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**MINUTES  
VILLAGE OF LOS RANCHOS  
Planning and Zoning Commission  
6718 Rio Grande Blvd. NW  
Warren J. Gray Hall  
August 11, 2015  
7:00 P.M.**

9 **Present:**

10  
11 **STAFF**

12 **Administrator:** Kelly Ward

**Attorney:** Bill Chappell

13 **Planning Staff:** Tim McDonough, Director

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15  
16 **1. CALL TO ORDER – Chairman** called the meeting to order at 7:04 p.m.

17  
18 **A. ROLL CALL** - Commissioner Craig & Commissioner Riccobene were  
19 excused, Commissioner Brawley, Commissioner Seligman, Commissioner  
20 Phillips, Commissioner Colman, Commissioner Tourville.

21  
22 **Chairman Seligman** stated there was a quorum present for the meeting.

23  
24 **B. APPROVAL OF THE AGENDA**

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26 **Chairman Seligman** asked Planner McDonough if there were any changes  
27 to the agenda.

28  
29 **Planner McDonough** stated there was a change the applicant Jim Shull for  
30 Item 4-A the request for a conditional use asked for a deferment to the  
31 September 08<sup>th</sup> meeting.

32  
33 **Chairman Seligman** thanked Planner McDonough and asked if there was a  
34 motion to approve the agenda as amended.

35  
36 **MOTION: Commissioner Phillips** moved approval of the agenda as  
37 amended.

38  
39 **SECOND: Commissioner Brawley** seconded the motion.

40  
41 **VOTE:** The motion carried unanimously (5-0).

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44 **2. PUBLIC COMMENT PERIOD-NONE**

1           **3.        CONSENT AGENDA**

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3                   **A.    Approval of minutes – July 14, 2015 meeting.**

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5           **Chairman Seligman** asked if there were any changes or corrections to the  
6 Minutes of the July 14<sup>th</sup> meeting. Then recognized Commissioner Colman.

7  
8           **Commissioner Colman** stated she had one change on page 5 of 8 Line 14  
9 change the word “lien” to read “construction permit”.

10  
11           **Chairman Seligman** asked if there were any other changes or corrections.  
12 Then recognized Commissioner Brawley.

13  
14           **Commissioner Brawley** stated on page 4 of 8 Line 19 strike “permits on a  
15 sewer system” and replace with “septic tank permits” then on Line 26 strike  
16 “they have”.

17  
18           **Chairman Seligman** asked if there was a motion for approval of the consent  
19 agenda as amended.

20  
21           **MOTION: Commissioner Tourville** moved approval of the consent agenda  
22 as amended.

23  
24           **SECOND: Commissioner Colman** seconded the motion.

25  
26           **VOTE:** The motion carried unanimously (5-0).

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28           **4.        PUBLIC HEARINGS AND APPLICATIONS**

29  
30           **Planner McDonough** swore in those present who would be speaking before  
31 the Commission.

32  
33           **A.    CU-15-02** A request for a Conditional Use Permit for a Brewpub, in  
34 accordance with the Statutes of the State of New Mexico Alcohol and  
35 Gaming Division as permitted by a Small Brewers License in the C-1  
36 Zone of the Fourth Street Commercial Corridor and Character Area. The  
37 property is located at 7222 Fourth St. NW, and is legally known as Tract  
38 B Plat of Tracts A & B La Esquina de Los Ranchos, situate within the  
39 Elena Gallegos Grant, Section 21, T11N, R3E, N.M.P.M., Village of Los  
40 Ranchos de Albuquerque, Bernalillo County, NM Filed 9/29/2008. The  
41 property contains 1.226 acres more or less. **DEFERRED TO THE**  
42 **SEPTEMBER 8, 2015 P & Z REGULAR MEETING.**

43  
44           **Chairman Seligman** stated for the record that Item 4-A has been deferred  
45 until the September 8<sup>th</sup> regular meeting.

1 B. **SDP-15-05** A request for a Sketch Plat Review for new commercial  
2 development in the Retail Commercial Zone of the Fourth Street  
3 Commercial Character Area. The property is located at 7108 4th Street  
4 NW and is legally known as Parcel A-1 Lands of Anita Dimas being  
5 comprised of Parcels A & B, Lands of Anita Dimas, Village of Los  
6 Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the  
7 Office of the Bernalillo County Clerk on June 23, 2015. The property  
8 contains 0.9070 acres more or less.  
9

10 **Chairman Seligman** gave instructions about the sketch plat review: no action  
11 is to be taken by the commission on a sketch plat review. The Planning and  
12 Zoning Commission is to offer general information and guidance for the  
13 proposal.

14 The Planning Commission should advise the applicant in the following  
15 manner:

16 If the proposal has merit;

17 If the configuration would be acceptable;

18 If the commission sees difficulty in the site development conforming to the  
19 2020 master plan and the zone code requirements.

