

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
DECEMBER 10, 2014 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor
Don Lopez, Trustee / Mayor Pro Tem
Pablo Rael, Trustee
Mary Homan, Trustee
Allen Lewis, Trustee

Kelly S. Ward, Administrator
Stephanie Dominguez, Clerk
Nancy Haines, Treasurer
Tim McDonough, P & Z Director
Bill Chappell, Attorney

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:02 P.M.

A. APPROVAL OF AGENDA

MOTION: **Trustee Rael** moved approval of the agenda.

Trustee Lopez seconded the motion.

VOTE: The motion carried, 4-0.

2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

Diane Albert addressed her concerns regarding speeding on Ranchitos Road. She has noticed an influx of speeders during the commencement and dismissal times of North Valley Academy. She said Ranchitos Road is dangerous for pedestrians and cyclists since there are no shoulders on the road. She suggested the installation of speed bumps to deter speeders.

3. PRESENTATIONS

A. LETTER OF RECOGNITION FOR MR. SUBHAS SHAH.

The Mayor and Trustees presented Mr. Subahs Shah with a letter of recognition commending his tenured career with the Middle Rio Grande Conservancy District.

B. VILLAGE OF LOS RANCHOS PLANNING AND ZONING COMMISSION APPRECIATION OF SERVICE: COMMISSIONER MICHAEL HANNAH AND

COMMISSIONER DIANE ALBERT.

The Mayor and Trustees extended their gratitude to each of the commissioners for their invaluable service they have given to the community by serving on the Planning and Zoning Commission.

4. CONSENT AGENDA

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. MINUTES – NOVEMBER 12, 2014 – REGULAR MEETING

MOTION: **Trustee Rael** moved approval of the consent agenda. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

5. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Holiday Shop and Stop held over the weekend was a success.
- The Fourth Street Revitalization and Redesign project has received positive media coverage.
- Several Los Ranchos businesses were featured in Albuquerque the Magazine's *Best of the City*.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Road projects on Rio Grande and Ranchitos were completed.
- Working on transferring the contents of the Challenger Center through an intergovernmental agreement with Las Cruces Public Schools.

C. PLANNER'S REPORT

Planner McDonough reported on the following:

- Attended a low-impact development workshop hosted by the EPA.
- Worked with Mr. Chappell on the amendment to §9.2.16 of the 2013 codified ordinances, which will be presented in Agenda Item 7A.
- Working with the Los Prado de Guadalupe homeowners association to explore option of installing a light near a mailbox cluster to deter mail theft.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Worked with Planner McDonough on various Planning & Zoning issues.
- His office is continuing to work on sewer connections cases.

E. PUBLIC SAFETY REPORT

BCSO Sgt. Matt McCoy reported on the following:

- Salamanca Neighborhood has been hit with several thefts over the past couple of weeks. They have been increasing patrols and may set up the bait car and trailer.
- Increased patrolling on Ranchitos prompted by Ms. Albert's letter of concern.
- Increased patrolling on El Pueblo between Second and Fourth Street due to the high volume of traffic.

6. FINANCIAL BUSINESS

A. CASH REPORT – NOVEMBER 2014

Treasurer Haines said the ending cash balance as of November 30, 2014, was \$8,100,239.44, which is an increase of \$86,278.57 from the prior month. The year to date revenues over expenditures is \$95,116.95.

MOTION: **Trustee Homan** moved approval of the October 2014 Cash Report as presented. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

7. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY TASTE OF HIMALAYAS RESTAURANT FOR A RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISE CONSUMPTION ONLY AND A WAIVER AS THE RESTAURANT IS WITHIN 300 FEET OF A SCHOOL IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA, APPLICATION # 927334, NM ALCOHOL AND GAMING DIVISION. THE PROPERTY IS LOCATED AT 7520 4TH STREET NW, SUITE A AND IS LEGALLY KNOWN AS TRACT A, CORRECTION PLAT OF RINCONES DE LOS RANCHOS WITHIN SECTION 21, T11N, R3E, N.M.P.M., VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, OCTOBER, 2007. THE PROPERTY CONTAINS 2.2073 ACRES MORE OR LESS. APPLICANT IS KATHMANDU LLC, DEEPAK GORKHALI.

Attorney Chappell swore in all testifying parties.

Planner McDonough presented his planning report on this item. He said Taste of the Himalayas Restaurant has applied for a beer and wine liquor license. It is in the same location as the previous restaurant, OM. What is different is that when OM applied for the same license, the beer and wine license required a conditional use, however, that has been changed when the code was amended. Now beer and wine for a restaurant is a permissive use. They are also requesting a waiver because the restaurant is within 300 feet of a school. A map illustrating the relative distance to the school was provided to the Board. Under the regulations for the liquor license, they look at the distance from property to property line. In this particular case, that is approximately 85-feet. However,

there is a parking lot that separates the two for quite some distance, and the 2.2-acre tract includes two commercial buildings of which Taste of the Himalayas is the furthest south on that site. From property corner to building, it is about 230-feet. From school building to restaurant building, this distance is over the 300-feet. If the liquor license is granted, the permit would require a waiver to the 300-foot distance.

Mayor Abraham invited people to speak in favor of or against the request. No one came forward.

