



AGENDA
 Village of Los Ranchos
 Planning and Zoning Commission
 REGULAR MEETING
 7:00 p.m.
 June 11th, 2019

Planning Staff

Tim McDonough, Director Planning & Zoning
Tiffany Justice, Planner
Jennifer Schilling, Scribe

Administrator

Attorney

Nann Winter

Planning & Zoning Commission

Jeff Phillips, Chair
-- Vice Chair
Lynn Eby, Secretary
Sandra Pacheco
Al Park
Drew Seavey
Dan Gay

1. CALL TO ORDER

- A. Roll Call
- B. Approval of the 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 the minutes**– May 14, 2019 regular meeting.

4. PUBLIC HEARINGS AND APPLICATIONS

- A. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.
- B. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.
- C. ZMA 19-02** An application by Lutgen Properties, LLC for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property in the R-2 Zone with a Special Use Permit for parking of the Guadalupe Trail Corridor and Character Area and the C-1 Zone of the Fourth Street Corridor and Character Area. The property is split in both Zoning and Character Area. The property is located at 7511 Fourth St. NW and is legally known as a certain tract of land situated within the Alameda Grant, Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy District Property Map No. 27. The property contains 1.945 acres more or less.

5. OLD BUSINESS

- A. Discussion of the 2035 Master Plan process

6. NEW BUSINESS

- A. Election of Officers
 - 1. Nominations for Vice-Chair

7. REPORTS

- A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY JULY 9, 2019

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and Open Meetings Resolution 2019-1-P&Z.



Tiffany Justice, Planner, Planning and Zoning

May 31, 2019
Date

A. CALL TO ORDER- Chairman Phillips

A. ROLL CALL

**COMMISSIONER PARK
COMMISSIONER EBY
COMMISSIONER PACHECO
COMMISSIONER PHILLIPS
COMMISSIONER SEAVEY
COMMISSIONER GAY**

B. APPROVAL OF THE 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. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

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 for May 14, 2019 regular meeting.

MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
May 14, 2019
7:00 P.M.

Present:

Attorney: Nann Winter
Planning Staff: Tim McDonough, Director
 Tiffany Justice, Planner
Scribe: Jennifer Schilling

1. CALL TO ORDER – Acting Chair Eby called the meeting to order at 7:02 p.m.

A. ROLL CALL - Commissioner Park, Commissioner Pacheco, Commissioner Seavey, Commissioner Gay, Commissioner Eby. Commissioner Riccobene was excused. Commissioner Phillips was excused.

Acting Chair Eby stated there was a quorum present for the meeting.

B. APPROVAL OF THE AGENDA

Acting Chair Eby asked Planner McDonough if there were any changes to the agenda.

Planner McDonough stated that items 4; C and D, have been moved to June meeting at the request of the applicant. There were only two items on the agenda.

MOTION: Commissioner Park moved for approval of the agenda.

SECOND: Commissioner Pacheco seconded the motion.

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

2. PUBLIC COMMENT PERIOD

There were no public comments.

3. CONSENT AGENDA

A. APPROVAL OF CONSENT AGENDA

1 **1. Minutes of the Regular Meeting on April 9, 2019**
 2

3 **Acting Chair Eby** asked if there were any corrections or comments on the
 4 minutes of the April 9, 2019 meeting.

5
 6 There were no corrections of comments made.

7
 8 **MOTION: Commissioner Pacheco** moved for approval of the minutes.

9
 10 **SECOND: Commissioner Park** seconded the motion.

11
 12 **VOTE:** The motion carried unanimously (5-0).

13
 14 **4. PUBLIC HEARINGS AND APPLICATIONS**

15
 16 **Acting Chair Eby** asked that those who plan to speak before the Commission
 17 please stand to be sworn in by the Attorney.

18
 19 **Attorney Winter** swore in those in the audience, who would be speaking
 20 before the Commission.

21
 22 **A. HO#543** A request by Lisa Knighton for a Home Occupation permit as
 23 authorized under §9.2.25(D)(4) Home Occupation Permit. The applicant
 24 desires to provide indoor physical training for women for primarily wellness,
 25 private instruction, post rehabilitation for orthopedic and muscular fitness,
 26 and small group instruction for Pilates and/or cardiovascular wellness (2-4
 27 people) in the R-2 Zone of the Camino Real Residential Character Area.
 28 The property is located at 435 El Paraiso Rd. NW and is legally known as
 29 Lot 46, Unit 2 of El Paraiso Subdivision in School District No. 4, Bernalillo
 30 County, New Mexico. The property contains 0.46 acres, more or less.

31
 32 **Speakers for the discussion:**

33 **Lisa Knighton 435 El Paraiso Road NW**

34 **Roma Arellano 199 Mira Sol Corrales, NM 87048**

35 **Don Hedges 1463 4th Street NW**

36 **Vernon Mulanix 435 El Paraiso Road NW**

37 **Diana Clark 601 El Paraiso Road NW**

38 **Camille Varoz 427 El Paraiso Road NW**

39 **Blake Whitcomb of Hunt & Davis, P.C. 2632 Mesilla St. NE, Albuquerque,**
 40 **NM**

41
 42 **Acting Chair Eby** asked Planner McDonough to give his report.

43
 44 **Planner McDonough** gave the planning report, noting that this issue was a re-
 45 hearing. The Village had reviewed the application and felt that the request was
 46 within the criteria set out in the zone code for a Home Occupation. Planner
 47 McDonough concluded the planning report with recommendation to approve
 48 the request for a Home Occupation license.

49
 50 **Acting Chair Eby** asked if there are any questions.
 51

1 **Commission Gay** asked Planner McDonough if the packet information is new
2 since the January hearing, and if the hearing is essentially starting over. He
3 clarified to ask if all the information provided at this hearing is all the same
4 information provided from the previous hearing.

5
6 **Planner McDonough** replied that there was some additional information that
7 was received after packets went out for the Board of Trustees meeting, but the
8 bulk of the information is the same as what was presented before the
9 Commission in January. What has changed are the public notices. He stated
10 that the department re-public noticed in the Journal on April 20th and sent it to
11 mail on April 16th. We re-noticed the meeting as if we were staring over.

12
13 **Acting Chair Eby** asked if there are any more questions.

14
15 **Commissioner Park** stated he might have questions but wanted to hear from
16 the audience first.

17
18 **Commissioner Pacheco** asked if the three Home Occupation permits
19 referenced in the planning report were active.

20
21 **Planner McDonough** replied that two of the three Home Occupations were
22 active.

23
24 **Commissioner Pacheco** followed up by asking if the two were in the
25 neighborhood where Lisa Knighton's business is located.

26
27 **Planner McDonough** confirmed that the Home Occupations are in the
28 neighborhood.

29
30 **Commissioner Gay** asked which Home Occupation is still active.

31
32 **Planner McDonough** answered that the Home Occupation that he is aware
33 of, that is no longer active, was at 427 El Paraiso; Silent Productions LLC, the
34 other two to the best of his knowledge are still active.

35
36 **Commissioner Gay** thanked Planner McDonough.

37
38 **Acting Chair Eby:** Asked for any other questions.

39
40 **Commissioner Seavey** stated that he has not encountered any adjacency
41 requirements for Home Occupations and assumes that there is none. He asks
42 Planner McDonough if he could speak to that.

43
44 **Planner McDonough** replied that that's a correct assumption, there's nothing
45 in the code about adjacency of Home Occupations.

46
47 **Acting Chair Eby** asked for anything else. At this point, no further questions
48 were asked. Acting Chair Eby then asked if the applicant is present, which she
49 was, Acting Chair Eby asked the applicant to come forward and state her name
50 and address.

51

1 **Lisa Knighton**, 435 El Paraiso Rd. NW, Los Ranchos. She spoke to the nature
2 of her business, stating that it is small. She went on to describe the area where
3 the business is conducted, in the studio. The studio can accommodate three
4 people, not including the owner. She describes the business as a one-on-one
5 business. The clients park in the applicant's driveway, or on a paved gravel
6 area outside the home. She says that the approximate half-acre is large
7 enough to accommodate three cars, which is the most client-vehicles that
8 would be present at a single time. The applicant then discusses the services
9 provided via the business, primarily women, for some kind of rehabilitation or
10 one-on-one classes. She conducts her business from six in the morning, if she
11 has a client, to about six in the afternoon. It's very low-key, small, very quiet,
12 and working with adults that are there for their health. She does not have any
13 more to say.

14
15 **Acting Chair Eby** asked the applicant if she has been operating since the
16 original approval of the application.

17
18 **Lisa Knighton** responded that yes, she has been operating, and about at one-
19 third capacity, with six to seven clients. As far as the traffic on the road, she
20 states she has some clients who walk, because they are in the neighborhood,
21 where potential clients are currently targeted.

22
23 **Commissioner Gay** asked the applicant how she is targeting clients in the
24 neighborhood.

25
26 **Lisa Knighton** answered that she has not done any advertisements because
27 of what has been going on in the neighborhood. She says currently the most
28 advertising of her business has been word-of-mouth, but that she does plan to
29 have business cards, fliers, and she works with a small networking group. She
30 mentions that she is part of a professional organization that does advertise and
31 that some clients may hear of her business through that organization, which is
32 a certifying body. Ms. Knighton emphasizes word-of-mouth.

33
34 **Commissioner Gay** stated that he wonders how the applicant targets people
35 who could walk to the neighborhood if she has a pretty broad marketing
36 strategy.

37
38 **Lisa Knighton** answered that she does have a marketing plan, but she hasn't
39 implemented it.

40
41 **Commissioner Gay** said he must have misunderstood and thanked the
42 applicant for the clarification.

43
44 **Acting Chair Eby** asked if there are any other questions from the
45 Commissioners for the applicant. There are no other questions from the
46 Commissioners. Acting Chair Eby asked the audience if there is anyone
47 present who would like to speak in favor of the application.

48
49 **Roma Arellano**, 199 Mira Sol in Corrales, NM. She described her personal
50 history of growing up in the North Valley, as well as her husband. She and her
51 husband met Lisa about a decade ago and would like to think she had a part

1 in influencing Lisa to move to Los Ranchos, as she herself lived in Los Ranchos
2 previously. She describes the home that Lisa is operating the Home
3 Occupation out of as having been a foreclosure and abandoned for many years
4 and advised Lisa it was a wonderful area that Lisa could help renovate. She
5 urges the neighborhood, where the Home Occupation is located, to consider
6 Lisa and Vernon as good people, about community, that they have already
7 brought up the value of the home and thus the neighborhood. Referring to
8 Commissioner Gay's question about clients walking to Lisa's home, she knows
9 some of these clients and has also promoted Lisa's business through word-of-
10 mouth. She would love to have Lisa and Vernon as neighbors because they
11 increase the value of the neighborhood and because they do good for
12 Albuquerque.