20 Mitigation suggestions if the proposed use has economic, noise, glare, or  
21 odor effects on adjoining properties or the overall health and safety of the  
22 community. No variances are required for this site development review. Then  
23 asked Planner McDonough for his planning report.  
24

25 **Planner McDonough** gave his report stating he had some concerns with the  
26 landscaping plan and the height of the lights. Grading and drainage is missing  
27 some information that the Village engineer will need for evaluation. At this  
28 time he would stand for any questions and let the discussion begin.  
29

30 **Chairman Seligman** asked if there were any questions for Planner  
31 McDonough from the Commission. And proceeded to ask Planner  
32 McDonough about his concerns.  
33

34 **Planner McDonough** stated that the bulk of his concerns was the  
35 landscaping plan. Listing all the problems he sees with the landscape plan  
36 from the lack of landscaping in the five-foot (5') strip on 4<sup>th</sup> Street to the lack  
37 of trees on the property that are required to beautify the site. He talked to  
38 both the architect and the landscape company The Hilltop to see if they could  
39 reduce the landscaping in the drainage pond and move that landscaping  
40 around so its more prevalent to the 4<sup>th</sup> Street traffic. Then moved on to talk  
41 about the drainage plan and it's lack of calculations. It gives a flow rate, but  
42 that flow rate needs to tie back to a 6-day or 10-day storm, which ever  
43 generates the largest volume. The other thing that stood out was the height of  
44 the lighting poles. They need to be at fifteen feet (15') to comply with the Dark  
45 Skies Ordinance.  
46

47 **Chairman Seligman** stated if he discussed this with the applicant and his  
48 representative.  
49

50 **Planner McDonough** affirmed stating he had covered all those items.  
51

1 **Chairman Seligman** asked were they going to comply with that.

2  
3 **Planner McDonough** stated he would let them reply to that themselves.

4  
5 **Chairman Seligman** asked if there was a restaurant or outdoors seating and  
6 is there any restrictions on noise.

7  
8 **Planner McDonough** stated they have in the code provisions for noise.

9  
10 **Chairman Seligman** stated she know that in the past they have made  
11 comments that there is an issue with electronic noise outside. She is  
12 concerned about that.

13  
14 **Planner McDonough** stated he understands that know that as a Village they  
15 are struggling to balance commercial activity with lifestyle.

16  
17 **Chairman Seligman** stated she doesn't see the need for these  
18 developments at all.

19  
20 **Planner McDonough** stated he appreciated that but he's been along 4<sup>th</sup>  
21 Street with the traffic that is a noise generator.

22  
23 **Chairman Seligman** stated traffic noise is much different from electronic  
24 noise.

25  
26 **Planner McDonough** stated that sometimes there is electronic noise stating  
27 it is a challenge.

28  
29 **Chairman Seligman** recognized Commissioner Colman.

30  
31 **Commissioner Colman** stated she wanted to talk about the first item, which  
32 was deferred. Fourth Street properties are zoned C-1 that's a commercial  
33 property with a commercial use. It's unfortunate that people have residences  
34 directly behind it. But, that a fact of life they either knew that when they  
35 bought their property or maybe a zone change was made and maybe they  
36 should have argued it at the time. She thinks the Planning Commission needs  
37 to come to grips with if they want a vibrant commercial district and she is not  
38 suggesting that they have rock and roll concerts every Friday and Saturday  
39 night until midnight. In fairness to owners if a property is zoned C-1 and we  
40 disagree because we look at this particular site and we say there's  
41 residences right behind it seems there would be a way for us and the Board  
42 of Trustees to make decisions that this is not appropriate C-1 zoning just  
43 because it's on 4<sup>th</sup> Street. Maybe it's not entitled to be C-1. In all fairness she  
44 doesn't think a C-1 zoning, which is commercial and trying to redevelop 4<sup>th</sup>  
45 Street and say to business people come have your businesses, but act like a  
46 residence. That is her opinion and she's pretty sure Commissioner Brawley  
47 has something to say.

48  
49 **Chairman Seligman** recognized Commissioner Brawley.

1 **Commissioner Brawley** stated that one of the things that he can point out to  
2 use to help guide them through this is the Master Plan. It basically asks for  
3 development at the scale of the Village and if they are 4 miles long and 7000  
4 strong that's a pretty small village and if they think about that scale its help at  
5 least.

6  
7 **Chairman Seligman** recognized Commissioner Phillips.

8  
9 **Commissioner Phillips** asked Planner McDonough at which stage would the  
10 approval of the Village engineer occur.

11  
12 **Planner McDonough** stated that would occur prior to the Board of Trustees  
13 final approval. He has told the applicant that before he submits it to the  
14 Village engineer that it be corrected since they will be paying the bill for the  
15 engineers report.

