
21 calculations for that building. Our intention is to keep all the indigenous
22 landscaping that is existing, and during our cursory review to the east of them the
23 fence obviously he thinks they have more room on our side. They are going to try
24 to leave all the landscaping and if there is something they could do with our
25 landscaping plans to create a better buffer obviously they will do that. There is an
26 ordinance of the city that states he cannot have an entrance off 4th Street based
27 on the 4th Street Corridor Plan, because you cannot have a drive within 150 feet
28 of another. So they are just trying to work with what the Village brought to them
29 based on the 4th Street Plan. They are looking at all the criteria that is presented
30 to us and we are taking thins and look at other things they are not married to
31 anything just yet. We'd like to proceed with this plan and if we go to building with
32 modifications.
33

34 **Chairman Hannah** asked if there were any final questions from the
35 Commissioners for the applicant. Then recognized Commissioner Brawley.
36

37 **Commissioner Brawley** stated in his experience if they have roughly a third of a
38 building set aside for a restaurant. The typical ratio of the restaurant is a third for
39 the back room and two-thirds in the front. You might have 1200 square feet in
40 kitchen.
41

42 **Scharles Wilder** stated probably more like 1000 square feet because you have a
43 cashier, prep area, dishwashing station and kitchen. It gets to be a small area for
44 dining. It's not a big restaurant they don't have the room for it. And they wanted
45 to bring something there so it wasn't just all retail or office space. They felt like
46 they wanted to keep all of it in one basket. It's a lot of expense to build a building.
47 They want to make sure it's a successful project.
48

49 **Commissioner Brawley** stated so to get a sense of size it sounds like it might
50 be fairly close to the Starbucks on Rio Grande just to the south of I-40.
51

1 **Scharles Wilder** stated that is similar in size absolutely. Starbucks doesn't
2 design several Starbucks in Albuquerque. They don't have the prep kitchen.
3 They usually have walk-ins and not as much dining scale, but in a restaurant they
4 don't have people who hang around and drink coffee all day long. And they
5 obviously will not have a drive thru so that's not going to be an issue. He thinks
6 even if it's a bigger restaurant for evening Z-Coil is closed for business. There will
7 be alternate parking there, but then again the retail may close early. They just
8 don't know what is going to be there at this time. They are only asking for the
9 parking calculation so they have approximately 2000 square feet for restaurant
10 and the rest is retail and office.

11
12 **Chairman Hannah** asked if there were any final questions of the applicant and
13 recognized Commissioner Seligman.

14
15 **Commissioner Seligman** asked for clarification saying Mr. Wilder said the
16 Master Plan says you cannot have any 4th Street access.

17
18 **Scharles Wilder** stated it's an ordinance that states they cannot add access
19 frontage. They cannot add another driveway within 150 feet from an existing
20 driveway based on that requirement there is a gray area in the requirement.
21 Originally they wanted to have the building in the same location keeping the
22 driveway off of 4th and they ran into a roadblock, we had to move it when we
23 couldn't have that access off 4th Street. It had to come off the proposal.

24
25 **Commissioner Seligman** stated that the original proposal was on 4th Street.

26
27 Scharles Wilder stated the original access was on 4th Street but it doesn't meet
28 the criteria unless he grandfathers it in and left the building where it was. And
29 kept the original parking. Then they would have two access points. Because right
30 now there are two entries off Pueblo Solano that they had on the original site. As
31 it sits right now there is one on 4th Street and two on Pueblo Solano currently.

32
33 **Commissioner Seligman** thanked Mr. Wilder.

34
35 **Chairman Hannah** asked if there were any questions of the applicant. Seeing
36 none at this point standard activity is to close the public comment. So the
37 Commission can discuss amongst themselves. Our standard procedure requires
38 we start with a motion and then once we have a motion on the floor we can
39 discuss it. He is open to a motion. Then recognized Commissioner Craig.

40
41 **Commissioner Craig** stated this is confusing do they make a motion to send this
42 to the Board of Trustees is that correct.

43
44 **Chairman Hannah** stated no they make a motion to recommend approval or
45 recommend disapproval.

46
47 **MOTION: Commissioner Craig** moved to recommend approval to the Board of
48 Trustees.

49
50 **Chairman Hannah** asked if there was a second.
51

1 **SECOND: Commissioner Brawley** seconded the motion.

2
3 **Chairman Hannah** stated they have a motion on the floor now they can open it
4 for discussion then recognized Commissioner Brawley.