13
14 **Acting Chair Eby** thanked Ms. Arellano and then asks if there are any others
15 who would like to speak in favor of the application.
16

17 **Don Hedges** 6463 4th St. NW, Los Ranchos. He stated that he has been at
18 that location for about 45 years, and that his office is in the El Paraiso
19 neighborhood. He is very much in favor of this Home Occupation permit, that
20 the Home Occupation in question is a real asset to the community in many
21 ways. He says that the house used to be run down wreck with homeless people
22 living there, and he had considered buying the property but felt there was too
23 much work to be done and that is would have been too costly. He commends
24 Lisa and Vernon for cleaning up the property and says it is a very nice house
25 now. He states he has the greatest respect for the homeowners and says that
26 the work Lisa is doing is good for our fellow man. He goes on to explain, saying
27 that Lisa is not making the business a medical practice but is open to those
28 who do not have insurance or cannot afford to go to other places in
29 Albuquerque. Hedges discusses the petition that was passed around opposing
30 the permit and says the plaintiff should be in favor of the Home Occupation
31 because there are no longer derelicts living in the home. He also says that two
32 other neighbors are also very much in favor of the permit but could not be
33 present at the meeting. Mr. Hedges then addresses the issue of those who
34 complain about other neighbors, and how it is not a good idea. He addresses
35 Camille Varoz directly. Acting Chair Eby asks Mr. Hedges to only address
36 comments to the Commissioners and not the other witnesses. He continued
37 saying there have been other complaints from individuals, individual, and says
38 the neighborhood lets it go. He says there have been complaints that are not
39 filed. He argues the neighbors need to get along and that some of the
40 complaints are petty and ridiculous and that he will not put up with it any longer.
41 He again emphasizes his favor for the Home Occupation and concludes saying
42 he can answer any questions from the Commissioners.
43

44 **Commission Eby** said they would like to move on the other witnesses and
45 that during a discussion period, others may ask Mr. Hedges questions, if there
46 are any. She then invited others in favor to speak.
47

48 **Dan Fiala**, 501 El Paraiso Rd. He stated his appreciation for Lisa and Vernon
49 because they have brought improvements to the neighborhood now that the
50 house is no longer abandoned. He says Lisa and Vernon are quiet people and

1 very sociable, great people to get along with if you want to. He concludes that
2 he is in full favor of their Home Occupation permit.

3
4 **Acting Chair Eby** said thank you and asks if anyone else would like to speak
5 in favor of the Home Occupation application.
6

7 **Vernon Mulanix** introduced himself as Lisa's partner, and lives at 435 El
8 Paraiso Rd. Referring to Lisa, he says she has been operating this business
9 for over four and half months now. He says he has spoken to the neighbors
10 and has heard no issues or concerns, and that some of the neighbors don't
11 even know that anything is going on. He says the nature of the complaint is so
12 utterly ridiculous. He has not spoken, up to this point and feels that the
13 complaints and hearings have become oppressive. He argues that these
14 hearings and answering complaints is just a means of accommodating
15 somebody who is very, very problematic and who is complained about by
16 everyone he has talked to, because she complains about everything. Everyone
17 is just trying to accommodate her. He continues that it's gotten to the point that
18 they feel infringed upon because of the accommodations made for this person.
19 He begins to discuss the petition that was sent around... he stops to mention
20 that as a business advisor it was his suggestion that Lisa get the correct
21 permits/licenses needed to run her business, saying since they have been
22 following the rules, they have had more and more complaints and it's just
23 getting tiring. He returns to the topic of the petition as having been framed as
24 though a Walmart was moving in, selling automatic weapons to gang
25 members. Vernon says whenever he spoke to neighbors about the Home
26 Occupation, they were shocked that it was not what it sounded like when
27 Camille explained what was going to come in. He argues that Lisa's business
28 is a benign business, that Lisa is a loving person who is just trying to heal
29 people and that she's sharing herself and her 30 years of talent to make people
30 healthier. He concludes by comparing the business to his men's social group,
31 every other week, saying his group has more traffic than Lisa's has ever had,
32 emphasizing that the traffic generated from his men's group is a social group.
33

34 **Acting Chair Eby** asked if there is anyone else who would like to speak in
35 favor of the application. There are no further speakers in favor of the
36 application. She asked if there is anyone in the audience who would like to
37 speak in opposition of the application.
38

39 **Diana Clark**, 601 El Paraiso Rd. NW, stated that she is a 50-year resident who
40 has lived in the Valley her whole life, all but 10 years. Ms. Clark had written
41 down what she wants to say because she feels that information was left out at
42 the last hearing, and that she has additional information that she would like to
43 talk about. She first discusses the other Home Occupations in the
44 neighborhood and how the community doesn't have any objection to those
45 because they do not bring clients into the neighborhood but rather work out of
46 their house and leave to meet their clients. She asks a question about the hours
47 of operation that Ms. Knighton mentioned, from 6:00 a.m. to 6:00 p.m. She
48 argues that this is more than a normal business she would go to would be
49 open. She compares the hours to that of a hospital or other rehab. She
50 expresses that she doesn't understand the working hours. Moving on to her
51 objection to the Home Occupation, she suggests that the business is a

1 commercial business in a residential area. She reviews the application's
2 history. Ms. Clark makes a point that most other Home Occupations in the area
3 are not in residential areas. She says that allowing the application to go through
4 and having the business operational would harm the real estate value of the El
5 Paraiso subdivision, to her property value and to all property values in the area.
6 She also says that potential homeowners would not be interested in their
7 homelife being impacted by a commercial business in the neighborhood. Ms.
8 Clark discusses the traffic issues from the congestion from 4th Street. She
9 presents photos of street signs prohibiting trucks, and a photo of a large truck.
10 She concludes.

11
12 **Acting Chair Eby** asked if there is anyone else to speak in opposition of the
13 application.

14
15 **Camille Varoz** 427 El Paraiso road. She explained her home as being adjacent
16 to the Home Occupation that is in practice. She says that for the last 70 years
17 her family has enjoyed the agricultural environment of Los Ranchos. She
18 expresses the concern over high traffic in the neighborhood, suggesting it is
19 partly due to Ms. Knighton's Home Occupation. Ms. Varoz lists what she says
20 are impacts to the neighborhood; parking, traffic, privacy, and injurious
21 activities. She presents from the podium printed photos, describing parked
22 cars, clients, and a photo viewed from 6th street off of El Paraiso. She states
23 that she is not sure if the Commissioners care to look at the photos.

24
25 **Acting Chair Eby** stated that she has a question for the attorney. She is aware
26 that Ms. Varoz can give testimony about these things, but questions why these
27 photos were not part of the record.

28
29 **Attorney Winter** stated she has no objections with the photos because the
30 record should be as comprehensive as we can make it, at this point. The code
31 controls, and Ms. Varoz is here to present her case. She would err on the side
32 of allowing Acting Chair Eby's consideration of the photographs.

33
34 **Camille Varoz** continued to describe the photos: a truck going against the
35 traffic, a photo of a line of cars, another of a truck parked on Ms. Varoz's right
36 of way, one photo of a heavy equipment truck, and a photo of a single car who
37 she says made a U-turn and almost hit a sheriff, who did not address the driver.
38 She says that a lot of cars off of 4th come into the neighborhood to make U-
39 turns. Ms. Varoz claims that neighbors were not notified about the business.
40 She expresses her constant concern for children's safety in the neighborhood,
41 due to the traffic. She says that Home Occupations that are De Minimis value
42 the neighborhood, expressing that this is how the neighborhood has
43 maintained a neighborhood that is friendly and caring as opposed to individual
44 benefits from a business that is being promoted through applications through
45 the Village. She questions the Commissioners and the director of Planning and
46 Zoning on what the neighbors' part is in neighborhoods. She says she supports
47 economic development but would never support injurious impacts of traffic.

48
49 **Acting Chair Eby** thanked Ms. Varoz for her testimony and asks the audience
50 if there are any others who would like to speak in opposition to the application.
51

1 **Blake Whitcomb** introduced himself as an attorney with Hunt & Davis P.C.
2 and represents Ms. Varoz. He stated the address 2632 Mesilla St. NE, 87110
3 and continued to speak to a couple of things mentioned previously. He says
4 that the arguments presented seem like a lot of petty squabbling and would
5 prefer that speakers address the actual elements and merit of the case, instead
6 of mud-slinging, which is coming from both sides of the argument. He
7 discusses how improvements made to the property by Lisa and Vernon should
8 not be considered into the case because that's not what the evaluation should
9 be about. He also argues that the work that Lisa does, and he repeats Don
10 Hedges' comment about helping our fellow man, is not what the
11 Commissioners are here to evaluate. He says that the Home Occupation is
12 disruptive to neighbors as evidenced by those who came to speak on this
13 discussion and asks the Commissioners to deny the Home Occupation
14 application. He concludes by asking the Commissioners if they have any
15 questions for him. There are no questions. He continues saying that the
16 Planning and Zoning Director's explanation discussed that Home Occupation
17 should not produce increased vehicular traffic, and refers to Ms. Knighton's
18 testimony that she has up to three cars that can come from 6:00 a.m. to 6:00
19 p.m., day and night and that her testimony demonstrates a parking problem for
20 a normal dwelling, thus violates the ordinance. He closes by restating what Ms.
21 Varoz argued, that the Home Occupation does disrupt the neighborhood and
22 urges that the Commissioners vote against it.

23
24 **Acting Chair Eby** asked if there are any others who would like to speak in
25 opposition to the application. There is no response from the audience. Acting
26 Chair Eby then asked the applicant if she would like to respond to any of the
27 comments that were made.