16  
17 **Commissioner Phillips** stated in terms of recommendations he would like to  
18 make sure that is a strong recommendation because he has no ability to  
19 judge what is there.

20  
21 **Chairman Seligman** asked if there were any comments or questions and  
22 recognized Commissioner Brawley.

23  
24 **Commissioner Brawley** stated that Planner McDonough has the right  
25 administratively to reject a plan and the applicant can resubmit and the cost is  
26 theirs whether it is time or money. Let them deal with it and regroup.

27  
28 **Planner McDonough** stated he appreciated that sometimes it's hard to pick  
29 that out.

30  
31 **Chairman Seligman** recognized Commissioner Colman.

32  
33 **Commissioner Colman** asked was the architect going to go through  
34 everything and they make comments or are what they doing right now the  
35 comment period. Or his he here to respond to questions and maybe we'll be  
36 out of here in ten (10) minutes. She doesn't understand the procedure.

37  
38 **Planner McDonough** stated that the applicant will be asked to come forward  
39 and give a presentation.

40  
41 **Chairman Seligman** stated that if there is anyone in the audience who  
42 wanted to speak on this they would be able to open the floor up for  
43 discussion.

44  
45 **Planner McDonough** stated yes, this is a very informal.

46  
47 **Commissioner Colman** stated she wondered because of what was going on  
48 they were commenting on the landscaping plan and thought this is it are they  
49 finished.

50  
51 **Commissioner Seligman** recognized Commissioner Tourville.

1 **Commissioner Tourville** stated that since they may need to change some of  
2 the landscaping to become compliant the landscaping could also help with  
3 any noise issues. Mr. Brawley is the expert on that.  
4

5 **Chairman Seligman** stated that is part of the job we do here, we should  
6 comment, and the ordinance does require that they consider noise.  
7

8 **Planner McDonough** stated that beyond the code is the Master Plan, which  
9 paints a picture of what our vision is for the Village. There may be things in  
10 the Master Plan that don't come through well in the code. He thinks there is  
11 some freedom there for the Commission to address that kind of a vision and  
12 how it is applied.  
13

14 **Chairman Seligman** asked the applicant to state his name and address for  
15 the record.  
16

17 **John Stern** 220 Copper Ave. SW, Albuquerque introduced himself and gave  
18 a small background on his clients Russell & Dominic Shoats. Then gave a  
19 presentation on the site plan with the idea of a pedestrian friendly, active  
20 place. Pointing out the traffic pattern and the residence buffer with screening.  
21 He gave his reasons for not having too many trees on the front of the  
22 property it does not give the visibility that is needed for a retail space. What  
23 they want to give is a place where people want to be, which helps the Shoats  
24 and the Village.  
25

26 **Chairman Seligman** recognized Commissioner Colman.  
27

28 **Commissioner Colman** commented that trees are absolutely integral to  
29 what they want to accomplish along 4<sup>th</sup> Street. And pointed out that the site,  
30 which faces west will want those trees in the afternoon sun. Any place that  
31 has afternoon sun the side that people shop on will be the side with the  
32 shade. It will also help to reduce the overall use of the air conditioning  
33 requirements. That is her strongest opinion on what she is seeing here. If it is  
34 a budget issue then moving some of the landscaping from the back to the  
35 front and maybe putting up a wall in the back.  
36

37 **John Stern** asked if the Master Plan specific as to the spacing of corridor  
38 trees.  
39

40 **Chairman Seligman** recognized Commissioner Brawley.  
41

42 **Commissioner Brawley** stated that Mr. Stern should get hold of George  
43 Radnovich, who is orchestrating the redesign of 4<sup>th</sup> Street. He has a very  
44 good strategy to deal with power lines, signage, trees and parking. Mr. Stern  
45 should coordinate with Mr. Radnovich so that they're not putting in something  
46 that will have to come out and also look at his plan for teaser parking that has  
47 been incorporated into the plan. Mr. Radnovich has a strategy for the height  
48 that will not block the retail shops, but enhance them.  
49

50 **John Stern** stated that is one of the developer's concerns that it's going to  
51 get block.

1 **Commissioner Brawley** stated that sure and Mr. Stern should know that this  
2 plan has had input from ever retailer from the project area. They've had  
3 meetings, workshops, and they've had people look at the landscaping plans  
4 to see where the trees are and understand how those trees work with the  
5 plan and their retail shops. He highly recommended that Mr. Stern talk to Mr.  
6 Radnovich.

7  
8 **Chairman Seligman** asked if there were any comments or questions and to  
9 keep it as informal as possible.

10  
11 **Commissioner Brawley** stated while there are a lot of bases to be touched  
12 in regard to the code. He would rather not see them in the position of taking  
13 the design of what they like and not deal with the trash truck coming in and  
14 out. He would like to say that this plan looks more competent than what they  
15 normally see before the Commission and would like to thank him and his  
16 client for doing that. The one thing is a recommendation about lighting is that  
17 to lower the lights to make it a safer solution. The lights are not in your face  
18 and the lights are where you can see people and be sure of where you are  
19 moving. Then went on to give tips on the pond and how to fence the pond  
20 with boulders. He liked how the parking spaces fit his pickup. The placement  
21 of the trash container making sure Waste management has easy access.