MOTION: **Trustee Rael** moved approval of a restaurant beer and wine license for onsite consumption with a waiver from the 300-foot distance from a school. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

ROLL CALL VOTE: **Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye; Trustee Lewis-aye.**

8. OLD BUSINESS

None

9. NEW BUSINESS

A. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 9, ARTICLE 2, SECTION 16, §9.2.16 SPECIAL USE ZONE, ADDING A SECTION TO DELINEATE THE OPERATING REQUIREMENTS (CONDITIONS) FOR THE LOS POBLANOS INN AND CULTURAL CENTER, ADDING CLARIFICATION TO CERTAIN ITEMS, DELETING OUTDATED REQUIREMENTS AND MAKING CERTAIN CORRECTIONS RELATED TO ZONING REQUIREMENTS PERTAINING TO SPECIAL USE (SU-1) ZONED PROPERTIES.

Trustee Lewis recused himself citing a potential conflict of interest.

Planner McDonough said Los Poblanos Inn and Cultural Center approached the Village earlier in the summer requesting that they be allowed to open a discussion about modifying the conditions for their special use zone. The problem is there are a number of special use zones that do not contain all of the language of any other zone, like R-3 or C-1, for example. They are independent zones, so they need to have a fuller discussion of the zoning requirements than they have right now. After discussion, it was decided that the proper way to go forward with this is to roll the Los Poblanos special use conditions into the overall special use zone as the first step of bringing all the special use zones into that part of the code. Since then, he said, the Village has vigorously pursued bringing all of the conditions into the special use zone under the heading of Los Poblanos. He said there are two things going on – an initial heading that talks about special use zones in

general that has a broader description of what is allowed in those zones, across the board, unless amended by a specific condition of a special use zone action. The Los Poblanos Inn and Cultural Center subsection has specific conditions that apply to them that override the general conditions. The Board was provided with a draft of the new zone code for special use zones, which incorporates conditions for Los Poblanos. In order to help clarify everything, the Board was also provided with a Planning and Zoning report for the Planning Commission where all of the existing conditions were reviewed, what the new proposed conditions were, and how they changed from one version to the next from 2008 to the current request. The action being requested tonight is permission to advertise this ordinance and the new section. Also presented to the Board is a packet that Los Poblanos prepared explaining their motivation, thoughts, and proposal on the zone change.

Attorney Chappell said the problem is there is a special use zone, in which the Village could peruse specific uses for properties that were not otherwise included as an authorized zone in the community. There was some confusion as to where the authorized uses were found. What made things more confusing was that the Village then repealed the special use zone section and made a statement that it will recognize the ones that have already been granted but it did not say that the Village retain jurisdiction to change them. It was not very clear, under the ordinance. There had been a few changes in the past with changes in conditions. He said that when he looked at it, they were independent zones and need some type of base zoning for what applies in that zone. The question was if it was a brand new zone or zone change because it has new conditions and uses, or is it text amended to a zoning ordinance in order to make it more workable without having to go through all of the notifications that were stricter in a zone change. He said, legally, he believes this can be called a text amendment.

Matthew Rembe, Los Poblanos Inn and Cultural Center, said the business has evolved in a very good and positive way. They would like to be a larger operation with leaving as much lodging and farming open as possible. Over the last 10-years, as the business has evolved, they really listened to the Village when there were a lot of challenges with the conditions of special use. They cleaned up their existing conditions and then came back with a more pure preservation plan, which leaves more land open to farming and repurposing of farm buildings. He said it makes economic sense for the business to preserve as much as they can and it is the foundation of their preservation project. He said every single penny goes back into operations, which allows the business to do more programming and farming. The idea is that the new scale will allow them to be more efficient and maximize the value of their existing staff base.

Susan Henderson, Pacemakers Planning with Los Poblanos, said the process began in March of 2014. There was a multi-day charrette (planning) workshop at Los Poblanos. There was a great turnout, including the neighbors, and they received a lot of great feedback. The biggest goal they had was to be able to write standards that were more predictable with physical parameters that help people understand what can happen on the property.

Ed Garcia, 4617 Rio Grande Blvd NW, said he owns the property to the south of Los Poblanos. He said he met with the Rembe's and they were able to come up with something that was fine with him. He said his biggest concern was the service road that

runs on the southern part of their property because of problems he has experienced with their employees but the concerns have been resolved through imposing restricted hours of use.

MOTION: Trustee Homan moved approval to advertise an amendment to the 2013 codified ordinances of the Village of los Ranchos de Albuquerque Chapter 9, Article 2, Section 16, §9.2.16 Special Use Zone, adding a section to delineate the operating Requirements (conditions) for the Los Poblanos inn and Cultural center, adding clarification to certain items, deleting outdated requirements and making certain corrections related to zoning requirements pertinent to special use (SU-1) Zoned properties. **Trustee Lopez** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2014-12-1- ESTABLISHING THE VILLAGE LEGISLATIVE PRIORITIES FOR THE 52nd LEGISLATURE, FIRST SESSION, 2015.

MOTION: Trustee Lewis moved approval of Resolution 2014-12-1 Establishing the Village Legislative Priorities for the 52nd Legislature, First Session, 20145. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously, 4-0.

ROLL CALL VOTE: Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye; Trustee Lewis-aye.

10. TRUSTEES INFORMAL DISCUSSION

Members of the Board discussed various informal topics. No action was taken.

11. ADJOURNMENT

The meeting was adjourned at 8:35 P.M.