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**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 4<sup>th</sup> 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.

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 20<sup>th</sup> and sent it to  
11 mail on April 16<sup>th</sup>. 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 4<sup>th</sup> 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 being 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 4<sup>th</sup> 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 6<sup>th</sup> 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 4<sup>th</sup> 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. Commission 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 4<sup>th</sup> 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 16<sup>th</sup> 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 30<sup>th</sup>. 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 **Planner Justice** stated that the Fourth Street Construction Project continues and the  
3 east side is complete except, primarily landscape and cosmetic. West side construction  
4 began on schedule on March 8 and the completion is targeted for the end of September.  
5 Business access is accommodated at all times, for vehicles and pedestrians, and is  
6 visible with signage and pedestrian barriers. Speed is being monitored through the  
7 project area with the use of speed boards and enforcement by the County Sheriff's  
8 Department. For our department in general, we continue to have a steady stream of  
9 building permit applications and are keeping busy with the changes at Village Hall.  
10 We have a new Administrative Assistant, Jennifer Schilling, who started with us on April  
11 26. I will be representing the Village on MRCOG's Transportation Program Task Group  
12 (TPTG) going forward. The Code Enforcement Officer has a couple enforcement actions  
13 in the Municipal Court involving buildings placed in setbacks. She stands for any  
14 questions.

15  
16 **Acting Chair Eby** stated her only question about the 4<sup>th</sup> 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 8<sup>th</sup>.

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 19th day of June, 2019.

22  
23 **ATTEST:**

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