22  
23 **Chairman Seligman** recognized Commissioner Tourville.

24  
25 **Commissioner Tourville** stated it's a great concept and the location is great.  
26 As for noise from electronic music it is in the downtown area, but not  
27 necessarily ZZ Top or AC/DC or hip-hop. If they make a pleasant place  
28 people will want to go to it.

29  
30 **Chairman Seligman** recognized Commissioner Phillips.

31  
32 **Commissioner Phillips** asked about the easement agreement he only saw  
33 one signature he is assuming that was a sample are they going to get them  
34 for all four properties.

35  
36 **John Stern** that it was for all four properties.

37  
38 **Commissioner Phillips** asked Planner McDonough if he can verify that.

39  
40 **Planner McDonough** stated there is an letter in the package that talks about  
41 the agreement with the neighbors.

42  
43 **John Stern** stated that agreement creates some conditions.

44  
45 **Commissioner Phillips** asked if this agreement could be one letter with four  
46 signatures or is this indicative of what the conditions are.

47  
48 **Planner McDonough** stated that this is signed by Mr. Gallegos & Elizabeth  
49 Lopez-Gallegos. Isn't this all family back there.

50  
51 **John Stern** stated he was not in contact with them.

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**Planner McDonough** asked didn't the Shoats buy the property to the south that whole Middle Rio Grand Conservancy District (MRGCD) strip.

**Commissioner Phillips** asked about whether this site plan was shown to them.

**John Stern** stated his understanding was they did review it.

**Commissioner Phillips** asked about he exiting onto 4<sup>th</sup> Street in the plan it looks like a right hand turn only.

**John Stern** stated that's what they assumed would work best.

**Commissioner Phillips** asked how that would be accomplished a barrier or something. It is not apparent to him.

**Commissioner Brawley** commented that he would say this is where they need to contact Mr. Radnovich to find out is there a median so they need to consult with him to find out.

**Commissioner Phillips** stated that turns like that are hard to enforce and they may need to look at it again for traffic safety.

**John Stern** stated he is sure the owner would like to have full access there and if there is a median planned there it's a moot point.

**Chairman Seligman** asked if there were any more comments or questions and then commented she also recommended that he talk to Mr. Radnovich and asked if there was another access drive.

**John Stern** stated there was.

**Chairman Seligman** stated then there are two access points off 4<sup>th</sup> Street is that correct.

**John Stern** affirmed the statement and clarified that access was shared with the neighbors and the width of that road was adjusted per the neighbor's request.

**Chairman Seligman** asked if he had knowledge about the discussions between the neighbors and the Shoats.

**John Stern** stated he knew that there had been some conditions set by the neighbors.

**Chairman Seligman** asked if he knew if there were discussions with the other neighbors.

**John Stern** stated as far as he knew it was with all the adjacent neighbors and on that road, but he will need to have that clarified.

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**Chairman Seligman** stated that all the neighbors need to be notified because they may come in and protest and it might help alleviate their concerns of design changes.

**John Stern** stated the north and south neighbors are commercial properties.

**Planner McDonough** stated that all of them received public notice that this site plan was being reviewed.

**Chairman Seligman** reiterated her stance about music and noise and asked what kinds of clients the owner wants to attract.

**John Stern** stated that they were originally looking at a coffee shop and a mix of retail.

**Chairman Seligman** stated so the chances are it could be a coffee shop.

**John Stern** stated that is the vision the owner presented.

**Chairman Seligman** stated her other comment was that maybe they need to meet with Planner McDonough and he can talk about the landscaping and the space and it will be important to coordinate it.

**John Stern** stated they don't want to fight upstream against the project area.

**Commissioner Brawley** asked about that access easement on the south side. He is assuming the fire department is okay with that.

**John Stern** asked for clarification.

**Commissioner Brawley** stated the south side they show it as twenty-four (24') feet paved. He thinks they are good.

**John Stern** asked is he thinking from the fire department standpoint they might want to increase the road.

**Commissioner Brawley** stated he didn't know and they need to verify that the twenty-four (24') feet paved will be sufficient.

**John Stern** stated that he didn't think that they will have a problem, but he will verify with the fire department.

**Commissioner Brawley** stated it's just one of those bases you don't want to miss.

**John Stern** stated he is guessing, but he didn't know if the Fire Marshall had a chance to review this.

**Commissioner Brawley** stated it would save a lot of work.

**Chairman Seligman** recognized Commissioner Colman.

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**Commissioner Colman** commented on the building design and the blank walls and how they might become targets for graffiti.

**John Stern** stated they would address that issue.

**Chairman Seligman** recognized Commissioner Phillips.

**Commissioner Phillips** asked is there a school or a church within three hundred (300') feet of this property?

**Planner McDonough** answered that he believed there was neither a church nor a school.

**Chairman Seligman** stated they have done a great job and really appreciated it and asked Mr. Stern if he had any questions or comments for the Commission.

**John Stern** thanked they for the comments and everything will help them.

**Chairman Seligman** asked if there was anyone who wanted to speak on the review. Then called an audience member forward and stated she needed to be sworn in if she wanted to speak and asked Planner McDonough to swear the audience member in.

**Planner McDonough** swore the audience member in.

**Chairman Seligman** asked the woman to state her name and address for the record.

**Sharon Radillo** 4718 4<sup>th</sup> Street NW asked a question about the easement and asked if it went all the way up to the ditch and if this easement was what they were talking about with the fire department.

**John Stern** stated it's the easement that goes to the east and serves the residents it is not a public easement.

**Chairman Seligman** prompted Mr. Stern to speak into the microphone.

**Sharon Radillo** asked about the question of thirty (30') feet.

**John Stern (inaudible).**

**Chairman Seligman** recognized Commissioner Brawley.

**Commissioner Brawley** stated what's going to happen is once Mr. Stern talks to the fire department whether or not the easement that exists is correct in size and that pavement is all that will be looked at, but past that everything else should be unchanged.

**Sharon Radillo** thanked Mr. Brawley.

1 **Chairman Seligman** stated it looks like it only goes as far as the gate. And  
2 explained that the larger easement only goes as far as the gate.

3  
4 **Commissioner Phillips** asked Ms. Radillo if she has seen this letter had a  
5 chance to sign it.

6  
7 **Sharon Radillo** stated no she had not.

8  
9 **Commissioner Phillips** stated they definitely needed to work on that then  
10 asked if she lived there.

11  
12 **Sharon Radillo** stated she does not live there, but owns part to the property  
13 right behind Ernie Gallegos.

14  
15 **Commissioner Phillips** stated there is a letter and it describes the  
16 easements and the placement of the dumpsters and notes it will have a  
17 retractable gate to keep traffic from going back there and what was the  
18 address.

19  
20 **Sharon Radillo** stated she thinks 7118 4<sup>th</sup> Street.

21  
22 **Chairman Seligman** stated that she didn't think the mike was working.

23  
24 **Sharon Radillo** stated she talked verbally on what they wanted, but had not  
25 signed anything yet.

26  
27 **Chairman Seligman** asked Ms. Radillo if she had any other comments about  
28 anything else.

29  
30 **Sharon Radillo** stated no just the question about the easement.

31  
32 **Chairman Seligman** asked did she have any comments about the traffic or  
33 noise.

34  
35 **Sharon Radillo** stated there is always a concern about the traffic and noise.  
36 It's a quiet neighborhood.

37  
38 **Chairman Seligman** thanked Ms. Radillo and asked if there were any more  
39 questions or comments from the Commission and if there were any questions  
40 or comments from the Planning Department.

41  
42 **Planner McDonough** stated no there was not.

43  
44 **Chairman Seligman** formally closed SDP-15-05 a request for a sketch plan  
45 review for a new commercial development at 7108 4<sup>th</sup> Street NW.

46  
47 **5. OLD BUSINESS-NONE**

48  
49 **6. NEW BUSINESS**

50

1                   A. Resolution No. 2015-3-P & Z a resolution concerning Planning and  
2                   Zoning Commission closed sessions in quasi-judicial hearings.  
3

4                   **Chairman Seligman** asked if Planner McDonough had any remarks on the  
5                   resolution.  
6

7                   **Planner McDonough** stated they discussed the value of having a resolution  
8                   that addressed going into a closed session. So they drafted one for review  
9                   and comment. Mr. Chappell reviewed it and did not have any more comments  
10                  on that. He suggested that they review this and make any changes or  
11                  revisions that is required. He does have a reluctance to adopt this without  
12                  having Mr. Chappell here. So he can address any concerns. The  
13                  requirements come straight from state statues.  
14

15                  **Chairman Seligman** asked if there were any comments from the  
16                  Commission. Then recognized Commissioner Brawley.  
17

18                  **Commissioner Brawley** stated that they don't do business that requires this.  
19                  There are many organizations that can use this that can be important to  
20                  them. But that's not the way they do business.  
21

22                  **Chairman Seligman** stated she would like some guidance though she  
23                  doesn't see this happening very often. Then recognized Commissioner  
24                  Colman.  
25

26                  **Commissioner Colman** state she thinks it would be used rarely to have it  
27                  available and approved after review is better than just saying we're never  
28                  going to use it or shouldn't use it. But if we decide to use it at least we have  
29                  some legal backing.  
30

