



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

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

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5                   **4. PUBLIC HEARINGS AND APPLICATIONS**

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7                   **Chairman Hannah** asked for anyone who would speak at the meeting to stand  
8 and be sworn in by Attorney Chappell.

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10                  **Attorney Chappell** swore in those present who would be speaking before the  
11 Commission.

12  
13                  **HOUSEKEEPING NOTE:** Commissioner Seligman and Commissioner  
14 Tourville arrived at 7:03 p.m.

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16                  **C. V-13-05** A request by Mike Sedillo for a Variance from Ordinance 183 as  
17 amended, Section 9, (E)(a) which requires a twenty (20) foot front setback to  
18 allow for a fifteen (15) foot front setback in the R-3 Zone of the Camino Real  
19 Residential Character Area. The property is located at 264 Pueblo Solano and  
20 is legally known as Tract L, Plat of Lands of C.F. and Lena M. Bishop, Section  
21 21, T11N, R3E, N.M.P.M., Bernalillo County, New Mexico, as the same is  
22 shown and designated on the Plat filed in the office of the County Clerk of  
23 Bernalillo County, New Mexico on January 22, 1959. The parcel contains  
24 .2541 acres more or less.

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26                  **D. V-13-06** A request by Mike Sedillo for a Variance from Ordinance 183 as  
27 amended, Section 9, (E)(a) which requires a fifteen (15) foot rear setback to  
28 allow for a ten (10) foot rear setback in the R-3 Zone of the Camino Real  
29 Residential Character Area. The property is located at 264 Pueblo Solano and  
30 is legally known as Tract L, Plat of Lands of C.F. and Lena M. Bishop, Section  
31 21, T11N, R3E, N.M.P.M., Bernalillo County, New Mexico, as the same is  
32 shown and designated on the Plat filed in the office of the County Clerk of  
33 Bernalillo County, New Mexico on January 22, 1959. The parcel contains  
34 .2541 acres more or less.

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36                  **Chairman Hannah** stated that they were to start the meeting with Item C & D;  
37 explaining there were two requests for the same property and as they had  
38 done before, both requests would be discussed together, but two separate  
39 motions and two separate votes are needed. He asked if there were any  
40 questions.

41  
42                  **Planner Seebach** gave the Planning Report with recommendations of  
43 approval with findings.

44  
45                  **Chairman Hannah** asked if there were any questions for Planner Seebach  
46 from the Commission. Then asked for the applicant to come forward and  
47 address the Commission.

48  
49                  **Mike Sedillo**, 7018 2<sup>nd</sup> Street NW, gave his reasons for the requests as the lot  
50 is so narrow and he did not want the house to look like a trailer.  
51

1 **Chairman Hannah** asked if there was anything else he wanted to state.

2  
3 **Mike Sedillo** stated no, just to say the lot was so narrow.

4  
5 **Chairman Hannah** asked if any of the Commissioners wanted to ask  
6 questions of Mr. Sedillo then asked him why he wanted both side and rear.

7  
8 **Mike Sedillo** stated that he didn't want to take all 10 feet from the front or from  
9 the back.

10  
11 **Chairman Hannah** asked Planner Seebach if any concerns had come from  
12 the neighbors to the Village.

13  
14 **Planner Seebach** stated there were no comments whatsoever.

15  
16 **Chairman Hannah** asked if there was anyone who wanted to speak in favor  
17 of the application. Then asked if there was anyone who wanted to speak  
18 against the application. He then called for a motion.

19  
20 **MOTION: Commissioner Lewis** moved to approve a request for a variance  
21 from Ordinance 183 as amended, Section 9, (E)(a) which requires a twenty  
22 (20) foot front setback to allow for a fifteen (15) foot front setback in the R-3  
23 Zone of the Camino Real Residential Character Area.

24  
25 With the following findings:

26  
27 The Variance request meets the hardship requirements of Section  
28 24(E)(3)(a) and (b).

29  
30 (a) The Variance is in conformance with the goals and policies of the  
31 Village Master Plan.

32  
33 2.1 Policy B. In each of the character areas, preserve the unique  
34 characteristics by recognizing and continuing the traditional land development  
35 patterns in the character areas, specifically with respect to:

- 36
- 37 • Prevalent land utilization
  - 38 • Street Character
  - 39 • Historic Styles and buildings
  - 40 • Placement of buildings
  - 41 • Setback requirements
  - 42 • Views
  - 43 • Lot patterns
  - 44 • Density

45 (1) It is not contrary to the public interest; and

46 (2) Owing to special conditions, a literal enforcement of this Ordinance will  
47 result in unnecessary hardship.

48  
49 E(3)(b)  
50

1 (1) When compared with other land in the vicinity subject to the same  
2 provisions, the parcel is exceptional by reason of physical characteristics of the  
3 land that existed when the provisions were adopted or which were created by  
4 natural forces or by government action for which no compensation was paid;  
5

6 The lot is small (.2541 acres), unusually narrow (from 50 to 65 feet) and long  
7 (164.8 feet). Setbacks for the area were established by Bernalillo County prior  
8 to Village annexation.  
9

10 (3) The parcel is irregular or unusually narrow in shape, and the condition  
11 existed when provisions were adopted or was created by natural force or  
12 government action for which no compensation was paid;  
13

14 The required setbacks leave a buildable lot depth of thirty (30) feet; the  
15 requested variances would allow a buildable depth of forty (40) feet in order to  
16 provide room for building articulation.  
17

18 (6) The alleged hardship is such that relief is justifiable in accordance with the  
19 goals and policies of the Master Plan.  
20

21 2020 Master Plan: Camino Real Residential Character Area: The easternmost  
22 portion consists of small, varied residential neighborhoods clustered along the  
23 Chamisal Lateral, zoned R-3 or SU-1. This area is the location of some of the  
24 first formal subdivision platting, which was accomplished in the 1925-1950  
25 period.  
26

27 Accordingly, the Variance request meets the hardship requirements of  
28 Section 24(E)(3)(a) and (b)(1)(3) and (6).  
29

30 **Chairman Hannah** stated that Commissioner Lewis has misquoted the date  
31 of the Master Plan which is "2020" not "2010".  
32

33 **Commissioner Lewis** acknowledged the correction.  
34

35 **SECONDED: Commissioner Gollis** seconded the motion.  
36

37 **Chairman Hannah** asked Commissioner Lewis as he gave the motion did he  
38 have any comments on the motion.  
39

40 **Commissioner Lewis** stated he had none that the motion fulfilled the  
41 requirements.  
42

43 **Chairman Hannah** asked if Commissioner Gollis had any comments.  
44

45 **Commissioner Gollis** stated the Commission tries to use restraint on the  
46 variance requests and thinks this request meets all the requirements and the  
47 proposed house design is appropriate. The applicant is seeking the minimum  
48 amount on the variance he needs to put in a house that works on the lot and is  
49 delighted to see he is going to build this.  
50

1 **Chairman Hannah** stated that his only comment was that he drove by the  
2 property and the articulation and the west setback would actually be in concert  
3 with the neighbor. He wanted to make sure that any variances they give are  
4 consistent with the neighborhood in which it is and it seems appropriate for  
5 this neighborhood. Then he asked if there were any more comments and  
6 called for a roll call vote.  
7