5
6 **Commissioner Brawley** stated he thinks the concerns of the neighborhood on
7 Pueblo Solano are real. He does think a lot of this is outside one of the major
8 aspects of the problem **at hand**. They are **encouraged to participate in the project**
9 ~~convinced that they see over the wall~~ of redesigning a portion of 4th Street. Part
10 of that has to do with ~~this interesting~~ not having a multiple entrances on 4th Street
11 one after the other. Another aspect of that is to have “teaser” parking along 4th
12 Street as a traffic-calming device. This particular plan offers them an opportunity
13 for quite a few “teaser” stalls. A teaser-parking stall is for the person who is going
14 to come in for a quick cup of coffee. The way you get them in is to have visual
15 access from the front door of your business and a parking space. So they come
16 in park their car they spend a short time inside and then they leave. Now there is
17 not enough room for everyone to park in teaser spaces; however just the fact
18 ~~those~~ **that they** are there, **makes it** ~~that~~ is the first place people park. **If you**
19 construct a hierarchy **of parking** more people will use the site. They park on 4th
20 Street first then they’ll go around back. Actually parking around back is the least
21 desirable because people have a hard time when they are driving down 4th Street
22 seeing a parking stall and the front door to the business. Right now one of the
23 things about 4th Street is you can park right in front of the door. That is a double
24 edged sword obviously, but in the ~~reservation~~ **redesign** of 4th Street, which is part
25 of this overall concept he thinks there will be some improvement to the utilization
26 of this site ~~be~~ **by** having some of these teaser spaces on 4th Street. In regard to
27 people cutting through he shares their concerns he lives on Rio Grande Blvd.
28 and the last 18 years he’s seen **the amount** ~~a lot~~ of traffic go up sharply. Frankly,
29 he has to say **regarding** ~~to~~ the installation of stop signs **it seems** ~~it~~ is only a
30 challenge to people to see how fast they can get off that stop sign **and what**
31 **speed the can get to** by the time they hit his place a few hundred yards from the
32 stop sign. **They** ~~he~~ are going 50 to 60 miles an hour. It’s easy to do in a modern
33 vehicle. They just forget where they are. He would strongly say that the
34 installation of some sort of traffic calming device on Pueblo Solano, is whatever
35 happens with this project, is something that ought to be pursued by the residents.
36 This project won’t make or break traffic flow on Pueblo Solano. It may affect it a
37 little bit but on the other hand it’s immediately abutting the primary economic
38 corridor of the Village. This isn’t Tinnin Farms this is a different place so some
39 impact should be expected. That’s why it’s R-3 not A-1. What he was trying to
40 say was there are some other pieces of the puzzle that he certainly encourages
41 them to become involved in the design of 4th Street as much as they can so they
42 can influence how that looks and how they might help relieve some of the
43 problems on Pueblo Solano. In addition, to the other issues like maybe trading
44 out the stop sign for some speed bumps- **or** making it a cul-de-sac personally
45 that is moving in the wrong direction. **Cul-de-sacs** tend to increase traffic
46 problems when you are trying to get out. You have no option and you can’t go
47 the other way now. So he wouldn’t recommend that, but he does think there are
48 things that can be applied and he would encourage them again to get involved
49 with the 4th Street Planning because it will impact this project and Pueblo Solano.

50
51 **Chairman Hannah** recognized Commissioner Seligman.

1
2 **Commissioner Seligman** stated she had a question for the Planner it's the
3 same question she asked the architect. Is it true that there can be no access on
4 4th Street for this property?
5

6 **Planner McDonough** stated it was not his understanding that there would be no
7 access off 4th Street for this property. He thinks a lot of time between the different
8 plans and the Master Plan and goals there is conflicting perspectives, but much
9 like the leeway for the Board of Trustees to approve something less than 75 feet
10 on driveways. On residential there is that same leeway he believes for the
11 spacing of driveways on 4th Street. With that said what Commissioner Brawley
12 discussed is a real concern that they are trying to look at pedestrian and cyclist
13 safety though out the Village and one of the threats is on 4th Street, which one of
14 the goals is to make it more pedestrian friendly is the number of driveways that
15 come out onto 4th Street. We are struggling on how to try and limit those going
16 forward parking solutions so is there an absolute ban on driveways on the 4th
17 Street he doesn't believe there is. He will certainly research that and certainly it is
18 a concern.
19

20 **Commissioner Seligman** stated she had a couple of more questions. This is an
21 established neighborhood. I understand that Farmers Feed would not have this
22 kind of volume track years ago and that's not much traffic. She heard from one of
23 the people who testified that a traffic study was done in 2012. Has there been
24 any other traffic study done down that road? That would tell us what the impact of
25 this type of commercial on Pueblo Solano because it is completely different use
26 obviously there is traffic that we can't do anything about the cutting through and
27 she's very sympathetic with the residents on that. But, is there a traffic study
28 because to her if there is a report basically this will not generate significant traffic.
29 She doesn't know, but she knows it's going to be a change in the traffic so she
30 wants to know on what basis do you say that do we have a report.
31

32 **Planner McDonough** stated the basis was that it's an existing commercial site
33 and existing commercial use. He is not aware of any additional traffic studies that
34 have been done in that area. There are a lot of questions that come to mind. In
35 terms of traffic flow, traffic generation, one is strictly numbers of counts. The
36 concern he heard was increase traffic from 4th Street and Pueblo Solano on
37 Pueblo Solano onto 2nd Street. So what is the likelihood of somebody using that
38 as a retail business pulls out and takes that route as opposed to turning on 4th
39 Street and continuing on 4th Street. The third point he would make is timing of the
40 traffic. Most traffic studies he has seen really focus on peak a.m. and peak p.m.
41 time periods and retail tends not to have a large impact on those traffic periods.
42 Because they are not as heavily bloated as in shopping centers in those time
43 periods. Sharing what little knowledge he has about traffic studies. There are no
44 additional traffic studies that he knows of.
45

46 **Commissioner Seligman** stated she had a couple of more questions. If the
47 setbacks are not being complied with this plan they may need to be compliant.
48 There is a huge difference between 12 ½ feet and 15 feet. That is a big
49 difference if somebody lives next door to this particular development. So we
50 should make sure that whatever the setbacks are that they are strictly enforced.
51 The 75 feet issue she is going to have to defer to his knowledge, but that is the

1 issue to her in terms of how it will impact Pueblo Solano. Another issue is noise
2 abatement it seems to her a relatively simple cure if they stack the trees like Z-
3 Coil did. It may take two requests they have the applicant consider putting in this
4 type of noise abatement or something else or screening as this is going to be a
5 completely different development. Grant you, it is great, but before it was a
6 pretty rural type use of this property a feed store and now it's gong to change.
7 There may not be a restaurant in it in that area it may or may not be. But, if there
8 is and having owned a restaurant there is a lot of increased traffic, and there is
9 more noise, there is a grease trap machine, and there is the dumpster issue. So
10 those kinds of things need to be addressed at some point it's something they
11 need to talk about and maybe make a recommendation to the Commission to
12 consider.