28
29 **Lisa Knighton** discussed the hours of operation of her business, explaining
30 that the early hours are for one person, maximum two, or she may leave at
31 5:30 a.m. to visit a client. She leaves that time open to accommodate her
32 clients' availability and would meet with a client as early as 5 a.m. if needed.
33 The evening hours, until 6pm, are to accommodate clients who work until 4:00
34 or 5:00 p.m. and would elect to work with Ms. Knighton after their work day.
35 She explains that she does not work 40 hours per week or 20 hours per week,
36 but at present works four hours per week and is working at one-third capacity.
37 She states she has been doing this work for 36-37 years and has never worked
38 more than four hours per day. Because of the nature of her job, she works a
39 lot with her hands. It's a very physical job and therefore she does not work
40 eight-hour days and never has. Due to these hours and small studio size, she
41 argues that there will be insignificant amounts of traffic on the street. She states
42 she is curious about the photos mentioned and that she deserves to see these
43 photographs. Referring to Vernon's men's group, there may be up to six cars
44 that come to their home for that, and she would like to see the photographs.
45 Lisa states she has been working and the most clients she's had at one time
46 is three. She says that she can't think of anything else to address with regard
47 to her business.

48
49 **Acting Chair Eby** asked the audience if there are any further comments from
50 any one.
51

1 **Planner McDonough** wanted to clarify a few things. A comment was made
2 about neighbors not being notified about this. He states that the Planning and
3 Zoning department of the Village has done multiple mailings to all the residents
4 within 300 feet, so everyone was well notified. There was a comment about
5 careless driving in front of a sheriff's officer and there had been no reports
6 about that incident. He states that the criteria for a Home Occupation is not
7 about whether a neighbor thinks it disturbs the neighborhood. The code is very
8 clear about what is allowed with a Home Occupation, it states up to 10 vehicle
9 trips per day, and when we're talking about three to four cars, it doesn't
10 threaten the conditions of the code at all. The rule is to interpret if the Home
11 Occupation compiles with the code. He thanks the Commissioners for their
12 attention of all these matters.

13
14 **Acting Chair Eby** asked Planner McDonough if there are code restrictions for
15 hours of operation for Home Occupations.

16
17 **Planner McDonough** answered that no, there are not.

18
19 **Blake Whitcomb** began to speak; Ms. Knighton had also approached the
20 podium. Mr. Whitcomb says he doesn't want to make her sit down, so they can
21 both stand there. He proceeds to ask the Ms. Knighton about something she
22 had testified.

23
24 **Commissioner Park** interrupted to ask about procedure policy, and if this
25 cross-examination is allowed. He states he is not objecting, but that he has
26 never seen this done. Mr. Whitcomb begins to answer when Acting Chair Eby
27 says she would like their attorney to answer the question.

28
29 **Attorney Naan Winter** stated that she does not think there is a process for
30 cross-examination, that this is a pretty open hearing process and if the
31 gentleman has questions, she would not characterize it as cross-examination.
32 If he has a question, concern, or observation he can... she does not finish this
33 sentence. Commissioner Park says that's fine and is about to say something
34 else.

35
36 **Acting Chair Eby** interrupted to say she would prefer that questions be
37 addressed to the Commissioner and if they feel it is appropriate, they will ask
38 for comments.

39
40 **Blake Whitcomb** said that was fine, although he thought that there is a law in
41 administrative meetings for the opportunity to question the witnesses. He
42 returns to his question, this time directed to the Commissioners. He asks if he
43 is correct that she may have up to two people operating at her residence at
44 5:00 in the morning.

45
46 **Commissioner Park** responded, no, and states that he didn't think that's what
47 she said.

48
49 **Acting Chair Eby** replied that she recalls Ms. Knighton saying the earliest is
50 6:00 a.m. but may leave her home at 5:30 a.m. She asks if Ms. Knighton would
51 like to address the question.

1
2 **Lisa Knighton** stated that she accommodates working clients if someone has
3 to be at their office at 8:00 a.m. and wants to come and work with her from 6:00
4 -7:00 a.m., she has a shower in the studio for them to use, so clients can come
5 and work together, shower, and be off to their office by 8:00 a.m. She says that
6 this is something she has done.
7

8 **Blake Whitcomb** argued that this does not answer his question, and again
9 asks if Ms. Knighton has had up to two people at her residence at 5:00 a.m.
10

11 **Commissioner Pacheco & Commissioner Park** both responded that they
12 did not hear that.
13

14 **Lisa Knighton** answered that she can have up to three people at the studio at
15 a time. Most her clients come individually, but she has had clients who share
16 a session. She asks if she is answering the question.
17

18 **Commissioner Park** asked if she is seeing any clients at 5:00 a.m.
19

20 **Lisa Knighton** responded that she not currently seeing clients at 5:00 a.m.
21

22 **Blake Whitcomb** acknowledged that Ms. Knighton is not currently seeing
23 clients at 5:00 a.m. but asked if she would see clients at 5:00 a.m.
24

25 **Lisa Knighton** answered that of course she would.
26

27 **Blake Whitcomb** said thank you. He then argued that having clients park at
28 the residence at 5:00 a.m. is an abnormal use of a dwelling. He continues that
29 the code is not just about parking, but also if a Home Occupation is interrupting
30 the function of a residential neighborhood.
31

32 **Acting Chair Eby** asked if there are any further comments. There are none.
33 The floor is now closed for comments. She explains the procedure of calling a
34 motion, if it is seconded, the Commissioners will have discussion. She asked
35 if there is a motion.
36

37 **MOTION: Commissioner Pacheco** moved to approve the application, as it
38 does meet the conditions for approval.
39

40 **SECOND: Commissioner Seavey** seconds the motion.
41

42 **Acting Chair Eby:** Announced the motion, the second, and asked if there is
43 any discussion among the Commission.
44

45 **Commissioner Park** thanked everyone in the audience who came. He stated
46 that those who spoke all had a lot of the same themes; neighborhood,
47 community, friendship, and fellowship. He says that it is evident that all who
48 spoke deeply care about their community and hopes that whatever happens
49 here, the neighbors would continue to hold to those community standards. He
50 argues for the importance of community and hopes that the neighbors involved
51 don't lose sight of that. He goes on to discuss the photos that were presented

1 and states that he can't be sure that these photos are tied to the Home
2 Occupation.

3
4 **Acting Chair Eby** expressed her problem with introducing photos and other
5 exhibits that haven't been circulated to the Commission, the applicant, or the
6 like. She stated that we don't know what they represent, and we don't have
7 someone here can say it is or is not what the presenter is saying it is.

8
9 **Attorney Winter** stated that she did make a request to Mr. Whitcomb and Ms.
10 Varoz, to provide those when she heard that there was additional evidence, a
11 few weeks ago. She renewed that request a couple days ago and was informed
12 yesterday or this afternoon that Mr. Whitcomb was not in possession of the
13 photos. She explained the photos in front of her: a "Jackson Compaction" truck,
14 a No-Thru truck sign, and a weight-limit of a five-ton truck sign, noting that the
15 photos were not dated. She also describes the correspondences that were
16 presented by Ms. Clark, one is from 2019, others are dated prior to the
17 application. Any photos or letters dated previous to the application are not
18 relevant. She still does not have any photos or letters provided by Ms. Varoz.

19
20 **Acting Chair Eby** said that this is why she is inclined to disallow things that
21 haven't been presented before tonight as part of the record.

22
23 **Commissioner Park** said, for the record, because it may end up in front of the
24 Board of Trustees, that he did not hear any evidence tying the cars in the
25 photos to the applicant's business. He then asks the Planner about the
26 ordinance and standards and asks for clarification so that he can apply what
27 has been presented, in order to make a decision.

28
29 **Planner McDonough** read the ordinance; Part C – conditions of the approval.

30
31 **Commissioner Park** repeated the standards laid out in the ordinance, one at
32 a time in comparison to Lisa Knighton's business, stating that the business
33 meets the requirements laid out in the ordinance, with the only possible
34 question being if it produces increased traffic, but does not believe, based on
35 the evidence, that the amount of traffic generated would cause an issue. By
36 the facts and evidences presented to the board, he says it warrants approval
37 of the application.

38
39 **Acting Chair Eby** asked if any of the Commissioners have any other
40 comments. There are no further comments. Acting Chair Eby called for a vote.

41
42 **VOTE:** The motion carried unanimously (5-0).

43
44 **Acting Chair Eby** stated to let the record show that the public hearing on
45 item 4-A in the request by Lisa Knighton for a Home Occupation is formally
46 closed.

- 47
48
49 **A. V-19-04** A request by Kala Baca for a variance from §9.2.14(C) Uses, Single
50 Family Residence - Prohibited, as the applicant desires to build a single-family
51 residence at this location. The property is located at 431 Sandia View NW and is

1 legally known as Lot 41-F-1-B Lands of Chavez, within Sections 28 & 29, T. 11 N.,
2 R. 3 E., N.M.P.M., Elena Gallegos Land Grant, Village of Los Ranchos de
3 Albuquerque, Bernalillo County, New Mexico. The property contains 0.2410 ac,
4 more or less.

5
6 **Speakers for the discussion:**

7 **Kala Baca 1305 Bridle Wood NE, ABQ, NM 87113**

8 **Robert Chavez 324 Enchanted Valley Pl.**
9

10
11 **Acting Chair Eby** read the next item, V-19-04, from Kala Baca, then asked
12 Planner Justice for the Planning Report.

13
14 **Planner Justice** gave the Planning Report, including history and traditional
15 dividing of land among families. She stated that the Planning and Zoning
16 Department recommends approval.

17
18 **Acting Chair Eby** asked if there are any questions from the Commissioners
19 for Planner Justice. There is no response. Acting Chair Eby asks about the
20 substantial hardship, asking if that's the right term.

21
22 **Planner Justice** corrected as "unnecessary hardship".

23
24 **Acting Chair Eby** continued, asking for clarification on the term.

25
26 **Planner Justice** explained that in the Village code there is a section for
27 variances and how they may be granted, the first in Section A. She goes on to
28 read this and presents how this case falls under unnecessary hardship. She
29 says, we believe that the property in under two, when compared to other land
30 in the vicinity, the parcel is exception by reason, or condition or use of the
31 parcel or any other land in the vicinity which conditions or use had existed when
32 the provisions were adopted. So, this land was able to be used as a single-
33 family residence prior to the Village changing the code.

34
35 **Acting Chair Eby** asked what year that was in.

36
37 **Planner Justice** answered, 2002. Prior to that they were able to build a single-
38 family residence on that property. With the adoption of the Village Center Zone,
39 the only dwelling unit densities allowed in that zone are higher than single-
40 family residential, 12-24 dwelling units and so reverting back to a previous zone
41 for commercial is also not allowed for single-family because that part of the
42 code has changed. Previously a commercial zone was able to have a single-
43 family residence but since then the code has change, and you cannot have a
44 single-family residence on a C-1 zone. Planner Justice asked if that was clear.

