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

Present:

STAFF

Administrator: Kelly Ward **Attorney:** Bill Chappell
Planning Staff: Tim McDonough, Director

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

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

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

B. APPROVAL OF THE AGENDA

Chairman Brawley asked Planner McDonough if there were any changes to the agenda?

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

Chairman Brawley called for a motion to approve the agenda.

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

SECOND: Commissioner Colman 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 CONSENT AGENDA

1. Approval of the minutes of the July 12, 2016 meeting.

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

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

SECOND: Commissioner Tourville seconded the motion.

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

4. PUBLIC HEARINGS AND APPLICATIONS

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

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

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

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

Speakers for this discussion were:
Martin Grummer, Agent for Peterson Properties & JMD Partnership, 2325 San Pedro Dr. NE Albuquerque, NM 87110
Robert Chavez, 324 Enchanted Valley Place NW, Village
Camille Varoz, 427 El Paraiso Rd. NW, Village
Randy Gallegos, 502 Chavez Rd. NW, Village

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

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

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

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

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

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

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

Chairman Brawley asked Planner McDonough for his planning report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECOND: Commissioner Tourville seconded the motion.

The Commission had a lengthy discussion at which time.

Commissioner Colman called for a vote on the question.

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

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

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

SECOND: Commissioner Riccobene seconded the motion.

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

Commissioner Craig called for a vote on the question.

ROLLCALL VOTE: Commissioner Craig, Aye. Commissioner Riccobene, Aye. Commissioner Eby, Nay. Commissioner Phillips, Nay. Commissioner Colman, Aye. Commissioner Tourville, Aye. Commissioner Brawley, Aye. The motion carried with a vote of (5-2).

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

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

SECOND: Commissioner Riccobene seconded the motion.

ROLLCALL VOTE: Commissioner Craig, Aye. Commissioner Riccobene, Aye. Commissioner Eby, Nay. Commissioner Phillips, Nay. Commissioner Colman, Aye. Commissioner Tourville, Aye. Commissioner Brawley, Aye. The vote carried with a vote of (5-2).

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

5. OLD BUSINESS

A. Discussion and recommendation on text changes for §9.2.14 VC Village Center Zone.

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

6. NEW BUSINESS

There was no new business.

7. REPORTS

A. PLANNING DEPARTMENT REPORT

There was no department report this month.

9. COMMISSIONER'S INFORMAL DISCUSSION

There was no informal discussion.

10. ADJOURNMENT

Chairman Brawley asked it there was a motion to adjourn.

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

SECOND: Commissioner Tourville seconded the motion.

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

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

ATTEST:

Tim Tourville, Secretary
Planning and Zoning Commission