13
14 **Planner McDonough** stated he appreciated the comments he thinks they are
15 well done. Much like last month there is a 5-foot landscape buffer that has moved
16 to 12 ½ feet. He thinks they are listening and trying to find solutions to address
17 these.

18
19 **Audience member wanted to make comments.**

20
21 **Chairman Hannah** interrupted the audience member stating the comments from
22 the public have been closed. The time for that is unfortunately over. That's the
23 rules they have to live by. Then recognized Commissioner Craig.

24
25 **Commissioner Craig** stated he could appreciate the neighborhoods concerns.
26 Probably concerns he 's voiced for his street and his neighborhood. He lives on
27 Calle del Pajarito, which is to the north. He has Crego Roofing, which enters on
28 Calle del Pajarito. They have drainage issues, which the Village has been trying
29 to work with them on. They have an s-curve they have high-speed traffic it's a
30 dead end street, but our neighbors drive fast. So they have to deal with a lot of
31 cut through he knows he's driven on their street. He feels guilty every time he
32 drives down there. The concerns that they are voicing right now are not the
33 Planning and Zoning issues. He thinks that they are looking at these plans and ~~hi~~
34 **the** point is that maybe the neighborhood look at what the Fresquez are doing.
35 They are Village residents and Sal is a great guy and he's liked the family for
36 years and from what he has seen what they've done you may get the building
37 pushed back against the property. He thinks that they need to work with them
38 and maybe work with the Trustees on your traffic issues. Because that is
39 completely separate from this. He does feel for them they are getting a lot of cut
40 through the Village off of 2nd Street. It's nothing the businesses on 4th Street are
41 generating its people going elsewhere. And they've become a transit-oriented
42 development. They are going to have to address somewhere. But, they are
43 getting hit along with other streets along 2nd Street. He thinks that's out of our
44 **pur**view as Planning and Zoning. They are trying to address what the Fresquez's
45 are doing here and to him it's a nice starting point. Think of what they are doing
46 alleviating the drainage, create a whole lot nicer building; get rid of issues that
47 the neighborhood are seeing now. That's just his point. He's with them, but he
48 thinks the traffic issues that they have heard from everyone are not anything they
49 can address as the Planning and Zoning Commission. Then he thanked them for
50 their participation.
51

1 **Chairman Hannah** recognized Commissioner Brawley.
2

3 **Commissioner Brawley** stated he would like to remind the Commission that if
4 someone came in to build, let's assume for a moment, a restaurant, it generates
5 the most traffic. They could put a restaurant assuming the environment
6 department approved it, and in the existing building. They could close off the
7 driveway on 4th Street and that permit would never come before this Commission.
8 It's a permissive use. Right now what they have is he would argue better than
9 what is there now. That is not to say it can't be improved. They need to put it into
10 perspective. You could as a permissive use put a restaurant there, put a brew
11 pub there and have all kinds of things going on and the environment department
12 would have to approve it in terms of health requirements, but that's basically it. A
13 building permit **would be needed**, but it's not going to come to this Commission
14 because it is a permissive use. They have to weigh those things and understand
15 what's really being opposed here. There is nothing certain about the fact that this
16 is a restaurant; that's really immaterial. There are things that can be done- **to**
17 **mitigate the impacts of the project**. For example the noise issue. The trees are
18 fine, but it's not going to stop the noise. It takes mass to stop the noise. It takes a
19 masonry wall to stop the noise- if they really want it to work. Every freeway in the
20 country know this. They can put trees out there, but it takes hundreds of feet of
21 trees to equal an eight-inch wall to stop the noise. If they really want to stop the
22 noise there are things that can be done. He would suggest they talk to the
23 developer about how to do that. The dumpster **is another example**. Maybe there
24 some things that could be done there in terms of pickup times and so on **to** make
25 sure that it 's the same time on regular basis. As he mentioned last time putting
26 the dumpster in the far north end of the lot will probably make it unacceptable to
27 Waste Management because ~~now~~ they are backing up a 35,000 pound truck one
28 hundred and fifty feet to get out of there. Their regulations won't allow them to do
29 that. The dock has to be close to where they can get to it, which is now shown **on**
30 **the drawings**. Originally it was farther north. What he's trying to say here is that
31 he thinks they have to be realistic. They could get a much worse scenario ~~that~~
32 **than** what is shown here. He thinks they have a developer, who is very willing to
33 work with them. It's the Commission's job to zero in on what is the precise zoning
34 issues and we rule on those in terms of our recommendations to the Board of
35 Trustees. This Commission was invented to have a technical analysis of the
36 issues and the Board of Trustees are as somebody else said the political
37 representatives. They can make a different kind of decision, but what they need
38 to do is look at the ordinance, does it comply with the ordinance, and if it does
39 then move it forward.
40

41 **Audience member yelled then why have a comment period at all.**
42

43 **Chairman Hannah** stated he would address the comment from the audience
44 member. Why they have a comment period at all? What Commissioner Brawley
45 is trying to say it there are topics and subjects that they can make decisions on
46 and they have had examples of that today and previous meetings and there are
47 others, which they can only make recommendations, but the decision's are
48 strictly made by the Trustees. This particular one before us is one of those. We
49 want to have public comment, we want to influence our recommendation, we are
50 not the final decision on this particular case, but there are cases we are. So the

1 public comment is even more important hopefully that answers the question.
2 Then recognized Commissioner Tourville.
3

4 **Commissioner Tourville** stated he appreciated the residents of Pueblo Solano
5 coming out here and speaking tonight and taking the time to attend the meeting.
6 The research that some of them have done on the impact of this business and
7 what it will have on their residences. It's very important for streets in residential
8 parts of Los Ranchos to thrive and improve. That's just as important as seeing
9 commercial buildings and businesses thriving the Village. He thinks the business
10 owners will have some of the same concerns they do traffic and undesirables. He
11 thinks newer cleaner business there and if there are several business owners
12 there then the people who own the property are looking out in their best interest.
13 They are going to be looking out for your best interests as well. They want you to
14 patronize their businesses and so they want to work to together with you to make
15 sure their business is successful. And in doing so, it will improve their
16 neighborhood. He's talked to several residents on Pueblo Solano over the years
17 and he knows that traffic is a nightmare, that landscaping is being torn up at he s-
18 curve, because and it being an expressway for people on 2nd Street to 4th Street
19 is a real problem. The only other places are to go down to Osuna or they go to
20 Ranchitos or Los Ranchos and those are business streets. Theirs is not, but it's
21 being used as one. And he thinks that the commercial businesses they don't
22 want to see that. They don't want to see people using it as an expressway. They
23 want to see people drive slowly and looking at it. They know 'we can stop in here
24 and have a cup of coffee or whatever'. He thinks in the long term it will work for
25 them. He can't imagine any business that could be perfect for the residents.
26 Everybody is going to have different problems. Homeowners are going to have
27 different problems with different businesses. He doubts that there is going to be a
28 perfect world to the residents and the businesses that are there. This is a good
29 plan. The owners seem to be genuinely concerned about the residences there on
30 Pueblo Solano definitely the undesirables will go down once a nicer cleaner
31 business does go in there and he thinks they would work together with the
32 residents.
33

34 **Chairman Hannah** recognized Commissioner Seligman.
35

36 **Commissioner Seligman** stated she thinks it's a great development. She does
37 think there are some issues. She doesn't like to see the recommendation go the
38 Board of Trustees She thinks they need to add some conditions. Thinking about
39 it she heard the architect say they can't have 4th Street access the Planner states
40 they can. She thinks that should be a recommendation that the Commission
41 consider 4th Street access. She would like to see a condition about a traffic study
42 and she would like to see a condition on noise abatement and strict enforcement
43 of the setback. She doesn't want to limit the architect on his design or the
44 parking, but she thinks if there could be a little different configuration of the
45 parking it might eliminate a lot of the problems and a lot of the concerns that they
46 have. She doesn't know if that's possible, but it could be. She thinks they need to
47 be putting some conditions in view of the fact that this is something that's great
48 for the Village and it could be worked out with the residents to minimize the
49 impact to them. And maximize the contributions the new development in the
50 Village.
51

1 **Chairman Hannah** stated the chair usually speaks last there have been a
2 number of things that have been raised this evening in the public comment that
3 he is concerned about. He has shared both the citizens and the rest of the
4 Commissioners point that they are very much in favor in having some kind of
5 sensitive commercial development on this property that is good for the Village
6 and good for the neighborhood. Depending on the particular businesses there
7 are some concerns that are raised about traffic, about buffering, about the
8 dumpster locations, on noise, about setbacks and what have you. He guesses
9 there is one that concerns him. Actually two that concern him. One he would
10 agree with what one of the other Commissioners he finds it. He can understand
11 the wording in the planning report about traffic that it would typically not generate
12 significant traffic during the peak hours. He understands that comment. He does
13 however, agrees with the comments of the public that what is being planned here
14 is very different than what was there before. And therefore, the likelihood more
15 traffic as a result of this new development he shares the expectation, the
16 suspicion, whatever the right word is that there will be more. How much more is
17 not clear, but he thinks that it may well be significant and he thinks the issue of
18 where traffic goes whether it's strictly 4th Street, partially on 4th Street, whether it's
19 all on Pueblo Solano, he thinks it makes a difference as to how that traffic affect
20 is on the Village in general. Even on the business itself as to whether or not it
21 will be successful to attract people to come into the business. He is concerned
22 that he heard conflicting points on a certainty as to what the ordinance situation
23 as to where the driveway can be. Exactly where it could be placed both or
24 forward on Pueblo Solano, whether it could only be egress on Pueblo Solano,
25 whether or not there can be a driveway on 4th Street. He found it confusing at a
26 minimum. As to exactly what the ordinances do say and what is or is not
27 authorized and appropriate and so he agrees with Commissioner Seligman that
28 while he is in favor of the motion to approve the concept of the development he
29 shares her desire for some conditions and as a result of that he proposes the
30 following amendment to the motion.