45
46 **Acting Chair Eby** answered, yes but that she has always had a problem with
47 the unnecessary hardship. So, you're saying basically that before the changes
48 in 2002 this would have been allowed, and now for the last 17 years it hasn't
49 been allowed? Planner Justice relies yes. Acting Chair Eby continues, and so,
50 there are other properties in the area that are similar to the purposed?
51

1 **Planner Justice** replied, yes, they are single-family residential lots.
2

3 **Acting Chair Eby** asked if the other lots are as small as the lot in question?
4

5 **Planner Justice** said yes, around this property size.
6

7 **Acting Chair Eby** asked if there are any other questions from the
8 Commissioners for Planner Justice. There are no questions. She proceeds to
9 ask if the applicant is present. The applicant was present. Acting Chair Eby
10 asked Ms. Baca to come forward and to state her name and address.
11

12 **Kala Baca**, formerly Chavez, she began to talk about her family and stopped
13 to state her address, asking if it her current address where she is living or the
14 property in question. She gives her current address, 1305 Bridle Wood NE,
15 Albuquerque, NM 87113. She resumes discussion on her family saying, my
16 family, you know, we're Chavez road. It's been an honor that my grandmother
17 left me this property, because I want to come back home. That's all I have to
18 say.
19

20 **Acting Chair Eby** thanked Ms. Baca and asked the audience if there is anyone
21 present who would like to speak in favor of this application.
22

23 **Robert Chavez** 324 Enchanted Valley Pl., Los Ranchos, part of the Chavez
24 group. He states that the case he wanted to discuss was already discussed by
25 the Planning and Zoning, he thanked them for their statement about the
26 tradition of the Chavez properties. He says he thinks there are several good
27 reasons for this to be approved; 1) his mom's house is still there and will
28 continue to be there in the foreseeable future, it's not going to change. It's on
29 the east side, half acre of the property, he proceeds to detail which property is
30 his mother's property and how it was divided to pass on to his nieces, nephews,
31 and his daughter, 2) His daughter, nieces and nephews are not developers,
32 they have no interest in building high-density structures for commercial, 3) If
33 the variance is not allowed the value of Kala's lot will be minimized greatly,
34 there will be no value, the land probably couldn't be used for much of anything,
35 and 4) the VC zoning is somewhat harmful to the current owners because they
36 don't have any interest in high-density, commercial building. He concludes.
37

38 **Acting Chair Eby** asked if there is anyone else who would like to speak in
39 favor of the variance application. There are no more speakers in favor. She
40 then asked if there is anyone who would like to speak in opposition of the
41 application. Hearing none, she stated that the floor is closed for comments and
42 said the Commissioners will engage the same procedure as the last item. She
43 asked if there is a motion.
44

45 **MOTION: Commissioner Gay** made a motion to approve.
46

47 **SECOND: Commissioner Pacheco** seconded the motion.
48

49 **Acting Chair Eby** asked if there is any discussion from the Commissioners.
50
51

1 **Commissioner Park** asked if the property, shown in the meeting packet, is the
2 property in question. He points to page 48 of the meeting packet, displaying an
3 aerial photo of the land with the lot highlighted in blue. He asks for clarification
4 concerning access of the property, asking if access is from Sandia View Road
5 and if the other property will be accessed from the Chavez/Osuna portion of it.
6

7 **Planner Justice** replied, yes, that is how they are currently accessed.
8

9 **Commissioner Park** asked for clarification about the homes around the lot,
10 primarily that they are homes. He asks about what is to the east, that he knows
11 they (unidentified they) sale the Christmas trees on the other lot, so what is
12 immediately east?
13

14 **Commissioner Pacheco** thought that it is their parents' home.
15

16 **Commissioner Gay** said that it's a home
17

18 **Commissioner Park** said okay, he understands, and thank you.
19

20 **Acting Chair Eby** asked for any other questions from the Commissioners.
21

22 **Commissioner Gay** stated that he has ridden his bike over there a couple
23 times. He says sometimes we get it right, and sometimes there needs to be
24 processes for variances, that we can't always have a perfect, literal description
25 of everything. When you ride your bike passed this property you know it should
26 be sub-divided and it needs a home. He states that his assumption is there will
27 be an access on Sandia, but you don't really have one. There's a tiny gate, but
28 that's going to be the formal address, so you'd have to go that way. He states
29 that the request for variance is perfectly reasonable.
30

31 **Acting Chair Eby** stated that the only problem she has with this, is that it is in
32 the VC zone, the Village Center zone, and she wasn't around when that was
33 zoned high-density. She realizes the variance will basically keep that property
34 from being developed in the way that was envisioned by the trustees back
35 when this zoning was established in 2002. She asks for any comment from the
36 Planner on that issue.
37

38 **Planner McDonough** stated that he understands the concern, which is why in
39 the packet, referring to page 50, the exhibit that went along with ordinance 172
40 for zoning of the Village Center was quite a reach from the 4th and Osuna
41 intersection, that Trustees in 2002 tried to reach out to incorporate all those
42 properties. He states that realistically, to think that all of that is going to
43 developed in the manner of the Village Center's intent, was over shooting what
44 you could really expect, and in particular this one, because it's got a house on
45 the east side already. He states that it was a hopeful effort but doesn't know
46 that it was appropriate.
47

48 **Commissioner Park** asked about the zoning for the house to the east, if it is
49 also zoned C1 and if that means the owners of the house, ever sold or
50 transferred the property, would need to come back.
51

1 **Planner McDonough** stated that the house to the east is zoned VC, it is legally
2 non-conforming, and it can stay that way.

3
4 **Commissioner Park** asked if it is safe to say that the 2002 amendment was
5 aspirational.

6
7 **Planner McDonough** agreed, saying that is a good word.

8
9 **Acting Chair Eby** asked for any further comments from the Commissioners.
10 There are no other comments. She calls for a vote, stating that there has been
11 a motion, and seconded, to approve an application for a variance.

12
13 **VOTE:** The motion carried unanimously (5-0).

14
15 **Acting Chair Eby** stated let the record show that the hearing on item 4B, the
16 request by Kala Baca for a variance is formally closed. Items 4D and 4C are
17 deferred which brings us to old business.

18
19 **5. OLD BUSINESS**

20
21 **Acting Chair Eby** announced the Master Plan 2035 discussion. She asks
22 Planner Justice if there are any updates.

23
24 **Planner Justice** explained the Village held the last of a series of public input
25 meetings on April 16th on Economic Development. This meeting had the
26 highest turnout, with 45 attendees, not including staff, and a great energy for
27 discussion brought by Los Lunas Economic Development Manager Ralph
28 Mims. No further public input meetings are scheduled, however a public open
29 house is planned for Saturday, June 29, from 9 am to 1 pm, for those interested
30 to review the plan, leave written comments, and speak with staff. A call for
31 photographs to be featured in the plan will also be announced in the upcoming
32 Village Vision, that deadline will be June 30th. Staff continue to meet with the
33 Master Plan Committee every two weeks and the Process consultant weekly.

34
35 **Acting Chair Eby** asked if there are any questions, or comments for Planner
36 Justice.

37
38 **Commissioner Pacheco** stated that three of the Commissioners are on the
39 Master Plan Committee, so she thought there is agreement with what Planner
40 Justice has said.

41
42 **Acting Chari Eby** moved to the next discussion.

43
44 **6. NEW BUSINESS**

45
46 There was no new business.

47
48 **7. REPORTS**

49
50 **A. PLANNING DEPARTMENT REPORT**
51

1
2
3 **Planner Justice** stated that the Fourth Street Construction Project continues and the
4 east side is complete except, primarily landscape and cosmetic. West side construction
5 began on schedule on March 8 and the completion is targeted for the end of September.
6 Business access is accommodated at all times, for vehicles and pedestrians, and is
7 visible with signage and pedestrian barriers. Speed is being monitored through the
8 project area with the use of speed boards and enforcement by the County Sheriff's
9 Department. For our department in general, we continue to have a steady stream of
10 building permit applications and are keeping busy with the changes at Village Hall.
11 We have a new Administrative Assistant, Jennifer Schilling, who started with us on April
12 26. I will be representing the Village on MRCOG's Transportation Program Task Group
13 (TPTG) going forward. The Code Enforcement Officer has a couple enforcement actions
14 in the Municipal Court involving buildings placed in setbacks. She stands for any
15 questions.

16 **Acting Chair Eby** stated her only question about the 4th street project, is about those
17 dead plants, they still have them in there and they've been dead for weeks. She asks if
18 they are doing something about that.

19
20 **Planner Justice** said she doesn't know but advised that that is probably something to
21 ask the landscape architect.

22
23 **Planner McDonough** said that the landscaping has not been accepted by the Village
24 at this point, it is currently owned by the contractor and so he'll be, at some point,
25 replacing the dead plants.

26
27 **Acting Chair Eby** asked for clarification, her understanding is that the plans have been
28 accepted with the exception of the dead plants.

29
30 **Planner McDonough** stated that the Village has not accepted any plans on the
31 landscaping for the east side. He says they are nearing that, but that it has not gone
32 through an acceptance yet.

33
34 **Acting Chair Eby** asked if the end of September completion date is aspirational.

35
36 **Planner Justice** replied that as far as she is aware, they are still on schedule since
37 March 8th.

38
39 **Planner McDonough** stated that the level of activity on the west-side is much greater
40 than that of the east-side. All of the delay of walking through the design and issues is
41 starting to pay off in the pace that the contractor is moving now.

42
43 **Acting Chair Eby** asked if there are any more questions for Planner Justice. There were
44 no further questions.

45
46 **9. COMMISSIONER'S INFORMAL DISCUSSION**

47
48 **Acting Chair Eby** asked if there are any reports that the Commissioners would like to
49 share.

- 50
51
- There was discussion concerning Commission Riccobene's position as vice-

1 chair, which is now vacant and what steps are happening to fill that vacancy.
2 There is an individual that Planner McDonough and the Mayor have discussed,
3 and this individual has expressed interest in serving on the Commission. If this
4 individual is elected to serve on the Commission, he/she will sit in the July
5 meeting.

- 6 • Planner McDonough’s retirement date was discussed with explanation that he
7 will be staying with the Village a little longer until the situation concerning the
8 absence of a Village Administrator is resolved. The Commissioners thanked him
9 for his service and continued service.

10
11
12 **10. ADJOURNMENT**

13 **Acting Chair Eby** asked if there was a motion to adjourn.

14 **MOTION: Commissioner Park** moved to adjourn.

15 **SECOND: Commissioner Pacheco** seconded the motion.

16 **VOTE:** Carried unanimously (5-0).

