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MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
August 9, 2016
7:00 P.M.

9 **Present:**

10
11 **STAFF**

12 **Administrator:** Kelly Ward

Attorney: Bill Chappell

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

14
15
16 **1. CALL TO ORDER – Chairman Brawley** called the meeting to order at 7:05p.m...

17
18 **A. ROLL CALL** - Commissioner Craig, Commissioner Riccobene,
19 Commissioner Eby, Commissioner Brawley, Commissioner Phillips,
20 Commissioner Colman, Commissioner Tourville.

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

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

25
26 **Chairman Brawley** asked Planner McDonough if there were any changes to the
27 agenda?

28
29 **Planner McDonough** stated there was one change. Because of a death in the
30 family Christine Rodriguez asked for a deferral to Item 4-B Site development plan
31 sketch plat review.

32
33 **Chairman Brawley** called for a motion to approve the agenda.

34
35 **MOTION: Commissioner Phillips** moved to approve the agenda as amended.

36
37 **SECOND: Commissioner Colman** seconded the motion.

38
39 **VOTE:** The motion carried unanimously (7-0).

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42 **2. PUBLIC COMMENT PERIOD**

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44 **There was no public comment.**

1 **3. CONSENT AGENDA**

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3 **A. APPROVAL OF CONSENT AGENDA**

4
5 **1. Approval of the minutes of the July 12, 2016 meeting.**

6
7 **Chairman Brawley** asked if there were any comments or corrections to the
8 minutes of the July 12, 2016 meeting. Then called for a motion.

9
10 **MOTION: Commissioner Riccobene** moved approval of the minutes of the July
11 12, 2016 meeting as presented.

12 **SECOND: Commissioner Tourville** seconded the motion.

13 **VOTE:** The motion carried unanimously (7-0).

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17 **4. PUBLIC HEARINGS AND APPLICATIONS**

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

21
22 **Item 4-A. SDP-16-01** A request by Peterson Properties & JMD Partnership for a
23 Sketch Site Development Plan approval for new commercial development in the
24 Village Center Zone of the Fourth Street Commercial Character Area. The
25 property is located at 6561 Fourth St. NW and is legally known as Tract 41 G,
26 Middle Rio Grande Conservancy District Property Map No. Map 29, within the
27 Elena Gallegos Grant in Projected Sections 28 and 29, T11N, R3E, N.M.P.M.,
28 Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, the
29 same as being designated in a Warranty Deed filed May 31, 1952 as Document
30 Number 85109, records of Bernalillo County, New Mexico, being more
31 particularly described by survey performed by Russ P. Hugg New Mexico
32 Professional Surveyor Number 9750 using New Mexico State Plane Grid
33 bearings (Central Zone – NAD27) and Ground Distances. The Property contains
34 0.9317 acres more or less.

35
36 **Chairman Brawley** instructed the Commission that this was just a site
37 development plan sketch plat review. There would be no action taken by the
38 Commission only suggestions on the sketch plat then asked Planner McDonough
39 for his planning report.

40
41 **Planner McDonough** gave his report noting that there were some revisions
42 made to the landscaping and the drives that were in the packet stating that there
43 would not be any action on the part of the Commission only advice on the plan
44 itself.

45 **Speakers for this discussion were:**

46 **Martin Grummer, Agent for Peterson Properties & JMD Partnership, 2325**
47 **San Pedro Dr. NE Albuquerque, NM 87110**

48 **Robert Chavez, 324 Enchanted Valley Place NW, Village**

49 **Camille Varoz, 427 El Paraiso Rd. NW, Village**

50 **Randy Gallegos, 502 Chavez Rd. NW, Village**

1
2 **Martin Grummer**, gave a short presentation on what Peterson Properties would
3 like to do on this property. Noting that the rear drive would become a one-way
4 road.
5