31
32 **AMENDMENT TO THE MOTION: Commissioner Hannah** moved that They
33 recommend approval subject to:

- 34 1. A review of the traffic impact on Pueblo Solano.
- 35 2. A clarification to the place of the legal and appropriate placement of one or
36 more driveways. Especially with a recommendation that they be on 4th Street.
- 37 3. A further review of noise abatement.
- 38 4. A full compliance with the setbacks.

39
40 **Chairman Hannah** asked if there was a second.

41
42 **SECOND: Commissioner Seligman** seconded the motion for amendment.

43
44 **Chairman Hannah** recognized Commissioner Craig.

45
46 **Commissioner Craig** stated he had a problem with the traffic study that's going
47 to be very expensive.

48
49 **Chairman Hannah** stated his statement was a review of the traffic impact, which
50 does not necessarily require a formal traffic study.
51

1 **Commissioner Craig** stated they don't have a thing to review that was one of
2 the comments he made. He thinks maybe a radar sign put up as it was on his
3 street. He thinks they are talking about a lot of money once they start. It's how
4 high is it. Is it a little study? They are not defining what a traffic study is. He thinks
5 he is talking about a lot of money for a real traffic study. Then it's outside the
6 purview of the Planning and Zoning Commission. That's a traffic study from 2nd
7 Street to 4th Street, which we know it's bad. They are only talking 26 cars total on
8 this space. They probably take ¼ or 1/3 of that is employees. If it is a restaurant.
9 So at max they are talking 15 cars moving up and down. A traffic study would be
10 prohibitive for the development of this project. So he thinks he would really have
11 an issue with that. And as for noise abatement are they going to require that for
12 all of our facilities along 4th Street. That's another question he thinks they need to
13 be raised and that might be an outside the P & Z authority marker and Trustees
14 purveying purview. The legal issue that he mentions that should be resolved with
15 our attorney and our planning director.

16
17 **Chairman Hannah** recognized Commissioner Brawley.

18
19 **Commissioner Brawley** stated he would like to say if they review the traffic and
20 he is not opposed to reviewing the traffic. But they have to set some constraints.
21 A traffic study would look at the movements and look at traffic on 4th Street and
22 Pueblo Solano that would result in a level of service at that intersection. ABCDEF
23 the level of service of that intersection is somewhat consistent. Now are they
24 saying that the level of service has to be improved, has to stay the same, or can
25 only get so much worse? What are the criteria that they are looking at as an
26 analysis? If you reiterate you can put occupancy into the existing building that
27 generates as many parked cars, and as much traffic as much trips generated it
28 will not have to come to this Commission. It's a permissive use in other words this
29 site from a zoning stand point not the traffic as it exists versus as it exists
30 proposed development that's not he comparison. The comparison is what could
31 be there under the permissive use in the zoning code versus what is being
32 proposed. So the idea of saying the feed store had two cars a day is immaterial.
33 It's immaterial because they follow the zoning ordinance it's the ordinance and
34 the next guy could come in. Let's say they sell this tomorrow and somebody
35 could come in and put another facility here that generates more traffic than this
36 one and it will not come to this Commission.

37
38 **Chairman Hannah** recognized Commissioner Seligman.

39
40 **Commissioner Seligman** stated she could disagree with him on certain issues.
41 They are not here with somebody buying or developing an existing structure.
42 This happens all over zoning all over the city. When they make a change then it
43 comes before. It has to comply with current rules and regulations and there is an
44 opportunity to review. We are not looking at somebody buying the property we
45 are looking at something new. This happens all the time in zoning it happens
46 when someone buys a new building and sometime they have to put in sidewalks
47 they never had to do it before. It's a change. So she has no issues with the
48 adding in certain recommendations or conditions. She believes that
49 Commissioner Hannah's amendment covers everything that she is concerned
50 with. She believes that this would enhance this development. The traffic study
51 and she does agree that the issue of the traffic. She doesn't think of it as a traffic

1 study. More of a traffic analysis. She doesn't have background to tell what the
2 parameters should be. Maybe they could recommend something like the traffic
3 should be studied as opposed to a traffic study. But, the burden when a
4 developer comes in with a new development they should provide what is
5 necessary and she thinks in this instance these conditions are recommendations
6 and are valid. She doesn't know maybe they can ask the planner or the attorney
7 is there some thing they can state like a limit. She doesn't think they need a full-
8 blown traffic study. It 's just that there is a traffic problem and it might be this
9 problem is independent of this development. That this is something that can be
10 taken up at a later time, but she thinks the issue of traffic and parking is
11 something that is interrelated and access.

12
13 **Chairman Hannah** stated he thought she asked the attorney a question does
14 Attorney Chappelle want to comment.

15
16 **Attorney Chappell** said it seems to him that this is a recommendation to the
17 Board of Trustees that the Commission cannot make a requirement of a
18 particular kind of study. He thinks with the recommendation the way he
19 understood the motion was that the parking and traffic issue be reviewed again.
20 And with that recommendation to the Board of Trustees they are the ones that
21 can decide what they want. Be it a traffic study if they are making a final decision
22 he thinks it will be fine to say they want a study, but not a complete one. They
23 just want a modified study. Since this is just a recommendation as to the issues
24 that should be addressed by the Board of Trustees then he thinks they can make
25 those recommendations.

26
27 **Commissioner Seligman** stated what he is saying is it really doesn't matter
28 what the recommendation is they can call it or not call it. That the traffic issue on
29 Pueblo Solano be further reviewed to determine or not that's the best solution.
30 He thinks they can take it any way they want to. Then she thanked Attorney
31 Chappelle.

32
33 **Chairman Hannah** recognized Commissioner Tourville.

34
35 **Commissioner Tourville** stated the traffic that comes through there right now
36 has been impacted by Paseo del Norte. People are coming off 2nd Street. People
37 are taking different routes because of all the delays on Paseo. He thinks the
38 traffic is going to change so if they do some kind of study now and then Paseo is
39 completed the study will be invalid. Because they are gong to have a different
40 traffic outcome once Paseo is completed.

41
42 **Chairman Hannah** recognized Commissioner Craig.

43
44 **Commissioner Craig** stated the question to ask the attorney is are we obligating
45 the Village to a traffic study or are we requiring that the developers do the traffic
46 study? The way this wording is coming about it sounds like we are obligating
47 ourselves and he doesn't think as a Planning and Zoning Commission they have
48 that authority.

49
50 **Attorney Chappell** stated he did not read the motion that way. It certainly
51 recommends the Board of Trustees. They can't make the Board of Trustees to

1 perform it. He thinks the issue and maybe he's wrong and he's just trying to
2 paraphrase what it is the Planning and Zoning Commission is requesting. That
3 the Board of Trustees further investigate the traffic issue. In some way, to look at
4 the traffic issue. As he said the Board of Trustees could then say 'okay we think
5 it's okay they think it needs a formal study' then they require it of the developer
6 before they approve it. The Village is going to go out and do something
7 informally. The range of options that could happen there, but since this is not a
8 binding finding it poses a duty on someone. He thinks it's simply a
9 recommendation, as they should at least further address it by the Board of
10 Trustees.

11
12 **Chairman Hannah** stated he thinks that the key is they have a variety of different
13 requests that come before the Commission and this is one the only thing they are
14 doing is making a recommendation to the Board of Trustees, which they could
15 choose to have the final say in this. Then asked if there were any more
16 comments on the amendment. Seeing none he called for a roll call vote.

17
18 **ROLLCALL VOTE ON THE AMENDMENT TO THE MOTION: Commissioner**
19 **Craig**, no. **Commissioner Seligman**, yes. **Commissioner Brawley**, no.
20 **Commissioner Hannah**, yes. **Commissioner Tourville**, no. The amendment
21 failed by a vote of (3-2). With Commissioners Craig, Brawley, and Tourville voting
22 against.

23
24 **Chairman Hannah** recognized Commissioner Seligman.

25
26 **Commissioner Seligman** asked was the traffic issue the only reason why that
27 they would be against the other conditions from the other Commissioners. Is
28 there any other way did they have any problems with the other conditions other
29 than the traffic. Because if that's the issue she'd rather not be in favor of sending
30 this recommendation as is. She thinks there were other valid points brought up.

31
32 **Chairman Hannah** recognized Commissioner Craig.

33
34 **Commissioner Craig** stated noise abatement requires a study and they are
35 going to need an acoustical engineer to measure sound levels and as
36 Commissioner Brawley said the solution to that is a large sound wall.

37
38 **Chairman Hannah** disagreed all he was recommending was the Trustees look at
39 noise abatement. They may simply say we want some further buffering here. He
40 is not assuming a formal noise study.

41
42 **Commissioner Craig** stated he doesn't think he can assume that either. He is in
43 favor of noise abatement, but what are we getting into here. What scares him is
44 the whole redevelopment on 4th Street. They have multiple projects that are
45 running along 4th Street in the next 10 years. Are they doing traffic studies for
46 each and every one? Are they doing noise abatement for each and everyone
47 they have ordinances on the books for the setbacks and the driveway that will
48 have to be met.

49
50 **Chairman Hannah** recognized Commissioner Seligman.
51

1 **Commissioner Seligman** stated the setbacks are not there and not strictly
2 enforced. And she understands that the issue of the 4th Street access should be
3 in the recommendation if we were making the decision this might be different.
4 They should recommend to the Board of Trustees that they should visit these
5 issues. The access, the minimum noise abatement there is no requirement for
6 anyone to make a noise abatement study. It might by the Board of Trustees and
7 they should recommend to the Board of Trustees that they consider alternatives
8 for noise abatement. That the setbacks be strictly enforced. The traffic study she
9 doesn't have a problem with the traffic. But the other issue yes, 4th street is going
10 to be developed this is the time to start considering what is really important in this
11 development because they wan to have a quality development. The traffic issue
12 might not be the same from these 4th Street developments we are not talking
13 about site access or some area that has an issue. Big traffic issues that they
14 really cant' solve here. She thinks the traffic review will delve into the access and
15 parking.

16
17 **Chairman Hannah** stated at this time they are entertaining either a call to finish
18 our discussion or a proposal amendment if someone wants to make one. Then
19 asked Commissioner Brawley if he had his hand up.

20
21 **Commissioner Brawley** stated he wanted a clarification of the setback. It was
22 not clear what Commissioner Seligman was referring to, which setback was she
23 talking about.

24
25 **Commissioner Seligman** clarified that it's the 15' foot setback, the back line is
26 12.5 feet setback and landscape buffer.

