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**MINUTES**  
**VILLAGE OF LOS RANCHOS**  
**Planning and Zoning Commission**  
**6718 Rio Grande Blvd. NW**  
**Warren J. Gray Hall**  
**October 11, 2016**  
**7:00 P.M.**

9 **Present:**

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11 **STAFF**

12 **Administrator:** Kelly Ward

**Attorney:** Bill Chappell

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

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16 **1. CALL TO ORDER – Chairman Brawley** called the meeting to order at 7:05  
17 pm

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

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

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25 **B. APPROVAL OF THE AGENDA**

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27 **Chairman Brawley** asked Planner McDonough if there were any changes to  
28 the agenda.

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30 **Planner McDonough** stated there was a change. Christine Rodriguez has  
31 withdrawn her application for a sketch site development plan.

32  
33 **Chairman Brawley** asked if this would be a deferment for another time. Then  
34 he asked if the other hearing would be heard as he did have some questions  
35 on that.

36  
37 **Planner McDonough** stated that the site plan would not be presented again  
38 for a few months. And he could talk about the next hearing now or wait.

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40 **Chairman Brawley** stated that if they are still hearing the second one then  
41 they could wait.

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43 **Planner McDonough** affirmed that yes they are hearing it.

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45 **Chairman Brawley** then asked if there was a motion to approve the  
46 amended agenda.

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48 **MOTION: Commissioner Tourville** moved to approve the agenda as  
49 amended.

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

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

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5                   **2. PUBLIC COMMENT PERIOD**

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7                   There was no public comment.

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9                   **3. CONSENT AGENDA**

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11                   **A. APPROVAL OF CONSENT AGENDA**

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13                   **Minutes of the Special Meeting August 29, 2016. And the Minutes of**  
14                   **the September 13, 2016 regular meeting.**

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16                   **Chairman Brawley** asked if there was a motion.

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18                   **MOTION: Commissioner Phillips** moved to approve the minutes as  
19                   presented.

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21                   **SECOND: Commissioner Colman** seconded the motion.

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

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26                   **4. PUBLIC HEARINGS AND APPLICATIONS**

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28                   **Attorney Chappell** swore in those present who would be speaking before  
29                   the Commission.

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31                   **Item 4-A. SDP-16-02** A request by Christine Rodriguez for a Sketch Site  
32                   Development Plan approval for new commercial development in the Gateway  
33                   District Zone of the Fourth Street Commercial Character Area. The property is  
34                   located at 8312 and 8318 4<sup>th</sup> Street NW and is legally known as Plat of Lots  
35                   A-1 and A-2, Villa Christina, bring a replat of Tract "A" Paraiso Escondido  
36                   within the Town of Alameda Grant, Projected Section 16, T11N, R3E,  
37                   N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New  
38                   Mexico as the same is shown and designated on the Plat filed in the office of  
39                   the County Clerk of Bernalillo County, New Mexico on February 24, 2010.  
40                   The property contains 1.1939 acres more or less. **This was deferred from**  
41                   **the September 13, 2016 meeting. And was withdrawn by the applicant**  
42                   **until further notice.**

43  
44                   **ITEM 4-B. CU-16-03** A request by Abel & Lucille Garcia, Knight Seavey,  
45                   Agent, for a guest house not to exceed 1,000 square feet in heated area as  
46                   allowed by § 9.2.7(C) 5 in the A-1 Zone of the North Rio Grande Character  
47                   Area. The property is located at 795 Ranchitos Rd. NW and is legally known  
48                   as the Corrected Plat of Tract-A Rancho Esperanza, Section 20, T11N, R3E,  
49                   N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New  
50                   Mexico, as the same is shown and designated on the Plat filed in the office of

1 the County Clerk of Bernalillo County, New Mexico on October 13, 2015. The  
2 parcel contains 1.1127 acres more or less.

3  
4 **Chairman Brawley** asked Planner McDonough for his planning report.

5  
6 **Planner McDonough** gave his report with notice that Mr. Garcia had  
7 assigned the request to Katherine & James Seavey since the property was  
8 sold and has closed. He then detailed the report with an update of what was  
9 happening with the appeals to the Board of Trustees on the variances from  
10 the August meeting. He then recommended approval with conditions.

11  
12 **Speakers for this discussion:**  
13 **Knight Seavey 5110 Masthead NE, Albuquerque, NM 87109**  
14 **Joyce Stowers 813 Ranchitos Road NW, Los Ranchos, NM**

15  
16 The discussion was lengthy with questions as to whether the Board of  
17 Trustees would have this conditional use in their packet. And would they  
18 know that this could lead to (4) four dwelling units on the one property. It was  
19 noted that Board of Trustees have everything that the Commission had in  
20 their packets on that hearing. Plus, they would have the letters of appeal as  
21 to why they are appealing the variances. But, as for the conditional use they  
22 would have no knowledge of this request unless they were part of the 300'  
23 foot public notice mailings. It was confirmed that going from (2) two to (4) four  
24 dwelling units was possible because a conditional use for a guest house can  
25 be applied for on any size lot and any zoned lot. Attorney Chappell stated that  
26 he had already written a letter to the Board of Trustees stating that the appeal  
27 for the lot split was under Mr. Garcia's name and is no longer valid as the lot  
28 has new owners and should not be heard. Whereas, the appeal on the  
29 variances can be heard since the variances were approved and now go with  
30 the property. There were comments about how this was an uncomfortable  
31 decision as they did not have what the Board of Trustees decision would be  
32 on the lot split or the setback variances. It was noted that this is a separate  
33 issue from the variances and was pre-mature in that there was no main  
34 structure as yet. This is something that can be a condition to the approval that  
35 the guest house cannot be built before the main building is permitted.  
36 Discussion then went on to the fact that variances and conditional uses go  
37 with the property. Clarification was given that a second dwelling attached to a  
38 single family dwelling is considered a guest house. And you cannot have a  
39 second dwelling without a primary dwelling. It was then noted that there were  
40 two possible conditions to this request. One is that there cannot be a guest  
41 house without a primary dwelling and two, that if the appeal fails on the split  
42 then this approval stays in place, but if the appeal is approved and does split  
43 the property then this approval is null and void.

44  
45 **Knight Seavey** gave a quick presentation as to why they wanted the  
46 approval for the guest house and it was to expedite having everything in  
47 place so that when they begin building knowing that they have the permission  
48 for the guest house in place will move things over quickly. The question was  
49 asked of Mr. Seavey as to his reason for having the approval of the guest  
50 house. He stated it was only to have the main house and the guest house  
51 built simultaneously. The main house would be built and the guest house

1 immediately after. So having the plans out to bid for the infrastructure of  
2 power, water and sewer helps with knowing that the plans include the guest  
3 house already.  
4

5 **Joyce Stowers** stated that hearing that the guest house will not be rented  
6 out has relieved some of her concerns. And hearing that it will be located on  
7 the same side of the property as the main house, also relieved her concerns.  
8

9 **Knight Seavey** gave a quick rebuttal to Mrs. Stowers concerns and  
10 confirmed that the guest house would be on the same side of the property as  
11 the main house.  
12

13 **Chairman Brawley** reminded the Commission that there were two possible  
14 conditions that could be added to the conditional use of the guest house, one  
15 being the main house has to be built first and if tomorrow's appeal is  
16 approved and the lot is split this approval is null and void. He then called for a  
17 motion. It was also put on the record that Diane Albert's objection to the  
18 conditional use was noted for the record.  
19

20 **MOTION: Commissioner Craig** moved to approve the request for a  
21 Conditional Use approval for a Guest House in the A-1 Zone of the North  
22 Rio Grande Character Area with the following findings.  
23

24 **2020 Master Plan 7.1 Residential Goal** – The goal is to maintain residential  
25 development in keeping with the rural and diverse character of the Village  
26 and within Village scale.  
27

28 **§ 9.2.25 (E)(2)(a)** A conditional use shall be approved only if, in the  
29 circumstances of the particular case and under conditions imposed, the  
30 proposed use will be in conformance with the Master Plan and will not be  
31 injurious to adjacent property, the neighborhood, or the community.  
32

33 Guest houses have been a common practice in the Village for years, so much  
34 so that they are specifically addressed in the Village Code. Conditions have  
35 been instituted to protect the character of the village such as the prohibition  
36 on renting guest houses.  
37

38 (b) Approval of a conditional use shall be made subject to specific conditions  
39 that are deemed necessary to protect the public safety, health, morals, or  
40 general welfare of the Village.  
41

42 (c) An application for a conditional use for the same property cannot be filed  
43 within six (6) months from the date of the final action on a prior application.  
44

45 (d) The permit for the construction of the guest house would not ~~proceed~~  
46 precede the permit for the construction of the main house.  
47

48 (e) If the appeal for the split lot is approved this approval for the guest house  
49 will be null and void.  
50

51 **SECOND: Commissioner Eby** seconded the motion.

1                   **ROLLCALL VOTE: Commissioner Craig yes, Commissioner Riccobene**  
2                   **yes, Commissioner Eby yes, Commissioner Phillips yes, Commissioner**  
3                   **Colman yes, Commissioner Tourville yes and Chairman Brawley yes.**  
4                   Motion carried unanimously (7-0).  
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7                   **5. OLD BUSINESS**

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9                   *There was no old business.*

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11                   **6. NEW BUSINESS**

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13                   *There was no old business.*

14  
15                   **7. REPORTS**

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17                   **A. PLANNING DEPARTMENT REPORT**

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19                   **Chairman Brawley** asked Planner McDonough for the department report.

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21                   **Planner McDonough** gave his report on discussions he had with property  
22                   owners, a meeting with the Water Utility Authority and working on Stormwater  
23                   Management Plan and the annual report for submittal to EPA  
24

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26                   **9. COMMISSIONER'S INFORMAL DISCUSSION**

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28                   The discussion included an announcement from Commissioner Phillips, who  
29                   stated he may not be here for the November meeting. Commissioner Craig  
30                   stated he represented the Planning and Zoning Commission at the Board of  
31                   Trustees September meeting, which included the presentation of the 4<sup>th</sup> Street  
32                   progress. The tripa properties was the rest of the discussion. The problems  
33                   and ideas on how to solve the them.  
34

35                   **10. ADJOURNMENT**

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37                   **MOTION: Commissioner Colman** moved to adjourn at 8:45 p.m.

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39                   **SECOND: Commissioner Phillips** seconded the motion.

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41                   **VOTE:** was unanimous at a vote of (7-0).  
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**APPROVED** by the **Planning and Zoning Commission** of the **Village Los Ranchos de Albuquerque** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
Tim Tourville, Secretary  
Planning and Zoning Commission