8 **VOTE:** The motion carried unanimously (7-0).  
9

10 **Chairman Hannah** called for a motion on Item D. Variance 13-06.  
11

12 **MOTION: Commissioner Craig** moved to approve a variance request from  
13 Ordinance 183 as amended, Section 9, (E)(a) which requires a fifteen (15) foot  
14 rear setback to allow for a ten (10) foot rear setback in the R-3 Zone of the  
15 Camino Real Residential Character Area.  
16

17 With the following findings:  
18

19 The Variance request meets the hardship requirements of Section  
20 24(E)(3)(a) and (b).  
21

22 (a) The Variance is in conformance with the goals and policies of the  
23 Village Master Plan.  
24

25 2.1 Policy B. In each of the character areas, preserve the unique characteristics  
26 by recognizing and continuing the traditional land development patterns in the  
27 character areas, specifically with respect to:

- 28 • Prevalent land utilization
- 29 • Street Character
- 30 • Historic Styles and buildings
- 31 • Placement of buildings
- 32 • Setback requirements
- 33 • Views
- 34 • Lot patterns
- 35 • Density  
36

37 (1) It is not contrary to the public interest; and

38 (2) Owing to special conditions, a literal enforcement of this Ordinance will  
39 result in unnecessary hardship.  
40

41 E(3)(b)  
42

43 (1) When compared with other land in the vicinity subject to the same  
44 provisions, the parcel is exceptional by reason of physical characteristics of the  
45 land that existed when the provisions were adopted or which were created by  
46 natural forces or by government action for which no compensation was paid;  
47

1 The lot is small (.2541 acres), unusually narrow (from 50 to 65 feet) and long  
2 (164.8 feet). Setbacks for the area were established by Bernalillo County prior  
3 to Village annexation.  
4

5 (3) The parcel is irregular or unusually narrow in shape, and the condition  
6 existed when provisions were adopted or was created by natural force or  
7 government action for which no compensation was paid;  
8

9 The required setbacks leave a buildable lot depth of thirty (30) feet; the  
10 requested variances would allow a buildable depth of forty (40) feet in order to  
11 provide room for building articulation.  
12

13 (6) The alleged hardship is such that relief is justifiable in accordance with the  
14 goals and policies of the Master Plan.  
15

16 2020 Master Plan: Camino Real Residential Character Area: The easternmost  
17 portion consists of small, varied residential neighborhoods clustered along the  
18 Chamisal Lateral, zoned R-3 or SU-1. This area is the location of some of the  
19 first formal subdivision platting, which was accomplished in the 1925-1950  
20 period.  
21

22 Accordingly, the Variance request meets the hardship requirements of  
23 Section 24(E)(3)(a) and (b)(1)(3) and (6).  
24

25 **Chairman Hannah** stated that the length is "164.8 feet" not "160 feet".  
26

27 **Commissioner Craig** accepted the correction.  
28

29 **SECOND: Commissioner Seligman** seconded the motion.  
30

31 **Chairman Hannah** asked if there were any additional discussion from what  
32 they had had. Then called for a roll call vote.  
33

34 **VOTE:** the motion carried unanimously (7-0).  
35

36 **A. V-13-03** A request by Robert O. Smith, Agent, for a Variance from  
37 Ordinance 183 as amended, Section 6 (E) Area regulations (2)(3) Rear setback  
38 shall be twenty-five (25) feet to allow for a ten (10) foot rear setback in the A-1  
39 Zone of the North Rio Grande Character Area. The property is located at 8212  
40 Rio Grande Blvd. and is legally known as Lot 1, Plat of Nat's Place situate  
41 within the Village of Los Ranchos de Albuquerque, Bernalillo County, New  
42 Mexico, as the same is shown and designated on the Plat filed in the office of  
43 the County Clerk of Bernalillo County, New Mexico on August 11, 1993. The  
44 property contains 1.0535 acres more or less.  
45

46 **Chairman Hannah** asked Planner Seebach for the Planning Report.  
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48 **Planner Seebach** gave the Planning Report with recommendations for  
49 approval with findings.

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**Chairman Hannah** asked if there were any questions for Planner Seebach from the Commission.

**Commissioner Lewis** asked if there was property available in the rear of the property.

**Planner Seebach** stated there is no property available to the rear.

**Chairman Hannah** stated that he would ask his standard questions had they had any comments from the neighbors.

**Planner Seebach** stated they had not had any comments.

**Chairman Hannah** asked the applicant to state his name and address for the record.

**Robert Smith**, 183 Camino (inaudible).

**Chairman Hannah** asked if he had any comments he wanted to make.

**Robert Smith** stated only that because of the amount of property lost at the front of the property; they were unable to put it in the front of the house.

**Chairman Hannah** asked if he was the agent for the variance, not the owner.

**Robert Smith** affirmed he was the agent.

**Chairman Hannah** stated he sees the plat and will ask the question. There is obviously the possibility of moving the garage closer to the house, does he want to comment on the issue of trying to provide separation from the house or anything else.

**Robert Smith** stated they are right up against the adobe wall to the court yard and it was pretty tight in there.

**Chairman Hannah** asked if there were any comments from the Commissioners. Then recognized Commissioner Seligman.

**Commissioner Seligman** asked if this house was the Altman house or the Stirling house.

**Robert Smith** affirmed that it was the Stirling house.

**Chairman Hannah** recognized Commissioner Craig.

**Commissioner Craig** asked if this is 280.99 feet from Rio Grande.

**Robert Smith** asked for clarification.

**Commissioner Craig** clarified was it from the front of the development, the garage.

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**Robert Smith** stated he was not sure. Does it say how far the front of the house is on the plans?

**Commissioner Craig** stated that as he reads it with the 280.99 feet there is no ability to move it in closer to the house.

**Chairman Hannah** stated the garage is behind the house; the set back is in the front of the house.

**Commissioner Craig** clarified they have 280 feet from Rio Grande.

**Chairman Hannah** clarified to the front of the house.

**Robert Smith** clarified by pointing to the plan that Rio Grande is here they have a large piece of land that they can't use. The house is here and here is the garage.

**Commissioner Craig** stated he didn't think they had the ability to move the garage forward because of the setback. It's two hundred eighty (280).

**Robert Smith** stated they are in the setback by ten (10) feet just because of the garage.

**Commissioner Craig** stated that was why they are asking for a ten (10) foot setback in the rear instead of the twenty-five (25) foot that is in the ordinance.

**Commissioner Albert** stated she was confused, could they clarify this. It's a detached garage and there is a fourteen (14) feet of separation between the garage and the house. Could they clarify why they couldn't make it one (1) foot shorter? Is it because it's an adobe structure and there is no entrance?

**Robert Smith** stated there is an adobe wall at the back of the house. That fits right into the corner that they would like to keep in line.

**Commissioner Albert** stated that the structure adds to the existing house.

**Commissioner Lewis** stated that he understood the plans and if they put the garage right up against the house, then they wouldn't need the twenty-five (25) foot setback variance.

**Robert Smith** stated that they tried putting it right up against the house and just couldn't make it work.

**Chairman Hannah** asked if there were any more questions from the Commissioners. Then asked if there was anyone who wanted to speak that was in favor of the application. Seeing none he asked if there was anyone who wanted to speak in opposition. Then called for a motion.

**MOTION: Commissioner Craig** moved to deny the request for V-13-03 a Variance from Ordinance 183 as amended, Section 6 (E) Area regulations



1 (2)(3) Rear setback shall be twenty-five (25) feet to allow for a ten (10) foot rear  
2 setback in the A-1 Zone of the North Rio Grande Character Area.

3  
4 (a) The variance is NOT in conformance with the goals and policies of the  
5 Village Master Plan; 7.1.3 Policies and Actions: Policy A: Enforce zoning  
6 densities and ordinance requirements in residential areas.

7  
8 (1) It is contrary to the public interest; and

9  
10 (2) Owing to special conditions, a literal enforcement of this  
11 Ordinance will NOT result in unnecessary hardship.

12  
13 Therefore the Variance request does not meet the requirements of  
14 Section 24(E)(a)(1) and (2)

15  
16 **Chairman Hannah** asked if there was a second to the motion.

17  
18 **SECOND: Commissioner Gollis** seconded the motion.

19  
20 **Chairman Hannah** stated they could now discuss the motion and recognized  
21 Commissioner Craig.

22  
23 **Commissioner Craig** stated that he looked at length at the plans and it seems  
24 that when they worked on the 2020 Master Plan one of the main things to him  
25 was sacrosanct in the Village was Rio Grande Blvd. Perhaps greater minds  
26 than his helped establish the ordinance that allowed for the two-hundred-eighty  
27 (280) foot setback on Rio Grande to preserve the vistas. And obviously there  
28 are some very good reasons for that as well as the twenty-five (25) foot  
29 setback from the rear of the property. He thinks if they grant this variance they  
30 will set a precedence that will allow other properties to do the same and they  
31 end up voiding the ordinance's purpose, but he thinks it sets a dangerous  
32 precedence. There are in his view other sites on the site that a six (6)-car  
33 garage could go into. While he admires the garage, he sees no hardship for a  
34 six (6)-car garage that would require them to set a really dangerous  
35 precedence for the rest of the entire North Rio Grand Character Area.

36  
37 **Chairman Hannah** recognized Commissioner Gollis.

38  
39 **Commissioner Gollis** stated that he is on the fence with this one, but he is  
40 troubled for similar reasons. On the one hand, all the properties subject to the  
41 two hundred eighty (280) foot setback requirement on Rio Grande Blvd. clearly  
42 suffer a hardship of sorts and the buildable areas of their property is reduce.  
43 On the other hand concerning rear and side setbacks they have tried for many  
44 years on the Commission to really view variances in the zoning ordinance  
45 provisions applicable to them, to really construe them strictly and really  
46 demonstrate hardships and here they are not supposed to be arbiters of taste  
47 and style, whether they think a six (6)-car garage or any garage is appropriate  
48 enough. The point that concerns him is that if they had opposition from a  
49 neighbor from an adjoining property, would they look at this request differently  
50 than they would here tonight, when there is no opposition or concerns  
51 expressed from neighbors who will be subjected to having this garage built

1 closer to their property within the setback mandated by the zoning ordinance  
2 and that concerns him. If they think about what may happen and if they were to  
3 deny this request the applicant's, if they still wanted a garage, would have to sit  
4 down and slim down the design and see if they could fit within the setback  
5 requirements. I am a little concerned about this one from a precedent  
6 perspective, they always try to make it clear the variance requests are decided  
7 on the specific path of an application, if they do grant this one he thinks they  
8 open themselves up to the possibility that any property owner subject to the  
9 two-hundred eighty (280) foot setback requirement on Rio Grande Blvd. can  
10 make an argument that they too qualify for variances from the other setback  
11 requirements on their property and that's a tough one.

12  
13 **Commissioner Lewis** asked them to clarify for him, those who worked on the  
14 2020 Plan; the interpretation of it is that the most critical thing was preserving  
15 Rio Grande Blvd. and the two hundred eighty (280) foot setback. To him that  
16 was the most favorite thing as far as that corridor goes. The design, as he  
17 reads this, recognizes that there will be some hardships. He would like it  
18 explained to him "all properties that are affected by the two hundred eighty  
19 (280) foot setback built to the maximum overall density". Recognizing that  
20 preserving the two hundred eighty (280) foot setback is more important. Then  
21 they come down to this; it falls within the FAR (Floor Area Ratio). He guesses  
22 he is still confused as to what the intent was and would like some explanation  
23 as to when it was set up.

24  
25 **Commissioner Craig** said that falls under the ordinance when it was originally  
26 established with the two hundred eighty (280) foot setback, which he was not  
27 involved with; that was the Trustees and the Village established that. He  
28 always wondered about it and until he actually started looking at this and the  
29 setbacks that are on Rio Grande, it actually enhances the property values.  
30 Because they cannot develop it, it creates vistas, it creates an absolutely  
31 gorgeous boulevard that he thinks the entire city and state can be proud of in  
32 the Village and he thinks that they need to be very careful about any type of  
33 modification to this ordinance because it seems to him that it will affect future  
34 development all along the corridor. Admittedly this is on the back and there  
35 looks to be a vacant parcel back there. The garage is great, but they could go  
36 to a four (4)-car garage and they could stack the cars if they wanted to and  
37 they could move it to the side without affecting the setback. There appears to  
38 be room to the side. There seems to be a lot of things they could do that  
39 wouldn't change the ordinance. In essence they are changing the ordinance by  
40 allowing a variance for a ten (10) foot from twenty-five (25) foot and he thinks it  
41 sets a very dangerous precedence in the corridor.

42  
43 **Commissioner Gollis** stated he had a couple of comments in response to  
44 Commissioner Lewis. He is less concerned about the 2020 Plan and its affect  
45 on this particular application than he is about the straight application for the  
46 variance provisions of the zoning ordinance. Owing to special conditions, that is  
47 to say the special conditions involved here, is the fact this particular property is  
48 subject to the two hundred eighty (280) foot setback and a literal enforcement  
49 of the ordinance will result in unnecessary hardship to the applicant. So to him  
50 question number one is, it an unnecessary hardship for this applicant to build  
51 something that would fit in the setbacks and not need a variance and secondly

1 circumstances have created a condition under which those circumstances have  
2 created a condition under which no reasonable use can be made of the land  
3 without requesting a variance. That to him is the crux of the issue. If they are to  
4 deny this request, are they leaving this applicant with no options for quote  
5 unquote "reasonable use" of their property and he thinks the answer is no. It's a  
6 tough call when they compare it for instance to the previous applicant, who  
7 they unanimously granted two variance requests. He thinks there is some logic  
8 there, the lot was of a particular size and shape that made it very difficult to  
9 build a structure that anyone would live in terms of the size of the house and  
10 the structure of the house. And here he is not convinced that this application  
11 meets that requirement. Commissioner Craig is right; what they essentially do  
12 when they grant a variance request; they amend an existing ordinance in the  
13 Village. And if they do so here, he thinks they are establishing a precedent that  
14 they should be aware of regardless of how the individual members of the  
15 Commission vote.

16  
17 **Commissioner Seligman** stated she had a question for the agent; she was  
18 looking at the schematic on page one and she notice that there is a fourteen  
19 (14) foot space and asked what is preventing them from moving the garage up.

20  
21 **Robert Smith** stated the old adobe wall in the patio area and the house itself.

22  
23 **Commissioner Seligman** stated that it was for aesthetic reasons as opposed  
24 to a practical reason.

25  
26 **Robert Smith** stated that the big problem is they lost two hundred eighty (280)  
27 feet on the front.

28  
29 **Commissioner Seligman** said she was familiar with this piece of property she  
30 lives on Rio Grande and knows what a hardship the required setback is. She  
31 stated if there was no adobe wall then the garage could be moved up into the  
32 fourteen (14) foot space, shorten it a foot and fit within the setback as opposed  
33 to a variance.

34  
35 **Robert Smith** stated she lost him there.

36  
37 **Commissioner Seligman** clarified her statement.

38  
39 **Robert Smith** stated it makes the property and house functional to have it be  
40 there, does that make sense.

41  
42 **Commissioner Seligman** asked is there a reason why they wanted a  
43 detached garage as opposed to attached?

44  
45 **Robert Smith** said, just because the way the house is built, it is an older adobe  
46 home. They really do not want to tear it apart.

47  
48 **Commissioner Seligman** asked why they would they have to tear it up to  
49 move it up.

50 **Robert Smith** said that when they go from fifteen (15) feet to ten (10) feet  
51 between buildings, it becomes a trash pile where wind and debris builds up.

1  
2 **Commissioner Seligman** stated she knows the area she also knows who  
3 owns the lot in the back.

4  
5 **Robert Smith** asked what were the setbacks on the lot in the back.

6  
7 **Commissioner Seligman** stated she does not know what the setbacks on the  
8 lot in back are.

9  
10 **Chairman Hannah** stated he thought it was appropriate that they have the  
11 information on what the current setbacks are on the immediate surrounding  
12 properties.

13  
14 **Planner Seebach** stated this would be a south facing lot, it is a very long lot, if  
15 they decide to build closer to the property line; it is twenty five (25) feet in front  
16 and fifteen (15) feet side setbacks and it would be 15 feet from the rear  
17 property line.

18  
19 **Chairman Hannah** asked if that answered the question was there any more  
20 comments from Commissioner Seligman.

21  
22 **Commissioner Seligman** stated there were none.

23  
24 **Commissioner Lewis** asked Commissioner Gollis if it would be the same for  
25 that lot, that they would have to go for a variance.

26  
27 **Commissioner Gollis** stated it wouldn't necessarily change his thinking on the  
28 precedent. He had a question for Mr. Smith. He didn't know if the owners were  
29 here, but the answer would be helpful to him in terms of understanding the  
30 hardship here to justify the variance. What is the need for the particular size  
31 garage?

32  
33 **Robert Smith** said the hardship is they have lost two hundred eighty (280) feet  
34 of their property.

35  
36 **Commissioner Gollis** asked, why do they need a garage this size?

37  
38 **Robert Smith** responded the applicant is a car collector.

39  
40 **Commissioner Albert** stated she could not support the motion; she wanted to  
41 say this for the record because when she reads Ordinance 183, Section 24  
42 regarding variance hardships, other lots in the vicinity have larger lots and  
43 would not experience the same hardship. The house is set so far back toward  
44 the rear of the lot that there is an unnecessary hardship created.

45  
46 **Chairman Hannah** stated that the strength of any variance request has two  
47 aspects, one is that it is not the owners, it is the land and the Commission tries  
48 to grant the minimum variance necessary to alleviate the hardship. He does not  
49 see where this property uniquely requires a structure of this size in that  
50 location. He understands the hardship of the setback, but that does not  
51 automatically imply putting a particular size structure in a particular location, he

1 would be in favor of allowing a structure of another size because they wanted  
2 to allow full buildup within the setback areas. There are other ways to site the  
3 building within the building area and not request a variance from the setback  
4 requirements. He does not see a unique requirement to accomplish the goals.  
5 There is minimization potential here.  
6

7 **Commissioner Tourville** said there were people who would enjoy the open  
8 space in the front for horse property. It is important to preserve that. He does  
9 not see the hardship. Being a car collector is great thing, but not being able to  
10 have a six-car garage is not a hardship, it is a luxury. There are other ways to  
11 do it. Why not just spin it around and put it against the adobe wall.  
12

13 **Robert Smith** said it makes a very nice driveway where it is. They have tried  
14 this several different ways; this is their second try. They want to retain the  
15 views out of the back of the property of the Sandia Mountains.  
16

17 **Commissioner Craig** stated the hardship they talk about is a legal hardship  
18 and not necessarily a real hardship in this case. The two hundred eighty (280)  
19 foot setback enhances the value of the property because of trees, the very  
20 uniform open space throughout the entire Rio Grande Corridor is something  
21 that when people buy these houses, they are actually paying more money for  
22 because the developable land is less. It is an asset, not a hardship.  
23

24 **Commissioner Hannah** stated that the financial aspects are not a determining  
25 factor.  
26

27 **Commissioner Seligman** stated she is not sure about the precedential issue;  
28 the Commission is required to consider every single variance on its facts and  
29 circumstances. In essence, there is no precedential issue here at all. For the  
30 record I would agree with Commissioner Albert that the front setback off of Rio  
31 Grande does put an incredible hardship on the owners who want to develop  
32 their lot. She does understand and is not in favor of the motion.  
33

34 **Chairman Hannah** asked if there was any more discussion and then explained  
35 that if they vote yes for the motion they are denying the variance then called for  
36 a vote.  
37

38 **VOTE:** The motion to deny passed by a vote of (5-2). With Commissioner  
39 Albert and Commissioner Seligman voting nay.  
40

41 **Chairman Hannah** stated that the applicant could appeal this decision to the  
42 Board of Trustees.  
43

44 **B. V-13-04** A request by Robert Lupton, Agent, for Paul Allen Homes, for a  
45 Variance from Ordinance 183 as amended, Section 6 (F) Floor Area Ratio in  
46 the R-3 Zone of the Camino Real Residential Character Area. The property is  
47 located at 214 Nico Trail and legally known as Lot Number Six (6) of Plat of  
48 Lots 1 thru 9, Nico Trail Subdivision, Village of Los Ranchos de Albuquerque,  
49 Town of Alameda Grant, Projected Section 16, T11N, R3E, N.M.P.M., as the  
50 same is shown and designated on the plat thereof filed in the office of the

1 County Clerk of Bernalillo County, New Mexico on December 21, 2004, in Plat  
2 Book 2004CI, Folio 395. The property contains .2074 acres more or less.

3  
4 **Chairman Hannah** asked Planner Seebach for the Planning Report.

5  
6 **Planner Seebach** gave the Planning Report with recommendations of approval  
7 with findings.

8  
9 **Chairman Hannah** stated with current regulations they could only build a 1700  
10 square foot residence.

11  
12 **Planner Seebach** stated that was correct; only a 1701 square foot residence.

13  
14 **Chairman Hannah** asked if there were any more questions for the Planner.

15  
16 **Commissioner Craig** stated since this is in a flood zone and there is no  
17 ponding and they have no drainage report and they have no idea how drainage  
18 would be accomplished on this lot. How much exposure does the Village have  
19 as far as granting a variance with the combination of the flood zone?

20  
21 **Planner Seebach** stated that there is on site ponding requirements for each  
22 and every house on Nico Trail, which they strictly enforce so the floodwater  
23 does not go off their property.

24  
25 **Commissioner Craig** asked if this included the sixty (60) foot roadway? He  
26 has been down the street and he does not recall seeing it. It is flat.

27  
28 **Planner Seebach** stated that there is a bar ditch on the north side of that road  
29 that theoretically it is supposed to drain into. She has no idea where the water  
30 goes quite frankly.

31  
32 **Chairman Hannah** stated that under project description in the application they  
33 talk about the net lot area of .1536 acres that is under the current allowed Floor  
34 Area Ratio (FAR), but on the map on the back all they show is .207 acres as  
35 the gross.

36  
37 **Planner Seebach** stated that is correct.

38  
39 **Chairman Hannah** stated that in the report she mentions the subsequent  
40 development was approved under R-3 zoning, with specifications of fifty  
41 percent (50%) lot coverage to a height of twenty-six (26) feet, which is from  
42 ground. That fifty percent (50%) at that time was fifty percent (50%) of the  
43 gross lot.

44  
45 **Planner Seebach** affirmed the statement.

46  
47 **Chairman Hannah** asked if there were any more questions for the Planner.

48  
49 **Planner Seebach** stated she had one more comment. She took an average of  
50 the other four (4) houses and it came to 3644 square feet. This house is slightly  
51 smaller than the average.

1 **Commissioner Seligman** asked if this is unique to have this special use  
2 permit with a variance, does that happen often?  
3

4 **Planner Seebach** stated that she does not think she has ever had a request  
5 for a variance on a special use permit.  
6

7 **Commissioner Gollis** stated that he thought there had been one, correct him  
8 if he was wrong. Wasn't there one last year for Prados off of Guadalupe Trail?  
9

10 **Planner Seebach** stated that was a Special Use-1 Zone this is a special use  
11 permit.  
12

13 **Commissioner Albert** asked for clarification on the drainage on the north side  
14 of the road.  
15

16 **Planner Seebach** clarified there is a ditch on the north side of Nico Trail. That  
17 theoretically drains the run off from the road and she can say that she has been  
18 on Nico Trail in heavy rain and did not see the roadway being washed away.  
19

20 **Commissioner Gollis** stated that he was on the commission at the time this  
21 subdivision was approved. He does not remember the specifics. He will say  
22 that at the time it was very different time in development in the Village. The  
23 Commission concerns were very different now, they didn't have a Floor Area  
24 Ratio. They quickly became aware of how quickly this development and the  
25 errors of their way, but they learned from it. They have a FAR and he thinks  
26 now they would never allow a development like this, but it is what it is and he  
27 will say that he agrees with Planner Seebach's assessment of the situation and  
28 this is another hard one. Because the ability to build on the other remaining lots  
29 hinges a large part on this request and subsequent requirements if the other  
30 lots are sold. If people decide to build on them they will be asking for variances  
31 on the FAR. It is regrettable there are a number of developments in the Village  
32 that were approved by the Commission and the Board of Trustees back in '04  
33 and '05 those long days ago of go, go, build, build and in hind sight they are a  
34 better body for those mistakes.  
35

36 **Commissioner Craig** stated that part of this variance requires a twenty-nine  
37 (29) foot height and perhaps this is more of a question for the attorney. They  
38 are allowing construction in a known flood zone, are they saying that there is a  
39 three (3) feet of fill that in essence would be twenty nine (29) foot height, is that  
40 legal. Can they say that they are in a flood zone so they get an extra three (3)  
41 feet just because they are in a flood zone?  
42

43 **Chairman Hannah** stated that maybe they need a definition of the twenty-six  
44 (26) foot height ordinance language.  
45

46 **Attorney Chappell** stated he was trying to remember the wording the  
47 ordinance it says that height is to be measured from ground level. Obviously, if  
48 someone came along to rise above the neighbors and built a five (5) foot pad  
49 on their lot, then built twenty-six (26) feet above that, whether or not that pad is  
50 a result of a permit to build on the lot because of the flood plain area. He is not

1 sure the ordinance is specific enough to find that language. But, he thinks it is  
2 from natural ground level is where the twenty six (26) feet is measured from.

3  
4 **Inaudible section 36 seconds.**

5  
6 **Commissioner Craig** stated fill in is construction.

7  
8 **Planner Seebach** stated this is a FEMA requirement to have an added three  
9 (3) feet of fill before they could begin. They could never penalize anybody by  
10 not allowing the twenty six (26) foot height because that three (3) feet of fill. If  
11 this were not in a flood plain they would have to measure from existing ground  
12 level, but because they have to have that three (3) feet of fill before they start to  
13 fulfill FEMA guidelines, they would never penalize them.

14  
15 **Commissioner Craig** said that to him it sounds like ground level is ground  
16 level and foundation level is foundation level and this is two separate items with  
17 a three (3) foot difference.

18  
19 **Attorney Chappell** stated from a legal perspective just looking at the  
20 ordinance without knowing precedence, it appears they go from existing grade.  
21 They can make the exception from that based on hardship.

22  
23 **Commissioner Lewis** stated that is not existing grade. If FEMA requires fill to  
24 get the lot ready that is existing grade. If they want to add two more feet that is  
25 different, whereas existing grade is required by a government agency.

26  
27 **Attorney Chappell** stated the ordinance is just not specific in that area.

28  
29 **Commissioner Seligman** asked if each one of these particular home, did they  
30 all require a variance to build or is this the first one requiring a variance?

31  
32 **Planner Seebach** stated this is the first one that has been built since the FAR  
33 ordinance was passed.

34  
35 **Commissioner Lewis** stated if he understood this correctly it appears lots two  
36 (2) thru seven (7); of them three (3) have been built on, their lot coverage is  
37 23% to 24 % this basically is in compliance with what was built in that  
38 neighborhood.

39  
40 **Planner Seebach** stated that was basically correct most of the houses are in  
41 the range of three thousand (3000) square feet. That's why she gave them that  
42 chart so that they could see what was already there.

43  
44 **Chairman Hannah** stated that was what she had stated earlier that all the  
45 houses were at 50% gross from the old requirements.

46  
47 **Commissioner Craig** asked if all the houses had that three (3) foot above the  
48 flood plain.

49  
50 **Planner Seebach** replied they are except for the existing house in the front Lot  
51 #1. That was the existing house and was just a remodel.



1 **Chairman Hannah** asked if there were any more questions for the Planner  
2 then asked the applicant to come forward with any comments appropriate.  
3 Asking him to state his name and address for the record.  
4

5 **Robert Lupton** 8600 Renrich Place Albuquerque gave a quick synopsis of  
6 what they were trying to accomplish in following the 2020 Master Plan in  
7 building a house that was compatible to what was in the character area and  
8 already built.  
9

10 **Commissioner Seligman** asked if he and the couple who owned this lot knew  
11 of these issues.  
12

13 **Robert Lupton** stated that now they own the lot, that owner sort of inherited  
14 the property.  
15

16 **Commissioner Seligman** asked if he was aware of these issues.  
17

18 **Robert Lupton** stated he was not; that he learned when he came in and spoke  
19 to Planner Seebach.  
20

21 **Chairman Hannah** asked if there were any more questions for the applicant  
22 from the Commission then asked if there was anyone in favor of the application  
23 who wanted to speak and then asked if anyone was opposed. Then stated that  
24 led to a motion.  
25

26 **MOTION: Chairman Hannah** moved to approve a variance from Ordinance  
27 183 as amended, Section 6 (F) Floor Area Ratio in the R-3 Zone of the Camino  
28 Real Residential Character Area.  
29

30 With the following findings:  
31

32 The Variance request meets the hardship requirements of Section  
33 24(E)(3)(a) and (b).  
34

35 (a) The Variance is in conformance with the goals and policies of the  
36 Village Master Plan.  
37

38 The 2020 Master Plan Section 2.1.1 Village Form Goals, Maintain development  
39 consistent with the unique qualities of each area throughout the Village.  
40

41 7.1 Residential Goal. Maintain residential development in keeping with the rural  
42 and diverse character of the village and within Village scale.  
43

- 44 (1) It is not contrary to the public interest; and  
45 (2) Owing to special conditions, a literal enforcement of this Ordinance will  
46 result in unnecessary hardship.  
47

48 24E(3)(b)  
49

- 50 (1) When compared with other land in the vicinity subject to the same  
51 provisions, the parcel is exceptional by reason of physical characteristics of the

1 land that existed when the provisions were adopted or which were created by  
2 natural forces or by government action for which no compensation was paid;  
3

4 The Village approved this subdivision with very small lots, then imposed a floor  
5 area ratio after allowing development of much larger houses than the current  
6 FAR would now allow in this subdivision.  
7

8 Granting the Variance from the Floor Area Ratio will allow the subdivision to be  
9 developed in a manner that is consistent with the development begun at the  
10 time of subdivision approval, prior to the imposition of the FAR.  
11

12 (2) When compared to other land in the vicinity subject to the same provisions,  
13 the parcel is exceptional by reason of the condition or use of the parcel or of  
14 other land in the vicinity which condition or use existed when the provisions  
15 were adopted;  
16

17 The proposed dwelling (3,390 sq. ft.) is smaller than the house on the east  
18 (5,142 sq. ft.) and, just slightly larger than the house on the west (3,087 sq. ft.).  
19 The proposed square footage is less than 50% of the gross lot coverage, which  
20 was the limitation at the time of the granting the special use for this subdivision.  
21

22 The building costs on the lot are higher than normal because of the flood zone,  
23 which requires three feet of fill. The floor area ratio restricts the house to a  
24 small area per net lot size and the end results are such that it is not cost  
25 effective to build in Nico Trail.  
26

27 (6) The alleged hardship is such that relief is justifiable in accordance with the  
28 goals and policies of the Master Plan.  
29

30 Accordingly, the Variance request meets the hardship requirements of  
31 Section 24(E)(3)(a) and (b)(1)(2) and (6).  
32

33 **SECOND: Commissioner Tourville** seconded the motion.  
34

35 **Chairman Hannah** stated he is looking at this, that the variances do specify  
36 that it is based upon on some government action where no compensation was  
37 paid, which he sees as the imposition of the FAR. The purposed square  
38 footage is less than fifty (50) percent gross because he is viewing that as the  
39 rules that were in effect at the time when all of this was approved.  
40 Psychologically thinking, not legally at least in his own mind, this sort of  
41 grandfathering concept in and is what leads him in favor of this. He is very  
42 focused on the issue that it is for this special use permit subdivision area only  
43 because again they are only talking about variances that need to be unique to  
44 the particular property and he sees this particular subdivision action as being  
45 unique and therefore not applied to any other subdivision they are talking  
46 about. But, he does recognize that while the way he is saying it could be used  
47 by the next applicant coming in to fill up one of the other vacant lots. The  
48 Commission could granted variances to these others so they can do it again. In  
49 his mind today the reason he is in favor of the motion with the same findings  
50 and the same meeting of restrictions that were put into place at the time.  
51

1 **Commissioner Craig** stated that in spite of the negative comments that he  
2 had made on this, Paul Allen Homes has a good reputation. This building is in  
3 scale and scope of the subdivision. The comment on the grandfathered issues  
4 are probably correct. He really has a lot of reservations for patching and fixing  
5 on fixes and he thinks it goes back to the last item. It is their responsibility as a  
6 Commission and it keeps going on and on and it is unfortunate that these  
7 actions have occurred within one unique subdivision. He thinks he would vote  
8 for this because what do they do; they have already established this odd  
9 situation.

10  
11 **Commissioner Seligman** stated she guesses she would be opposed to this  
12 motion on the same basis that now they will have to do this for the other lots  
13 perpetuating something where they purchase a property and they should have  
14 knowledge of what the zoning is and what the restrictions are. They have a  
15 special use area with a variance on top. There is no reason to perpetuate this.  
16 She is sorry for the people that purchase this, but they need to their research.  
17 She can't see this after they discussed the last case. She can't see granting  
18 this. It is hypocritical on their part of the Commission to do so. She cannot  
19 support this motion.

20  
21 **Commissioner Tourville** stated he disagreed, he thinks that subdivision is  
22 unique in that they cannot compare it to the houses on Rio Grande. The whole  
23 little subdivision is a totally different case. This is on the outskirts of the Village  
24 it's a little subdivision on the streets that has these existing homes and he  
25 thinks this is creating a major hardship for the people who are living there. If  
26 they don't pass this and they put in these little tiny houses it will devalue their  
27 houses and then it's a hardship for anyone else that wants to build to the  
28 standards to the existing houses there. He doesn't think it compares to what is  
29 going on Rio Grande.

30  
31 **Commissioner Albert** stated since she voted no she doesn't have to be a  
32 hypocrite. She supports this due to the changes in the ordinances. She was  
33 interested to hear the history of this parcel, which she didn't even know existed.  
34 To deny them would be such a hardship and it seems that the plan of the home  
35 fits very well with the neighbors. She is going to support the motion.

36  
37 **Commissioner Lewis** asked the Chairman to repeat what he had added to  
38 the motion, he thought this was very important.

39  
40 **Chairman Hannah** stated he did add a section that reads as follows: "The  
41 proposed square footage is less than 50% of the gross lot coverage, which was  
42 the limitation at the time of the granting the special use for this subdivision."

43  
44 **Commissioner Craig** stated they don't have that.

45  
46 **Chairman Hannah** stated it was not in the report that the Planner wrote. He  
47 just added as a finding.

48  
49 **Commissioner Craig** asked him to repeat that one more time.  
50

1 **Chairman Hannah** repeated “The proposed square footage is less than 50%  
2 of the gross lot coverage, which was the limitation at the time of the granting  
3 the special use for this subdivision.” Back when this was all approved the  
4 assumption was that they could build something up to fifty percent (50%) of the  
5 gross lot and so the three lots that were there did. So what he is saying is that  
6 the proposal is staying within the original expectations.  
7

8 **Commissioner Craig** asked if that includes the sixty (60) foot road so they are  
9 substantially less.  
10

11 **Chairman Hannah** stated that they are substantially less, but the limits at the  
12 time were fifty percent (50%) of the gross lot.  
13

14 **Commissioner Craig** asked Planner Seebach does Paul Allen Homes own the  
15 entire subdivision?  
16

17 **Planner Seebach** stated that they only own the one lot.  
18

19 **Chairman Hannah** stated the applicant wants to make a clarification and  
20 asked him to address the Commission.  
21

22 **Robert Lupton** clarified that Paul Allen Homes owns two lots in the  
23 subdivision. They don't know who owns the third lot and have no idea what  
24 their plans are.  
25

26 **Chairman Hannah** clarified two of the vacant lots.  
27

28 **Robert Lupton** affirmed two lots with the fourth lot owned by an existing  
29 homeowner who uses it to store equipment to maintain his lot.  
30

31 **Chairman Hannah** thanked him for the clarification.  
32

33 **Commissioner Craig** asked if there are any plans for drainage.  
34

35 **Planner Seebach** stated that the only plans would be on site ponding they  
36 don't have plans for Nico Trail's drainage.  
37

38 **Chairman Hannah** clarified then it goes lot by lot and is enforced separately.  
39

40 **Planner Seebach** affirmed absolutely.  
41

42 **Commissioner Craig** asked if the flood zone designation was new and did  
43 they learn about it when they came in for approval.  
44

45 **Robert Lupton** stated they were aware of the flood zone and have engineered  
46 the plans to take the lot out of the flood zone. At this point they will be  
47 submitting these plans with the building permit request to the Planning Director.  
48 They had an engineer from FEMA and water will not flow off the lot anywhere.  
49

1 **Chairman Hannah** asked when they say remove from the flood plain do they  
2 mean putting in the three feet base so they are above the line so that they are  
3 no longer considered below a certain gradient level?  
4

5 **Robert Lupton** stated that was correct concluding with filing paperwork to  
6 FEMA of the new elevation to get it out of the flood zone.  
7

8 **Planner Seebach** stated that FEMA requirements for new construction is that  
9 they are elevated above the baseline of the flood zone. She cannot even permit  
10 them to build a house that is not elevated above the baseline level for new  
11 construction.  
12

13 **Chairman Hannah** asked if there were any more comments from the  
14 Commissioners and then called for a roll call vote.  
15

16 **VOTE:** The motion to approve passed with a vote of (5-2) with Commissioners  
17 Craig and Seligman voting nay.  
18

19 **E. SDP-13-02** A request by Christine Rodriguez for a Sketch Plat Review for  
20 new commercial development in the Gateway District Zone of the Fourth Street  
21 Commercial Character Area. The property is located at 8312 and 8318 4<sup>th</sup>  
22 Street NW and is legally known as Plat of Lots A-1 and A-2, Villa Christina,  
23 bring a replat of Tract "A" Paraiso Escondido within the Town of Alameda  
24 Grant, Projected Section 16, T11N, R3E, N.M.P.M., Village of Los Ranchos de  
25 Albuquerque, Bernalillo County, New Mexico as the same is shown and  
26 designated on the Plat filed in the office of the County Clerk of Bernalillo  
27 County, New Mexico on February 24, 2010. The property contains 1.1939  
28 acres more or less.  
29

30 **Chairman Hannah** stated that there is no action by the Commission on this  
31 sketch plat review. This is simply the opportunity to give general information  
32 and guidance for the proposal. The Planning Commission should advise the  
33 applicant in the following manner:  
34

35 If the proposal has merit;  
36 If the configuration would be acceptable;  
37 If the Commission sees difficulty in the site development conforming to the  
38 2020 master plan and the zone code requirements. No variances are required  
39 for the site development plan.  
40

41 **Planner Seebach** gave the Planning Report.  
42

43 **Chairman Hannah** asked if any of the Commissioners had questions for  
44 Planner Seebach and recognized Commissioner Albert.  
45

46 **Commissioner Albert** asked Planner Seebach is Villa Christina a private or is  
47 it a public road.  
48

49 **Planner Seebach** stated it is a private road.  
50

1 **Chairman Hannah** asked if that is a name change where it was call Paraiso  
2 Road.

3  
4 **Planner Seebach** stated it is a name change, it was called Paraiso Road.

5  
6 **Commissioner Albert** asked if there is any kind of issue that being a private  
7 road for the development to have access to it or is that included in the plans.

8  
9 **Planner Seebach** stated it is not an issue.

10  
11 **Chairman Hannah** stated that he believed the road continues to the east and  
12 there are a number of lots to the east where this road dead ends and this road  
13 is the only access to those lots, is he correct on that.

14  
15 **Planner Seebach** stated that is not correct simply because El Paraiso  
16 Escondido Subdivision was bought by Chant Associates they have replated,  
17 which is why Paraiso Road became Villa Christina Road. They are going to be  
18 putting in their development for the entire property to the east and will be  
19 coming in next month with their sketch plat. They have received permission  
20 from the Middle Rio Grande Conservancy District to put in a bridge onto their  
21 compound from 2<sup>nd</sup> Street. Villa Christina will be a back entrance for them.  
22 They do not intend to have a roadway into the development from 4<sup>th</sup> Street.

23  
24 **Chairman Hannah** stated, so for all intents and purposes the road will dead  
25 end to this development.

26  
27 **Planner Seebach** stated it is possible it may be gated.

28  
29 **Chairman Hannah** stated so it is not clear.

30  
31 **Planner Seebach** stated it may be gated she has not seen the plans yet.

32  
33 **Chairman Hannah** stated that what she is saying is all the property to the east  
34 has a plan for an additional access other than this road.

35  
36 **Planner Seebach** stated that was correct.

37  
38 **Commissioner Albert** asked for clarification that large acreage to the east is  
39 the plan they will be seeing at the next meeting.

40  
41 **Planner Seebach** pointed out that the land to the east is in the development;  
42 the land to the north is not in the Village and not part of the development, just  
43 the former Paraiso Escondido Subdivision.

44  
45 **Commissioner Craig** asked if there would be a traffic impact study required  
46 for this as well as for the Chant development.

47  
48 **Planner Seebach** stated no.

49  
50 **Commissioner Craig** stated it looks like they have egress that is pretty tight  
51 there onto the private road.

1 **Planner Seebach** asked if he was talking about from within the compound?  
2

3 **Commissioner Craig** affirmed within this compound.  
4

5 **Planner Seebach** stated it has a twenty-four (24) foot road easement as  
6 required.  
7

8 **Commissioner Craig** stated the entrance is twenty (20) feet.  
9

10 **Planner Seebach** stated the entrance gates are twenty (20) feet, that is not a  
11 problem, the roadway easement within the compound is twenty-four (24) feet.  
12

13 **Commissioner Craig** asked if that was two way.  
14

15 **Planner Seebach** stated it is one way.  
16

17 **Commissioner Craig** stated then they won't need a traffic study, his question  
18 is, are they too close.  
19

20 **Planner Seebach** stated the small size of the development does not warrant  
21 the expense of a traffic study.  
22

23 **Commissioner Gollis** asked that is not to say the Commission couldn't  
24 consider the necessity of one.  
25

26 **Planner Seebach** stated absolutely.  
27

28 **Commissioner Craig** stated the drainage on this is the one pond that is on the  
29 northwest corner, will there be another pond required for this?  
30

31 **Planner Seebach** stated the drainage goes to the entire south landscape area  
32 it all flows down to that seven (7) or eight (8) foot landscape area on the south  
33 side all the way around it and it also flows down to that ponding area.  
34

35 **Commissioner Craig** stated that is on the south side, what about the north.  
36

37 **Planner Seebach** stated it is all along the south side of the property.  
38

39 **Chairman Hannah** stated it looks like they have the basic plans and he thinks  
40 they should ask the applicant to come forward if there is no objections and  
41 make her presentation. Then asked the applicant to state her name and  
42 address for the record.  
43

44 **Christine Rodriguez** 8312 & 8318 4<sup>th</sup> Street stated she is here for the site  
45 development plan and will be happy to answer any questions they have. As far  
46 as the drainage, she already has the hydrology and drainage plan that will be  
47 part while they go through the actual approval process. That is required and  
48 that will be in there.  
49

50 **Commissioner Craig** stated that looks great, it is awfully flat.  
51

1 **Christine Rodriguez** said she had seen a couple of them come by. If they  
2 actually stand on the property, it slopes one way or the other and into the  
3 natural ponding areas that will be set.  
4

5 **Chairman Hannah** asked if she had anything else to say about this.  
6

7 **Christine Rodriguez** stated all she had to say was that she really appreciated  
8 what they are doing here. She just sold her house on Bryn Mawr and moved  
9 back. After living in Albuquerque she is so happy to get back and be in that  
10 open space they all love and care about so much. Her goal here is to take the  
11 long, narrow, hard to deal with property that she ended up with as her part and  
12 turn it into something that not only that would be a benefit to her and her  
13 daughter for the long term, but also be in line with the scope the Village has  
14 planned for 4<sup>th</sup> Street especially in that area. The Chant brothers, who  
15 purchased the property behind her, have been an on going issue. Initially,  
16 Paraiso, who owned the property, was going to turn it into a high end  
17 residential development. That would have had their only access down her  
18 property, which is now Villa Christina Road. Chants, since this is going to be a  
19 much larger commercial development for professional offices, told her their  
20 main entrance and traffic flow will be off 2<sup>nd</sup> Street. They have already been  
21 approved for a bridge that will go onto 2<sup>nd</sup> Street and what they told her, they  
22 may not necessarily wall off that back but that they will probably gate it since  
23 their personal offices will be at that west end of the property. That would be a  
24 private entrance for them; all the rest of the traffic will flow off of 2<sup>nd</sup> Street. She  
25 then went into more detail on her goals for the different buildings.  
26

27 **Chairman Hannah** clarified which building she was talking about.  
28

29 **Christine Rodriguez** stated she has a small business in place already dealing  
30 with cancer patients needs. She is an aesthetician, which is skin care and her  
31 friend is a Doctor of Oriental Medicine, who wants to open a second office. She  
32 wants to have a small wellness complex with these types of businesses. There  
33 is very little available for businesses in the area. They have people who have  
34 been there for years and will be there for more to come. When something does  
35 become available it is usually not for small businesses, the space is usually too  
36 large. This would be where a massage therapist or a small boutique could  
37 open.  
38

39 **Chairman Hannah** asked if he read the plans right Building One is the only  
40 one which is residential.  
41

42 **Christine Rodriguez** stated yes that is correct.  
43

44 **Commissioner Seligman** asked if Building One is going to stay residential.  
45

46 **Christine Rodriguez** stated, not in the long term. She hopes to incorporate  
47 that building as part of the complex. The back portion behind Buildings Six &  
48 Seven is an empty lot where she wants to build herself a home and incorporate  
49 the front one into part of the commercial complex. She then gave a more  
50 descriptive version of what she wants to do.  
51



1 **Commissioner Craig** asked about bicycle access, since there is a bike trail on  
2 2<sup>nd</sup> Street, is she incorporating anything.

3  
4 **Christine Rodriguez** stated she didn't realize there was a bike path on 2<sup>nd</sup>  
5 Street. She does not have any plans to put in a bike path, but she will put in  
6 bike racks. It is hard to put in paths because all the paving material is not  
7 conducive to bikes, it's hard to ride a bike through that.

8  
9 **Commissioner Craig** stated that the Gateway center, which is part of the  
10 designation for bikes.

11  
12 **Christine Rodriguez** stated if that is the case 4<sup>th</sup> Street and El Pueblo are  
13 paved all the way up to the Railrunner. She had no idea what they are going to  
14 do for that kind of accessibility.

15  
16 **Commissioner Craig** asked if Villa Christina would go all the way up to the  
17 bridge on 2<sup>nd</sup> Street.

18  
19 **Christine Rodriguez** stated no.

20  
21 **Commissioner Craig** stated so it will dead-end and Chants will come off of  
22 that.

23  
24 **Christine Rodriguez** stated that is not up to her, that is up to the Chant  
25 brothers. Whether or not they choose to, otherwise if someone wanted to they  
26 could ride their bike and over the bridge on 2<sup>nd</sup> Street and down through their  
27 property to Villa Christina Road, which is going to be asphalted. However, it is  
28 up to the Chant brothers as to whether or not they want to block the access in  
29 or out of that from that wall point and on. They have told her they may gate it  
30 and use it as their personal drive. They want everyone to exit onto 2<sup>nd</sup> Street.

31  
32 **Commissioner Albert** stated was she going to use crusher fines on the one-  
33 way road.

34  
35 **Christine Rodriguez** stated at this time she was not going to asphalt.

36  
37 **Commissioner Albert** stated she biked all over the place and has no problem  
38 with that kind of material or people just get off their bikes and walk. It would be  
39 nice to have bike racks, one in the front and one in the back, and not worry  
40 about the surface of the road. She thinks this is a great development. She  
41 thinks it's an area that would really benefit from a little more retail and  
42 commercial plans.

43  
44 **Christine Rodriguez** stated that is why the whole Gateway area went into  
45 effect so some of that land just sitting there doing nothing can get developed  
46 that fits in with the feel of the Village and that's why she did hers the way she  
47 did because this is where she is going to stay and she appreciated the  
48 comments.

1 **Commissioner Lewis** stated he wanted to compliment her on this well thought  
2 out plan. The Village needs more small businesses that only need 400 to 700  
3 square feet of building.  
4

5 **Christine Rodriguez** stated she thinks its great because it will allow more  
6 income for the Village; all these units will be making and bringing in more gross  
7 receipts and will pay for our new bike path down 2<sup>nd</sup>.  
8

9 **Commissioner Tourville** stated it look like a great plan and what he envisions  
10 that could happen in that whole Gateway area. He asked how the empty lot  
11 where she will build her house will be maintained.  
12

13 **Christine Rodriguez** stated it is clean now, there is a big shed that is for  
14 storage. Her boyfriend is a contractor and he stores his tools there. Her  
15 daughter will be graduating in a few years and in the last year and a half she  
16 has had to move three times. The next time she moves it will be from the front  
17 house to the one in the back and will not be moving again.  
18

19 **Chairman Hannah** asked if there were any more comments or advice. Then  
20 concluded with the proposal looks like it has merit. The configuration seems  
21 very acceptable and looking at the Master Plan this is a perfect time for it. Then  
22 thanked her and closed the discussion.  
23

24 **Christine Rodriguez** thanked the Commission.  
25

26 **5. OLD BUSINESS**-None  
27

28 **6. NEW BUSINESS**-None  
29

30 **7. REPORTS**  
31

32 **A. PLANNING DEPARTMENT REPORT**  
33

34 Planner Seebach gave a report about the EPA and on what the department had  
35 been doing. Chairman Hannah asked for a summary on where they are on the  
36 zoning ordinances. Planner Seebach stated they are updating all the ordinance  
37 language and Attorney Chappell also gave a short summary on how the cleanup  
38 was going, showing them how complicated it is.  
39

40 **9. COMMISSIONER'S INFORMAL DISCUSSION**  
41

42 The informal discussion was:  
43

44 Commissioner Craig went to a presentation that former Commissioner  
45 Radanovich had given on low impact development.  
46

47 Commissioner Albert informed them that the Tour Rio Grande is on September  
48 15 and has hopes of expanding with a bicycle fair afterwards.  
49

50 Administrator Ward gave details on Lavender Fest.  
51

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**10. ADJOURNMENT**

**MOTION: Commissioner Lewis** moved to adjourn the meeting at 9:12 p.m.

**SECOND: Commissioner Craig** seconded the motion.

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

**APPROVED by the Planning and Zoning Commission of the Village Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

**ATTEST:**

\_\_\_\_\_  
Samuel D. Gollis, Secretary  
Planning and Zoning Commission