27
28 **Chairman Hannah** asked Commissioner Brawley if he wanted to make a
29 proposal.

30
31 **Commissioner Brawley** stated he like to make a proposal.

32
33 **AMENDMENT TO THE MOTION: Commissioner Brawley** move to approve this
34 plan with conditions:

- 35 1. That between the C-1 site and any surrounding residential sites that there
36 be a 15' foot landscape buffer, understanding that the parking can overlap
37 that by 2 feet under present ordinances. The buffer be helped with a 6'
38 foot tall masonry wall continuously and that it be planted with evergreen
39 trees the entire line and be maintained during the life of the occupancy.
40 2. That the applicant encourage the Village, which now has a planning
41 process for 4th Street, to encourage on street teaser parking to relieve
42 some of the traffic going down Pueblo Solano.

43
44 **Chairman Hannah** stated he takes that, as a motion to amend the motion is
45 there a second.

46
47 **SECONDED: Commissioner Hannah** seconded the amendment to the motion.

48
49 **Chairman Hannah** pointed out all these made will good. Let us make it very
50 clear to ourselves as Commissioners that the only thing they are doing here is
51 recommending this be done by the Trustees. Making these conditions are not

1 binding on the approval of this plan only the Trustees can make the binding
2 conditions. With that understanding he would be in favor of this amendment.
3 Does anyone else want to discuss this amendment?
4

5 **Commissioner Tourville** clarified these are the recommendations they are
6 making to the Trustees.
7

8 **Chairman Hannah** state that was correct. Then asked if there was anymore
9 discussion. Seeing none he called for a vote on the amendment then recognized
10 Commissioner Craig.
11

12 **Commissioner Craig** stated he did have a comment.
13

14 **Chairman Hannah** stated they would postpone if he wanted to speak on the
15 amendment.
16

17 **Commissioner Craig** stated to Commissioner Brawley that he was concerned
18 about the teaser parking that starts impacting what is being designed along 4th
19 Street.
20

21 **Commissioner Brawley** stated that was what they discussed on 4th Street. He
22 stated that is not approved either. That is why he phrased it that the developer
23 should meet with and encourage on street parking for purposes to help relieve
24 traffic on Pueblo Solano.
25

26 **Chairman Hannah** asked if there was any further discussion. Seeing none he
27 went back to Commissioner Craig for his vote on the amendment to the motion.
28

29 **ROLLCALL VOTE ON THE AMENDMENT: Commissioner Craig, yes.**
30 **Commissioner Seligman, no. Commissioner Brawley, yes. Commissioner**
31 **Tourville, yes. Commissioner Hannah, yes.** The amendment to the motion
32 passed with a vote of (4-1) with Commissioner Seligman voting against.
33

34 **Chairman Hannah** asked if there was further discussion of the motion as
35 amended. Seeing none he called for a vote.
36

37 **ROLLCALL VOTE ON THE AMENDED MOTION: Commissioner Craig, yes.**
38 **Commissioner Seligman, no. Commissioner Brawley, yes. Commissioner**
39 **Tourville, yes. Commissioner Hannah, yes.** The motion was approved with a
40 vote of (4-1) with Commissioner Seligman voting against.
41

42 **Chairman Hannah** thanked the audience for participating and again reminded
43 them that the final decision will be the Board of Trustees.
44

- 45 **C. Z-14-01 A request for a Zone Change and Zone Map Amendment from R-3**
46 **to C-1 for Casa de Benavidez restaurant in the C-1 Zone of the Fourth**
47 **Street Corridor and Commercial Character Area. The property is located at**
48 **8032 Fourth Street and is legally known as Lot A, Lands of Paul P.**
49 **Benavidez and Rita T. Benavidez situate within Elena Gallegos Grant**
50 **projected Sections 16 and 21, T11N, R3E, N.M.P.M., Village of Los Ranchos**
51 **de Albuquerque, Bernalillo County, New Mexico, filed in the office of the**

1 County Clerk on September 4, 2014. The property contains 2.0398 acres
2 more or less; the area of requested zone change contains 0.0668 acres
3 more or less.

4
5 Chairman Hannah asked for the planning report.

6
7 Planner McDonough gave the planning report stating as the previous item this
8 also is an approval/disapproval recommendation to forward to the Board of
9 Trustees.

10
11 Chairman Hannah clarified they had two lots on two different zones C-1 and R-3
12 and all that's being asked is to redefine not lot lines but zones and asked if that
13 was correct.

14
15 Planner McDonough stated that was correct.

16
17 Chairman Hannah asked are they being asked to extend the zoning line at the
18 east end of the property. His understanding is that our ordinances have some
19 limitation where C-1 is automatically so many feet from 4th Street. But if it was
20 going to be more than that they would have to take special action.

21
22 Planner McDonough quoted from the Establishment of Zones and Character
23 areas 9.2.5 stating that the C-1 zone area extended 415 feet from 4th Street so it
24 already exceeds the limit.

25
26 Chairman Hannah stated so they are being asked to exceed it more.

27
28 Planner McDonough stated that was correct.

29
30 Chairman Hannah asked if there were any questions for the Planner and then
31 recognized Commissioner Brawley.

32
33 Commissioner Brawley stated that the statement again it says the option is can
34 you make it consistent from the property line.

35
36 Planner McDonough stated that was reasonable.

37
38 Commissioner Brawley stated his question was and he was sure the Planner
39 had already considered this, was the Planning Officer employing and the
40 alternative landscape buffer design exception under the zoning above the limit
41 code? Is that what is employed here as the buffer between the now C-1 zone on
42 the south and the R-3 property on the north? Is he correct?

43
44 Planner McDonough stated he was correct.

45
46 Chairman Hannah recognized Commissioner Seligman.

47
48 Commissioner Seligman asked is it correct to ask the attorney a question.

49
50 Chairman Hannah stated that it is appropriate to do so.
51

1 **Commissioner Seligman** asked is this going to have any impact if they change
2 a non-compliant Middle Rio Grande Conservation District (MRGCD) tract to a
3 compliant C-1 lot.
4

5 **Attorney Chappell** stated he didn't think it has an impact in this case. It has
6 been replated there are no MRGCD tracts involved.
7

8 **Commissioner Seligman** thanked Attorney Chappell.
9

10 **Chairman Hannah** asked if there were more questions of the planning report
11 then asked the applicant forward.
12

13 **Ross Howard** 266 Ranchitos Road, Corrales 87048 stated he concurred with
14 what Planner McDonough said.
15

16 **Chairman Hannah** asked if he was the property owner.
17

18 **Ross Howard** stated he was the agent explaining that the Benavidez family was
19 dealing with a death in the family.
20

21 **Chairman Hannah** asked if there were any questions of the applicant and
22 recognized Commissioner Craig.
23

24 **Commissioner Craig** clarified that they are just cleaning this up and asked if the
25 building showing was still there.
26

27 **Ross Howard** stated it is an old block building, which the Benavidez' wanted to
28 keep.
29

30 **Commissioner Craig** stated otherwise it would cut it in half.
31

32 **Ross Howard** affirmed the statement.
33

34 **Chairman Hannah** affirmed that it is an existing building. Then asked if anyone
35 wanted to speak in favor of the application in the audience. Seeing none then
36 asked if there was anyone opposed. Seeing none he closed the public comment
37 period and called for a motion.
38

39 **MOTION: Commissioner Tourville** moved to approve.
40

41 **SECONDED: Commissioner Craig** seconded the motion.
42

43 **Chairman Hannah** asked if there were any comments then stated his concern.
44 He wanted to make sure simply approving this do they need for precedent
45 purposes some kind of finding.
46

47 **Attorney Chappell** stated it says in the character area because of the diverse
48 uses and developments within the Character areas will be considered separately.
49 So there is some flexibility. And adding some findings due to the angle of 4th
50 Street is a reasonable approach.
51

1 **Chairman Hannah** asked if there were any questions or comments. Then asked
2 if he could add a friendly amendment adding this depth beyond the 300' hundred
3 feet are appropriate due to the existing development of the property and due to
4 existing zoning exceeding 300' hundred feet on portions of the property and due
5 to the odd shape and nature of this particular lot.
6

7 **Commissioner Tourville** accepted the amendment.
8

9 **Commissioner Craig** seconded the amendment.
10

11 **Chairman Hannah** asked if there were any further comments on the amended
12 motion. Then called for a vote.
13

14 **ROLLCALL VOTE: Commissioner Craig, yes. Commissioner Seligman, yes.**
15 **Commissioner Brawley, yes. Commissioner Tourville, yes. Commissioner**
16 **Hannah, yes. The amended motion passed unanimously (5-0).**
17

18 **Attorney Chappell** reminded the Chairman that this still has to go to the Board
19 of Trustees.
20

21 **Chairman Hannah** stated what they have approved is a recommendation to the
22 Board of Trustees for final determination.
23

24 **D. V-14-03 A variance from the fifteen (15) foot side yard setback as required**
25 **by §9.2.7(E)(2), to allow a ten (10) foot setback for an addition in the A-1**
26 **Zone of the North Rio Grande Character Area. The property is located at**
27 **8675 Rio Grande Blvd. NW and is legally known as Lot E-1 of Lots E-1 and**
28 **F-1-A Lands of Miller being a replat of Lots E and F-1 Lands of Miller as the**
29 **same is shown and designated on the Plat of said subdivision, filed in the**
30 **office of the County Clerk of Bernalillo County, New Mexico, on September**
31 **2, 1997 in Volume 97C, Folio 262. The property contains 1.96 acres more or**
32 **less. WITHDRAWN.**
33

34 **5. OLD BUSINESS-NONE**

35 **6. NEW BUSINESS-NONE**

36 **7. REPORTS**

37
38
39
40 **A. PLANNING DEPARTMENT REPORT**
41

42 **Planner McDonough** reported that the department continues to work with sewer
43 connections. The first 4th Street charrette was held. Business license renewals will be
44 sent out in November. And next month the P & Z meeting falls on Veteran's Day,
45 which is a holiday for the Village and wanted input as to when it should be held.
46

47 **Chairman Hannah** vetted the Commission and the decision was to hold it one week
48 later on November 18th.
49

50 **8. COMMISSIONER INFORMAL DISCUSSION**
51

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24

There was an informal discussion on various topics.

9. ADJOURNMENT

MOTION: Commissioner Tourville moved to adjourn the meeting at 9:47 pm.

SECOND: Commissioner Craig seconded the motion.

VOTE: the motion was passed unanimously (5-0).

APPROVED by the Planning and Zoning Commission of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2014.

ATTEST:

Secretary Samuel D. Gollis
Planning and Zoning Commission