17 **Acting Chair Eby** adjourned the meeting at 8:49 p.m.

18
19
20 **APPROVED by the Planning and Zoning Commission of the Village Los Ranchos**
21 **de Albuquerque this _____ day of _____, 2019.**

22
23 **ATTEST:**

24
25 _____
26 Lynn Eby, Secretary
27 Planning and Zoning Commission
28

4. PUBLIC HEARING

- A. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 16, 2019

REPORT NO. PZ-19-10
File: HO #0550

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANTS: Maria C. Montoya

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PROJECT:

The applicant is applying to operate a B&B on the subject property. The applicant purchased the property somewhat recently, with an existing guest house. The guest house was approved as a Conditional Use (CU-12-03) by the previous owner, with the typical conditions:

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to 1,000 square feet of heated floor area.
 - (b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

The applicant would now like to use the guest house for short term rental as a Bed & Breakfast / Air BnB / VRBO.

ANALYSIS:

Shortly after the application was received we received a call from a neighbor opposing the use as a B&B, and stating that it had been operating as an Air BnB. In the Application for the B&B, the applicant provided a web address on Airbnb.com. In reviewing that website it appears that the property had been already listed, with one user review from October 2018. A letter was sent to the applicant stating that the Guest House could not be rented until approval had been granted on her application. The applicant responded that the listing had been changed to show no availability for rental, until action was taken on her application. This was verified by P&Z.

The property has service from public water and sewer. The owner will live in residence on the property, however, due to the shape and size of the property the residence is approximately 500 feet from the guest house, which may limit the owner's ability to monitor the activities in the guest house. The applicant has formed and will operate the business as a Limited Liability Corporation (LLC).

The owners have drafted a list of rules of operation that reflect concerns from neighbors and that address §9.2.25(E)(1)(b)(6) Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common Offenses. (see attached). In discussion with the applicant I understand that at present the owner does not intend to serve breakfast.

The use of the conditionally approved guest house states specifically that the unit may not be rented unless "an explicit conditional use allowing rental has been approved by the Commission". Therefore, a second action associated with this application is a change to the Conditions of Approval of the guest house to allow short term rental of the guest house.

RELEVANT CODE LANGUAGE:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(B) PERMISSIVE USES. A building or premise shall be used only for the following purposes:

(7) Bed and Breakfast Establishments.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS. The following permits and any appeal of the Planning Director's decision may be approved by the Commission according to the Matrix, or considered by the Commission for approval and forwarded to the Board with a recommendation for approval.

(1) Bed and Breakfast Facilities

(a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per §9.2.25(F).

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two additional employees may be employed by the business.
2. It shall be conducted entirely within the residence or accessory buildings on the residential property.
3. Not more than four guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.
4. Parking for guests must be off street.
5. Meals may or may not be served.
6. Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common

Offenses.

- 7. One lighted sign not to exceed four (4) square feet is permitted on premises and must meet the Dark Skies provisions of §9.2.20.
- 8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.
- 9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.
- 10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.
- 11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.
- 12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

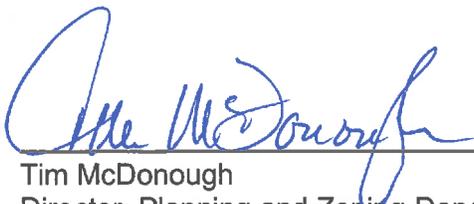
The Department recommends denial of HO 0550, a request for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the North Rio Grande Character Area.

Approving a change to the conditions for a guest house to be used for short term rental is a policy decision that should be discussed by the Board of Trustees. There are reasonable arguments to be made on both sides of that discussion and moving forward with this approval may set a precedent that is not consistent with the Code at this time and may not be the policy the Board would choose for guest house use in the future.

Findings:

The Conditional use for the guest house states that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

Public notice requirements have been met by publication in the Albuquerque Journal on April 20, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on April 16, 2019.



 Tim McDonough
 Director, Planning and Zoning Department

Date: May 30, 2019

Findings for approval:

The Home Occupation presented complies §9.2.25(E)(1)(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing:

The application for the B&B complies with the following conditions:

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two additional employees may be employed by the business.
2. It shall be conducted entirely within the residence or accessory buildings on the residential property.
3. Not more than four guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.
4. Parking for guests must be off street.
5. Meals may or may not be served.
6. Noise must be mitigated according to §7.4.2. Nuisances, Misconduct and Common Offenses.
7. One lighted sign not to exceed four (4) square feet is permitted on premises and must meet the Dark Skies provisions of §9.2.20.
8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.
9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.
10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.
11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.
12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety.

Village of Los Ranchos
BED AND BREAKFAST

NAME: **Maria C. Montoya** ADDRESS: **8650 Rio Grande Blvd NW**
TELEPHONE: **505-720-4826** CELL: **505-720-4826** ZIP CODE: **87114**
EMAIL ADDRESS: TheSweetPEA.bnb@gmail.com
WEBSITE: <https://www.airbnb.com/rooms/28464152?s=51>

BUSINESS NAME: **The Sweet PEA Bed and Breakfast LLC**

CRS # **03-431363-00-0**

please attach copy of CRS # Certificate

LAST 4 DIGITS OF FEIN # AND SS#: **3753 / 6639**

Applicant is:

Individual

Partnership

Corporation NMSCC # _____

LLC: **XX**

THE STATE OF NEW MEXICO REQUIRES A LICENSE FOR THIS OCCUPATION –

**** There will be no food served in this establishment ****

Please attach copy of NMED INSPECTION--

NUMBER OF ROOMS FOR B&B: **Two**

NUMBER OF VEHICULAR TRAFFIC INCREASE PER DAY: **2-3 (*see attachment for what is considered negligible per ordinance)**

LIST ANY EQUIPMENT: (trucks, heavy equipment, trailers, etc.): **None**

INCLUDE RULES FOR OPERATION (HOURS, MEALS, NUMBER OF ROOMS, ETC.):

HOW GUESTS CAN BOOK:

Our *general booking policy* is to only provide accommodations to those who will maintain the upmost respect for our property, our family and our community (neighbors).

Guests will book The Sweet PEA B&B by using a bed and breakfast platform; AirBnB and/or VRBO. AirBnB and VRBO maintain a **rigorous vetting process** (see safety below). They also provide 24/7 customer service and host liability insurance up to \$1 million dollars.

Only guests who meet **STRICT requirements** can book "instantly" or immediately online.

STRICT requirements:

- Confirmed email address and phone number
- Agree to House Rules (described below)
- Hold a Government issued ID
- Come recommended by other hosts
- Must answer basic questions about purpose of travel and whom they are traveling with

Those who do not meet strict requirements must send a reservation request—these will be considered on a case-by-case basis with our general booking policy in mind.

Check-in is permitted after 2pm and until 8pm. Check out is by 10 am unless otherwise agreed upon. All guests will be greeted by the administrator (Maria Montoya) or a suitable designee. The administrator or designee will meet the guest (s) and provide keys and guidelines on house rules.

HOUSE/PROPERTY RULES:

- Suitable for children (2-12 years old) and infants (under 2 years old)
- Premises is NOT suitable for pets
- Absolutely NO smoking or vaping allowed
- Absolutely NO parties / events permitted
- Noise level must be kept to a reasonable minimum after 9pm
- The maximum speed limit on private dirt road is 10 miles per hour

ACCOMMODATIONS AND AMENITIES:

There are a total of two rooms with two sleeping areas: one king sized bed in a private room and one sofa bed in a common area.

The maximum number of guests is: 4 (primarily to accommodate families with young children). There is a dining room, full kitchen and full bathroom.

Amenities:

- Towels
- Bed sheets
- Pillows
- Soap
- Shampoo and conditioner
- Toilet paper
- Kitchen- full (electric stove, microwave, dishwasher, sink). All pots, pans, flatware, utensils, salt, pepper and olive oil.
- Heating/cooling
- Hair dryer
- Hangers
- Iron
- Washer & Dryer
- TV
- WiFi
- Workspace
- Travel crib

Home safety: There are smoke detectors, carbon monoxide detectors and locks on all doors. First aid kit available.

Parking: Guests will be expected to use the garage and the driveway for safe and efficient off-street parking.

SAFETY:

AirBnB and/or VRBO performs background checks on all users by checking public federal, state and county criminal records as well the national sex offender registry. They also utilize the Office of Foreign Asset Control list in order to restrict those from terrorist organizations.

In addition, we also plan to implement the following sensible safety measures:

- We will get to know our guests before confirming using reviews, Verified IDs, messaging services- without posting our actual address or email until confirmed
- We will perform a simple internet search of potential guests in order to access social media accounts, websites, etc. prior to confirming.

** There is an incentive process for guests to comply with all house and property rules in order to avoid poor reviews that affect their ability to rent in the future.

NATURE OF ANY EXPLOSIVE, FLAMMABLE, TOXIC, OR HAZARDOUS MATERIALS-(Paint, lacquer, cleaning supplies, etc.):

We plan to utilize all "green" cleaning supplies: vinegar, castile soaps, etc.

LIST OUTSIDE ACTIVITES:

Guests will be permitted to normal outdoor activities- use of a small outdoor bistro table, yoga mat, etc. These activities would be limited to the front and backyard.

NUMBER & TYPE OF EMPLOYEES: 0

SIGNS REQUESTED: (Sign permit required): None

A diagram must accompany application showing area

See attached

✓ Chapter 9 – Land Use Regulation

(1) Bed and Breakfast Permits.

Article 2 – Zoning and Zone Map □ Section 25 – Application and Approval Process

(a) Bed and Breakfast establishments are allowable in all zones of the Village with initially approved permit and license, providing the premise has access to city water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the parcel.

(b) Approval is by the Planning and Zoning Commission at a regularly scheduled hearing with public notice as per § 9.2.25(F).

1. Bed and Breakfast establishments must be operated by the owner of the home, living in residence. Up to two (2) additional employees may be employed by the business.

2. It shall be conducted entirely within the residence or accessory buildings on the residential property.

3. Not more than four (4) guestrooms may be utilized to provide lodging in other than the C-1, AC or VC Zone.

4. Parking for guests must be off street.

5. Meals may be served.

6. Noise must be mitigated according to § 7.4.2, Nuisances,

Misconduct and Common Offenses. □ **7.** One lighted sign not to exceed four (4) square feet is

permitted on premises and must meet the Dark Skies provisions of §9.2.20.

8. Bed and Breakfast establishments must have published rules of operation, approved by the Planning Director.

9. Every permittee shall comply with all federal, state, county, and municipal laws and regulations applicable and the failure to do so shall constitute grounds for revocation. Each license shall be posted on

the premises where it is visible at all times.

10. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.

11. Bed and Breakfast permits shall be subject to such different and additional conditions as the Planning and Zoning Commission deems reasonable.

12. Bed and Breakfast establishments shall be inspected annually by the Fire Department for fire safety. **(c)** Revocation procedure shall follow § 9.2.25(E)(3) Home Occupation Revocation. **(d)** Bed and Breakfast establishments currently licensed under home occupation licenses shall receive a Bed and Breakfast license upon annual renewal.

(e) Duration and Renewal: **1.** The Bed and Breakfast permit remains in effect and may not be prorated for business conducted for a portion of the year. **2.** An Annual Renewal License form shall be filed on or before December 31 of each year. The form shall be in such format as the Planning Director shall determine and shall be accompanied by the annual fees.

3. Renewal of each existing license is subject to approval of the Planning Director when no complaints or violations have been documented. Annual license renewals do not require public notice.

4. License renewal fee. The annual license renewal fee shall be fifteen dollars (\$15.00). The fee shall be in addition to the Business Registration required by State Law.

5. Any person who fails to make a timely renewal shall be subject to a late fee of ten dollars (\$10.00) per year. The late fee is in addition to any penalties which may be imposed for violation of this Section.

I swear that the above information is true and correct to the best of my knowledge. I have read the Bed and Breakfast Ordinance and agree to the conditions and terms contained therein.

MARIA C MONTAÑA
PRINT NAME SIGNATURE

JURAT

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

Subscribed and sworn to (or affirmed) before me on this the _____ day of _____, 2011.

BY: _____

My Commission Expires: _____

NOTARY PUBLIC

OFFICE USE ONLY

DATE: _____ TYPE: _____
B&B # _____
CHECK # _____ CASH
RECEIPT # _____
AMOUNT _____
STAFF INITIALS _____

OFFICE OF THE SECRETARY OF STATE
NEW MEXICO

Certificate of Organization

OF

The Sweet PEA Bed and Breakfast LLC

5850371

New Mexico

The Office of the Secretary of State certifies that the Articles of Organization, duly signed and verified pursuant to the provisions of the

Limited Liability Company Act

53-19-1 to 53-19-74 NMSA 1978

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this Certificate of Organization and attaches hereto a duplicate of the Articles of Organization.

Dated: **March 8, 2019**

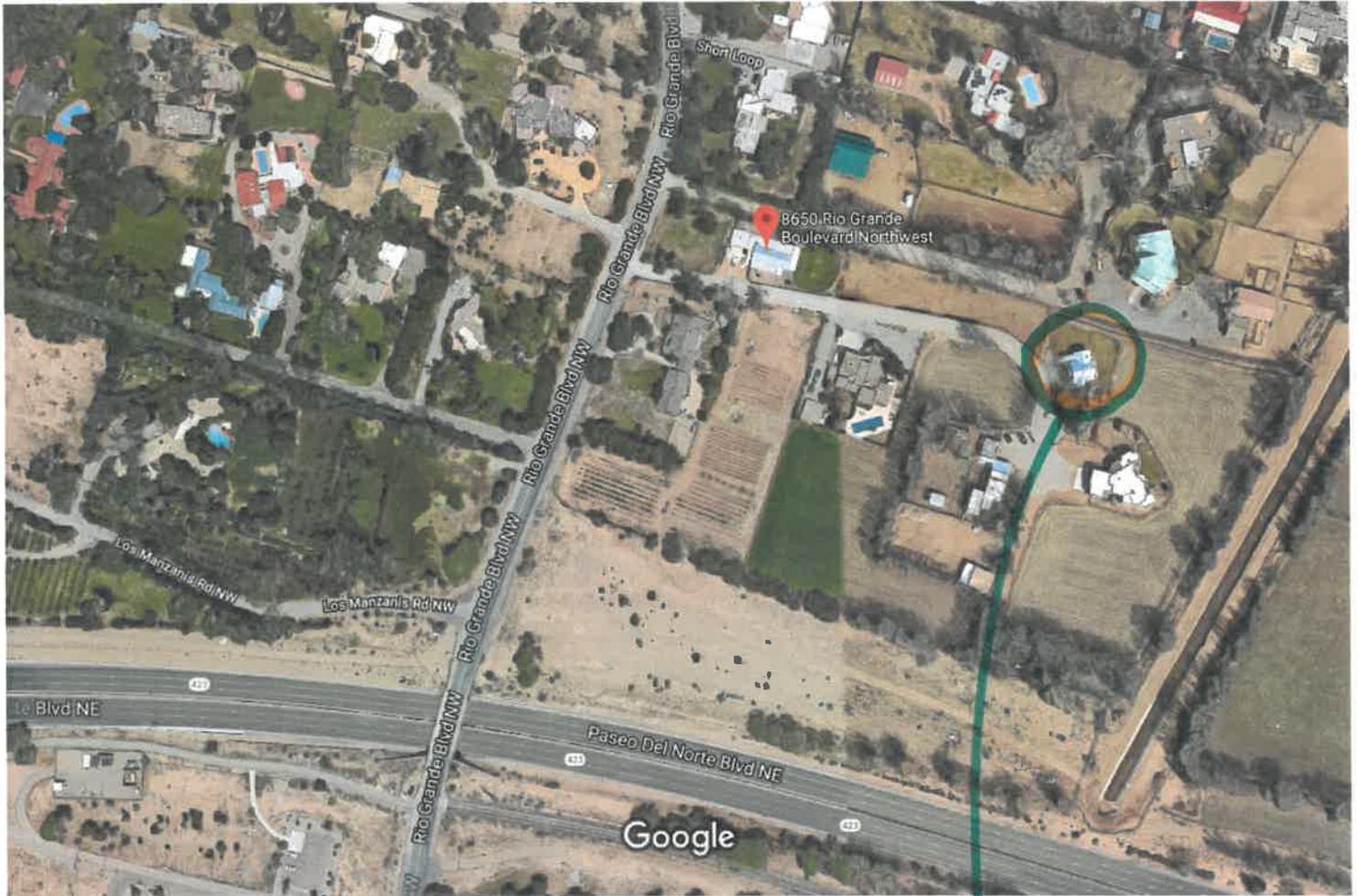
In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the City of Santa Fe, and the seal of said office to be affixed hereto.



Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State

Google Maps 8650 Rio Grande Blvd NW



Imagery ©2019 Google, Map data ©2019 Google 100 ft



*Guest house ...
future
'Sweet
PEA B+B'*

8650 Rio Grande Blvd NW
Los Ranchos De Albuquerque, NM 87114

59M5+V8 Los Ranchos De Albuquerque, New Mexico

Photos

1. It shall be conducted entirely within the residence or accessory buildings, by persons living at the residence as the primary business operator. Up to two additional employees may be employed by the business.

2. No more than five hundred (500) square feet of a residence and/or 1,000 square feet of an accessory building shall be used to conduct a home occupation.

a. §9.2.25(D)(4)(c)(2) shall take effect on January 8, 2014 for all new applications.

3. It shall not generate significant vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling. Up to ten (10) business related trips per day shall be considered negligible.

4. Any heavy equipment, trucks or vehicles not normally associated with residential use which may be used directly or indirectly in the home occupation shall not be stored or parked on public streets or residential property.

a. With specific approval of the Planning and Zoning Commission, there shall be permitted no more than two (2) service vehicles, used in the conduct of the business, upon the premises at any one time. A service vehicle is a car, SUV, pick-up truck or panel van.

b. There shall be no idling vehicles, nor diesel trucks greater than one (1) ton permitted on the premises.

5. There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation except that a small non-illuminated sign of not more than four (4) square feet that blends with the aesthetic quality of the neighborhood may be approved by permit.

6. Any sales shall be limited to products or services generated or provided by the residents and must not disrupt the residential nature of the neighborhood.

7. There shall be no storage of materials or displays of merchandise visible from outside the lot lines of the residence.

8. There shall be no storage of materials or products which are explosive, flammable, toxic or otherwise hazardous to persons living within the residence or to the public.



The Sweet PEA Bed and Breakfast

About us and the Bed & Breakfast:

We graciously welcome you to The Sweet PEA Bed & Breakfast. We are a small family owned business located in the beautiful Village of Los Ranchos just north of Albuquerque. The Sweet P.E.A. is named after our very own kiddos: **P**aolo, **E**milio and **A**lma.

This quaint home offers a king-sized bed with well-appointed rooms, modern furnishings, a full bath and kitchen. The home is situated on over an acre of agricultural use property with a spectacular view of the Sandia mountains and access to the '*acequia*' water irrigation system. Enjoy the view of the Sandia mountains while sipping coffee on the patio or head out on a walk on the miles upon miles of open access trails.

We are perfectly situated to provide a rural *get-away* feeling while being conveniently close to restaurants, shops, antique shops, movie theaters, museums, exercise/yoga studios and grocery stores. The Rail Runner – offering rail service north to Santa Fe and south to Downtown Albuquerque and beyond is a short 3 miles away. The base of the Sandia mountains for superb hiking, the University of New Mexico campus and Old Town is a short 15-minute drive away. We are only 10 minutes away from the famous Balloon Fiesta Park and museum.

We invite you to visit the lovely shops in our beautiful Village. Be sure to enjoy breakfast, lunch and dinner in the finest restaurants our area has to offer within minutes of The Sweet PEA as well as our weekly Village Farmers Market.

Disconnect or choose to stay connected with our free WiFi. When not relaxing on the property, The PEA is air conditioned or heated for your comfort. Please reach out to us to suggest shops and sites in the area or assist in any way to ensure your visit to the Village of Los Ranchos is wonderful in every way!

Welcome and Enjoy,

Maria, Kris and P.E.A, of 'The Sweet PEA B&B'

HOW THE SWEET PEA WILL BENEFIT OUR COMMUNITY & THE VILLAGE OF LOS RANCHOS:

First and foremost, bringing qualified guests exposes travelers to what we consider an absolute gem-- the beautiful Village of Los Ranchos itself.

Los Ranchos provides wonderful opportunities for activity, community and exercise with the Bosque and numerous biking, walking and running trails.

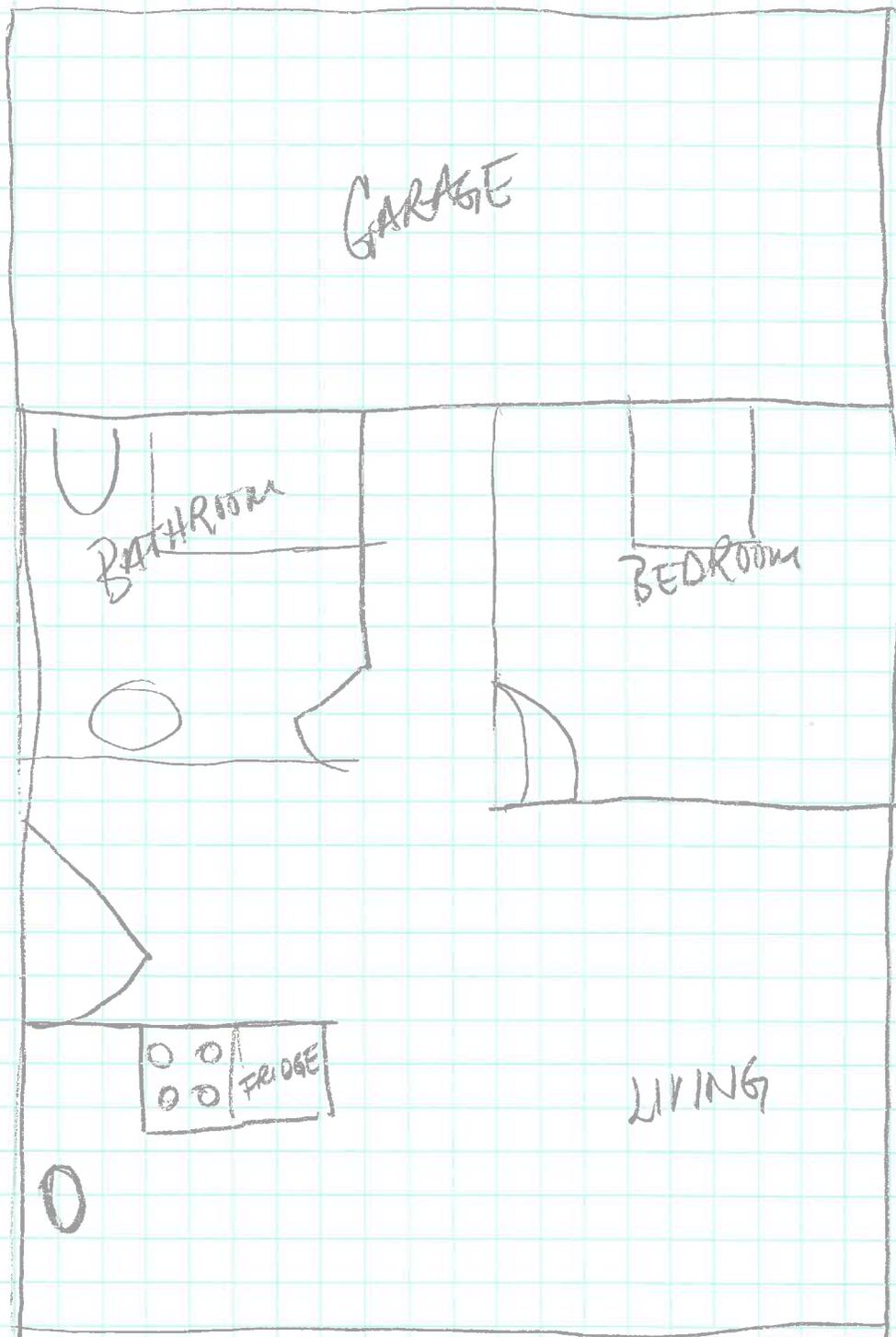
By offering accommodations, we anticipate increased awareness to this area, bringing potential new home buyers, encouraging future tourism to this area, and increased spending to local businesses. To foster this, we plan to advertise businesses and restaurants within the Village of Los Ranchos, as well as to our local grower's market.

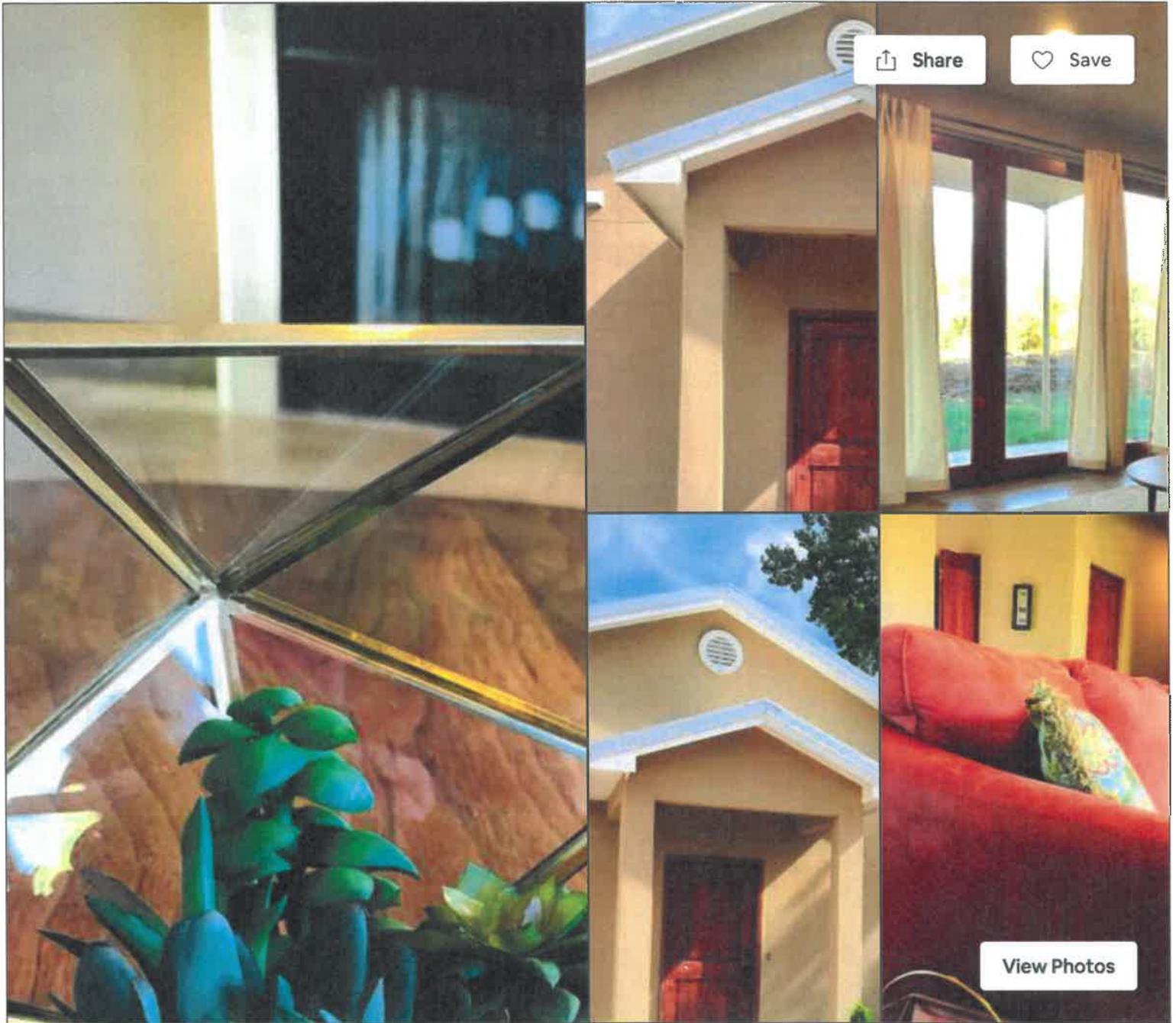
Projections:

While we are a very small business, we anticipate 4-8 reservations per month and will file according to *Gross Receipts Tax Rate Schedule for Los Ranchos de Albuquerque (2019)* at 7.4375%:

A portion of our proceeds will go towards beautifying our property to include landscaping and regular maintenance therefore increasing the desirability of the property and surrounding properties. By using the online reservation platforms (AirBnb and/or VRBO) our property is being evaluated and reviewed. Such continuous review process incentivizes us to keep the property in a pristine state in order to be well received.

According to AirBnb research, AirBnb guests spend on average 2.1 times the average amount of travelers. 42% of spending is within the area they are staying. "The Airbnb community benefits local economies across the world by supporting residents and local businesses, and encouraging cultural exchange."





Serene & Relaxing House with Garage

Los Ranchos de Albuquerque



Maria

\$125 per night

★★★★★ 9

🏠 Entire house

4 guests 1 bedroom 2 beds 1 bath

🧼 Sparkling clean

8 recent guests said this place was sparkling clean.

Dates

Check In

→ Check Out

Guests

1 guest

Self check-in

Check yourself in with the lockbox.

Great location

100% of recent guests gave the location a 5-star rating.

Page 42 of 60

Request to Book

You won't be charged yet

 Report this listing

Beautiful 'casita' in the heart of the Village of Los Ranchos. Enjoy updated amenities: granite countertops, dishwasher, full washer and dryer, garage. Walking distance to open space and miles of paved and natural trails. Short drive to balloon Fiesta Park, old town, uptown and Nob Hill. Short 45 minutes to Santa Fe. Welcome!

Contact host

Amenities

 Wifi

 Hangers

 Kitchen

 Free parking on premises

[Show all 38 amenities](#)

Sleeping arrangements



Bedroom 1
1 king bed



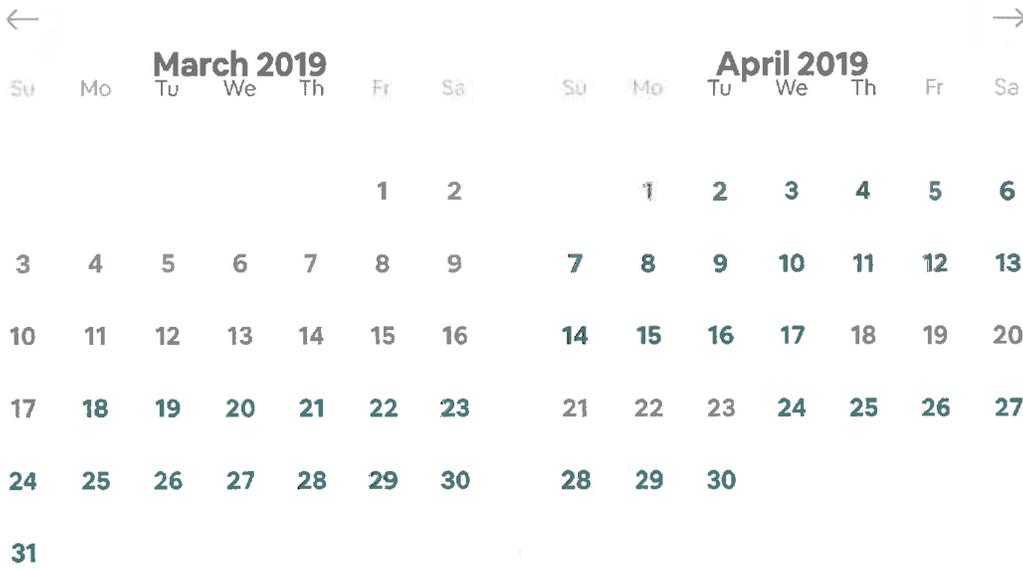
Common spaces
1 sofa bed, 1 couch

Accessibility

Step-free access to the home's entrance

Availability

Updated 2 days ago



9 Reviews ★★★★★

🔍 Search reviews

Accuracy ★★★★★

Location ★★★★★

Communication ★★★★★

Check-in ★★★★★

Cleanliness ★★★★★

Value ★★★★★



Kylie
October 2018



Enjoyed the space so much we returned for another night!



Kylie
October 2018



Maria was kind and welcoming. The location and space are beautiful. She offered routes for a short or longer run to take advantage of the scenery. Close to the Balloon Fiesta and great restaurants, antique shopping. Highly recommend!



1

2

Hosted by Maria



Albuquerque, NM · Joined in April 2016

★ 12 Reviews Verified

Super host and super traveler with three kids in tow!

Languages: **English**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Maria's home is located in Los Ranchos de Albuquerque, New Mexico, United States.

Gorgeous open space with views of the Sandia mountains. East side bistro table for morning coffee or yoga. A place to really relax yet close to great restaurants. The area is abutting open space with miles of paved and natural trails.



Exact location information is provided after a booking is

confirmed.

Policies

House Rules

No pets

No smoking, parties, or events

Check-in time is flexible and check out by 10AM

Self check-in with lockbox

Cancellations

Moderate - Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

More homes you may like





ENTIRE HOUSE

Lovely home near old town

8 guests · 3 bedrooms · 6 beds · 2.5 baths

Wifi · Free parking on premises ...

NEW

\$150/night

ENTIRE HOUSE

Spacious and luxurious 4BR...

10 guests · 4 bedrooms · 8 beds · 2.5 baths

Wifi · Free parking on premises ...

★★★★★ 38

\$225/night

ENTIRE HOUSE

Northwest ABQ, 2 minutes t...

7 guests · 3 bedrooms · 4 beds · 2 baths

Wifi · Free parking on premises ...

★★★★★ 7

\$98/night



Things to do near this home



BALLOON RIDE

Hot Air Balloon Rides - Private & Fun!

\$200 per person

5.0★ (6)

CULTURE WALK

Film Craft on 66 - Beyond Breaking Bad

\$52 per person

5.0★ (2)

BALLOON RIDE

Powered Hang Glider Flights II

\$125 per person

Explore other options in and around Los Ranchos de Albuquerque

More places to stay in Los Ranchos de Albuquerque: [Apartments](#) · [Bed and breakfasts](#) · [Lofts](#) · [Villas](#) · [Condominiums](#)

Santa Fe
Saubrigues
Aroroy
Sant'Eraclio
Tianwei
Blegny

Albuquerque
Sivry-sur-Meuse
Dakhlet Nouadhibou
Rock Flat
Vnanje Gorice
Tiona

Taos
Chita
Middleton
Porto Valtravaglia
Ratamka
San Donnino

ADMINISTRATIVE APPROVAL

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: June 1, 2012

REPORT NO. PZ-12-24
File: CU-12-03

ISSUED BY: Director, Planning and Zoning

SUBJECT: A request for a Conditional Use Permit for new construction of a Guest House under 1,000 square feet of heated area as required by Ordinance 183 as amended, Section 6(C)(5) in the A-1 Zone of the North Rio Grande Character Area.

APPLICANT: Mark Eisenbeis

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd NW and is legally known as Lot A1, Plat for Lands of Annie Robertson Lots A1, D1 and D2 within the Town of Alameda Grant, Projected Sections 16 and 17, T11N, R3E, NMPM, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico October 1996. The property contains 1.6107 acres more or less.

ANALYSIS:

Ordinance 183 as amended, Section 6(C):

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to 1,000 square feet of heated floor area.
 - (b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

Under Ordinance 183 as amended, Section 24 (D)(15):

Conditional Uses (Ordinance 191) Conditional uses which have been Publically Noticed with no adverse comments received by the deadline may be approved by the designated Planning and Zoning Official.

The request was duly public noticed as per Section 24F, Public Notice Regulations on 5-16-12 until 6-1-12. No adverse comments were received during the public notice period.

APPROVAL OF REQUEST

The request for a Conditional Use Permit for a Guest House under 1,000 square feet of heated area as required by Ordinance 183 as amended, Section 6(C)(5) in the A-1 Zone of the North Rio Grande Character Area is approved with the conditions:

- (a) The guest house is limited to 1,000 square feet of heated floor area.
- (b) Occupants **shall not be charged rent** unless an explicit conditional use allowing rental has been approved by the Commission.
- (c) **The guest house must connect to the public sanitary sewer system.**

Findings:

- 1) The conditional use meets the requirements of Ordinance 183 as amended, Section 6(C)(5)
- 2) The conditional use is not injurious to adjacent property, the neighborhood or the community.
- 3) The proposal meets the 2020 Master Plan 7.1.2 Residential Objectives:

Promote the goals in the other sections of the Master Plan while adapting their objectives to the residential use of each Character Area;

Preserve existing low density residential uses appropriate to the Rio Grande, Village West, Guadalupe Trail and Camino Real Residential character areas.

2020 Master Plan 7.1.3 Policies and Actions. Policy A. Enforce zoning densities and Ordinance requirements in residential areas.

Linda Seebach
Director
Planning and Zoning

Date

- B. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PLANNING AND ZONING COMMISSION

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: May 30, 2019

REPORT NO. PZ-19-16

File: CU 12-03

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Change in Conditions for a Guest House

APPLICANT: Maria C. Montoya

LOCATION AND LEGAL:

The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

PROJECT:

The applicant has applied to operate a Bed & Breakfast on the subject property. The applicant purchased the property somewhat recently, with an existing guest house. The guest house was approved as a Conditional Use (CU-12-03) by the previous owner, with the typical conditions:

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

(5) Guest house or additional dwelling.

(a) The guest house is limited to 1,000 square feet of heated floor area.

(b) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

The applicant would now like a change in conditions to allow short term rental as a Bed & Breakfast / Air BnB / VRBO.

ANALYSIS:

If the applicant is approved to operate a Bed & Breakfast using a previously approved Guest House, Village Code requires that a specific conditional use is approved allowing rental of the unit. This action is to amend the prior Guest House approval to allow short term rental of the dwelling unit.

RELEVANT CODE LANGUAGE:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

C. CONDITIONAL USES. The following uses shall be allowed when approval has been obtained as set forth in Section 24:

- (5) Guest house or additional dwelling.
 - (a) The guest house is limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen (microwave, coffee pot, etc.)), sleeping and sanitation.
 - (c) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

Should the Planning & Zoning Commission approve the applicant's request to utilize a guest house as a short term rental (Bed and Breakfast, Air BnB, VRBO, or similar program) the Department recommends approval of a Change of Conditions allowing the short term rental of the Guest House, as required by §9.2.7(C)(5)(c) in the A-1 Zone of the North Rio Grande Character Area.

Findings:

The Conditional Use requirements for the guest house state that "Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission."

Public notice requirements have been met by publication in the Albuquerque Journal on April 20, 2019 and May 24, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on April 16, 2019 and May 22, 2019.



Tiffany Justice
Planner, Planning and Zoning Department

Date: May 30, 2019

Commissioners:

The attachments for this item are the same documents as are attached to the prior agenda item. In lieu of duplicating all of the documents, please refer to the prior item attachments. Thank you.

- C. ZMA 19-02** An application by Lutgen Properties, LLC for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property in the R-2 Zone with a Special Use Permit for parking of the Guadalupe Trail Corridor and Character Area and the C-1 Zone of the Fourth Street Corridor and Character Area. The property is split in both Zoning and Character Area. The property is located at 7511 Fourth St. NW and is legally known as a certain tract of land situated within the Alameda Grant, Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy District Property Map No. 27. The property contains 1.945 acres more or less.

This item has been deferred until complete packet information is received

5. OLD BUSINESS

A. Discussion of the 2035 Master Plan process

6. NEW BUSINESS

A. Election of Officers

1. Nominations for Vice-Chair

7. REPORTS

A. Planning Department Report

DEPARTMENT REPORT
(for June P&Z & BOT meetings)

Fourth Street Project

The Fourth Street Construction Project continues with construction on the west side. Crews continue the construction of driveways, sidewalk curb, and the installation of electrical conduit and drainage pipe along the project corridor. Construction is in progress on Low Impact Development (LID) drainage reservoirs on Tyler and Bledsoe road. Irrigation line is also being installed on the north end of the project. The project remains on schedule for completion in September.

Master Plan

Staff are in the middle of drafting sections of the plan and are preparing for a public open house at the end of June. The announcement of the open house and a call for photographs was published in recent edition of the Village Vision and has been posted on the Village website and Facebook page. The Master Plan Committee reviewed the transportation, historic preservation, and economic development goals at the beginning of June and will meet next week to review the goals for the remaining sections. Staff continue to meet with the Master Plan Committee every two weeks and the Process consultant weekly.

General

We continue to have a steady stream of building permits and are working with Maria Rinaldi, Fourth Street Project Manager, on a marketing effort to advertise the Village and Village businesses in the Albuquerque Discovery Map. The Village and interested businesses will be advertised in the upcoming map, which will run for a year starting August 1.

The Planner attended two workshops in May, a training on Designing for Pedestrian Safety and the other a workshop for Planning Commissioners. Some takeaways from the pedestrian safety workshop are being incorporated into the Fourth Street Project. The Planning Commissioners workshop reviewed the Open Meetings Act, the Inspection of Public Records Act, and Flood Plain Management.

The Administrative Assistant continues to do well to learn the position and has started the process for next year's business renewals.

The Code Enforcement Officer is working on remodels for the Larry P. Abraham Agri-Nature Center. In addition, the double-wide trailer has been removed from 6611 Edgewood Drive.

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT