



AGENDA
Village of Los Ranchos
Planning and Zoning Commission
REGULAR MEETING
7:00 p.m.
January 9, 2018

Attorney
Bill Chappell

Planning Staff
Kelly Ward, Administrator
Tim McDonough, Director Planning & Zoning

Planning & Zoning Commission
Joe Brawley, Chair
Jeff Phillips, Vice Chair
Tim Tourville, Secretary
Joe Craig
Lynn Eby
Sandra Pacheco
Tom Riccobene

1. CALL TO ORDER

- A. Roll Call-Chairman
- B. Approval of Agenda

2. PUBLIC COMMENT PERIOD

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on **topics that do not appear elsewhere on the agenda.** Audience members will be given an opportunity to comment on agenda items as they come up. **Speakers must register with Village Staff prior to the beginning of the meeting.**

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Approval of minutes**–November 14, 2017 regular meeting.

4. PUBLIC HEARINGS AND APPLICATIONS

There are no hearings or applications

5. OLD BUSINESS

There is no old business

6. NEW BUSINESS

A. Discussion of the 2030 Master Plan process

B. Discussion of Priorities for 2018

7. REPORTS

A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

9. ADJOURNMENT

1. CALL TO ORDER-CHAIRMAN

A. ROLL CALL

COMMISSIONER CRAIG
COMMISSIONER RICCOBENE
COMMISSIONER EBY
COMMISSIONER PHILLIPS
COMMISSIONER PACHECO
COMMISSIONER TOURVILLE
COMMISSIONER BRAWLEY

B. APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD

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A. Approval of minutes–November 14, 2017 regular meeting.

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MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
November 14, 2017
7:00 P.M.

Present:

STAFF

Administrator: Kelly Ward

Attorney: Bill Chappell

Planning Staff: Tim McDonough, Director

1. **CALL TO ORDER – Chairman** called the meeting to order at 7:00 p.m.

A. ROLL CALL - Commissioner Craig, Commissioner Riccobene, Commissioner Eby, Commissioner Brawley, Commissioner Phillips, Commissioner Pacheco, Commissioner Tourville.

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

B. APPROVAL OF THE AGENDA

Chairman Brawley asked if there was a motion to approve the agenda.

MOTION: Commissioner Tourville moved approval of the agenda.

SECOND: Commissioner Eby seconded the motion.

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

2. **PUBLIC COMMENT PERIOD**

There was no public comment.

3. **CONSENT AGENDA**

A. Approval of the August 8, 2017 P & Z Commission regular meeting.

Chairman Brawley asked if there were corrections or comments to the meeting minutes of August 8, 2017.

Commissioner Pacheco stated that she was the one who seconded the consent agenda, Page 2, line 25.

1 **Chairman Brawley** asked if there were any other corrections or comments.
2 Then asked if there was a motion to approve the consent agenda as
3 amended.
4

5 **MOTION: Commissioner Phillips** moved to approve the minutes of the
6 August 8, 2017 meeting as amended.
7

8 **SECOND: Commissioner Pacheco** seconded the motion.
9

10 **VOTE:** The motion carried unanimously (7-0).
11

12 **4. PUBLIC HEARINGS AND APPLICATIONS**

13 **Attorney Chappell** swore in those of the audience present who would be
14 speaking before the Commission.
15

- 16
17 A. **DR-17-01** An appeal of a Director's Decision denying a petition that the
18 referenced property has been continuously used as a contractor's yard and
19 therefore qualifies as a legally non-conforming use. The property is located at
20 7216 Fourth Street and is legally known as A certain tract of land within
21 Projected Section 21, T11E, R3E, NMPM, Los Ranchos de Albuquerque,
22 Bernalillo County, New Mexico being identified as Tract 157a of the Middle
23 Rio Grande Conservancy District Property Map No. 29. The property
24 contains 1.3595 acres, more or less. The property has dual zoning, C-1 on
25 the front 300 feet, R-2 on the rear. The appellant requested a Declaratory
26 Ruling relating to a non-conforming use on the R-2 portion (easterly) 395 feet
27 of the named Tract. The front (westerly) 300 feet is zoned C-1. *This item was*
28 *postponed from the October 10 hearing date.*
29

30 **Chairman Brawley** asked Planner McDonough for his report.
31

32 **Planner McDonough** stated that they had a request from Mr. Myers to
33 postpone the hearing. After consulting with Mr. Chappell, they determined
34 that they could not approve this and told Mr. Meyers, the agent he would
35 have to request a postponement from the Commission.
36

37 **Matt Meyers** stated that they could just proceed.
38

39 **Planner McDonough** gave his report stating this was an appeal of his
40 decision regarding denial of the use of the property at 7216 4th Street as a
41 contractor's yard.
42

43 **Chairman Brawley** asked if there were any questions for Planner
44 McDonough.
45

46 Discussion was initiated with the question as to why are they hearing this
47 appeal since the Board of Trustees denied the zone change for the property
48 in September 2016. They are just rehashing that decision. Attorney Chappell
49 explained that this is an appeal on a decision and they cannot not hear it.
50 They can only deny the appeal. Attorney Chappell was asked who has the

1 burden of proof. Attorney Chappell state that the burden of proof was on the
2 applicant. With that determination, the meeting continued.
3

4 **Chairman Brawley** call for Mr. Myers the agent for JJM Properties. To give
5 his presentation on the application.
6

7 **Speakers for the discussion:**

- 8 **Matt Myers, Agent 1401 Central Ave NW 87104**
- 9 **Dan Porto, 2021 Garcia St. NE 87112**
- 10 **Leonard Aguilar, 310 Roehl Road NW**
- 11 **Jerome Maldonado, 436 El Llano Lane NW**

12
13 Mr. Myers started by explaining the reason they had taken time to appeal
14 the ruling. Stating that he felt there was not an official declaratory ruling on
15 the use of the property and immediately asked for one after the Board of
16 Trustees had denied the zone change in December 2016.