6 **Summary:** the first part of the discussion was the use of the trees for the
7 landscaping the type was questioned as they will grow up to sixty (60') feet. Mr.
8 Brawley noted that the change in the rear driveway would limit it to only two
9 driveways instead of the four previously noted. Mr. Grummer stated that concern
10 for the neighbor to the west have them extending the landscape, which then took
11 the drive down to twelve (12') feet instead of the original twenty (20') feet. The
12 question was raised that this limited ingress and egress drives and was this to
13 code. Mr. McDonough reassured that it was to code. It was also noted there was
14 no way to leave the premises and go north. It was suggested that a traffic flow
15 study would be of use. There was more discussion on how to ingress and egress
16 the property without affecting the Sandia View neighborhood. Public comments
17 were more concerned with fence height along the west side, the dumpster
18 placement and off site parking. Another question brought up was that Chavez
19 Road at that particular section flooded whenever it rained. Other than those
20 concerns there was no adverse comments on the plan itself. There was one last
21 comment about when compaction was happening during construction that there
22 be concern for the neighbor in case of damage to the adjoining lot.
23

24 **Chairman Brawley** then closed the Item 4-A to any more comments.
25

26
27 **Item 4-B. SDP-16-02** A request by Christine Rodriguez for a Sketch Site
28 Development Plan approval for new commercial development in the Gateway
29 District Zone of the Fourth Street Commercial Character Area. The property is
30 located at 8312 and 8318 4th Street NW and is legally known as Plat of Lots A-1
31 and A-2, Villa Christina, bring a replat of Tract "A" Paraiso Escondido within the
32 Town of Alameda Grant, Projected Section 16, T11N, R3E, N.M.P.M., Village of
33 Los Ranchos de Albuquerque, Bernalillo County, New Mexico as the same is
34 shown and designated on the Plat filed in the office of the County Clerk of
35 Bernalillo County, New Mexico on February 24, 2010. The property contains
36 1.1939 acres more or less. **DEFERRED UNTIL THE SEPTEMBER 13, 2016**
37 **MEETING.**
38

39 **Item 4-C V-16-03,04, & 05** A request by Abel and Lucille Garcia for Variances
40 from §9.2.7(E)(5) AREA REQUIREMENTS in the A-1 Zone of the Village West
41 Character Area. The property is located at 795 Ranchitos Rd. NW and is legally
42 known as Corrected Plat of Tract A Rancho Esperanza within Section 20,
43 T.11N., R.3E., N.M.P.M. Village of Los Ranchos de Albuquerque, Bernalillo
44 County, New Mexico, as the same is shown and designated on the plat filed in
45 the Office of the County Clerk of Bernalillo County, New Mexico filed on October
46 13, 2015. The property contains 1.1127 acres more or less. The Variances
47 requested are:
48

49 **Time on clock was 56 minutes into the meeting.**
50 **Speakers for this discussion were:**
51

1 **Knight Seavey, Agent for Abel & Lucille Garcia 5110 Masthead NE,**
2 **Albuquerque, NM 87109**
3 **Mike Fox, 805 Ranchitos Road NW, Village**
4 **Drew and Catherine Seavey, 309 Mesilla St. NE, Albuquerque 87108**
5 **Abel Garcia, 7552 Rio Grande Blvd NW, Village**
6 **Drew Harrell, 416 Fontana Pl. NE, Albuquerque, 87108**
7 **Ken Boyd, 723 Ranchitos Road NW, Village**
8 **Carol Bennett, 8200 Rio Grande Blvd. NW, Village**
9 **Joyce Stowers, 813 Ranchitos Road NW, Village**
10 **Sandy Shepard, 812 Ranchitos Road NW, Village**
11 **Eric Pinkerton & Diane Albert, 820 Ranchitos Road NW, Village**

12 **Chairman Brawley** asked Planner McDonough for his planning report.

13 **Planner McDonough** gave his report with recommendations for approval of all
14 three variances.

15 **Chairman Brawley** asked if there were questions from the Commissioners then
16 asked for the applicant to come forward.

17 **Knight Seavey** gave a presentation of what he would like to do to the property
18 explaining that the narrowness of the site is a hardship. Gave his perspective on
19 how the property could best be used. With a home for his son's family on one lot
20 and eventually another home on the other lot. In the meantime it would see a lot
21 of agricultural use.

22 **Summary:**

23 After listening to the presentation the questions were directed to Mr. Seavey
24 about different aspects of the plan from the Commissioners.

25 **Mr. Brawley** had everyone who was in favor of the application speak.

26 **Mike Fox** stated he was in favor of the plan. His property was to the north and
27 he liked the landscape and does not see excessive density happening with the
28 two lots.

29 **Drew and Catherine Seavey** explained their ideas of having the one lot be
30 agricultural as Drew Seavey is a landscaper, who wants to start a small farm.

31 **Abel Garcia** the owner of the property stated that originally he thought that this
32 lot was actually two lots as his brother Alfredo Garcia owned half of it. After a
33 short discussion it was determined it had never been two lots, rather dual
34 ownership of an individual MRGCD Tract.

35 **Drew Harrell**, the recent buyer for the lot to the north of this property had
36 walked the property with Mr. Seavey and felt he had a good plan that holds true
37 to the Village idea of agricultural living. And as the plan impacts him the most he
38 stated there was no problem for him.

39 **Ken Boyd** who lives across the ditch from the property stated that Mr. Garcia
40 had taken care of that property for years keeping it neat, but like most of them

1 he had reached the age he could no longer do it. The property directly across
2 from Mr. Boyd has a younger generation living there and it's an acre that has
3 gone to weeds and elm trees because the younger generation does not care for
4 the land. So he was in favor of having a smaller lot maybe they will see more
5 work done on it and there is no density issue like there is across the street.
6 At this point there was nobody else who wanted to speak in favor.
7

8 **Mr. Brawley** then asked if there was anyone who wanted to speak against the
9 application.
10

11 **Carol Bennett** said she did not see it as a hardship for two parcels, but felt they
12 did need the setbacks and that one (1) acre lots should be kept as one (1) acre.
13

14 **Joyce Stowers** also did not see the hardship for two lots and agreed with Mrs.
15 Bennett that the variances for the setbacks were needed.
16

17 **Sandy Shepard** said this property has been for sale for 10 years and
18 overpriced. She lives on the south side and no one contacted her. There is an
19 issue with the setbacks, but there is no reason for two lots. This is just setting up
20 a way to have more people.
21

22 **Eric Pinkerton** does not see it as an irregular lot size and this property has
23 been on the market forever and overpriced for years. And it's a financial deal.
24 And if it is financial then make it a trailer park or cut it up into 20 pieces. They
25 are just building for money. It's a tripa and only ideal for agricultural use that's
26 what that land was made for.
27

28 **Diane Albert** was opposed to all three variances pointing out that it is not an
29 unusual sized lot so there is no hardship according to the Master Plan. And that
30 this lot should be used purely for agriculture.
31

32 **Chairman Brawley** gave Mr. Seavey the chance for a rebuttal and Mr. Seavey
33 reiterated his reasoning on the hardship and why he wanted the two lots.
34

35 **Chairman Brawley** closed the public comment on the variance and explained
36 that each of the variances would be voted on separately. Then he called for a
37 motion.
38

- 39 A. **V-16-03** A request for a Variance from §9.2.7(E)(1) the minimum lot area shall
40 be one (1) acre (43,560 square feet); to allow a division of one lot into two lots,
41 one 0.43 ac (18,800 SF) lot and one 0.68 ac (29,699 SF) lot in the A-1 Zone of
42 the North Rio Grande Character Area.
43

44 **MOTION: Commissioner Phillips** moved to approve the request for a variance
45 from §9.2.7(E)(1) the minimum lot area shall be one (1) acre (43,560 square
46 feet); to allow a division of one lot into two lots, one 0.43 ac (18,800 SF) lot and
47 one 0.68 ac (29,699 SF) lot in the A-1 Zone of the North Rio Grande Character
48 Area.
49

50 **SECOND: Commissioner Tourville** seconded the motion.
51

1 The Commission had a lengthy discussion at which time.

2
3 **Commissioner Colman** called for a vote on the question.

4
5 **ROLLCALL VOTE:** Commissioner Craig, Aye. Commissioner Riccobene, Nay.
6 Commissioner Eby, Nay. Commissioner Phillips, Aye, Commissioner Colman,
7 Nay. Commissioner Tourville, Aye. Commissioner Brawley, Nay. The motion
8 failed on a vote of (3-4).
9

- 10 B. **V-16-04** A request for a Variance from §9.2.7(E)(2)(a)(1) the front setback shall
11 be twenty-five (25) feet; to allow for a 20-foot front setback on each of two (2) lots
12 in the A-1 Zone of the North Rio Grande Character Area.

13
14 **MOTION: Commissioner Colman** moved to approve the request for a variance
15 from §9.2.7(E)(2)(a)(1) the front setback shall be twenty-five (25) feet; to allow for
16 a 20-foot front setback on each of two (2) lots in the A-1 Zone of the North Rio
17 Grande Character Area.

18
19 **SECOND: Commissioner Riccobene** seconded the motion.

20
21 After a quick discussion about the lot size and a question of hardship.

22
23 **Commissioner Craig** called for a vote on the question.

24
25 **ROLLCALL VOTE:** Commissioner Craig, Aye. Commissioner Riccobene, Aye.
26 Commissioner Eby, Nay. Commissioner Phillips, Nay. Commissioner Colman,
27 Aye. Commissioner Tourville, Aye. Commissioner Brawley, Aye. The motion
28 carried with a vote of (5-2).
29

- 30 C. **V-16-05** A request for a Variance from §9.2.7(E)(2)(a)(3) the rear setback shall
31 be twenty-five (25) feet; to allow for a 15-foot rear setback on each of two (2) lots
32 in the A-1 Zone of the North Rio Grande Character Area.

33
34 **MOTION: Commissioner Colman** moved to approve the request for a variance
35 from §9.2.7(E)(2)(a)(3) the rear setback shall be twenty-five (25) feet; to allow for
36 a 15-foot rear setback on each of two (2) lots in the A-1 Zone of the North Rio
37 Grande Character Area.

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

40
41 **ROLLCALL VOTE:** Commissioner Craig, Aye. Commissioner Riccobene, Aye.
42 Commissioner Eby, Nay. Commissioner Phillips, Nay. Commissioner Colman,
43 Aye. Commissioner Tourville, Aye. Commissioner Brawley, Aye. The vote
44 carried with a vote of (5-2).
45

46 **This item ended on the clock at 2:57 (two hours and 57 minutes).**

47
48 **5. OLD BUSINESS**

- 49
50 **A. Discussion and recommendation on text changes for §9.2.14 VC Village**
51 **Center Zone.**

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2 After a discussion it was decided that the Commission would hold a Special
3 Meeting on August 29, 2016 at 1:00 p.m.

4
5 **6. NEW BUSINESS**

6
7 There was no new business.

8
9 **7. REPORTS**

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11 **A. PLANNING DEPARTMENT REPORT**

12
13 There was no department report this month.

14
15 **9. COMMISSIONER’S INFORMAL DISCUSSION**

16
17 There was no informal discussion.

18
19 **10. ADJOURNMENT**

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21 **Chairman Brawley** asked if there was a motion to adjourn.

22
23 **MOTION: Commissioner Colman** motioned to adjourn the meeting at 10:45 p.m.

24
25 **SECOND: Commissioner Tourville** seconded the motion.

26
27 **VOTE:** the vote carried unanimously (7-0).

28
29 **APPROVED by the Planning and Zoning Commission of the Village Los Ranchos de**
30 **Albuquerque this 13th day of September, 2016.**

31
32 **ATTEST:**

33
34 _____
35 Tim Tourville, Secretary
36 Planning and Zoning Commission
37