31                  **Chairman Seligman** asked if there were any questions or comments and  
32                  asked if she needed a motion to defer the resolution and called on Planner  
33                  McDonough.  
34

35                  **Planner McDonough** stated he is looking to see how he worded it and  
36                  thought maybe no motion was needed.  
37

38                  **Chairman Seligman** stated the way she reads it might require a motion and  
39                  recognized Commissioner Phillips.  
40

41                  **MOTION:** Commissioner Phillips moved to defer this to a future meeting  
42                  making it old business.  
43

44                  **Chairman Seligman** asked if there was a second.  
45

46                  **SECOND:** Commissioner Brawley seconded the motion.  
47

48                  **VOTE:** the vote was unanimous for deferment (5-0).  
49

50                  B. Revisions to the Village Center Zoning Code.  
51

1 **Chairman Seligman** called on Planner McDonough.  
2

3 **Planner McDonough** stated as they looked through the Village Center Zone  
4 Code, as it existed. They felt it needed to be adjusted to better clarify the  
5 vision that they had for the Village Center Zone. Some permissive uses may  
6 not be appropriate and they wanted to clarify the process of development  
7 whether in the project area or not in the project area. There are a number of  
8 properties that are struggling on how to develop within that zone. They  
9 wanted to be a little clearer on the types of businesses they create in the  
10 Village Center. This had been discussed, but was moved up because of the  
11 growing interest to develop in that zone. It has been reviewed by the  
12 administration, by Mr. Chappell and he sent out 11<sup>th</sup> hour additions because  
13 he wanted it complete as possible. This will be on the agenda for the Board of  
14 Trust tomorrow night for permission to advertise for a 30-day period before  
15 adoption. So there is time to make new comments and suggestions.  
16

17 **Chairman Seligman** asked if there were any comments and recognized  
18 Commissioner Phillips.  
19

20 **Commissioner Phillips** asked where did the new writing come from is it  
21 straight out of him or was it a combined effort with the administration.  
22

23 **Planner McDonough** stated it was a combined effort.  
24

25 **Commissioner Phillips** noted some similar language to describe the raising  
26 and storage of fruits, vegetables and on the second page it says grains, hay  
27 and feed. Is that a distinction or was there a miss edit. He felt it should read  
28 consistent in both spots.  
29

30 **Planner McDonough** stated they wanted to clarify the agricultural uses.  
31

32 **Commissioner Phillips** stated on the first page it reads as a passive voice.  
33 He doesn't know if that was on purpose.  
34

35 **Planner McDonough** stated in the opening they are talking about the  
36 purpose and intent not really trying to specify. Trying to paint a picture of the  
37 vision of the Village Center Zone. As it moves into the permissive uses it tries  
38 to be more specific.  
39

40 **Chairman Seligman** stated they want a more definitive statement and have  
41 a much stronger statement.  
42

43 **Planner McDonough** stated he would take that under advisement noting that  
44 was Mr. Chappell's language  
45

46 **Commissioner Phillips** continued that in his occupation a passive voice is  
47 real hard to read. In the additions sent he noted a few changes that were  
48 needed for consistency. Then asked about the garage sales on commercial  
49 lots where it states permission must be granted by the Village. It seems to be  
50 permissive now.  
51

1 **Planner McDonough** stated unless approved by the Village it speaks to the  
2 site development plan and the economic plan that goes along with the project  
3 area. So they are trying to leave the project area as open as possible for  
4 development. So they don't want to rule out a lot of things.

5  
6 **Commissioner Phillips** stated that they have places up and down 4<sup>th</sup> Street  
7 that have merchandise outside are they going to be approved or will Keen red  
8 tag somebody.

9  
10 **Planner McDonough** stated they are talking about the Village Center Zone  
11 anything that exists now is considered a legal non-conforming use. So they  
12 are not throwing out anybody that is not in compliance at this time.

13  
14 **Commissioner Phillips** stated his question still stands on any of the new  
15 stuff.

16  
17 **Planner McDonough** stated they are trying not to permit outdoor sales of  
18 merchandize.

19  
20 **Commissioner Phillips** stated that display of merchandize would be  
21 prohibited as well unless he is miss reading it.

22  
23 **Planner McDonough** stated he thinks it only speaks to sales and he thinks  
24 there are limitations on a display area.

25  
26 **Commissioner Phillips** stated further down the beer and wine service, is  
27 liquor not allowed in the Village.

28  
29 **Planner McDonough** stated yes it is in some areas it's a permissive use in  
30 others a conditional use. And they are trying to take the restaurant beer and  
31 wine type license and the lounge/bar and make them permissive in the  
32 Village Center Zone if it's a bar or lounge those are not permissive those will  
33 continue to be conditional. So C-1 allows beer and wine in restaurants unless  
34 there is a waiver required.

35  
36 **Commissioner Phillips** stated he had minor corrections in the next few  
37 pages. The long list of businesses they could be here all night.

38  
39 **Planner McDonough** stated they are trying to give a better view so that  
40 people don't look at the list and think if theirs is not listed it's not allowed that  
41 is why we changed the long list of offices to a general professional office.

42  
43 **Commissioner Phillips** asked about the setbacks on page 9 and could he  
44 explain them.

45  
46 **Planner McDonough** stated if you're on a V-C zoned property and it abuts a  
47 C-1 or another V-C zoned property you have minimal setbacks. Five (5') feet  
48 in front, zero (0) on the sides and ten (10') feet in the rear. If you abut a  
49 residence there is a different category of setbacks.

1 **Chairman Seligman** asked a question about the setbacks with residential  
2 properties. The setback for the rear was twenty-five (25') feet and they  
3 changed it to fifteen (15') feet why did they do this.  
4

5 **Planner McDonough** stated they already have a fifteen (15') foot buffer and  
6 this was just to allow more development. They thought that twenty-five (25')  
7 feet was a little much and fifteen (15') feet would be adequate.  
8

9 **Chairman Seligman** stated she feels that is not appropriate.  
10

11 **Planner McDonough** stated he understood, but for her to realize this is a  
12 small area of the V-C zone only.  
13

14 **Commissioner Brawley** pointed out that between the V-C zone and the  
15 residences is the Chamisal Ditch.  
16

17 **Chairman Seligman** stated so there is sort of a buffer.  
18

19 **Planner McDonough** stated that in the V-C zone there are not a lot of  
20 residential properties it's pretty rare.  
21

22 **Commissioner Brawley** stated there are a couple of things he would like to  
23 point out. This was the area that's been mixed, in fact it moved down quite a  
24 bit from where it was in 1998 and these issues of high density zones and  
25 residential were significantly hashed out at that talk. In other words one of the  
26 things he finds lacking is there is no density here. Basically you're out there  
27 saying anything you sell is okay.

28 But, this is the place for a 20,000 square foot grocery store next to the 30,000  
29 square feet of something else or the corporate small regional headquarters of  
30 four stories. This is the place to do that. It's the only place in the Village they  
31 could do this kind of thing. Everything else is basically one maybe two stories.  
32 The purpose of that was to create enough mass at that intersection of Osuna  
33 and 4<sup>th</sup> Street so we would know when you're at that important place in the  
34 Village. Fremont in Seattle has a big sign that says, "This is the middle of the  
35 universe." It has a big rocket that they light up and there is a 40-foot statue of  
36 Lenin. You know you are in the middle of Fremont.

37 We don't have anything like that and the effort of the Master Plan was if  
38 you're going to do that and you look at the gradient of the Village and you cut  
39 a section of the Village east and west the highest density is on the east side  
40 of the arroyos. Lower density is Guadalupe Trail and finally and theoretically  
41 the lowest density is Rio Grande. And so 4<sup>th</sup> Street was that little spine that if  
42 you cut it going south Osuna and 4<sup>th</sup> Street was the highest density place.  
43 This is where we ought to be saying you can't build here unless you have a  
44 certain amount of heft. Forget about a larger scale. We have plenty of places  
45 for low scale. We have lots of mom and pop small shops, but we don't have  
46 anything that's big enough to make a difference economically in terms of  
47 impact in gross receipts and so on. In other words, one of the difficulties is we  
48 are still talking a little bit small. The 39-foot height okay, but there is no  
49 density minimum. The setbacks are a way to get that density, but there is no  
50 guarantee that they will build to them.

1 If you go back and look at the Master Plan it's hard to reach the goals of the  
2 Master Plan with the soft language that's in here.

3  
4 **Planner McDonough** stated he doesn't disagree with that the intent is to  
5 right it. In the project area we don't specify that criteria so they can come in  
6 with no barriers so they could propose that kind of development.

7  
8 **Commissioner Brawley** stated that they should have asked this of Mr. Stern  
9 he is doing some work at Winrock right now. If you went to Cottonwood and  
10 somebody wants to come into your mall, what you are looking for is  
11 somebody whose going to add as an asset to the over all. So you're very  
12 careful in regards to what it is their selling. If it doesn't have appeal what will  
13 bring people in through the front door. But, you're also careful about how big  
14 they are going to be is there going to be enough revenue to run the  
15 operation? And where are they going to have difficulty in 5 to 8 years. Is there  
16 still enough revenue? There is not enough money around. What needs to be  
17 positive about where we will go economically in the future because you're not  
18 sure. I would urge that we design this so that we are careful about who we  
19 bring in and the big ones are right there in the project areas. There is plenty  
20 of space for all the little shops. Let's design the space and go after the  
21 developers to look at it. We have the space to do something.  
22 I can't put together and can't argue enough to do anything and so the way to  
23 do this is to encourage them and say we'll help you put together a package  
24 that makes some sense and we can make some money and you can make  
25 some money and we can serve the public and be happy.

26  
27 **Planner McDonough** stated he thought Mr. Brawley was stating exactly what  
28 the goal is and if he has some language that would aid in that.

29  
30 **Commissioner Brawley** stated he thinks the preamble is where we put what  
31 the goal is. We put it right there and say 20,000 feet is not out of the question.  
32 30,000 feet is not out of the question. Three stories is not a problem in this  
33 area the project area. We don't want to see it at Ranchitos & 4<sup>th</sup> Street we  
34 want to see it here.

35  
36 **Planner McDonough** stated okay.

37  
38 **Chairman Seligman** asked if there were any comments and recognized  
39 Commissioner Colman.

40  
41 **Commissioner Colman** commented she agreed with what was just said  
42 about this whole density. We have tomorrow night with the Board of Trustees  
43 and after that a thirty-day (30) comments period. She doesn't know  
44 Commissioner Brawley's schedule, but he just articulated the issues really  
45 well. And if there were a way for him to get up in front of the Board of  
46 Trustees either as a resident or as a Commissioner and articulate what he  
47 just said she thinks it would be worthwhile. She doesn't think the trustees  
48 think that way not that they wouldn't disagree, but she doesn't think they are  
49 thinking that way. So she volunteers Mr. Brawley.

50  
51 **Planner McDonough** stated he totally agreed.

1 **Chairman Seligman** stated that is a good observation. Bring in someone  
2 with a big anchor store and the place where there is not a lot of residents.  
3 And she thinks it's good if they could articulate that to the Board of Trustees.  
4 So they start thinking like that.

5  
6 **Planner McDonough** stated he agreed.

7  
8 **Chairman Seligman** recognized Commissioner Phillips.

9  
10 **Commissioner Phillips** stated this was moved up because of the increased  
11 interest in the V-C zone can he asked what interested or is that germane.  
12 Planner McDonough has him curious.

13  
14 **Planner McDonough** stated that he can say the Board of Trustees is willing  
15 to put out an RFP to try and create this project. Since the inception of the V-C  
16 zone there was a window of opportunity in 2006 and the door slammed. The  
17 door is cracking open again and the Trustees are anxious to see this advance  
18 forward so that is part of the motivation to drive that development. Over the  
19 years there have been several conversations. They moved forward so they  
20 weren't caught a day late and a dollar short.

21  
22 **Chairman Seligman** recognized Commissioner Brawley.

23  
24 **Commissioner Brawley** commented that the Trustees need to remember  
25 that the gateway is on the Northwest corner in front of Walgreens'. And that  
26 was supposed to have a companion on the opposite corner. A lot of things  
27 have to come into play making it an access, making a walk downtown, and  
28 making it recognizable. All those things that they have talked about for many,  
29 many years.

30  
31 **Planner McDonough** stated they put in enough language that as the  
32 Trustees and the Commission look at the site development plans they can go  
33 to this language and say we need this and this. And have some basis for the  
34 requirements.

35  
36 **Chairman Seligman** asked if there were any other comments and then  
37 moved onto the next item in the agenda.

38  
39 **7. REPORTS**

40  
41 **A. PLANNING DEPARTMENT REPORT**

42  
43 **Chairman Seligman** asked for Planner McDonough to give his report.

44  
45 **Planner McDonough** stated that they had been going through the V-C zone  
46 code, site development plans, weed abatement, and how to drain the parking  
47 lot. Mainly getting ready for tonight's meeting.

48  
49 **Commissioner Tourville** asked for clarification of a minor subdivision and a  
50 major subdivision.  
51

1 **Planner McDonough** gave him the definition of a minor subdivision, which is  
2 maximum of two lots anything three or more lots is a major subdivision. And  
3 stated they have in the code that if you have a lot of MRGCD Tracts that you  
4 have to get them all combined before you can get a building permit. So a lot of  
5 the minor subdivisions are this process.  
6

7  
8 **9. COMMISSIONER’S INFORMAL DISCUSSION**  
9

- 10 • Reason for Mr. Shull’s deferment and it would be same packet they  
11 have now.
- 12 • Closed sessions and what they wanted from them.

13  
14 **10. ADJOURNMENT**  
15

16 **Chairman Seligman** asked if there was a motion for adjournment.  
17

18 **MOTION: Commissioner Tourville** moved for adjournment at 8:58 pm.  
19

20 **SECOND: Commissioner Phillips** seconded the motion.  
21

22 **VOTE:** the vote was unanimous (5-0).  
23

24 **APPROVED by the Planning and Zoning Commission of the Village Los**  
25 **Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2015.**  
26

27 **ATTEST:**  
28

29 \_\_\_\_\_  
30 Tim Tourville, Secretary  
31 Planning and Zoning Commission  
32