17 Then went on to talk about how this property was a legal non-conforming lot
18 and according to the affidavits that Mr. Wade Swanson and Jerome
19 Maldonado had given the lot has been in continuous use as a contractor's
20 yard since Mr. Swanson bought it in 1994 and then sold to Mr. Maldonado in
21 2012. There was confusion on the timeline and Planner McDonough
22 clarified that they did not go back before the property was annexed in 1991.
23 Ordinance 125, which was approved in 1994 has the same language in it as
24 the 2003 codified ordinances on contractor's yards. According to Wade
25 Swanson's affidavit he was in continuous business until he sold the property
26 to Mr. Maldonado in 2012. It was pointed out that Mr. Swanson had notified
27 the Village that he ceased operations at the end of 2010 and did not renew
28 his business license in 2011, then sold the property to Mr. Maldonado in
29 2012. It was noted that the problem with Mr. Swanson's affidavit he gives no
30 specifics as to what type of materials he still had on the property. The
31 burden of proof was still on the applicant to prove there were materials on
32 the property.

33 Mr. Daniel Porto, owner of Mr. Rooter and D & L Plumbing stated he had
34 been in business on the property continuously from 2000 to the present day.
35 He stated he had an office and storage space and used the yard for parking
36 of his vehicles, which included the horse trailer that they see in the pictures
37 and a heavier flatbed trailer.

38 Mr. Leonard Aguilar stated that they had lived there since 2003 and had
39 never seen the intensity of use that was on the property currently. He was
40 against having the property as a contractor's yard as he did not like the
41 noise and dust that Mr. Maldonado's company has generated.

42 Mr. Jerome Maldonado gave a rebuttal to the statements of the neighbor
43 stating that each contractor has different needs and his is different from the
44 plastering company and the plumber.
45

46 **Chairman Brawley** then closed the public comment and called for a motion.
47

48 **MOTION: Commissioner Eby** moved to deny the appeal of the declaratory
49 ruling by the Planning Director.
50

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

1 **Chairman Brawley** asked if there was discussion.
2

3 **Commissioner Eby** stated that she based her denial on several factors, the
4 2015 decision was final and there was no timely appeal. There was no
5 sufficient proof either in 1994 of a contractor's yard nor in 2015. And that the
6 current use is much more intense than previously.
7

8 **Chairman Brawley** asked if there were any other comments and seeing
9 none called for a vote.
10

11 **VOTE:** carried unanimously (7-0).
12

13
14 **5. OLD BUSINESS**

15 *There was no old business.*
16

17
18 **6. NEW BUSINESS**

19 *There was no new business.*
20

21
22 **7. REPORTS**

23
24 **A. PLANNING DEPARTMENT REPORT**

25
26 Included in the report was an update on 4th Street with the announcement
27 that Bradbury & Stamm was the company chosen to complete the
28 project. The Board of Trustees approved the changes to the 280' foot
29 setback, the C-1 changes, and the 2020 Master plan changes along with
30 changes to the political sign ordinance. The Stormwater annual report
31 has been finished.
32

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

34
35 Discussion included a request to the County for Stormwater money from the
36 county for Calle del Pajarito by the homeowner's association.

37 The closing of Four Joys Restaurant and Papa Burgers with replacements
38 already in the works Ho Ho Chinese Restaurant and Valley Grill.

39 Doggy bags on the ditch trails and the fact they collected 4,000 pounds last
40 year.

41 The opening of Los Poblanos Campo Restaurant.

42 The upcoming agricultural history of the Village at the Agri-Nature Center in
43 December.

44 The Commission agreed as there was no business for December that the
45 meeting should be cancelled.

46 There was a question on the Commissioner's terms. And a reminder that there
47 were March elections for two Board of Trustee seats and one judge.
48
49
50
51

1 **10. ADJOURNMENT**

2
3 **Chairman Brawley** asked if there was a motion to adjourn.

4
5 **MOTION: Commissioner Tourville** moved to adjourn at 8:35 p.m.

6
7 **SECOND: Commissioner Craig** seconded the motion.

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

10
11 **APPROVED** by the **Planning and Zoning Commission of the Village Los**
12 **Ranchos de Albuquerque** this _____ day of _____, 2017.

13
14 **ATTEST:**

15
16 _____
17 Tim Tourville, Secretary
18 Planning and Zoning Commission
19

4. PUBLIC HEARINGS

THERE ARE NO PUBLIC HEARINGS

5. OLD BUSINESS

THERE IS NO OLD BUSINESS.

6. NEW BUSINESS

A. DISCUSSION OF THE 2030 MASTER PLAN PROCESS

B. DISCUSSION OF PRIORITIES FOR 2018

7. REPORTS

A. Planning Department Report

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT