



**AGENDA**  
 Village of Los Ranchos  
 Planning and Zoning Commission  
 REGULAR MEETING  
 7:00 p.m.  
 August 13, 2019

Planning Staff

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

Administrator

Tim McDonough

Attorney

Nann Winter

Planning & Zoning Commission

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

**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 – July 9, 2019 regular meeting.

#### **4. PUBLIC HEARINGS AND APPLICATIONS**

- A. 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 and C-1 Zone in the Fourth Street Corridor 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.
- B. SDP 19-01** A request by Baca's Trees Profit Sharing and Trust for a Preliminary Site Development Plan review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area. The subdivision would create four (4) R-2 residential lots of 0.50 acres each and three C-1 Commercial-Retail lots. The subdivision would be a replat of existing property located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or less.
- C. S 19-01** A request by Baca's Trees Profit Sharing and Trust for a Preliminary Plat review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area. The subdivision would create four (4) R-2 residential lots of 0.50 acres each and three C-1 Commercial-Retail lots. The subdivision would be a replat of existing property located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or less.
- D. V 19-05** A request by Phillip Sterling for a Variance from several area requirements to allow for subdivision of a property impacted by the 280 ft. setback on Rio Grande Blvd. The applicant desires to subdivide the 2.1 acre Tract into two A-1 zoned lots. The property is located at 8215 Rio Grande Blvd. NW and is legally described as certain tracts of land situated within the Alameda Grant, Section 17, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being Tracts 65A1 and 65A2 as shown on the Middle Rio Grande Conservancy District Property Map No. 25. The property contains 2.100 acres more or less.

#### **5. OLD BUSINESS**

- A.** Discussion of the 2035 Master Plan process

#### **6. NEW BUSINESS**

- A.** Discussion and direction on allowing a tennis court to be built within the 280-foot setback in the North Rio Grande Character Area.

#### **7. REPORTS**

- A.** Planning Department Report

#### **8. COMMISSIONER'S INFORMAL DISCUSSION**

#### **9. ADJOURNMENT**

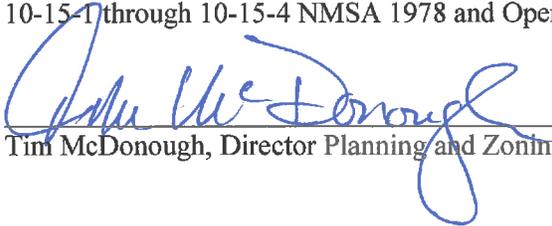
A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM. THE PLANNING

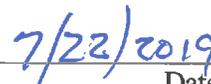
**THE NEXT REGULAR MEETING WILL BE HELD TUESDAY SEPTEMBER 10, 2019**

DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

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.

  
\_\_\_\_\_  
Tim McDonough, Director Planning and Zoning

  
\_\_\_\_\_  
Date

**1. CALL TO ORDER- Chairman Phillips**

**A. ROLL CALL**

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

**B. APPROVAL OF THE AGENDA**

## 2. PUBLIC COMMENT PERIOD

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### **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 – July 9, 2019 regular meeting.**

**MINUTES**  
**VILLAGE OF LOS RANCHOS**  
**Planning and Zoning Commission**  
**6718 Rio Grande Blvd. NW**  
**Warren J. Gray Hall**  
**2019**  
**July 9, 7:00 P.M.**

**Present:**

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

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

**A. OATH OF OFFICE –** Gilbert “Gil” Benavides was sworn in as the new Commissioner by Attorney Winter.

**B. ROLL CALL –** Commissioner Benavides, Commissioner Pacheco, Commissioner Eby, Commissioner Phillips. Commissioner Park was excused, Commissioner Seavey was excused, and Commissioner Gay was excused.

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

**C. APPROVAL OF THE AGENDA**

**Chairman Phillips** asked Planner McDonough if there were any changes to the agenda.

**Planner McDonough** stated that there were no changes to the agenda.

**MOTION: Vice Chair Pacheco** moved for approval of the agenda.

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

**VOTE:** The motion carried unanimously (4-0).

**2. PUBLIC COMMENT PERIOD**

**Speakers for the Discussion:**  
**Joaquin Romero 421 Schulte Rd.**  
**Joe Craig 505 Calle del Pajarito**  
**James Kircher 433 Schulte Rd.**

1 **Joaquin Romero** 421 Schulte Rd. Mr. Romero was concerned of the number of people who  
2 speed down Schulte road. He mentioned that Taft Middle School is nearby and that the  
3 speeding on the road makes it an unsafe place for the kids to cross the street. He addressed  
4 the desire to have speedbumps on Schulte Road.

5  
6 **Chairman Phillips** thanked Mr. Romero and informed him that his comment would be  
7 recorded in the meeting minutes. He also advised that Mr. Romero bring this concern to the  
8 Planning and Zoning Director, Tim McDonough, who is also the current Village Administrator.

9  
10 **Planner McDonough** stated that there is a standard process for assessing speedbumps and  
11 could explain that to Mr. Romero.

12  
13 **Chairman Phillips** called Joe Craig to the stand to speak.

14  
15 **Joe Craig** 505 Calle del Pajarito NW. Mr. Craig stated that he was previously a Planning and  
16 Zoning Commissioner, current president of the Calle del Pajarito Neighborhood Association,  
17 and president of Friends of Los Ranchos. He stated he has been very active in the Village for  
18 over 20 years. While his father was in hospice the current cell tower in the neighborhood was  
19 installed and he had not been able to be at the hearing in which the tower was discussed. He  
20 stated that one of the comments made by the Planning and Zoning Director at the time was  
21 that had there been anyone who had shown up to that hearing, the tower would not have been  
22 allowed. He stated that the tower is in violation of every Village ordinance now, but that it was  
23 not at the time it was put up, since there were no Village ordinances. At that time the Calle del  
24 Pajarito Neighborhood Association was formed, about 21 years ago now. Mr. Craig outlined  
25 responsibilities of the Association and achievements they have had since its creation,  
26 including the Del Norte Open Space, the Paseo Bridge, and murals. He stated the problems  
27 the Association has had for the last six years include flooding of the neighborhood's street  
28 created by a berm in the area and the commercial business in the neighborhood, Crego  
29 Roofing on the corner of 4<sup>th</sup> St. and Calle del Pajarito, which Mr. Craig stated is entirely paved  
30 and does not have drainage. He stated that Crego Roofing had two buildings go up without a  
31 permit, which was caught by Planning and Zoning and later received permits. He stated there  
32 is no ponding which causes significant flooding on the street. He stated when Linda Seebach  
33 was here, she had said that the area would be part of the fourth street project, and that there  
34 were studies done, but the plan had been cancelled by the Village. He also stated that Kelly  
35 Ward had said there would be French drains put in but that had not yet happened. The existing  
36 French drains have not been maintained. He stated that he had sent extensive letters to the  
37 Village that have gone unanswered and he had received minimal answers from the Planning  
38 and Zoning Administrator. He also stated that five of the 18 residents in the neighborhood  
39 were commercial, which bring large trucks, forklifts, and other equipment to the street  
40 extensively at 7:00 in the morning and 4:30 in the evening. He went on to list the commercial  
41 businesses in the area and that they have caused issues including unpermitted buildings,  
42 trailers parked in the right-of-way, and businesses running without a Village license. He stated  
43 that his intent was to start a dialog with Planning and Zoning and acknowledged that Tim  
44 would be leaving his role as Director. He suggested that due to the hybrid nature of permitting  
45 done between the Village and Bernalillo County, that the Village should allow Bernalillo to take  
46 over Planning and Zoning. He stated that he is very active in the neighborhood and that he  
47 thinks there may be other issues in the Village that need action taken. He thanked the  
48 Commissioners for their consideration and concluded.

49

1 **Chairman Phillips** thanked Mr. Craig and addressed a letter that was sent by Mr. Craig; the  
 2 letter was sent to the Mayor and later distributed to the Commissioners and the Board of  
 3 Trustees.

4  
 5 **Joe Craig** confirmed that that is how the letter was delivered. He stated that a meeting was  
 6 held in January with the attendees being himself, Tim McDonough, Keen Heinzelman, Bill  
 7 Chappell (the Village attorney at the time), the Public Safety Officer, and somebody else who  
 8 Mr. Craig did not recall. He stated that the purpose of that meeting was to try to get some  
 9 action, and that there was a court case that was cancelled by Keen, arbitrarily. He also stated  
 10 that with this case the location of the hearing was changed by the Judge. He stated that these  
 11 issues had been going on for years, not recent issues. He was unsure as to why there had  
 12 not been action taken. He stated that these issues have caused the housing value in his  
 13 neighborhood to decrease and that another neighbor, who he identified as Julie Baca,  
 14 Bernalillo County Manager, had stated she wished she could pick up her house and move.  
 15 He stated that that statement was a sad commentary from a County official.

16  
 17 **Chairman Phillips** thanked Mr. Craig and proceeded to invite James Kircher to speak.

18  
 19 **James Kircher** 433 Schulte Rd. Mr. Kircher presented his concerns of the speeding on  
 20 Schulte Road. He stated that there is a digital radar speed sign on Schulte but that it seems  
 21 drivers use it to see how fast they can go. He agreed with Mr. Romero, that there is a concern  
 22 for the kids crossing the street and would like to see something done to remedy the issue.

23  
 24 **Chairman Phillips** thanked Mr. Kircher and stated that his concerns would be on record. He  
 25 suggested that comments on this issue be brought to Director Tim McDonough. Chairman  
 26 Phillips closed the Public Comment Period.

### 27 28 **3. CONSENT AGENDA**

#### 29 30 **A. APPROVAL OF CONSENT AGENDA**

##### 31 32 **1. Minutes of the Regular Meeting on June 11, 2019**

33  
 34 **Chairman Phillips** asked if there were any changes or comments on the minutes of the June  
 35 11, 2019 regular meeting.

36  
 37 **Vice Chair Pacheco** made note of four typos to be corrected.

38  
 39 **MOTION: Vice Chair Pacheco** moved to approve of the June 11, 2019 as amended.

40  
 41 **SECOND: Commissioner Benavides** seconded the motion.

42  
 43 **VOTE:** The motion carried unanimously (4-0).

### 44 45 **4. PUBLIC HEARINGS AND APPLICATIONS**

46  
 47 **Attorney Winter** swore in those present who would be speaking before the Commission.

48  
 49 **A. V 19-02** A request by John Avila for a Variance from §9.2.7(E)(1) Area  
 50 Regulations, the minimum lot area shall be one (1) acre (43,560 square feet)  
 51 for an MRGCD Tract with an area of 0.41 ac. of the property located in the A-

1 1 Zone of the North Rio Grande Character Area. The property is located at 85-  
2 - Rio Grande Blvd. (address has not been assigned) and is legally known as a  
3 tract of Land being and comprising a portion of Section 17, T. 11 N., R. 3 E.,  
4 NMPM, within Bernalillo County, New Mexico, being shown and designated on  
5 Middle Rio Grande Conservancy District's Amended Map No. 25 as Tract 32-  
6 D. The Tract contains 0.41 acres, more or less.  
7

8 **Speakers for the Discussion:**

9 **John Avila 8529 Rio Grande Blvd. NW**

10 **Kathleen Avila 8529 Rio Grande Blvd. NW**

11 **William Plotner 1005 21<sup>st</sup> St. SE Rio Rancho, NM 87124**  
12  
13

14 **Chairman Phillips** asked for the Planning Report from Planner McDonough.  
15

16 **Planner McDonough** gave the Planning Report for Item 4A: V-19-02 with recommendation  
17 to approve the application. The report included a history of the MRGCD tract and why a  
18 variance would be required for the lot in question. Based on a previous study 60% of lots in  
19 the A1 zone are less than the required one acre, partly due to annexations. Planner  
20 McDonough stated that the lot in question is not outside the norm for the area.  
21

22 **Chairman Phillips** asked the Commissioners if there were any questions for Planner  
23 McDonough.  
24

25 **Commissioner Eby** asked how many of the lots, along the strip of land shown on the map,  
26 currently had dwellings built on them. She stated that the lots appeared to be part of a Tripa  
27 lot and asked if the lots there had individual owners.  
28

29 **Planner McDonough** stated that the lots were all individually owned, but that some of them  
30 were owned by a common individual.  
31

32 **Commissioner Eby** asked what hardship claims were made for the variance.  
33

34 **Planner McDonough** referred to the Village code: Chapter 9, Article 1, Section 7:  
35 §9.2.25(E)(7)(b)(4) which defines hardship concerning the use of the land. He stated that short  
36 of getting a building permit, a lot like that could not be used for much and stated that the lot is  
37 too small for agriculture use. Lots of that size have just grown weeds. He stated that the lot  
38 was not inconsistent with other lots in the Village, especially in the given area. Planner  
39 McDonough cited §9.2.25(E)(7)(b)(6) that the request is justifiable in accordance with the  
40 goals and policies of the Master Plan.  
41

42 **Commissioner Benavides** asked if access is through an easement to lots 32B through 32G.  
43

44 **Planner McDonough** responded that he was unable to get a specific answer from the  
45 MRGCD about an easement, and it is not shown on their maps. He stated that there was a  
46 road visible from the aerial map, and if it was not a filed easement it would likely fall under  
47 the rules of a prescriptive easement.  
48

49 **Commissioner Benavides** followed up by asking if the easement was an agreement by  
50 property owners, and sometimes agreements are entered into with restrictions. He asked if  
51 the Village knows of any such agreement or if the property is bound by such an agreement.

1  
2 **Planner McDonough** stated that he was not aware of any such agreements and that if there  
3 were, it would not be the responsibility of the Village to maintain those, similar to neighborhood  
4 covenants. It would be an issue between land owners.

5  
6 **Commissioner Benavides** asked if section §9.2.25 *Application of Approval Process;*  
7 *Conditions for Variances*, served as a guide for the Commissioner or code.

8  
9 **Planner McDonough** responded that it is not general guidance but code to be interpreted  
10 and applied.

11  
12 **Commissioner Benavides** clarified that the Commission should view this as code, not  
13 guidance. He then asked about the conditions for a variance and if the applicant only needed  
14 to satisfy only one of those conditions.

15  
16 **Planner McDonough** stated that is how he had interpreted the code.

17  
18 **Vice Chair Pacheco** asked for verification if there were structures built on these properties  
19 that are no longer there.

20  
21 **Planner McDonough** responded that the applicant could answer that question better, but that  
22 his understanding was that there was a structure built on one of the properties and it was  
23 removed.

24  
25 **Vice Chair Pacheco** asked if the property having had a house on it previously changed  
26 anything concerning what it is today.

27  
28 **Planner McDonough** responded that the way he interpreted the code, because there is no  
29 longer a structure on the property, the property still needs to go through the variance process.

30  
31 **Commissioner Eby** referred to page 31 of the meeting packet concerning the findings and  
32 the history of the MRGCD tracts at the time the lot was purchased by the owners. She asked  
33 if Planner McDonough could explain that further.

34  
35 **Planner McDonough** stated what was suggested in the application process, was that the  
36 property was acquired with the intent to build a dwelling.

37  
38 **Commissioner Eby** asked when the property was purchased.

39  
40 **Planner McDonough** replied that would be best answered by the applicant.

41  
42 **Chairman Phillips** thanked Planner McDonough and invited the applicant of Item 4A: V-19-  
43 02 to speak.

44  
45 **William Plotner** 1005 21<sup>st</sup> St. SE, Rio Rancho, NM 87124 Mr. Plotner acted as the agent for  
46 the Avila's in this matter. He stated that the lots were different in description, in deed, and in  
47 title. He asked if he could present handouts that show easements.

48  
49 **Chairman Phillips** stated that there are regulations concerning completed packets submitted  
50 to the Commission prior to the meeting. He suggested that Mr. Plotner explain what was on  
51 the handout without submitting further documentation.

1  
2 **William Plotner** explained the dividing of the properties in 1955 by Jose Sanchez, into seven  
3 parcels, intended to be given to the Sanchez children. Several of Jose Sanchez's children did  
4 build on the tracts; 32D & 32F had homes built on them for several years. He stated that those  
5 homes were in a state of disrepair when Mr. Avila bought the properties, therefore they were  
6 demolished. He stated that the Sanchez family came to the Avila's and asked if they would  
7 like to purchase the property. It was shortly after that purchase that homes were demolished  
8 for safety reasons. He stated that the lot lines shown on the plat were always adhered to;  
9 homes were never built over the lot lines. He emphasized that the lots are all separate by  
10 deed and title. He stated that the plat done in 1955 shows a 12-foot easement, and when  
11 replatted there were additional easements made.

12  
13 **Commissioner Eby** asked what year the properties were purchased by the Avila's.

14  
15 **William Plotner** stated that they bought two of the lots in 2000, and the third one they bought  
16 in 2010.

17  
18 **Commissioner Eby** asked if he had said, "the third one" and asked to clarify which lots were  
19 purchased in 2000 and which was purchased in 2010.

20  
21 **William Plotner** stated that 32C & 32D were purchased in 2000. Lot 32F was purchased in  
22 2010.

23  
24 **Vice Chair Pacheco** asked if the Avila's were currently living on the property in question.

25  
26 **William Plotner** stated that the Avila's live on the property just north of 32C and 32D, in the  
27 house shown on the map.

28  
29 **Chairman Phillips** asked if the Avila's are current participants in the use of the easement.

30  
31 **William Plotner** confirmed that they are.

32  
33 **Vice Chair Pacheco** asked for clarification on which house the Avila's currently live in.

34  
35 **William Plotner** identified the property on the map, such that if a line were drawn from 32C  
36 and 32D, across the street, north, the house would be roughly in the middle.

37  
38 **Vice Chair Pacheco** asked if 32E was part of the same property.

39  
40 **William Plotner** replied that 32E is a separate tract and that the owner's whereabouts of that  
41 tract are unknown, but that the Avila's have maintained it for the good of the neighborhood.

42  
43 **Commissioner Benavides** asked what the current width of the easement is given that  
44 additional easement was added at the time the properties were replatted.

45  
46 **William Plotner** referred to the exhibit in the meeting packet on page 37, which shows the  
47 easement as 20-feet.

48  
49 **Chairman Phillips** thanked Mr. Plotner and asked if the Commissioners had any further  
50 questions for the Applicant-Agent. There were no further questions. He then asked if there  
51 was anyone present that wanted to speak in favor of the application.

1  
2 **Kathleen Avila** 8529 Rio Grande Blvd. NW. She stated that she and her husband own the  
3 property across the lane from the property in question. She stated that they bought their  
4 property in 1995 and built their house in 1999. She stated that she enjoyed their lane because  
5 of the chickens and rural feel. She stated that her neighbors came to them and asked if they  
6 would like to purchase their property, which the Avila's did come to purchase. She stated that  
7 the properties purchased were never intended to resale or develop. Their vision for the lots  
8 was a place where their children could come and live sustainably. She stated that this would  
9 be an opportunity to improve the neighborhood and that it would bring a tax-basis for the  
10 Village and the County. She stated that the variance would take these under-sized, oddly-  
11 shaped lots and build something that would fit the Village. She stated that they are not looking  
12 to build huge houses but want a place for their family. She asked that the variance be  
13 approved, having stated that their intent for the Village is good.

14  
15 **Chairman Phillips** thanked Mrs. Avila and invited others in favor of the application to speak.

16  
17 **John Avila** 8529 Rio Grande Blvd. NW. Mr. Avila stated that they have lived in the  
18 neighborhood for 45 years, a little more than half his life. He stated that this application is an  
19 opportunity to support his family. He explained what he likes about their neighborhood,  
20 including the rural dirt road and the chickens. He explained how the land was purchased  
21 between neighbors and how he wanted the properties to be a legacy for his children. He  
22 thanked the Commissioners for hearing the application and what he had to say.

23  
24 **Chairman Phillips** thanked Mr. Avila and asked if there were any others who wanted to speak  
25 in favor of the item. Hearing none, he asked if there were any people in the audience that  
26 would like to speak in opposition of the application. There were no comments made in  
27 opposition. There were no additional comments made from the Applicant-Agent. Chairman  
28 Phillips asked that the Applicant-Agent or the Avila's approach for a question from  
29 Commissioner Eby.

30  
31 **Commissioner Eby** asked if the application was only for tract 32D and not the other tracts.

32  
33 **William Plotner** responded that this application was only for 32D. The next item is for 32F.  
34 Tract 32C would be an application presented at another time, when they were ready to build  
35 on that property.

36  
37 **Chairman Phillips** asked if there were any other questions. Hearing none he closed the floor  
38 for comments and would stand for a motion on the item.

39  
40 **MOTION: Vice Chair Pacheco** made a motion to approve the variance, Item 4A.

41  
42 **SECOND: Commissioner Benavides** seconded the motion.

43  
44 **Chairman Phillips** asked if there was any discussion from the Commissioners on the motion.

45  
46 **Commissioner Eby** expressed her concern that allowing the variance would greatly increase  
47 the density of the area. She stated that the fact there were dwellings on those lots previously  
48 mitigates that concern. She asked if anyone knew if there were water rights from the ditch to  
49 this property.

1 **Planner McDonough** replied that he did not know the answer to that question. He asked the  
2 applicant if he would be irrigating that land.

3  
4 **Chairman Phillips** restated the question concerning water rights to the property and restated  
5 the reply from the applicant that the land would be irrigated and does have water rights.

6  
7 **Commissioner Eby** addressed her concern of having dwellings go up instead of using the  
8 land for agricultural use. She stated that she had driven down the easement and saw that  
9 there is no agriculture going on there, that the lots were mostly weeds.

10  
11 **Chairman Phillips** asked if there were any comments from Vice Chair Pacheco or  
12 Commissioner Benavides.

13  
14 **Commissioner Benavides** stated that concern of irrigation was a good point and added that  
15 the flow of the water should be discussed, particularly concerning the lots that are downstream  
16 with the potential of being cut off from water from those upstream. He asked if there was any  
17 obligation to continue with those ditch water rights, if they already exist, and if there were  
18 plans for doing so in any of the deeds.

19  
20 **Chairman Phillips** responded that the floor had been closed for comments.

21  
22 **Planner McDonough** stated that if the Commission chooses, they could approve the variance  
23 with conditions to maintain waterflow to the downstream properties. He also stated that it is  
24 his understanding that state law protects people that are currently irrigating from being isolated  
25 from upstream water-users. He stated that a few years prior he had looked up the state law,  
26 which stated that if a property owner had been irrigating for 10 years, they had a right to the  
27 water-flow and an upstream property could not stop the flow of water to the that property. He  
28 stated that that information is what he recalled and that if the Commission were to choose,  
29 they could make the variance conditioned upon the continuation of irrigation through that  
30 property.

31  
32 **Chairman Phillips** asked if that is all well and good, or if there was a way to make that binding  
33 as a condition.

34  
35 **Planner McDonough** stated that the Commission could enforce it as a condition of the  
36 variance.

37  
38 **Chairman Phillips** stated that the questions had been asked and answered. He then asked  
39 if there were any further comments.

40  
41 **Commissioner Benavides** asked if the Avila's or their agent would like to speak on the  
42 comments made.

43  
44 **Chairman Phillips** restated that the floor had been closed for comments. He stated that they  
45 could make an exception and reopen the floor, but that there was an active motion present,  
46 in favor of the application. He then asked if there was any other discussion on the motion.

47  
48 **Planner McDonough** stated that he did not think it would be inappropriate if Chairman Phillips  
49 wanted to ask a specific question to the Avila's.

50

1 **Chairman Phillips** asked if Commissioner Benavides had a specific question for the Avila's  
2 and if so, they would have the applicant approach the stand to speak.

3  
4 **Commissioner Benavides** stated that he wanted to know if the applicant had any issues with  
5 continuing the water-flow to the downstream properties.

6  
7 **John Avila** stated they have used the water to grow tomatoes and wheat. He stated that he  
8 sees, upon building the houses, that the water will be used to water grass around the property  
9 but that the use of water would likely not be great. He explained that each property has a gate;  
10 when the water is turned on at the ditch, each individual lot can be watered independently of  
11 the other lots. He stated therefore, if any of the land was to be remained vacant, the  
12 opportunity to grow vegetables or wheat would still be a possibility. He stated that if the  
13 Commission placed a condition on the variance for water-flow he would have no problem with  
14 that. He explained that they grew some crops on the land primarily to keep the weeds down  
15 and maintain the look of the neighborhood. He restated that he would be comfortable with the  
16 possible conditions on the variance and that they have to talk with the ditch-writer any time  
17 they intend to water any of the lots.

18  
19 **Commissioner Benavides** stated that his assumption was that the Avila's did not own tract  
20 32E, which is downstream from tract 32C and 32D, and that somebody may feel that the  
21 water-flow is important to the value of their lot.

22  
23 **Planner McDonough** explained how the water rights work at his property in Village. He stated  
24 that he waters from a local ditch that flows behind several of the properties. The water gets to  
25 his property after it flows to each of the properties before his. He stated that it sounded to him  
26 that the ditch that feeds the properties in question is a MRGCD maintained ditch, and there  
27 are individual gates to each property. Therefore, one property's use of the water is not  
28 dependent upon what an adjoining property does. They all have their own gates for the water  
29 from the ditch.

30  
31 **Commissioner Benavides** stated that he did not see that in any of the photos submitted.

32  
33 **John Avila** stated that there is a pipe that runs through the back of all of those properties.  
34 The water runs through the pipe and each property has a gate that allows the water onto only  
35 the lot that has a gate open. Therefore, the property owners can control the water flow at each  
36 individual property without having to water all the properties at the same time. He stated that  
37 they put the pipe in several years ago when he decided that, rather than growing weeds, they  
38 should do something else with the property. He put the pipe in with the intent of controlling the  
39 water on the lots, rather than flooding all the lots.

40  
41 **Chairman Phillips** thanked Mr. Avila for the clarification and remarked that the pipe was a  
42 very nice improvement. He asked if there was any further discussion on the motion.

43  
44 **Commissioner Pacheco** asked Mr. Avila if each of the tracts, 32G, 32F, 32E, 32D, 32C and  
45 32B, have access to the water.

46  
47 **John Avila** responded that each of the lots have access to the water, which runs along the  
48 backside of the total length of the combined lots.

49

1 **Chairman Phillips** asked if there was any other discussion. Having heard no further  
 2 discussion, he called for a vote, restating that the motion was to approve the application, Item  
 3 4A.

4  
 5 **VOTE:** The motion carried (3-1)  
 6 Chairman Phillips – Aye  
 7 Vice Chair Pacheco – Aye  
 8 Commissioner Benavides – Aye  
 9 Commissioner Eby – Nay

10  
 11 **Chairman Phillips** stated that the public hearing on Item 4A in the request by John Avila for  
 12 a variance is formally close. He stated that at this time they would move on to Item 4B.

13  
 14  
 15 **B. V 19-03** A request by John Avila for a Variance from §9.2.7(E)(1) Area  
 16 Regulations, the minimum lot area shall be one (1) acre (43,560 square feet)  
 17 for an MRGCD Tract with an area of 0.41 ac. of the property located in the A-  
 18 1 Zone of the North Rio Grande Character Area. The property is located at  
 19 8509 Rio Grande Blvd. and is legally known as a tract of Land being and  
 20 comprising a portion of Section 17, T. 11 N., R. 3 E., NMPM, within Bernalillo  
 21 County, New Mexico, being shown and designated on Middle Rio Grande  
 22 Conservancy District's Amended Map No. 25 as Tract 32-F. The Tract contains  
 23 0.41 acres, more or less.

24  
 25 **Speakers for the Discussion:**

26 **John Avila 8529 Rio Grande Blvd. NW**

27 **Kathleen Avila 8529 Rio Grande Blvd. NW**

28 **William Plotner 1005 21<sup>st</sup> St. SE Rio Rancho, NM 87124**

29  
 30 **Chairman Phillips** asked Planner McDonough for the Planning Report.

31  
 32 **Planner McDonough** stated that the Planning Report was a mirror-image of the previous  
 33 request for another variance on a MRGCD tract. He stated that all his prior comments are  
 34 repetitive for this.

35  
 36 **Chairman Phillips** thanked Planner McDonough and asked if there were any questions from  
 37 the Commissioners for the Director.

38  
 39 **Commissioner Eby** stated that her concern is agricultural use versus residential use for this  
 40 property. She asked what the current zoning is. Planner McDonough replied that the zone is  
 41 A1, which is agriculture/residential. Commissioner Eby continued by asking if there was  
 42 consideration for having a restriction on the variance to require that the ditch remain open for  
 43 irrigation.

44  
 45 **Planner McDonough** stated that he had not, but that was offered as a possibility based on  
 46 the assumption that the water-flow came through properties along the way. He stated that it  
 47 would be a different situation given the pipe with the individual valves. He stated that the  
 48 Commission could still make the conditions if it were assumed somebody might cut that pipe  
 49 or block it. However, if they are all dealing with MRGCD then state law covers that. He stated  
 50 that he did not think it would be unreasonable to allow the variance with a condition that water  
 51 continue to flow to each of the properties.

1  
2 **Chairman Phillips** asked if there were any other questions.  
3

4 **Vice Chair Pacheco** made a comment about the maintenance of the water going  
5 downstream. Other than 32G, which is not owned by the Avila's, she asked if there was a  
6 condition placed on this property (32F), if the water would still flow through the previous lot  
7 (32D).  
8

9 **Planner McDonough** stated that at that point the Commission would either need to go back  
10 to the previous item, Item 4A, and place the same condition on it. He stated that applying the  
11 condition now would only apply to 32F.  
12

13 **Attorney Winter** spoke to clarify what Vice Chair Pacheco had said. She stated that this lot  
14 (32F) is farther east and therefore if a condition is applied to the lot at the end of the line, the  
15 water is not impaired for the lots to the west. Therefore, if you're not impairing water at the  
16 end of the line, you're not impairing water at the middle of the line.  
17

18 **Vice Chair Pacheco** agreed that is what she had meant.  
19

20 **Chairman Phillips** thanked Attorney Winter for the clarification and asked for any further  
21 questions for the Director.  
22

23 **Commissioner Benavides** asked for more information concerning Planner McDonough's  
24 previous comment of the state law requiring that the water is made accessible to the lots. He  
25 asked if that is correct.  
26

27 **Planner McDonough** stated that to the best of his knowledge, based on what he had  
28 previously looked up, that was what state law said; that if somebody has had access to the  
29 water for a period of 10 years and has been utilizing the water, a neighbor cannot cut off the  
30 water supply to the former.  
31

32 **Chairman Phillips** asked if there were any more questions. Having heard none, he stated  
33 that they would move through the same process as before. He invited the applicant or the  
34 Applicant-Agent to speak.  
35

36 **William Plotner** 1005 21<sup>st</sup> St. SE, Rio Rancho, NM 87124. He stated that as the surveyor, he  
37 understands there would be a prescriptive easement. Having spoken to the owner, he stated  
38 that they will provide an easement across both the tracts for the water rights so that none of  
39 the lots downstream would be impeded upon. He stated the Avila's intent for the property was  
40 for their children to build homes of their own. He restated that the parcels are separate in deed  
41 and title.  
42

43 **Chairman Phillips** invited anyone in the audience who wanted to speak in favor of the  
44 application to approach the stand.  
45

46 **Kathleen Avila** 8529 Rio Grande Blvd. NW. Mrs. Avila stated that the acequia that provides  
47 water for all the properties that have been discussed, runs north/south. She stated that they  
48 thought to have a ditch irrigating the land was inefficient and therefore decided to install the  
49 pipe with the individual gates, which minimizes the waste of water on the lots. She stated that  
50 this pipe also feeds the lot they do not own, and likewise has its own gate. This was done for  
51 the good of the neighborhood. Mrs. Avila stated that the lots are quite small for real, productive

1 agricultural use and the water rights were something they felt had always been an important  
2 part of the Valley. She stated that the water use would likely be for watering grass but would  
3 not impose significant water usage from the ditch, therefore their use of water would not  
4 impede anyone else's use of the water.

5  
6 **Chairman Phillips** thanked Mrs. Avila. He asked if there was anyone else to speak in favor  
7 of the application. Having heard none, he asked if anyone would like to speak in opposition of  
8 the application. There were no speakers in opposition. He asked if there were any questions  
9 from the Commissioners.

10  
11 **Commissioner Eby** asked Attorney Winter, as with other parts of New Mexico, if there is an  
12 issue with MRGCD tracts being separated from their water rights.

13  
14 **Attorney Winter** replied that she could not answer that question without more time to  
15 research the issue.

16  
17 **Commissioner Eby** stated that she was considering proposing a restriction that the water  
18 rights remain with the land but was unsure if the Commission could impose that kind of  
19 restriction.

20  
21 **Chairman Phillips** spoke to an issue that had occurred in the past, outside of the Village, in  
22 which restrictions such as this had been imposed and were regretted later. He stated that he  
23 thought it was something the Commission could do but it may have unfavorable results. He  
24 also stated that this was an uninformed statement garnered from recollection.

25  
26 **Attorney Winter** stated that land and water rights could be severed from one another. She  
27 stated that she was under the impression this action would be between private individuals and  
28 not by a function of government. She stated that she was unsure of where the Commission's  
29 authority rests in this issue.

30  
31 **Commissioner Eby** asked Planner McDonough if he had any experience in this body  
32 imposing a restriction that the water rights were not to be severed from the land.

33  
34 **Planner McDonough** replied that in past discussions with the previous attorney, Bill Chappell,  
35 it was understood that the Village does not have the authority to require that an individual  
36 sever or maintain the water rights from the land. He stated that the water rights are a property  
37 right and Attorney Chappell was of the opinion that the Village could not impose such a  
38 condition.

39  
40 **Commissioner Eby** stated that in the case of a variance, the rule may be different.

41  
42 **Planner McDonough** stated that it may be different, but he could only provide the information  
43 that he currently recalled.

44  
45 **Chairman Phillips** asked for any further questions or comments from the Commissioners.  
46 There were no further comments, therefore a call for a motion was made.

47  
48 **MOTION: Commissioner Eby** called for a motion to approve the variance for 32F with two  
49 imposed conditions; 1) that the prescriptive easement that William Plotner proposed would be  
50 enforced and 2) that the water rights remain with the land.

51

1 **Commissioner Benavides** asked for clarification on Commissioner Eby's wording of "lots".

2  
3 **Commissioner Eby** clarified that she meant "lot". That this motion was intended for 32F,  
4 although she would have liked to see these conditions also applied to the previous item, Item  
5 4A.

6  
7 **Vice Chair Pacheco** asked if the Commission could even vote on this given the lack of  
8 understanding on the Commission's authority to impose the water rights condition.

9  
10 **Attorney Winter** stated that she was uncomfortable doing so, with concerns that the  
11 Commission cannot do something that private parties can. She stated that she is not 100%  
12 certain.

13  
14 *There was no second for this motion. The motion expired for lack of a second.*

15  
16 **MOTION: Commissioner Benavides** made a motion to approve the application for a  
17 variance as stated.

18  
19 **SECOND: Vice Chair Pacheco** seconded the motion.

20  
21 **VOTE:** The motion carried (3-1)  
22 Chairman Phillips – Aye  
23 Vice Chair Pacheco – Aye  
24 Commissioner Benavides – Aye  
25 Commissioner Eby – Nay

26  
27 **Chairman Phillips** stated that the public hearing on Item 4B in the request by John Avila for  
28 a variance was formally closed.

29  
30 **5. OLD BUSINESS**

31  
32 A. Discussion of the 2035 Master Plan process.

33  
34 **Chairman Phillips** asked Planner Justice for the report of the Master Plan.

35  
36 **Planner Justice** stated that the public open house for review of the Master Plan draft was  
37 held at the end of June at Village Hall, with 11 attendees who were not committee members  
38 or staff. The draft is on the Village website for review until July 31 and staff will be accepting  
39 written comments on the draft until July 15. The Master Plan Committee will meet July 17 to  
40 review the public open house and any revisions since. Staff will be compiling the document  
41 and graphics in July for a working session in August with the Planning & Zoning Commission  
42 and the Board of Trustees to review the plan and the plan development process.

43  
44 **Chairman Phillips** asked if there was any resolution on photo submissions with people in the  
45 photos.

46  
47 **Planner Justice** stated that as long as photos of individuals were not identifiable (such as a  
48 silhouette, a photo taken from behind, or from a distance great enough that they cannot be  
49 identified) these would be allowed. If the individuals in the photo can be identified, there would  
50 need to be a photo release form to use the image signed by the individual in the photo. She

1 also stated that there have been quite a few photo submissions from residents, and the  
2 deadline for those photos has been extended to July 31<sup>st</sup>.

3  
4 There were no further comments made concerning the 2035 Master Plan process.

5  
6  
7 **6. NEW BUSINESS**

8  
9 *There was no new business*

10  
11 **7. REPORTS**

12  
13 A. Planning Department Report

14  
15 **Planner McDonough** gave the Planning Department Report.

- 16 • The Fourth Street Construction Project continues with construction on the west side. He stated  
17 that the progress has picked up at a much better pace. The project remains on schedule for  
18 completion in September. He stated that there have been discussions with residents about what  
19 they would like to see and has addressed concerns about line-sites. All in all, the project is  
20 moving along really well.
- 21 • Village staff are working with film liaisons on drafting a film policy. He pointed out that years  
22 prior there was filming in the Village and it was felt at the time that filming produced a harmful  
23 impact on the neighborhoods. The BOT voted to stop filming in the Village, but there is a  
24 renewed interest, in particular with new production shops opening up. The Mayor has asked  
25 that the Village consider allowing filming under greater controls. The film policy would allow  
26 commercial filming in the Village with specific regulations relating to the intensity of the activity.  
27 Planner McDonough listed those involved in the drafting of a film policy as: Planner Tiffany  
28 Justice, J.T. Michaelson, members of the State Economic Development, and members of the  
29 Albuquerque Film Office. He stated that the team was enlisting the help of professionals to  
30 develop a new film policy that would be better for the neighborhoods. The policy should be done  
31 by the end of the month.
- 32 • Code Enforcement Officer Heinzelman has been writing a number of weed letters to properties  
33 that have some issues and has taken other actions concerning code violations. A comment  
34 was made that a case was dropped arbitrarily, however the case was dropped because the  
35 resident had made significant improvements to the property, and therefore it did not seem  
36 appropriate to take that person to court when they had done work to clean the property up. Keen  
37 Heinzelman can make these decisions, and that as Code Enforcement Officer it is his charge  
38 to assess properties and their compliance. He has to balance our resources with all the  
39 situations out there and treat them on a priority basis.
- 40 • Jennifer Schilling, our newest member of P&Z has learned the routine tasks of that position and  
41 is quickly getting a grasp on the wider selection of resident questions. He stated she has a great  
42 background in records.
- 43 • Assuming the approval of the budget at the July BOT meeting, there will be some  
44 changes in the department. Keen Heinzelman will move over to Public Facilities as  
45 Department Head there, and Dominic Tomba, the current Animal Control Officer will  
46 move into the Code Enforcement position. He has been doing code enforcement under  
47 the animal control ordinance and will now do code enforcement for both animal control  
48 and land use. He is experienced in taking individuals to court and works well with  
49 people and animals. This is assuming the budget passes.

- Tim McDonough has continued in the role of Administrator and with the current staff, the department has been keeping above water.

**Chairman Phillips** asked if there were any questions or comments for Planner McDonough.

**Vice Chair Pacheco** asked about the following business report in the meeting packet, and if that was part of the Department Report.

**Planner McDonough** answered that yes, that was part of the report outlining the businesses that have opened and closed in the Village.

**Vice Chair Pacheco** asked if the Village has a sort of “exit interview” when businesses close, so that the Village might gain an understanding on economic patterns.

**Planner McDonough** stated that there is currently no formal process to do that, however he did state it would be a good idea. He also stated that most of the time they’re pretty aware of the reasons some businesses close. Most of the closures seen are hair-stylists that tend to more from shop to shop. Places like ABQBBQ closed due to challenges in developing the clientele needed to continue financing the restaurant. He noted that ABQBQQ had some really great ideas and that there have been a number of restaurants in that location that have closed but he was unsure if it were a location issue or a business issue. He stated that if the Village were to develop an economic development department, they would be able to track and interpret that kind of information more proficiently.

**Commissioner Benavides** stated he would like to see a standard process to document closures in the Village and that the process would be voluntary.

**Chairman Phillips** moved on to Informal Discussion after no further comments were made on the Planning Department Report.

## 9. COMMISSIONER’S INFORMAL DISCUSSION

- The discussion of emails sent to the Commissioners from residents was addressed. Chairman Phillips stated that he appreciated the concerns of residents and their sharing of those concerns.
- There was a discussion about imposing conditions on variances to have the water rights maintain with the land. Attorney Winter stated that she would investigate the issues before the next Planning and Zoning regular meeting. The two issues mentioned were 1) imposing that water rights stay with the property and 2) the issue of impeding access to water from/to other properties.
- Procedural processes for these meetings were discussed, particularly if there was a process to reopen an item that was formally closed in the same meeting.

## 10. ADJOURNMENT

**Chairman Phillips** asked if there was a motion to adjourn.

**MOTION: Commissioner Eby** moved to adjourn.

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

**VOTE:** The motion carried unanimously (4-0).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

**Chairman Phillips** adjourned the meeting at 8:45 p.m.

**APPROVED** by the Planning and Zoning Commission of the Village Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Lynn Eby, Secretary  
Planning and Zoning Commission

Not Yet Approved by P & Z Commission

## 4. PUBLIC HEARING

**A. 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 and C-1 Zone in the Fourth Street Corridor 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.

PLANNING AND ZONING COMMISSION  
**PLANNING REPORT**

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

**DATE ISSUED:** May 24, 2019

**REPORT NO.** PZ-19-15

**File:** ZMA-19-02

**ISSUED BY:** Planning and Zoning

**SUBJECT:** A request 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 and the C-1 Zone both of the Fourth Street Corridor and Character Area.

**APPLICANT:** Michael Lutgen

**LOCATION AND LEGAL:**

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.

**PROJECT:**

The property is dual zoned, C-1 on the front abutting Fourth Street, estimated to be 190 feet, and R-2 on the rear, estimated to be 255 feet. The requested Zone Map Amendment is to change the rear (westerly) 255 feet of the named tract from R-2 to C-1, as the front (easterly) 190 feet is zoned C-1.

The property is not divided by Character Area. Both zones are in the Fourth Street Corridor and Character Area.

**SURROUNDING LAND USES:**

North: Subject property zoned R-2 abutted by A-1 Zone, subject property zoned C-1 abutted by C-1 Zone

East: C-1

South: Subject property zoned R-2 abutted by R-2 Zone, subject property zoned C-1 abutted by C-1 Zone, both with Special Use Permit

West: A-1

**ANALYSIS:**

The following guidelines for zone change and zone map amendment apply:

**1) NMSA Section 3-21-5 (A) and (B) apply to this zone map amendment application and are met**

NMSA 1978 § 3-21-5 (A) The regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan and be designed to:

- (1) lessen congestion in the streets and public ways;
- (2) secure safety from fire, flood waters, panic and other dangers;
- (3) promote health and the general welfare;

- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population;
- (7) facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and
- (8) control and abate the unsightly use of buildings or land.

NMSA 1978 § 3-21-5 (B) The zoning authority in adopting regulations and restrictions shall give reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and to conserving the value of buildings and land and encouraging the most appropriate use of land throughout its jurisdiction.

**2) The Board of Trustees will not spot zone for the private interest of the owner/applicant**

Part of the property is already zoned C-1 along an existing commercial corridor. Adjacent properties are zoned C-1 to the east and partially to the north and south. The adjacent property to the west zoned R-2 is part of a subdivision facing away from Fourth Street and does not have access on Fourth Street. Though parts of the north and south adjacent properties are zoned R-2 and A-1, two properties to the south zoned R-2 have Special Use Permits for a mobile home park and a veterinary clinic. The property zoned A-1 to the north does not appear to be currently used as residential.

**3) The application for a zone change is warranted**

The applicant wishes to have higher density townhomes on the rear (westerly) end of the property, creating a more gradual transition between the commercial use at the front of the property and the residential use of the R-2 zoning to the west.

**4) Support for the zone change is within the 2020 Master Plan**

**Village of Los Ranchos 2020 Master Plan**

**2.1.1 Objectives, Roadways and Corridors:**

- Maintain overall Village unity across character areas by maintaining the specific qualities of Rio Grande Boulevard, Guadalupe Trail, and Fourth Street corridors
- Enhance and unify the commercial aspects of Fourth Street, the Village Center and the proposed Transit District

**8.2 Commerce Goal**

The goal is to vitalize Fourth Street, the Village Center and the Transit District as the Village's major commercial and mixed use centers through both public and private efforts.

**8.2.1 Objectives**

- Focus Village commercial activities in the Village Center, Fourth Street and the Transit District
- As a general rule, maintain a consistent depth limit of 300 feet for commercial use between businesses and adjacent residential areas

The Master Plan recognizes the 300-foot criteria but does not consider it a fixed value. In stating "as a general rule" the plan recognizes that there will be situations where strict adherence to a 300-foot limit may not be best answer. Further, by zoning residential directly behind and within the same parcel as the commercial zone it has the potential to create conflicts between the commercial and residential uses on a common property, rather than avoid them.

There are a number of properties that were annexed into the Village with commercial frontage. By arbitrarily limiting the commercial use to 300 feet the residential portion of the lot becomes undesirable as a single-family residence, except where a business owner desires to live behind their business. Accessing this back residential property requires a potential resident to maneuver from Fourth Street through the area of business activity to reach their property, greatly reducing the desirability of the residential zoned property.

The R-2 portion of the property is under a Special Use Permit and has been used for parking school buses, which is a commercial use. Further, in looking at the properties surrounding this parcel, directly south is a mobile home park that extends 890 feet from Fourth Street. Just south of the mobile home park is a veterinary business that extends 850 feet from Fourth Street. Both operate under a Special Use Permit and can detract from the desirability of the subject property for a single-family residence. Also, to the north is Los Ranchos Elementary School, extending 825 feet from Fourth Street. There are also examples of higher density housing in close proximity. On the east side of Fourth Street is a Special Use Permit for higher density single-family residential (SFR) development and just north of that property is an existing townhome development, again allowed via a Special Use Permit. Approving a C-1 Zone Map Amendment for a townhome development would provide a residential transition between the commercial use in front to the existing residential development to the west and remove the existing Special Use Permit for parking on the R-2 zoned property.

#### **RELEVANT CODE LANGUAGE:**

#### **§ 9.2.5 ESTABLISHMENT AND INTERPRETATION OF ZONES AND CHARACTER AREAS**

**(D) MULTIPLE ZONED LOT.** For property that is contiguous and abuts Fourth Street and is zoned commercial (C-1) and residential (A-1, R-2, R-3) the depth of the commercial zone shall be limited to three hundred feet (300') unless otherwise specified from the property line that abuts Fourth Street.

**(E) CHARACTER AREAS.** The Character Areas, as identified in the 2020 Master Plan, were designated so as to create areas that have some common elements for purposes of future development, construction or other changes. However, within each Character Area are many times diverse developments or uses which must be taken into account in any Village decisions. In administering the Zoning, Subdivision and other Code Sections, the diverse developments or uses within any given Character Area will be reviewed and considered in those decisions. However, in no event shall these reviews be deemed a change or modification of the existing zoning on any property. Because of the diversity contained within each Character Area, in many cases it will be deemed necessary to review the area immediately surrounding the property affected by any application as well as the entire Character Area.

#### **§ 9.2.3 DEFINITIONS**

##### **(B) SPECIFIC DEFINITIONS**

**ZONE** means a portion of the territory of the Village, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are permitted and within which certain yards and open spaces may be required and certain height limits are established for buildings. A mapped area to which a uniform set of regulations applies, or a uniform set of regulations described by a use designator, and an optional special area designator.

**ZONE AMENDMENT** means a revision, change, addition or deletion in the text of the Comprehensive Zone Code, or a change in a zoning classification of one or more properties within the Village and shown on the official Zone Map. An amendment shall include the placement of a zoning designation on property not before classified by a Village zoning designation, such as annexed property.

**ZONE DISTRICT** means an area within the jurisdiction, delineated on the official Zone Map with specific regulations for individual zones.

**ZONE MAP** means the map or set of maps that delineate the boundaries of the zoning districts within the Village.

**§ 9.2.25 APPLICATION AND APPROVAL PROCESS  
(E) COMMISSION/BOARD ISSUED PERMITS**

**(8) Zone Map Amendments.** Amendments to the official Zoning Map may be considered by the Board upon recommendation of the Commission, if an application to amend zoning for the same property has not been filed within twelve (12) months from the date of final action by the Board on a prior application.

**DEPARTMENT RECOMMENDATIONS AND FINDINGS:**

The Department recommends that the Commission forward to the Board of Trustees a recommendation for approval of ZMA-19-02 a request 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 and the C-1 Zone of the Fourth Street Corridor and Character Area.

**Findings:**

The property is zoned R-2 and C-1 in the Fourth Street Character Area.

The predominate use of properties surrounding this site are not Single Family Residential uses (Mobile Home Park, Veterinarian, Elementary School). The R-2 residential property to the west is part of a subdivision that does not have access from Fourth Street and faces away from Fourth Street.

Maintaining the R-2 zoning will tend to result in a conflict between a single-family residential use in an otherwise active business environment.

The applicant desires to have higher density townhomes on the rear (westerly) end of the property, which creates a more gradual transition between the commercial use at the front of the property and the residential use of the R-2 zoning to the west while removing the Special Use Permit for parking.

No adverse comments were received by the Village during the public notice period.

No application to the amend the zoning for the property has been filed within the last twelve (12) months.

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

  
\_\_\_\_\_  
Tim McDonough  
Director, Planning and Zoning Department

Date: Aug 1, 2019

Village of Los Ranchos  
6718 Rio Grande Blvd. NW  
Los Ranchos, NM 87107  
505-344-6582

Zone Map Amendment
Date: <u>5-3-2019</u>
FEE: <u>\$ 280</u>
Receipt No. <u>607012 &amp; 607013</u>

### APPLICATION FOR ZONE MAP AMENDMENT

All fees generated by this application are the responsibility of the applicant and are due and payable upon submittal

ZMA CASE # 19-02 Related cases: \_\_\_\_\_

Site Address: 7511 4th ST NW 87107  
Los Ranchos, NM Zip

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot No. \_\_\_\_\_  
Tract No. 103-B MRGCD Map # 27 Acreage 1.945

UPC CODE 101506309232520509

#### Requirements:

Application Packet see attachment

1. Document Package
2. Vicinity Map
3. Grading and Drainage Plan

Property Owner: <u>LUTGEN PROPERTIES, LLC</u> <small>Print Name</small>
Address: <u>9113 Lynx Loop NE</u> <u>ABQ</u> <u>NM</u> <u>87122</u> <small>City State Zip</small>
Home Phone: ( <u>505-269-3788</u> ) Cell ( <u>505-269-3788</u> )
Email address: <u>Mlutgen@doctech.com</u>
SIGNATURE <u>[Signature]</u>

Applicant Name: <u>MICHAEL J. LUTGEN</u> <small>Print Name</small>
Mailing Address: <u>9113 Lynx Loop NE</u> <u>ABQ</u> <u>NM</u> <u>87122</u> <small>City State Zip</small>
Phone: ( <u>505-<del>269</del> 269-3788</u> ) Cell ( <u>505-269-3788</u> )
Email address: <u>Mlutgen@doctech.com</u>
SIGNATURE <u>[Signature]</u>

Resolution No. 2003.6.2

**VILLAGE OF LOS RANCHOS  
RESOLUTION NO. 2003-6-2**

**ESTABLISHING FEES FOR ZONING APPLICATIONS  
AND  
MINIMUM FINES FOR ZONING VIOLATIONS**

**WHEREAS**, the Village of Los Ranchos de Albuquerque has in the past established fees for zoning applications; and

**WHEREAS**, the Board of Trustees of the Village of Los Ranchos de Albuquerque recognizes that the fees no longer represent the costs associated with the applications; and

**WHEREAS**, the Board of Trustees of the Village of Los Ranchos de Albuquerque finds that the proliferation of zoning offenses is not in the best interest of the public welfare;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Village of Los Ranchos de Albuquerque, New Mexico that the following fees are established for the zoning applications and the following minimum fines are established for zoning violations:

Zone Ordinance Text Amendment	\$250.00
Zone Map Amendment	
Less than One Acre	\$250.00
One acre but less than Five Acres	\$250.00 for the first acre+ \$30. for each additional acre or portion thereof
Five acres but less than Twenty Acres	\$400.00 for first five acres+ \$30. for each additional acre or portion thereof
Twenty acres but less than Sixty Acres	\$750.00 for first twenty acres+ \$30. for each additional acre or portion thereof
Sixty acres or more	\$1950.00 for first sixty acres + \$30 for each additional acre or portion thereof
Variance Request	\$100.00
Conditional Use Request	\$100.00

**Planning & Zoning Department  
ZONE MAP AMENDMENT**

**Application Submittal Checklist**

Case No. \_\_\_\_\_  
 Name of Applicant \_\_\_\_\_  
 Site Address \_\_\_\_\_ Phone \_\_\_\_\_

**APPLICATION PACKET REQUIRED CONTENTS**

1. Document package
2. Vicinity Map
3. Grading and Drainage Plan

**1. Document Package**

	<b>Notes</b>
Grant/Warranty Deed or verification of proof of	
Verification that property taxes have been paid	
County Assessors UPC #	
Does proposed use of property meet permissive activities	yes <input type="checkbox"/> no <input type="checkbox"/>
Character Area restrictions	Village Center <input type="checkbox"/> 4 <sup>th</sup> Street Commercial <input type="checkbox"/> Other <input type="checkbox"/>
Justification that supports the proposed project, site 2010 Master Plan and Zoning Code	
Impact on health and safety of the community	
Economic impact on community	

**2. Vicinity Map- with North Arrow**

	<b>Subject property and area encompassing 1,000' around the Subject Property</b>
	<b>Address</b>
	<b>Legal description</b>
	<b>All boundary features (external and internal) adjacent public and private streets, all waterways</b>
	<b>All boundary parcels showing use and zoning on each parcel</b>

**3. Grading and Drainage Plan**

	<b>Flood Zone</b>
	<b>Drainage report or drainage Concept (show ponding areas)</b>

**LUTGEN PROPERTIES, LLC**  
Michael J. Lutgen  
9113 Lynx Loop NE  
Albuquerque, NM 87122

June 10, 2019

Tim McDonough, Director, Planning and Zoning  
Tiffany Justice, Planner  
6718 Rio Grande Blvd. NW  
Los Ranchos, New Mexico 87107

Re: 7511 4<sup>th</sup> Street, NW – Zone Change

Dear Tim and Tiffany:

We enjoyed our recent productive meeting with you.

The purpose of this letter is to outline our reasoning behind the request for a zone change to the west half of the property at 7511 4<sup>th</sup> St., NW.

#### Current Status

Currently the lot is zoned for one residence west of the 9600 sq. ft. commercial building and parking lot.

- The south side is bordered by an old mobile home park.
- The west side is bordered by an eight-foot block wall.
- The north is bordered by a school bus parking lot, a mobile home and a school.
- The 9600 sq. ft. commercial building is on the east side of the lot.

As it is currently zoned, a single high-end residence would be a difficult use for this lot based on the surrounding properties.

#### Proposed Project

- Our purpose is to enhance, improve, and add long-lasting value to the west half of the lot, with a high end, high quality townhome community.
- The proven design of these townhome communities has been successful in bringing strong income professionals as long-term tenants.

In our experience, the design has proven to be what this demographic is looking for.

Features

- Energy efficient design and materials.
- Stained concrete floors.
- Pitched metal roofs.
- Granite countertops in kitchen and baths.
- Refrigerated air/heat combo units.
- Garages with storage.
- Floor plans that enhance livability.

We look forward to many mutual successes for all of us as Los Ranchos property owners, and meeting with you in July.

Sincerely,

Michael J. Lutgen

Greg Lobbereget

FindLaw (<https://p.findlaw.com/>) Codes (<https://codes.findlaw.com/>) New Mexico (<https://codes.findlaw.com/nm/>)  
Chapter 3. Municipalities (<https://codes.findlaw.com/nm/chapter-3-municipalities/>) § 3-21-6

## New Mexico Statutes Chapter 3. Municipalities § 3-21-6. Zoning; mode of determining regulations, restrictions and boundaries of district; public hearing required; notice

### Search New Mexico Statutes

Search by Keyword or Citation

« Prev

(<https://codes.findlaw.com/nm/chapter-3-municipalities/nm-st-sect-3-21-5.html>)

A. The zoning authority within its jurisdiction shall provide by ordinance for the manner in which zoning regulations, restrictions and the boundaries of districts are:  
(1) determined, established and enforced; and  
(2) amended, supplemented or repealed.

B. No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing shall be published, at least fifteen days prior to the date of the hearing, within its respective jurisdiction. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

C. If the owners of twenty percent or more of the area of the lots and [of] land included in the area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the governing body of the municipality or by a two-thirds vote of all the members of the board of county commissioners.

« Prev

(<https://codes.findlaw.com/nm/chapter-3-municipalities/nm-st-sect-3-21-1.html>)

Read this complete New Mexico Statutes Chapter 3. Municipalities § 3-21-6. Zoning; mode of determining regulations, restrictions and boundaries of district; public hearing required; notice on Westlaw (<https://next.westlaw.com/Document/18FFF8650FCA911E7957AAD3139338503/View/FullText.html>)

Next »

(<https://codes.findlaw.com/nm/chapter-3-municipalities/nm-st-sect-3-21-7.html>)

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Prosecutor Caught Using Counter-Intelligence in War Crimes Case  
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**FIND US ON**

2019

# NOTICE OF VALUE



**TANYA R. GIDDINGS**  
**BERNALILLO COUNTY ASSESSOR**  
 P.O. BOX 27108  
 ALBUQUERQUE, NEW MEXICO 87125  
 (505) 222-3700 www.bernco.gov

PLEASE REVIEW CAREFULLY <sup>36 of 104</sup>

**THIS VALUE WILL BE A FACTOR  
 IN DETERMINING YOUR 2019  
 PROPERTY TAX BILL**

Property Listed and Valued as of January 1, 2019

THIS IS THE ONLY NOTICE OF VALUE YOU WILL RECEIVE UNLESS YOU ARE THE OWNER OF PERSONAL PROPERTY OR TAXABLE LIVESTOCK.  
 INSTRUCTIONS FOR PROTESTING AND FILING OF EXEMPTIONS ARE ON THE REVERSE SIDE.  
 FOR ASSISTANCE CALL (505) 222-3700, BETWEEN THE HOURS OF 8:00 AM - 5:00 PM MONDAY- FRIDAY.

UPC# 101506309232520509  
 193734\*488\*\*G50\*\*0.634\*\*1/1\*\*\*\*\*AUTO5-DIGIT 87109  
 LUTGEN PROPERTIES LLC  
 9113 LYNX LOOP NE  
 ALBUQUERQUE NM 87122-1319

**Go paperless next year!**  
 Go to [eNoticesOnline.com](http://eNoticesOnline.com) and  
 register with this code:  
**BER-6FAREB7G**

Mailing Date  
**April 1, 2019**

Protest Deadline Date  
**April 30, 2019**

Tax District  
**L1AM**



**REAL PROPERTY:** IF ANY CHANGES HAVE OCCURRED, PLEASE FILL OUT THE INFORMATION ON THE REVERSE SIDE OF THIS FORM AND RETURN IT TO THE BERNALILLO COUNTY ASSESSOR AT THE ABOVE ADDRESS.

IF THERE ARE ANY CHANGES, detach here and return top portion.

<b>Property Address</b> 7511 4TH ST NW LOS RANCHOS DE ALBUQUERQUE NM 87107	<b>Property Legal Description</b> TRACT 103-B MRGCD MAP 27 CONT 1.945 AC
--	---

2018 PROPERTY VALUE INFORMATION	
FULL VALUE LAND	179,000
AGRICULTURAL LAND	0
STRUCTURES	233,400
TOTAL FULL VALUE	412,400
TAXABLE (1/3 FULL VALUE)	137,453
VETERAN EXEMPTION	0
FAMILY EXEMPTION	0
OTHER EXEMPTION	0
NET TAXABLE VALUE	137,453
Previous Years Tax Rate (per thousand):	43.799
Previous Years Tax:	\$6,020.34

2019 PROPERTY VALUE INFORMATION	
FULL VALUE LAND	179,000
AGRICULTURAL LAND	0
STRUCTURES	233,400
TOTAL FULL VALUE	412,400
TAXABLE (1/3 FULL VALUE)	137,453
VETERAN EXEMPTION	0
FAMILY EXEMPTION	0
OTHER EXEMPTION	0
NET TAXABLE VALUE	137,453

\* Estimated tax calculation per NMSA 7-38-20: To estimate taxes based on the previous year's rate, multiply the net taxable value on this notice by the previous year's rate and divide by 1,000. Example: (\$100,000 X 41.074/1,000 = \$4,107.40)

"FULL VALUE" MEANS THE VALUE DETERMINED FOR PROPERTY TAXATION PURPOSES. "TAXABLE VALUE" IS 33 1/3% OF THE "FULL VALUE".  
 "NET TAXABLE VALUE" IS "TAXABLE VALUE" LESS EXEMPTIONS AND IS THE VALUE UPON WHICH TAX IS IMPOSED.

\* DISCLAIMER: The calculation of estimated tax amount may be higher or lower based on the actual tax rate determined in September by the New Mexico Department of Finance and Administration.

**ALWAYS USE THE UNIQUE PARCEL CODE (UPC)# AS REFERENCE:**

UPC# 101506309232520509  
 LUTGEN PROPERTIES LLC  
 9113 LYNX LP NE  
 ALBUQUERQUE NM 87122-1319

## 2019 NOTICE OF VALUE

CLASS: **NON RES**

TAX DISTRICT: **L1AM**

NET TAXABLE VALUES WILL BE ALLOCATED TO THE FOLLOWING AGENCIES:

State, County, School APS, CNM, UNMH,  
 AMAFCA, MRGCD, Los Ranchos

ONLINE PROTEST ACCESS CODE: **177005902**

**PROTEST DEADLINE: April 30, 2019** Instructions for appealing, filing of exemptions or completing changes to this form are on the reverse side. For assistance call the number listed above, between the hours of 8:00 and 5:00, Monday through Friday.

**COMMENT:** THIS DOCUMENT CONSTITUTES A PROPERTY OWNERS NOTICE OF VALUATION AS REQUIRED UNDER SECTION 7-38-20 OF THE NEW MEXICO PROPERTY TAX CODE. TO QUALIFY FOR A VALUE FREEZE, VETERAN OR HEAD OF FAMILY EXEMPTION, PLEASE READ THE GENERAL INSTRUCTIONS ON REVERSE SIDE.



PARCEL NUMBER

1 015 063 092 325 20509

PROPERTY ADDRESS AND DESCRIPTION 7511 4TH ST NW  
TRACT 103-B MRGCD MAP 27 CONT 1.945 AC

AFC MRGB



LUTGEN PROPERTIES LLC  
9113 LYNX LOOP NE  
ALBUQUERQUE NM 87122-1319

T96 P13113 RP  
RN: 174 SN: 5028872

2018 TAX BILL 37 of 104

**NANCY M. BEARCE**  
BERNALILLO COUNTY  
TREASURER

ONE CIVIC PLAZA NW, BASEMENT  
ALBUQUERQUE, NM 87102  
(505) 468-7031

<http://www.bemco.gov/treasurer>



←  
**SCAN HERE TO  
PAY ONLINE**

*Please read taxpayers' remedies and remedies available to the taxing authorities on back*

L1AM

← TAX DISTRICT

N

PROPERTY CLASSIFICATIONS

R = RESIDENTIAL

N = NON-RESIDENTIAL

TAXABLE VALUE IS 1/3 OF FULL VALUE				TAX RATES ARE SHOWN IN DOLLARS PER THOUSAND			
PROPERTY VALUATIONS AS ASSESSED BY THE COUNTY ASSESSOR FOR THIS TAXABLE PERIOD				TAX RATES AND/OR AMOUNTS AS SET BY STATE, COUNTY, OR LOCAL GOVERNMENTAL AGENCIES			
Property Classification Codes				WHERE YOUR TAX DOLLARS ARE GOING			
PROPERTY	FULL VALUE	TAXABLE VALUE	AGENCIES	TAX RATE	NET TAXABLE VALUE	TAX AMOUNTS	
LAND	179,000	59,661	State of New Mexico	1.360	137,453	186.94	
IMPROVEMENTS	233,400	77,792	Bernalillo County	12.224	137,453	1,680.24	
PERSONAL PROPERTY			Los Ranchos	1.000	137,453	137.45	
MANUFACTURED HOME			APS/APS Charter Schools	11.329	137,453	1,557.21	
<b>TOTAL VALUATION</b>		<b>137,453</b>	CNM	4.000	137,453	549.82	
			Univ. New Mexico Hospital	6.400	137,453	879.70	
			Albuq. Metro Arroyo Flood Cont	1.152	137,453	158.35	
			Middle Rio Grande Conservancy	6.334	137,453	870.63	
<b>TOTAL NET TAXABLE VALUE</b>				<b>TOTAL RATE</b>	<b>2018 TAX</b>	<b>6,020.34</b>	
<b>137,453</b>				<b>43.799</b>			
EXEMPTION CODES				<p><b>THE FIRST HALF PAYMENT IS DUE: NOV. 10, 2018.</b>  <b>TO AVOID INTEREST AND PENALTY CHARGES, PAYMENT MUST BE POSTMARKED BY: DEC. 10, 2018.</b>  <b>THE SECOND HALF PAYMENT IS DUE: APR. 10, 2019.</b>  <b>TO AVOID INTEREST AND PENALTY CHARGES, PAYMENT MUST BE POSTMARKED BY: MAY 10, 2019.</b></p>			
HEAD OF FAMILY			<p><b>PAST DUE TAXES MUST BE PAID BEFORE ACCEPTING CURRENT YEAR PAYMENT.</b></p>				
VETERAN							
OTHER							
<b>EXPLANATION OF CODES</b>							
PROPERTY CLASSIFICATION CODES	EXEMPTION CODES						
D - AGRICULTURAL DRY	1 - HEAD OF FAMILY (MAX \$2000)						
G - AGRICULTURAL GRAZING	2 - NM RESIDENT VETERAN (MAX \$4000 EACH)						
NR - NON-RESIDENTIAL	4 - NON-PROFIT ORGANIZATION						
R - RESIDENTIAL	5 - FEDERAL GOVERNMENT PROPERTY						
W - AGRICULTURAL WET	6 - STATE & LOCAL GOVERNMENT PROPERTY						
V - VETERAN WAIVER	7 - LAND ONLY EXEMPT						
	8 - IMPROVEMENTS ONLY EXEMPT						

YEAR	TAX	INTEREST	PENALTY	FEES	PAYMENT RECEIVED	PAST DUE AMOUNT

PLEASE RETAIN THIS UPPER PORTION FOR YOUR RECORDS

LUTGEN PROPERTIES LLC

PRINT THIS PARCEL NO. ON YOUR CHECK

1 015 063 092 325 20509

**SECOND HALF PAYMENT**

PLEASE MAKE YOUR PAYMENT PAYABLE TO THE BERNALILLO COUNTY TREASURER AND MAIL TO:

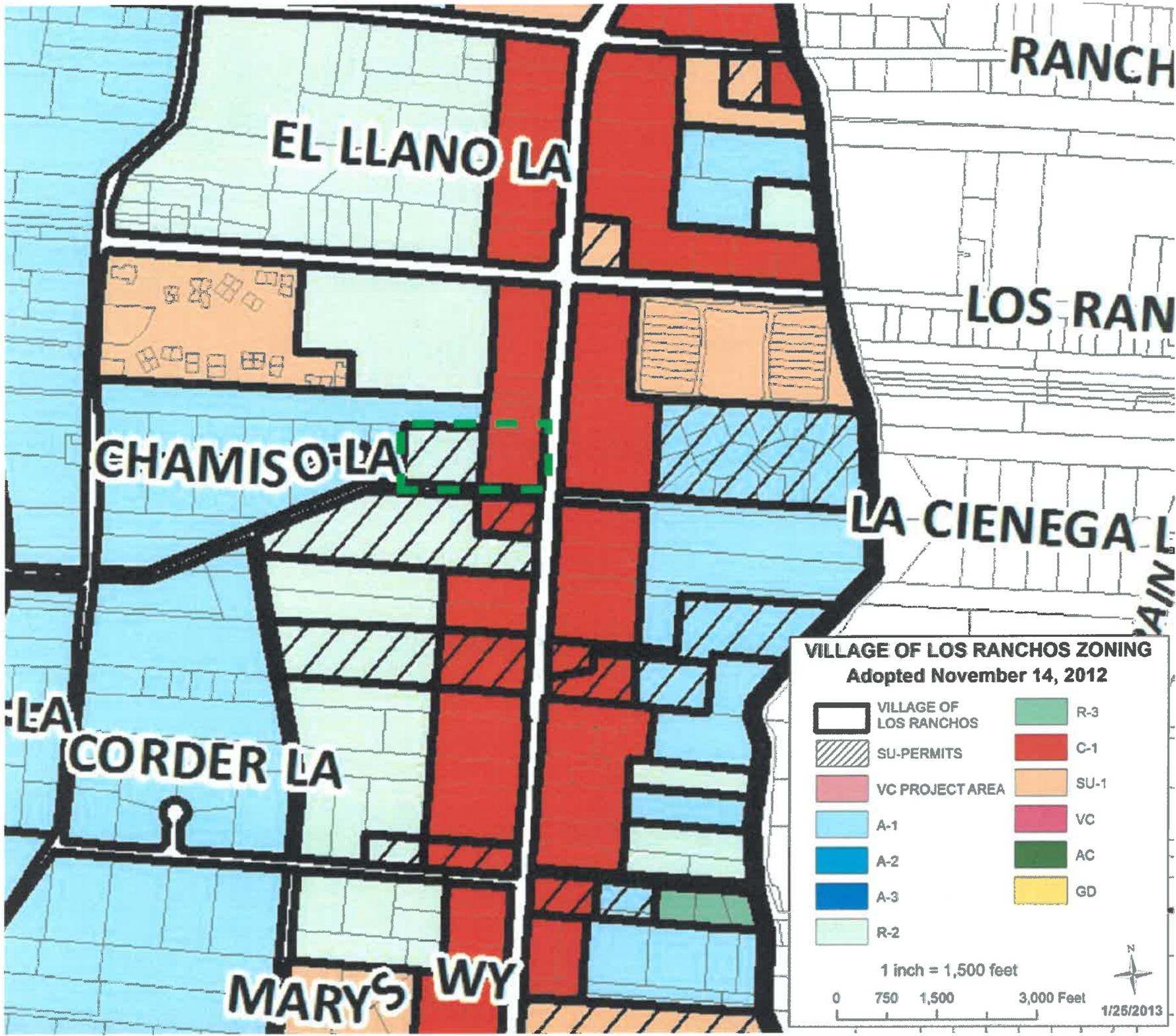
**NANCY M. BEARCE**  
BERNALILLO COUNTY TREASURER  
PO BOX 27800 • ALBUQUERQUE, NM 87125-7800

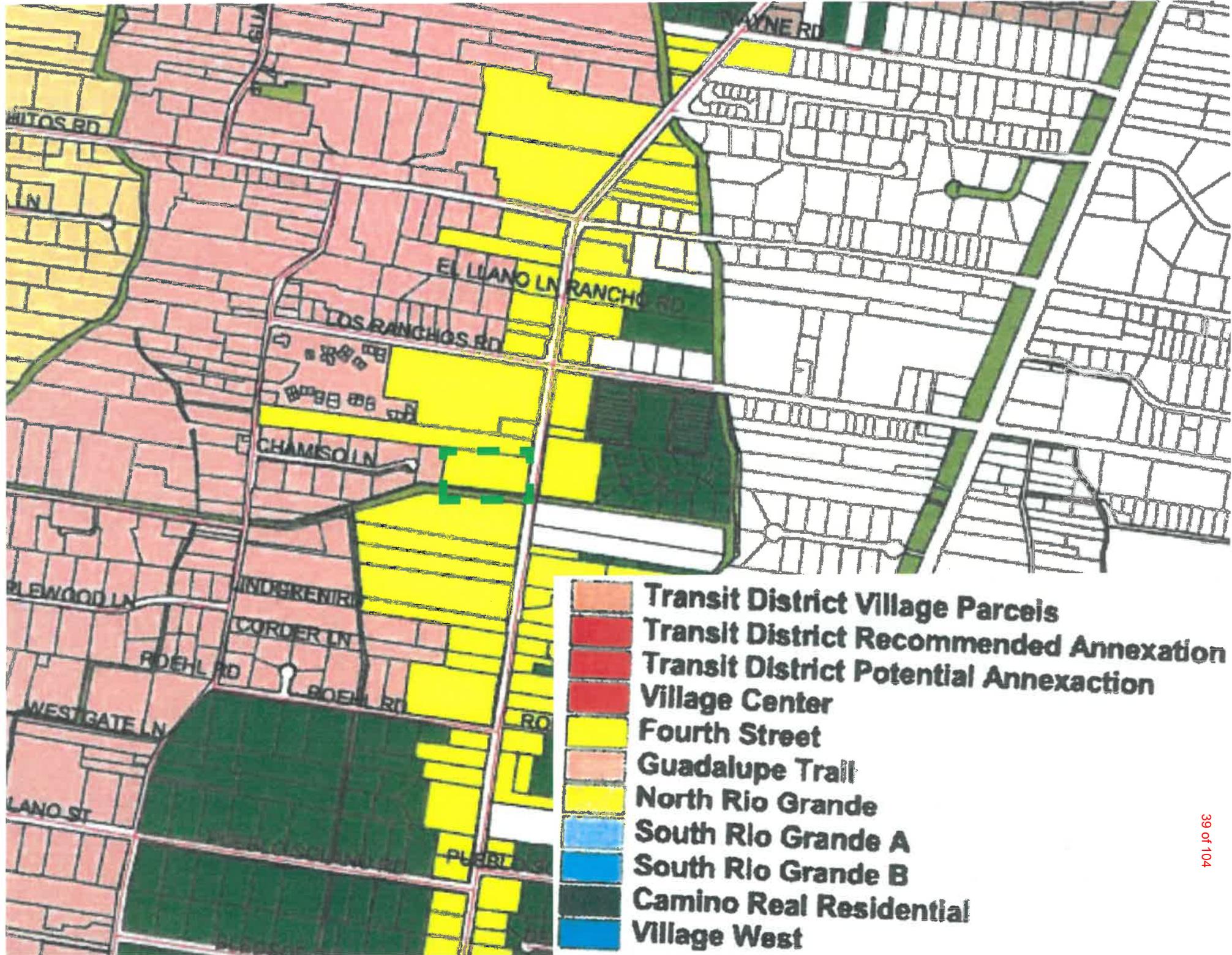
TOTAL	AMOUNT DUE	DELINQUENT AFTER
2018 Total 2nd Half Due	3,010.17	05-10-19



SECOND HALF PAYMENT IS DUE: APRIL 10, 2019. AND IS DELINQUENT AFTER MAY 10, 2019.  
DO NOT WRITE ON THE FACE OF THIS STUB. IT COULD CAUSE A PAYMENT POSTING DELAY.

18 010150630923252050900 30000301017 30000301017 30000602034

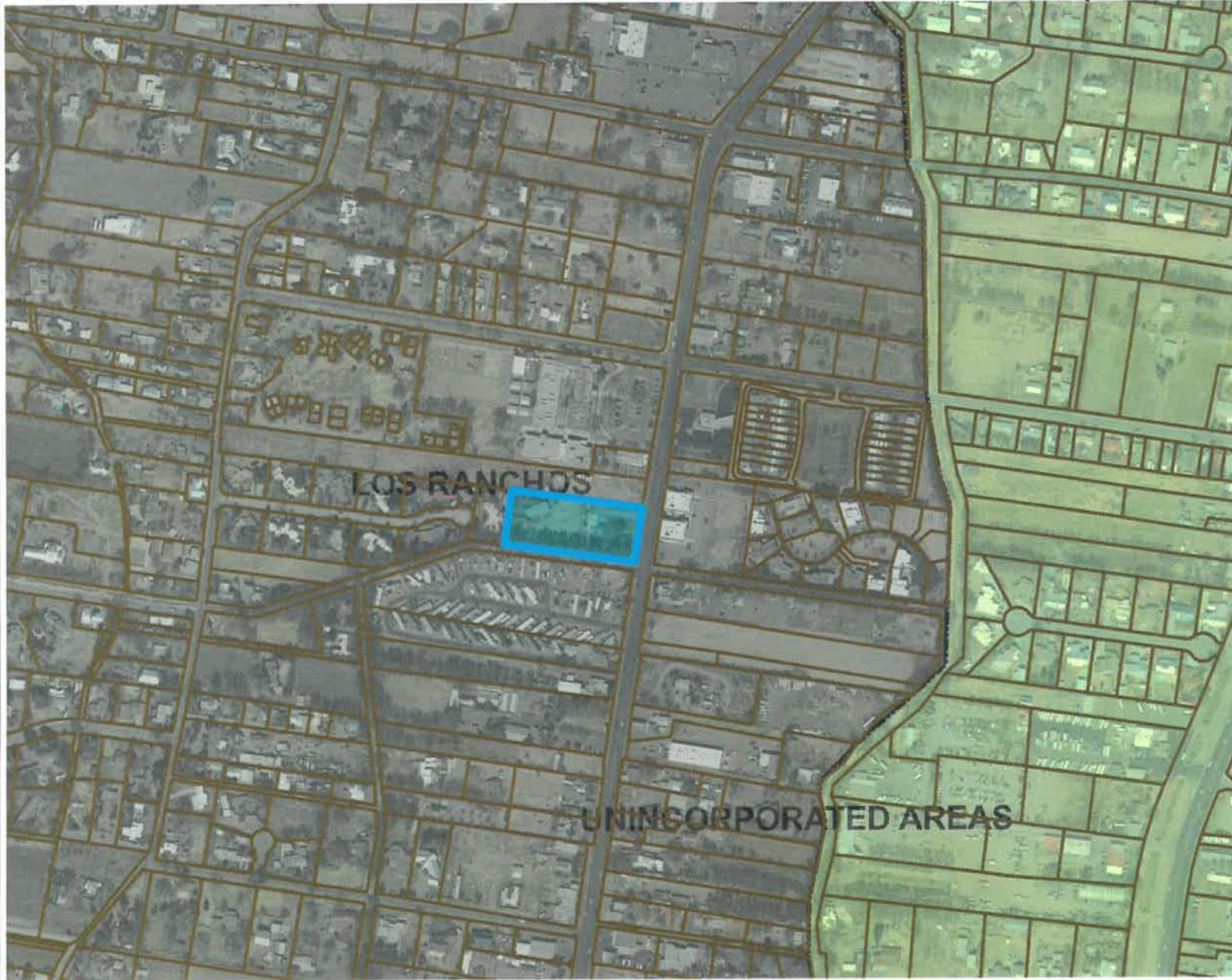




- Transit District Village Parcels
- Transit District Recommended Annexation
- Transit District Potential Annexation
- Village Center
- Fourth Street
- Guadalupe Trail
- North Rio Grande
- South Rio Grande A
- South Rio Grande B
- Camino Real Residential
- Village West



# 7511 Fourth Street



## Legend

- Bernalillo County Parcels
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED

## Notes

ZMA 19-02

1,000 0 500 1,000 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
5/3/2019 © City of Albuquerque

1:6,000

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



# 7511 Fourth St. NW, Village of Los Ranchos



## Legend

- Bernalillo County Parcels
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED
- World Street Map



## Notes

158 0 79 158 Feet

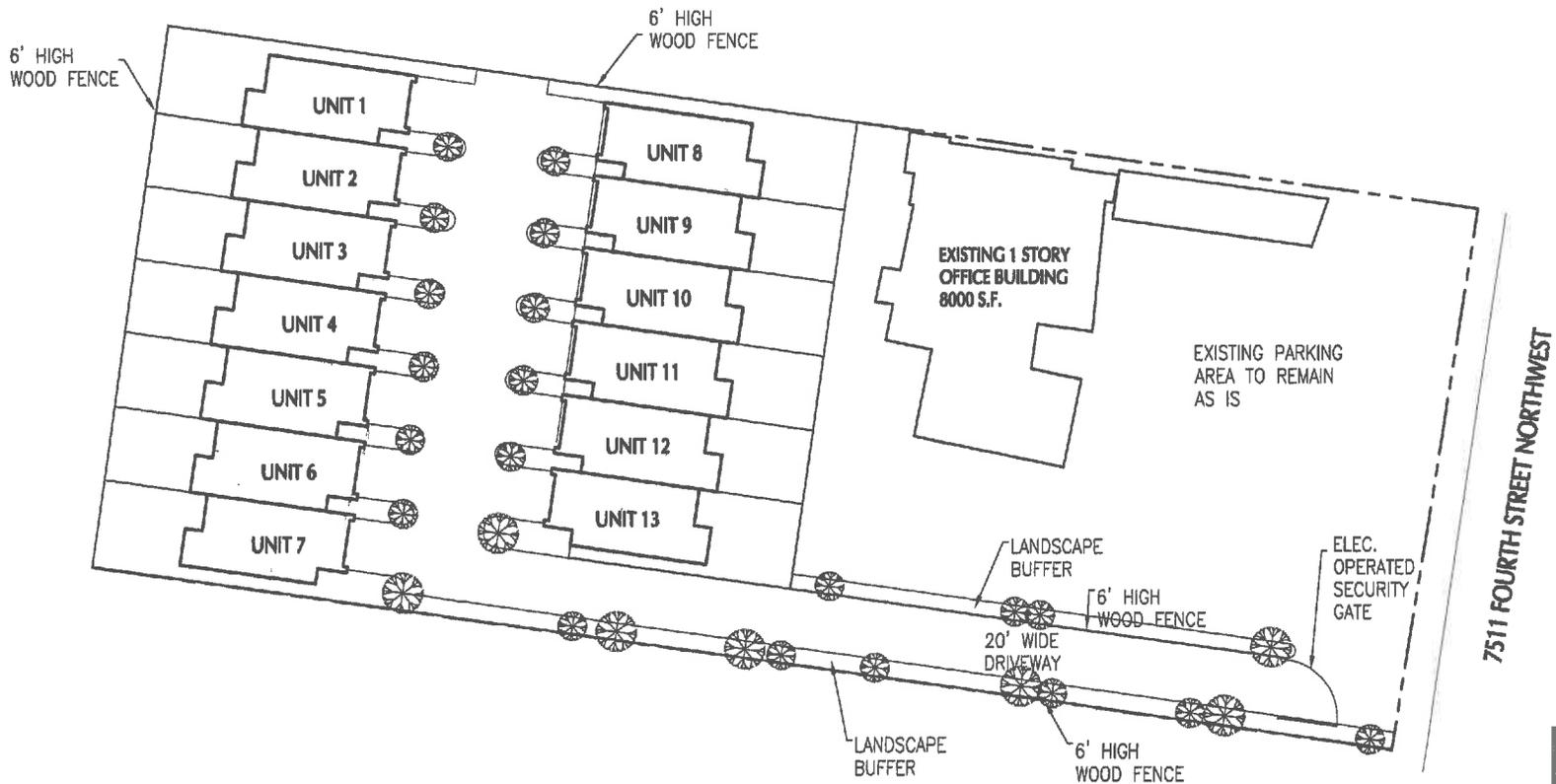
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
5/20/2019 © City of Albuquerque

1: 945

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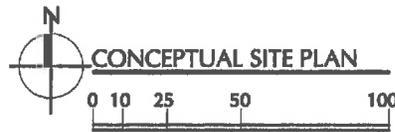
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**SITE DATA**

LAND AREA	1.945 AC.
BLDG. AREA	24,900 S.F.
EXISTING OFFICE:	8000 S.F.
NEW TOWNHOUSES:	13 UNITS
EA. UNIT:	1300 S.F.
TOTAL:	16,900 S.F.



CONCEPTUAL SITE PLAN

A CONCEPTUAL SITE PLAN  
 PROPOSAL FOR:  
 7511 Fourth Street NW  
 Option 2-Residential

**JLS**  
 ARCHITECTS

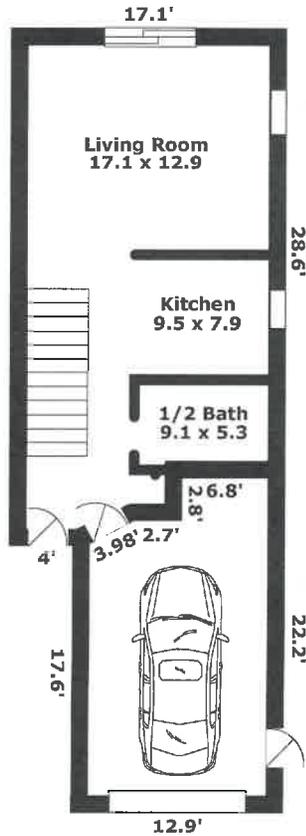
1600 Rio Grande NW  
 Albuquerque  
 New Mexico 87104  
 505 246 0870  
 fax 505 246 0437

# TOWNHOME FLOORPLAN

First Floor: 528 Sq. Ft.

Second Floor: 674 Sq. Ft.

Total Living Space Per Unit: 1,202 Sq. Ft.



\*All room sizes are approximate. All square footage calculations were derived from apparent construction; discrepancies may exist due to measurement variations.

Integrity Appraisals





**Area:** 50 - Northeast Heights **Apx Structured SqFt:** 1,202 **Property Sub-Type:** Townhouse  
**Zone Atlas:** H22 **Disability Access:** No  
**County:** Bernalillo  
**Rent:** 1,245 **Fee Offered:** Yes  
**Geo Lat:** 35 **Pet Deposit(Per Pet):** 250  
**Geo Lon:** -106.498582 **Pets:** Negotiable  
**Age:** <1 **Pool:** No  
**Total # Stories:** 2 **Furnishing:** Not Furnished  
**Smoking Allowed:** No



**Legal Description:** \*a-2-a-1\* in block numbered (13) of Brentwood hills subd.

**Bedrooms:** 2 **Baths(FTH):** 3 (2 0 1) **Disability Access:** No **Garage Spaces:** 1  
**Elementary School:** Matheson Park **Middle School:** Hoover **High School:** Eldorado **Carpport Spaces:**

Room Name	Length	Width	Level	Room Name	Length	Width	Level
Kitchen	9.5	7.9	Main	Bedroom 2	14.6	12.1	Upper
Living Room	17.1	12.9	Main				
Master Bedroom	12.6	13	Upper				

**Fireplace:** No **Amenities:** Outside Lights,Private Patios **Laundry Location:** Service Room  
**Master Bath:** Yes **Cooling:** Refrigerated **Laundry Power:** Electric  
**Master Bath Desc:** Full Bath **Flooring:** Concrete,Laminate,No Carpet **Miscellaneous:** Fee Offered: Yes  
**Garage Type:** Attached,Finished,Opener(s) **Owner Pays:** Sewer,Water,Maintenance  
**Heating:** Central Forced Air **Pets:** Negotiable,On Owner Approval,Pet Deposit(Per Pet): 250  
**Terms:** 12 Month,Rental Agreement

**Appliances:** Blt-In Gas Stve/Oven,Dishwasher,Disposal,Dryer H/U,Microwave,Refrigerator,Washer H/U

**Tenant Pays:** Cable/Satellite,Electric,Gas,High Speed Internet,Other - See Remarks

**Miscellaneous:** Fee Offered: Yes

**Directions:** From Tramway and Menaul: West on Menaul to the town homes which **will be on your right.**

**Prop Specific Rmrks:** Welcome to the Tramway Townhome Community!Conveniently located just west of Tramway close to the Open Space Preserve. Featuring stained concrete flooring on the light and bright main level of the unit. The very functional kitchen offers a bar top that opens up to the living room, and features beautiful granite counter tops, stainless steel appliances, and plenty of cabinet space. The living room offers access to the private patio. The 1/2 bath/utility room also provides cabinetry for added storage. Upstairs you will find both bedrooms. Bedroom #1 features dual closets with built-in side shelving, as well as an attached full bath. Bedroom #2 offers a vaulted ceiling, a walk-in closet. The rent starts from \$1245/month.

**3RT Code:** 02-100

**Tax Exemption:** Unknown

**Presented by**  
 Greg Lobberegt, CRS  
 Coldwell Banker Legacy 505-292-8900  
 lobberegtgreg505@gmail.com  
<http://www.greglobb.com>



Information is deemed to be reliable, but is not guaranteed. © 2019 SWMLS and FBS. Prepared by Greg Lobberegt on Thursday, May 23, 2019 4:01 PM. The information on this sheet has been made available by SWMLS and may not be the listing of the provider. Please be advised audio or video surveillance equipment may be in use.















## 4. PUBLIC HEARING

**B. SDP 19-01** A request by Baca's Trees Profit Sharing and Trust for a Preliminary Site Development Plan review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area. The subdivision would create four (4) R-2 residential lots of 0.50 acres each and three C-1 Commercial-Retail lots. The subdivision would be a replat of existing property located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 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:** July 29, 2019

**REPORT NO.** PZ-19-22

File: SDP-19-01

**ISSUED BY:** Planning and Zoning Department

**SUBJECT:** A request for Preliminary Plat review and recommendation to the Board of Trustees for a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area.

**APPLICANTS:** Baca's Trees Profit Sharing and Trust

**AGENT:** David Newman

**LOCATION AND LEGAL:**

The property is located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or less.

**PROJECT:**

The owner is requesting a subdivision which would create four (4) R-2 residential lots of 0.50 ac each and three C-1 Commercial-Retail lots. Because the subdivision would be creating more than one new lot it is considered a Major Subdivision. The approval process for a major subdivision includes Sketch Plat review (completed), Preliminary Plat, and Site Development Plan (SDP) hearings before the Planning & Zoning Commission. That hearing is followed by Preliminary Plat, and Site Development Plan hearings with the Board of Trustees, including requesting final approval of the SDP by the Board of Trustees. The last step is Final Plat hearing and approval at the Planning & Zoning Commission (unless the Board of Trustees requests to act on the Final Plat).

The applicant is requesting Preliminary Site Development Plan review and recommendation to the Board of Trustees, as well as preliminary Plat review and recommendation to the Board of Trustees at this meeting. The applicant submittal package was combined for the two requests and is only provided once, as part of the Site Development Plan review. Please refer to these documents when reviewing the Preliminary Plat (next agenda item).

**ANALYSIS:**

**RELEVANT CODE LANGUAGE**

There are several Code sections that apply to this request. First is §9.1 Subdivision, Vacation & Development, (sections §9.1.7, §9.1.8, §9.1.9) which discuss the requirements for a plat and improvements for a major subdivision, secondly §9.2.8 R-2 Residential Zone (1 residential unit/0.50 acre), third is §9.2.12 C-1 Retail-Commercial, and lastly §9.2.25 Applications and Approvals (section §9.2.25(E)(4)) which discusses the requirements for a Site Development Plan.

A SITE DEVELOPMENT PLAN Review is required for this Major Subdivision

(f) Site Development Plans shall include the following: (data sheets may be combined), if applicable to specific project:

1. Existing Conditions Plan requirements
  2. Site Plan
  3. Sign Requirements;
  4. Exterior lighting locations, type of lighting
  5. Mailbox locations;
  6. Bike rack locations;
  7. Building plans/elevations;
- (g) Grading and Drainage Plan
- (h) Roadway Standards
- (i) Parking Requirements and parking lot design
- (j) Loading and docking areas;
- (k) Paved parking lots

The owner desires to subdivide the 3.3 acres into four (4) Residential lots and three Commercial lots. The property is on the corner of Fourth Street and Roehl Rd. and consists of two tracts. The property is currently zoned C-1 on the eastern portion (fronting Fourth Street extending 300 ft. deep) and R-2 to the west. There is also a Special Use Permit for a mobile home park on the southern portion of the tract, that would be discontinued. There are existing commercial buildings and uses in the portion of the plat area proposed for commercial use. There are a few remaining mobile homes, and accessory buildings in the area proposed for the R-2 housing which will be removed.

The owner is requesting a Preliminary Site Development Plan and Preliminary Plat review and recommendation to the Board of Trustees on his proposal for re-subdividing the property as the first step in the Major Subdivision Plat process. The proposal includes platting four lots of 0.5 acres or more net, served by a 25 ft. wide access road and cul-de-sac, with water and sewer utility from the Albuquerque Bernalillo County Water Utility authority, and other utilities as required. As drawn, the easternmost R-2 lots would encroach into the existing C-1 zone. The three (3) C-1 lots would be 136.3 Ft. deep from Fourth St. a reduction from the current 300 ft. and would be 75 ft., 42 ft.' and 163.37 ft. wide consecutively from north to south.

The owner would vacate the Special Use Permit, apply for a zone change from C-1 to R-2 in the area of residential lots 2 & 4, construct the lots, with all required improvements, and sell vacant lots ready for construction of houses. The commercial buildings are existing and the owner is not intending on modifying those buildings at this time, other than to remove the detached buildings in the area of the residential subdivision.

For the residential portion of the subdivision most of the R-2 requirements, other than area requirement, will be addressed with the subsequent building plan approval. The roadway dimension meets the Village requirements of 25 ft., and the Fire Marshall will address the size of the emergency turnaround (Cul-de-sac).

The commercial development will need to address grading and drainage for the individual lots, off-street parking requirements, and lots will need to provide the required 15 ft. setback on the rear lot line. Also for consideration is application of landscaping requirements given these are existing buildings and no new commercial construction is anticipated. The Commission should address any other concerns with code compliance they may have.

### **Action Required:**

For the Site Development Plan Review, the Commission members shall recommend that the Board of Trustees approve or deny the application.

### **DEPARTMENT RECOMMENDATION AND FINDINGS:**

The Planning and Zoning Department recommends the Commission forward to the Board of Trustees a recommendation **to approve** the Site Development Plan with the following conditions:

1. The Grading and Drainage Plan be completed to show drainage volumes for all seven lots (four residential and three commercial) with an exhibit showing the Drainage improvements required for the commercial lots. The exhibit should include a note that Drainage and Grading plans will be submitted for the four residential lots with the building plan submission.
2. Provide an offsite parking plan for the three commercial lots that meets the offsite parking Code.
3. Provide a Landscaping plan for the three commercial lots that meets the Landscaping Code.
4. Include roadway construction details in compliance with Roadway Design requirements.
5. Include elevations/photos of commercial buildings.

### **Findings:**

#### 2020 Master Plan

1. Section 2.1 Village Form

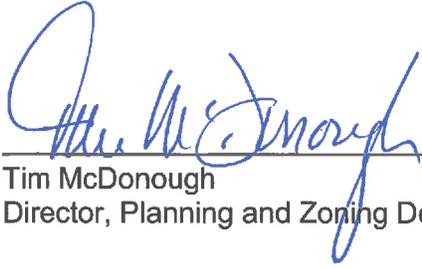
Policy A. In each character area, preserve the unique characteristics by recognizing and continuing the traditional land development patterns in the character areas.

2. Section 7.0 Residential

Policy C. Regulate subdivision within the Village to maintain Village scale.

3. The Proposed Development meets the requirements of §9.2.10, R-2 Residential Zone permissive uses
4. The Proposed Development meets the requirements of §9.2.12, Commercial land area and permissive uses.

Public notice requirements have been met by publication in the Albuquerque Journal on July 25, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on July 22, 2019.

  
\_\_\_\_\_  
Tim McDonough  
Director, Planning and Zoning Department

Date: Aug. 1, 2019

FEE \$310.00  
DATE 7/23/19  
RECEIPT #  
607105

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BLVD. NW  
LOS RANCHOS DE ALBUQUERQUE, N.M. 87107  
(505)-344-6582

**PRELIMINARY PLAT MAJOR SUBDIVISION**  
**& Site Development Plan**

SUB # \_\_\_\_\_ RELATED CASES 8-19-01  
\*SKETCH PLAT REVIEW APPROVAL DATE Heard on 1/8/2019  
PROPERTY LOCATION 7201, 7217, 7221 + 401 Roehl Rd. NW  
ADDRESS 7201, 7217, 7221 4th street NW + 401 Roehl Rd Zip 87107  
Los Ranchos de Albuquerque, NM  
PROPERTY OWNER Conkey Baca  
ADDRESS 508 Mary's Way NW  
CITY Los Ranchos STATE NM ZIP 87107  
PHONE NUMBER: (505) 401-3562  
AGENT/CONTACT PERSON David Newman  
FIRM David Newman  
FIRM ADDRESS 7103 4th Street NW, Bldg. G  
CITY Los Ranchos STATE NM ZIP 87107  
  
PRESENT ZONING C1 S4 REQUESTED ZONING 4 R2 + 3 C1  
NUMBER OF EXISTING LOTS 1 NUMBER OF PROPOSED LOTS 7  
TOTAL ACRES 3.3  
NAME OF PROPOSED SUBDIVISION/REPLAT Zia View

Application fee must accompany this form (See Chapter 26 Section 14 A & B of the Village of Los Ranchos Codified Ordinances). ALL FEES GENERATED BY THIS APPLICATION ARE THE RESPONSIBILITY OF THE APPLICANT AND ARE DUE AND PAYABLE UPON NOTIFICATION BY THE VILLAGE.

I hereby declare the information contained in this application is true and correct. Any error shall be corrected by the applicant prior to the processing of this application.

Application submission information: Planning Staff will assist you with the process.

  
Signature of Applicant/Agent

7/23/19  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

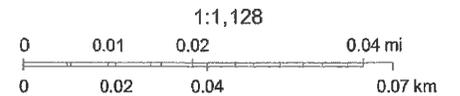
# Bernalillo County Parcel Search with Imagery



6/22/2018, 11:55:52 PM

- Road Inventory Labels
- Easements
- Assessor Parcels
- BC Commission Districts
- BC Boundary

Current 06/22/2018



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ALTA/ACRM LAND TITLE SURVEY  
REMAINDER OF LOTS 3 AND 4  
JUSTEN JONES ADDITION

WITHIN  
THE ELENA GALLEGOS GRANT  
PROJECTED SECTION 21 TOWNSHIP 11 NORTH, RANGE 3 EAST  
NEW MEXICO PRINCIPAL MERIDIAN  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
FEBRUARY, 2005

Current

Existing utility lines (shown) are shown in an appropriate manner only, and such lines may or may not exist where shown on this plan. The location of any such existing lines is shown as determined by the utility companies. The owner, through surface projections or otherwise, and the surveyor may be responsible for the location of any such lines. It is the responsibility of the owner to have such lines located by the utility companies prior to commencement of any construction.

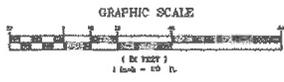
TRACT 195D  
M.R.G.C.D. MAP NO. 27

87,059 sq. ft.  
1.9986 acres

GROSS AREA  
3.1033 ACRES  
(135,188 SQUARE FEET)

LOT 3-B  
JUSTEN JONES ADDITION

MOBILE HOME



NOTE  
The locations of private utility lines are shown on this plan as shown on prior subdivision plans for this tract and as shown on the utility records. These utility lines were not located by this survey, but do not affect the survey. All utility lines to be located and located by the contractor prior to commencement of any construction.

- LEGEND
- ▲ HIGHWAY
- ▲ GAS LINES
- CONCRETE PIPE
- WATER MAIN
- SANITARY SEWER MAINLINE
- W.W. BOX
- TELEPHONE MAINLINE
- WIRE POLE
- UTE
- FLOOR PALE
- FLOOR PALE RUSTED
- CEMENT CURB
- CURB ELEVATION
- WATER METER
- GUY WIRE
- WIRELESS CELL
- TELEPHONE EXCHANGE
- CHAIN LINK FENCE
- WOOD FENCE
- SANITARY SEWER LINE
- SANITARY SEWER LINE
- WATER LINE
- GAS LINE

**SURVOTEK, INC.**  
Professional Surveyors  
2005 4227 New Drive, N.E. Albuquerque, New Mexico 87111  
Phone: 505-879-2383 Fax: 505-879-1072



NWC of 4th St/Roehl Rd NW  
Village of Los Ranchos

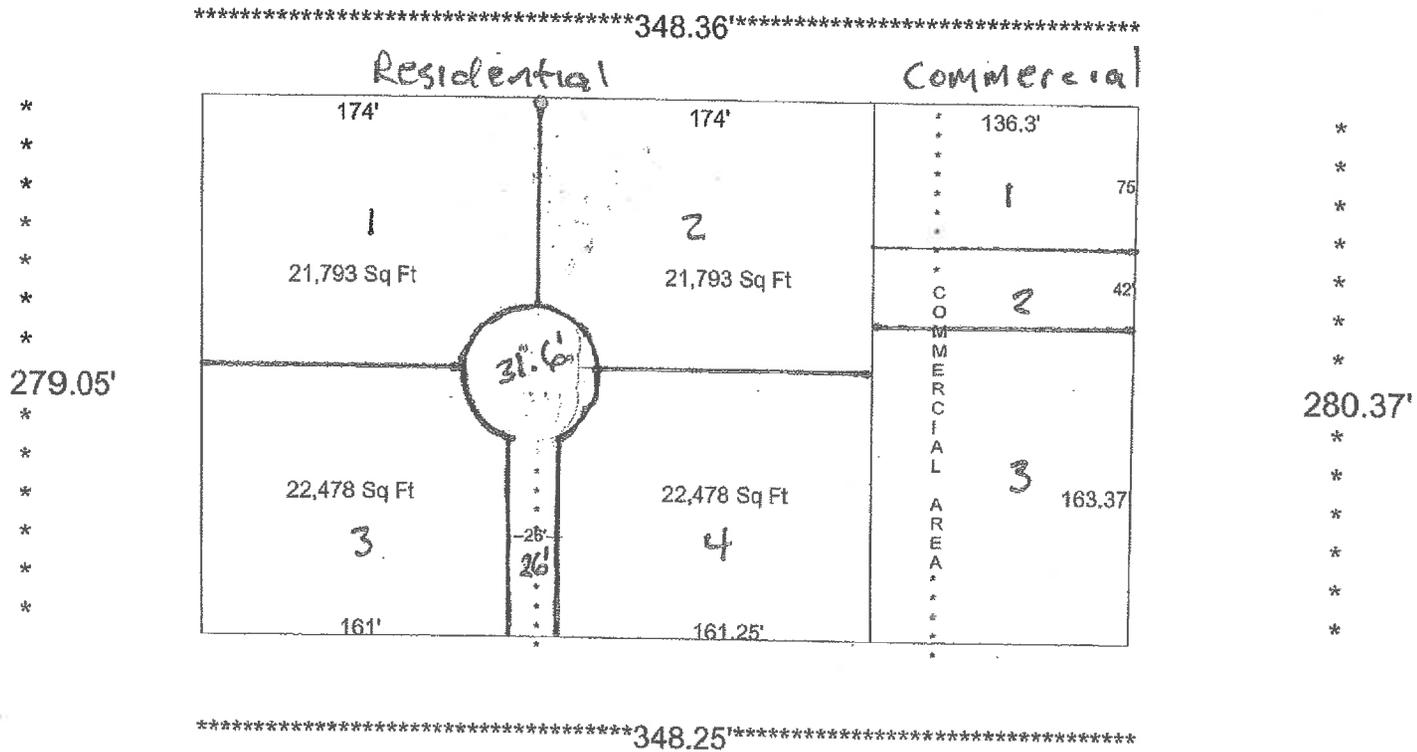
Total Residential Sq ft =97,173

Total Commercial Sq ft=37,070

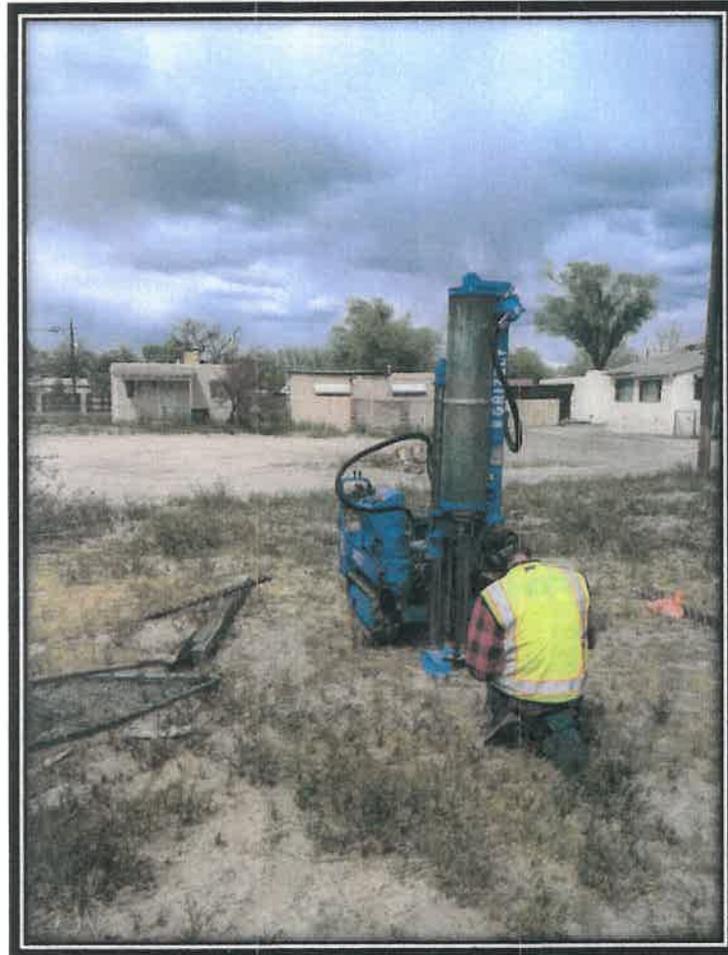
N  
W E  
S

Proposed Subdivison 11/14/2018

15 Ft Set Back on Commercial  
rear/West Side



**Site Soil Assessment  
401 Roehl Road  
Los Ranchos de Albuquerque New Mexico**



YeDoma Consultants, LLC  
523 Louisiana Boulevard SE  
Albuquerque, New Mexico 87108  
[www.akurta.com](http://www.akurta.com)



**YEDOMA CONSULTANTS, LLC**  
523 Louisiana Blvd SE  
Albuquerque, NM 87108

Office: (505) 633-6841  
Fax: (505) 821-3725  
www.akurta.com

## GEOTECHNICAL MEMORANDUM

April 28, 2019

**From:** Jesse Reinikainen, PE YeDoma Project Geotechnical Engineer

**To:** Andrew Varoz, PE

**Subject:** Los Ranchos de Albuquerque: 401 Roehl Road NW Site Soil Assessment

Dear Mr. Varoz,

YeDoma Consultants, LLC (YeDoma) was authorized to provide geotechnical services to evaluate the suitability of soils at a property located at the corner of 4<sup>th</sup> and Roehl Road in Los Ranchos de Albuquerque, NM. Refer to Figure 1 below. It is our understanding that the site will be developed into four half-acre lots with custom home pads. Our site evaluation included an office review of published data, site reconnaissance, subsurface investigation, and laboratory testing.

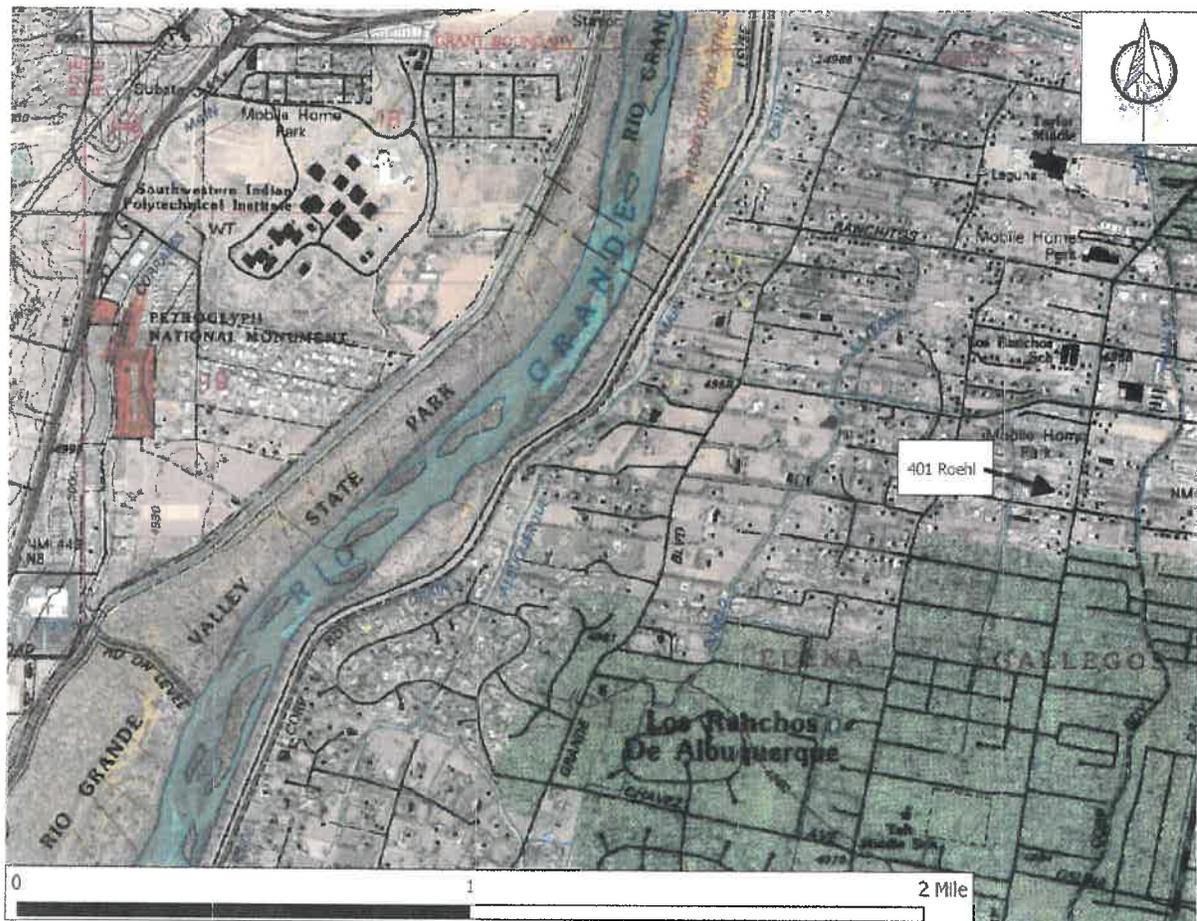


Figure 1 Los Ranchos De Albuquerque Location Map



### Office Research:

Existing facilities at the site include mobile home pads and vacant land. YeDoma is not aware of any past assessments or reports completed at the site prior to our investigation. Proposed improvements at the site include subdividing the land, earthwork to regrade the site and develop four custom home pads (1/2 -acre parcels) along the western portion of the site. (Refer to Figure 2.) The eastern portion of the site is zoned as commercial property, with store front property along 4<sup>th</sup> Street illustrated below. The commercial buildings are anticipated to be reconstructed in a future phase of development. Major underground utilities on the site include water, sewer, and power hookups for mobile homes.



*Figure 2 Existing Structures and Custom Home Lot Line Improvements at 401 Roehl Road lot line layout*

### **Topography, Drainage, and Geology**

The topography in the area is relatively flat, with little topographic relief noted in the floodplain. The drainage pattern in the regional area has changed as population growth and Albuquerque's urban sprawl which necessitated diversion channels, drains, levees and other flood control measures. The surface flow is conveyed north to south.

USDA Natural Resources Conservation Service (NRCS) soil maps were assessed to evaluate the engineering properties of the soil. In the local area, there are two soil layers mapped which include Gila loam (Gb), and Vinton loamy sand (Va). Both soil types are non-plastic to low plasticity, and predominately fine sand. The Gila loam is stratified with a gravel layer near the surface (10-18 inches below the ground surface) with gradational seams of clay, silty sand, and silt. The Va is a poorly graded sand. The soils have a moderate to high infiltration rate when thoroughly wet.

The Office of the State Engineer (OSE) well database was reviewed. There were not any wells on the property that were registered with the OSE database. In general, the aquifer is basin alluvium, with water bearing strata ranging from 50-200 feet below the ground surface (bgs) based on a review of the perforated casing sections in the well records. The static water level for the wells reviewed are with fifty feet of the surface. In the local area, the well depth was as shallow as 15 feet (7007 Prospect PL), with a cluster of wells that are in the range of 30 feet. There is a well (7315-B 4<sup>th</sup> St.) that is located on the adjacent property to the north. The static water level is 32 feet bgs at 7315-B 4<sup>th</sup> St and at 513 Roehl Road NW, which are the closest well records to the property.

### Site Investigation:

YeDoma conducted a subsurface investigation, probing the four pad sites (B-1 through B-4). A location map, logs and laboratory data sheets are included in the Appendix. YeDoma mobilized our two-person crew and drill rig to the site on 4/12/2019. The drill rig is equipped with a hammer head for driving rods in the ground and auger head with 3.5" auger flights. The track mounted rig (illustrated in Figure 3.) is referred to as a Dynamic Cone Penetrometer with a Super Heavy (DCPSH), 140-lbf hammer. The number of blows per 4" increment is recorded based on a 30" fall height (same driving energy as the Standard Penetration Test). The equipment is ideal for detecting stratigraphy and anomalies in the subsurface. Drill sites were plugged with native soil and compacted by tamping down at regular intervals.



Figure 3 Dynamic Probing Investigation

Samples were taken from B-2 and B-3 for laboratory analysis. Soil was sampled from the augers at depths of 0.5-3 feet below the ground surface for index properties (classification, natural moisture, particle size distribution, and Atterberg limits).

The material at the location tested is consistent with the NRCS soil survey, classified as SM, fine grained silty sand. The percentage of fines (passing the #200 Sieve) is less than 20% and YeDoma determined that the soil is non-plastic and a low susceptibility for volume changes upon wetting.

### Findings and Recommendations

YeDoma drilled all four pad sites at 401 Roehl Road in Los Ranchos. The foundation soils at the site consist of silty sand and our finding is that the native soils are suitable for the project improvements including custom home pads and future reconstruction of the commercial building sites. Our project recommendations are included below:

#### General Clearing and Stripping

Initial site preparation should include clearing and stripping of surficial vegetation and organic soils. It is expected that debris, trees, shrubs, weeds, and associated roots will be stripped. Removal of existing building foundations, slabs, buried utility and irrigation lines will be necessary.



### **Building Pad Overexcavation**

In order to mitigate constructing on disturbed soil, we recommend overexcavation of proposed building pads. These areas should be overexcavated a minimum of 18 inches and extend laterally at least 12 inches beyond the foundation areas. The material that is removed can be stockpiled, moisture conditioned and re-used as suitable fill. The overexcavated material should be properly processed and screened to remove concentrations of organic material, roots and debris. The structural areas should be proof rolled to aid in locating loose areas. Unsuitable soil should be removed and compacted in place prior to placing fill. The exposed subgrade should be scarified 8", moisture conditioned and compacted.

### **Acceptable Fill**

Native subsurface material is comprised of fine-grained sand which is an acceptable fill material. Imported material should meet the sieve requirements listed below or as approved by the Engineer.

Granular Backfill Sieve Requirements		
Sieve	Percent Passing by Weight	
	Lower Limit	Upper Limit
1.5 inch		100
1 inch	85	100
No.4	25	100
No.40	15	90
No.200	5	20
Liquid Limit		35
Plasticity Index		6

Backfill in structural areas is recommended to be deposited in uniform layers not exceeding 8" in depth (loose measurement), two lifts per compacted foot. Moisture should be added, and each lift thoroughly compacted by pneumatic vibrating or other approved type of tampers to a relative compaction of 95% of the standard Proctor with a moisture range of -1 to +3 percent of optimum moisture content. Backfill should be brought up evenly on both sides of walls and foundations. The site improvements should include provisions for an earthwork and drainage plan which includes positive drainage at each home pad, processing and moisture conditioning the native subgrade material and constructing engineered fill in uniform layers.

### **Project Quality Assurance**

YeDoma recommends that the earthwork observation and material testing activities be performed by a geotechnical engineer. The field observations within structural areas should include hold points which are released upon inspection of the bottom of footing conditions. The quality assurance testing regime should include provisions for field and laboratory testing of concrete and foundation soils at each pad site.



**Closing:**

Should you have questions or require additional information, please do not hesitate to contact me.  
Sincerely,

**YeDoma Consultants, LLC**



**Jesse Reinikainen, P.E.**  
Principal

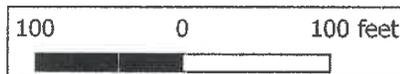
# Appendix

Location Map  
Logs  
Laboratory Results



401 Roehl Road  
 Los Ranchos de Albuquerque  
 Bernalillo County Boring Location Map

Note: Grid Coordinates in New Mexico State Plane (NAD 1983) Central Zone feet



ID	Lat-Nad83	Long-Nad83
B-1	35.165898243	-106.63752
B-2	35.165917553	-106.63699
B-3	35.165439463	-106.63683
B-4	35.165506743	-106.63755

**Client:** Baca Trees  
**Project:** 401 Roehl Road  
**Location:** 401 Roehl Road



**Easting (NAD83-UTM):** 1524584.99  
**Northing (NAD83-UTM):** 1515894.94  
**Elevation (ft):**   
**Borehole Depth:** 9.5

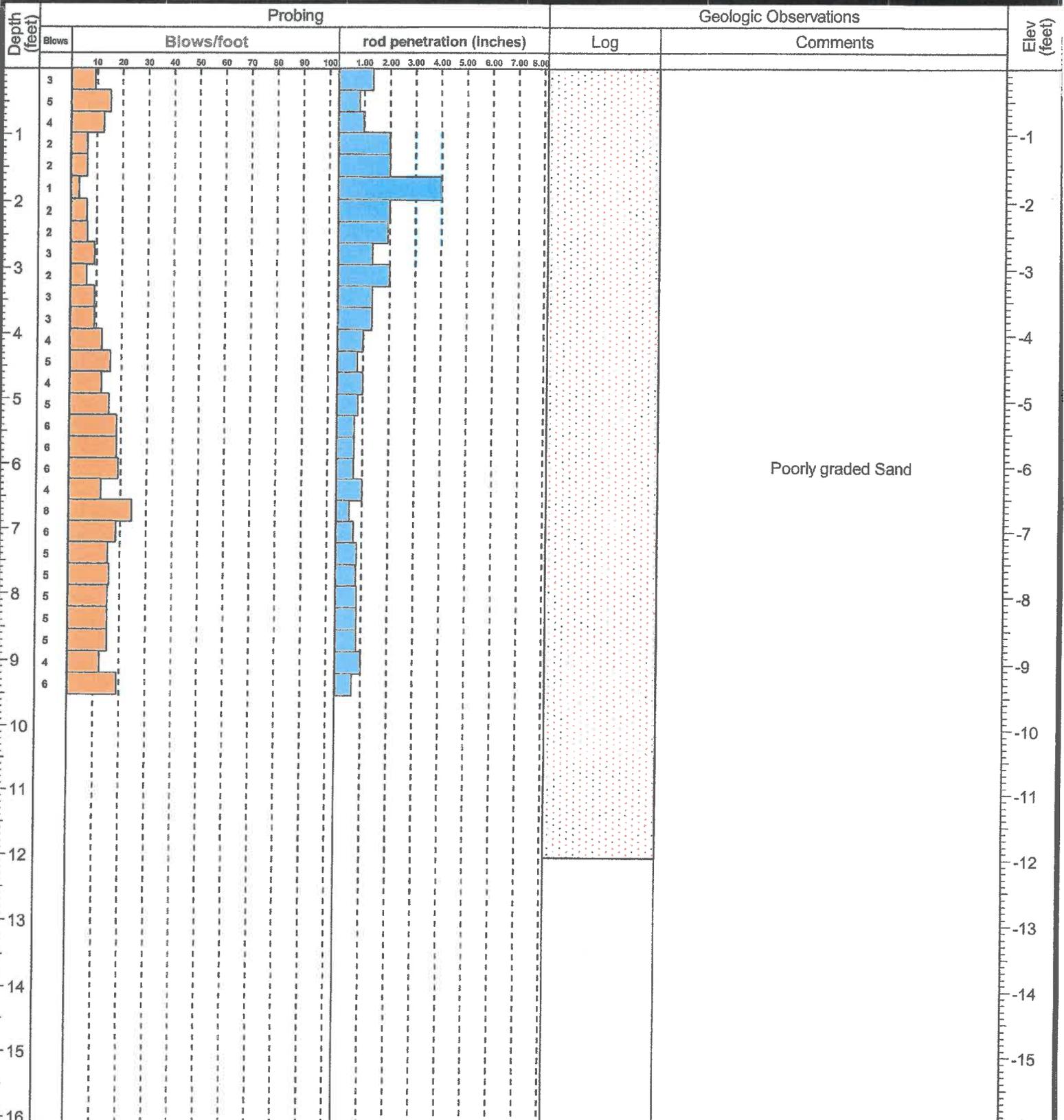
**Project Number:** 62130  
**Date Commenced:** 4/12/2019  
**Date Completed:** 4/12/2019

## DCPSH Log

B-1

**Drill Method:** DCPSH  
**Driller:** J. Reinikainen  
**Logged By:** S. Gandee     **Checked By:** JAR

**Groundwater Depth (At Time of Drilling)** 3



Poorly graded Sand

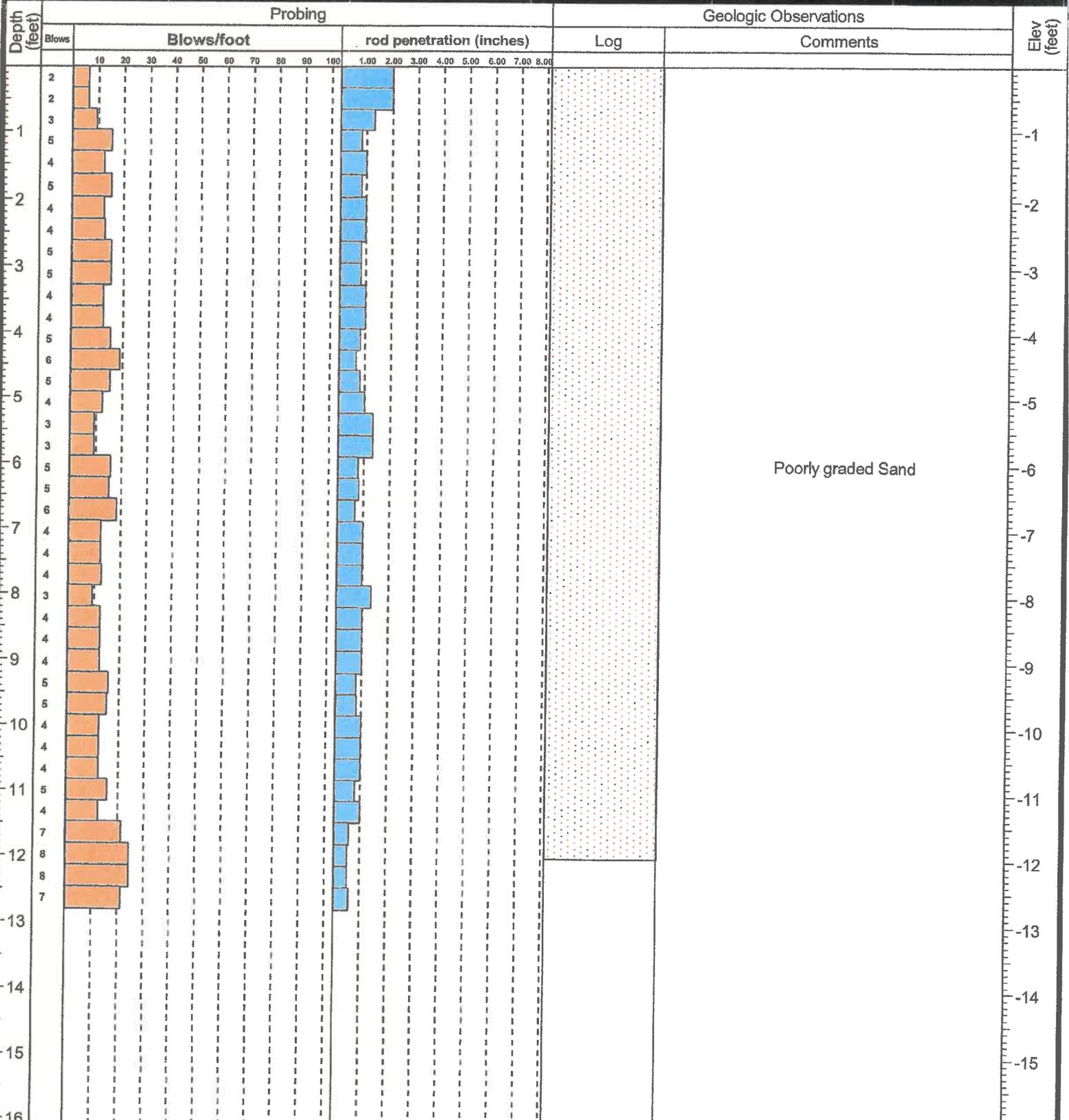
**Client:** Baca Trees  
**Project:** 401 Roehl Road  
**Location:** 401 Roehl Road  
**Project Number:** 62130  
**Date Commenced:** 4/12/2019  
**Date Completed:** 4/12/2019  
**Groundwater Depth (At Time of Drilling)** 3



## DCPSH Log

B-2

**Easting (NAD83-UTM):** 1524751.5  
**Northing (NAD83-UTM):** 1515906.678  
**Elevation (ft):**   
**Borehole Depth:** 12.1  
**Drill Method:** DCPSH  
**Driller:** J. Reinikainen  
**Logged By:** S. Gandee     **Checked By:** JAR



Poorly graded Sand

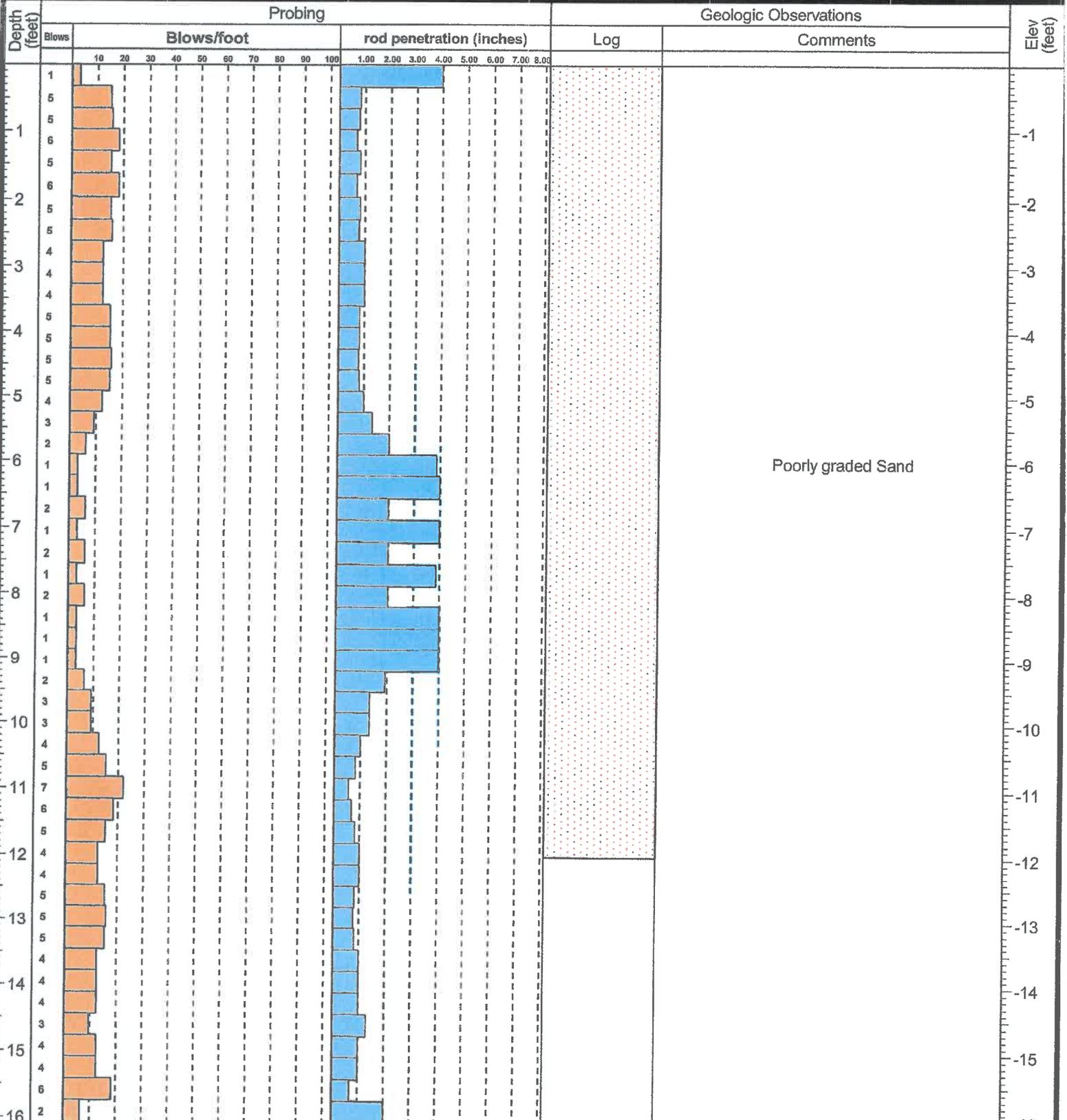
Client: Baca Trees  
 Project: 401 Roehl Road  
 Location: 401 Roehl Road  
 Project Number: 62130  
 Date Commenced: 4/12/2019  
 Date Completed: 4/12/2019  
 Groundwater Depth (At Time of Drilling) 3



## DCPSH Log

B-3

Easting (NAD83-UTM): 1524800.41  
 Northing (NAD83-UTM): 1515722.318  
 Elevation (ft):   
 Borehole Depth: 16.1  
 Drill Method: DCPSH  
 Driller: J. Reinikainen  
 Logged By: S. Gandee      Checked By: JAR

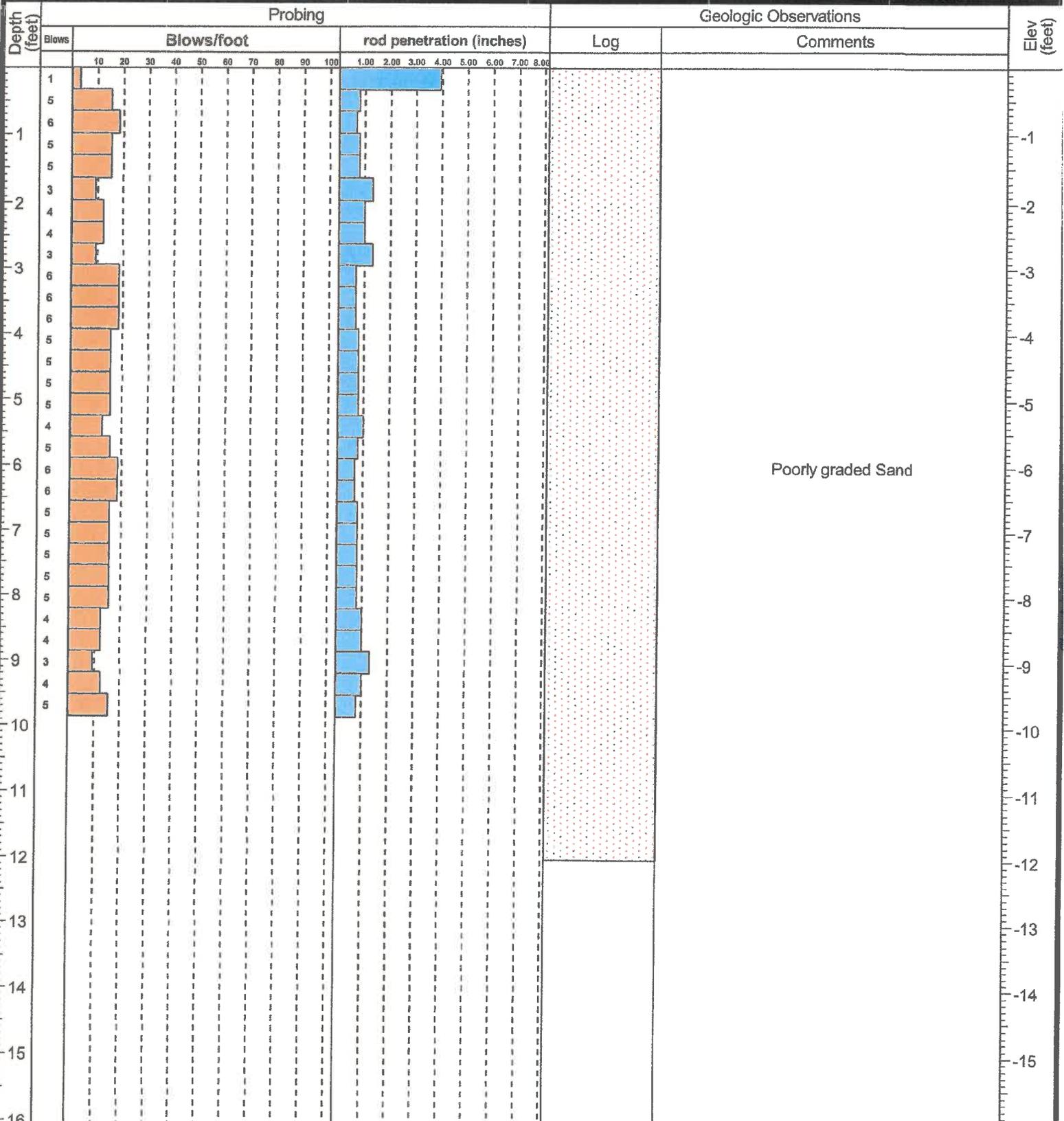


**Client:** Baca Trees  
**Project:** 401 Roehl Road  
**Location:** 401 Roehl Road  
**Project Number:** 62130  
**Date Commenced:** 4/12/2019  
**Date Completed:** 4/12/2019  
**Groundwater Depth (At Time of Drilling)** 3



## DCPSH Log B-4

**Easting (NAD83-UTM):** 1524607.739  
**Northing (NAD83-UTM):** 1515747.809  
**Elevation (ft):**   
**Borehole Depth:** 9.85  
**Drill Method:** DCPSH  
**Driller:** J. Reinikainen  
**Logged By:** S. Gandee    **Checked By:** JAR



Poorly graded Sand

## Laboratory Testing



YeDoma Consultants, LLC  
523 Louisiana Blvd SE,  
Albuquerque, NM, 87108

Client

Baca Trees

Sample ID **B-2**  
Depth (feet) **3**  
Particle Size Distribution (% Passing)  
3/8in **100%**  
#4 **99%**  
#10 **98%**  
#40 **95%**  
#100 **48%**  
#200 **16.2%**

Unified Soil Classification = SM

Sample Location Auger Flight

Sampled By: J. Reinikainen

Date Sampled 4/12/2019

Date Received 4/12/2019

Tested By: 4/19/2019

Reviewed By: JAR

Natural Moisture Content (In-Situ) 1.0%

Liquid Limit NV

Plastic Limit NP

Plastic Index Nonplastic

Sample ID **B-3**  
Depth (feet) **3**  
Particle Size Distribution (% Passing)  
3/8in **100%**  
#4 **100%**  
#10 **99%**  
#40 **97%**  
#100 **45%**  
#200 **11.8%**

Unified Soil Classification = SM

Sample Location Auger Flight

Sampled By: J. Reinikainen

Date Sampled 4/12/2019

Date Received 4/12/2019

Tested By: 4/19/2019

Reviewed By: JAR

Natural Moisture Content (In-Situ) 0.8%

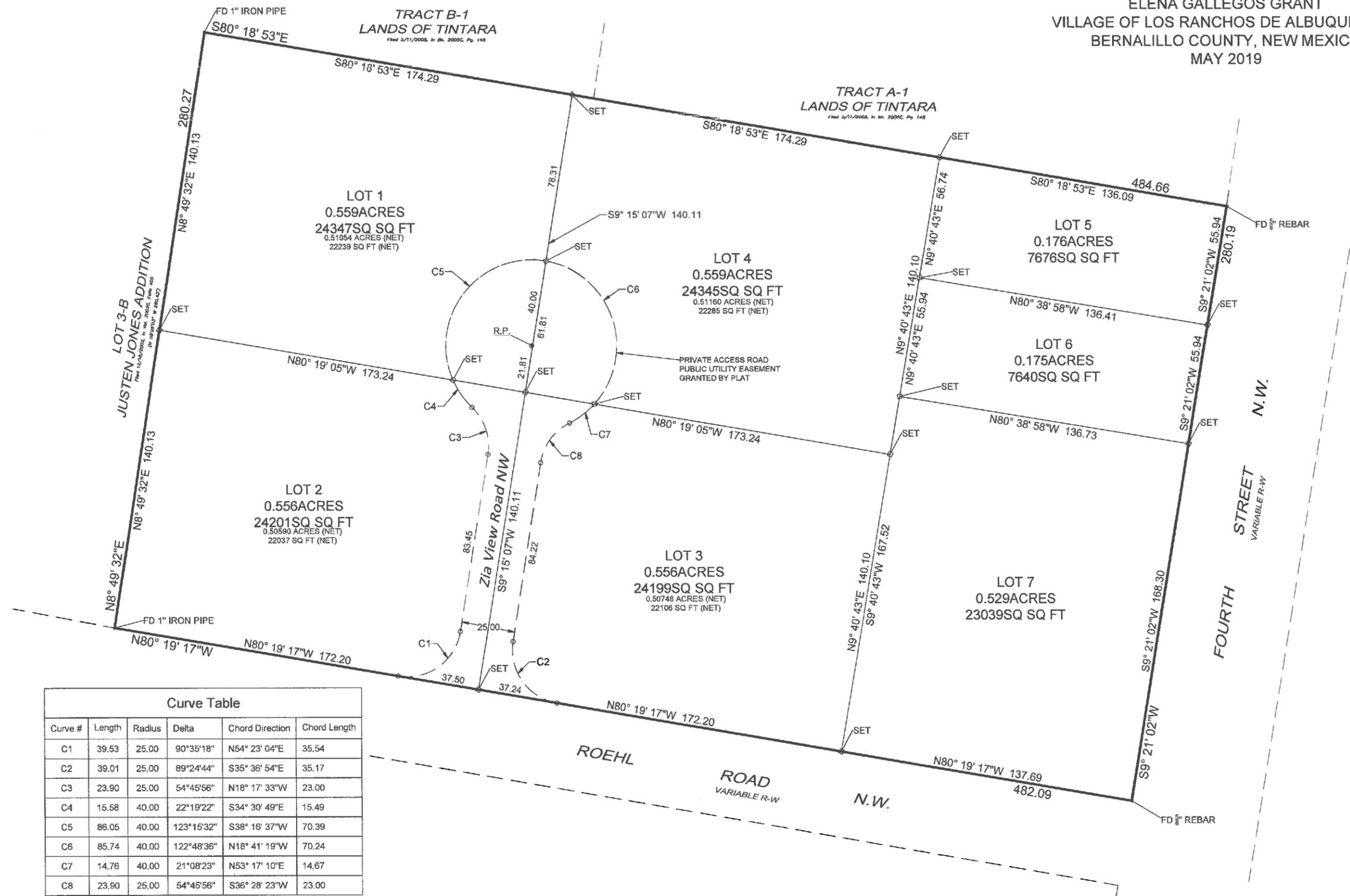
Liquid Limit NV

Plastic Limit NP

Plastic Index Nonplastic



PRELIMINARY SUBDIVISION PLAT OF  
**LOTS 1-7**  
**ZIA VIEW**  
 PROJECTED SECTION 21, T 11 N, R 3 E, N.M.P.M.  
 ELENA GALLEGOS GRANT  
 VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 MAY 2019

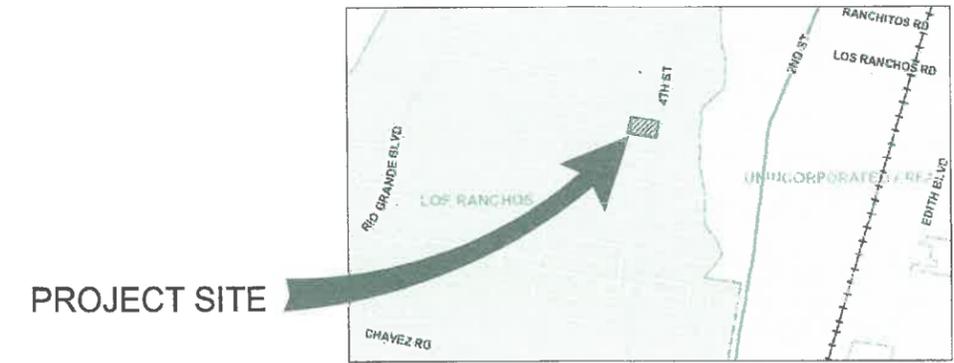


Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	39.53	25.00	90°35'18"	N54° 23' 04"E	35.54
C2	39.01	25.00	89°24'44"	S35° 36' 54"E	35.17
C3	23.90	25.00	54°45'56"	N18° 17' 33"W	23.00
C4	15.58	40.00	22°19'22"	S34° 30' 49"E	15.49
C5	86.05	40.00	123°15'32"	S38° 16' 37"W	70.39
C6	85.74	40.00	122°48'36"	N18° 41' 19"W	70.24
C7	14.76	40.00	21°08'23"	N53° 17' 10"E	14.67
C8	23.90	25.00	54°45'56"	S36° 28' 23"W	23.00



6501 Americas Pkwy NE, Suite 400  
 Albuquerque, NM 87110  
 505-917-8921  
 www.cstiinc.com

### SITE MAP



NTS  
ZONE D-15

# ZIA VIEW ROAD NW DEVELOPMENT PLAN

401 ROEHL ROAD NW

LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO 87107



<b>ZIA VIEW Rd. NW</b>	
COVER SHEET	
<b>PRELIMINARY NOT FOR CONSTRUCTION</b>	DRAFTED BY: ANDREW VAROZ P.E.
	LAST UPDATED: 05/04/19
	SHEET 1 of 9

## INDEX OF SHEETS

1. COVER SHEET
2. INDEX OF SHEETS
3. EXISTING CONDITIONS
4. SITE DEVELOPMENT PLAN
5. LANDSCAPING PLAN
6. WALL AND ENTRANCE PLAN
7. UTILITIES PLAN
8. GRADING AND DRAINAGE PLAN
9. SURROUNDING AREA

## LINES AND SYMBOLS

### SYMBOL LEGEND:

△	SITE, CONTROL POINT
⊙	ELECTRICAL, POWER POLE
☆	ELECTRICAL, LIGHT POLE
⊞	UTILITY, ELECTRIC BOX
⊞	UTILITY, ELECTRIC PEDESTAL
⊙	UTILITY, ELECTRIC METER
⊞	UTILITY, ELECTRIC MANHOLE
⊞	UTILITY, ELECTRIC PULL-BOX
⊞	UTILITY, ELECTRIC TRANSFORMER
→	UTILITY, ELECTRIC GUY WIRE
*	ELECTRICAL, YARD LIGHT
⊞	UTILITY, AIR CONDITIONING UNIT
⊙	UTILITY, GAS METER
⊞	UTILITY, GAS VALVE
⊞	UTILITY, GAS VALVE
⊞	UTILITY, GAS VENT PIPE
⊞	UTILITY, GAS PUMP
⊞	UTILITY, GAS REGULATOR VALVE
⊞	UTILITY, FIRE HYDRANT
⊞	UTILITY, WATER FAUCET
⊞	UTILITY, WATER VALVE
⊞	UTILITY, WATER METER
⊞	UTILITY, WATER MANHOLE
⊞	UTILITY, WATER FILTRATION TANK
⊞	UTILITY, WATER SIPHON VALVE
⊞	UTILITY, SANITARY MANHOLE
⊞	UTILITY, CLEANOUT
⊞	UTILITY, TELEPHONE PEDESTAL
⊞	UTILITY, STORM DRAINAGE MANHOLE
⊞	DRAINAGE, CATCH BASIN
⊞	UTILITY, UNKNOWN VAULT
⊞	SITE, SECURITY CAMERA
⊞	SITE, GREASE TRAP

### LINE TYPES:

———	ELECTRICAL, HIGH VOLTAGE PRIMARY LINE
———	ELECTRICAL, UNDERGROUND LINE
———	ELECTRICAL, OVERHEAD LINE
———	UTILITY, SANITARY SEWER LINE
———	UTILITY, GAS-BUILT SANITARY SEWER LINE
———	UTILITY, GAS LINE
———	UTILITY, WATER LINE
———	UTILITY, HOT WATER RETURN LINE
———	UTILITY, TELEPHONE LINE
———	UTILITY, STORM DRAINAGE LINE
———	UTILITY, IRRIGATION WATER LINE
———	UTILITY, FIBER OPTIC LINE
———	UTILITY, UNKNOWN LINE

ZIA VIEW Rd. NW

INDEX OF SHEETS

90% DESIGN  
DRAWINGS  
NOT FOR  
CONSTRUCTION

DRAFTED BY:  
ANDREW VAROZ P.E.

LAST UPDATED:  
05/04/19

SHEET 2 of 9

NEW SUBDIVISION NAME: ZIA VIEW

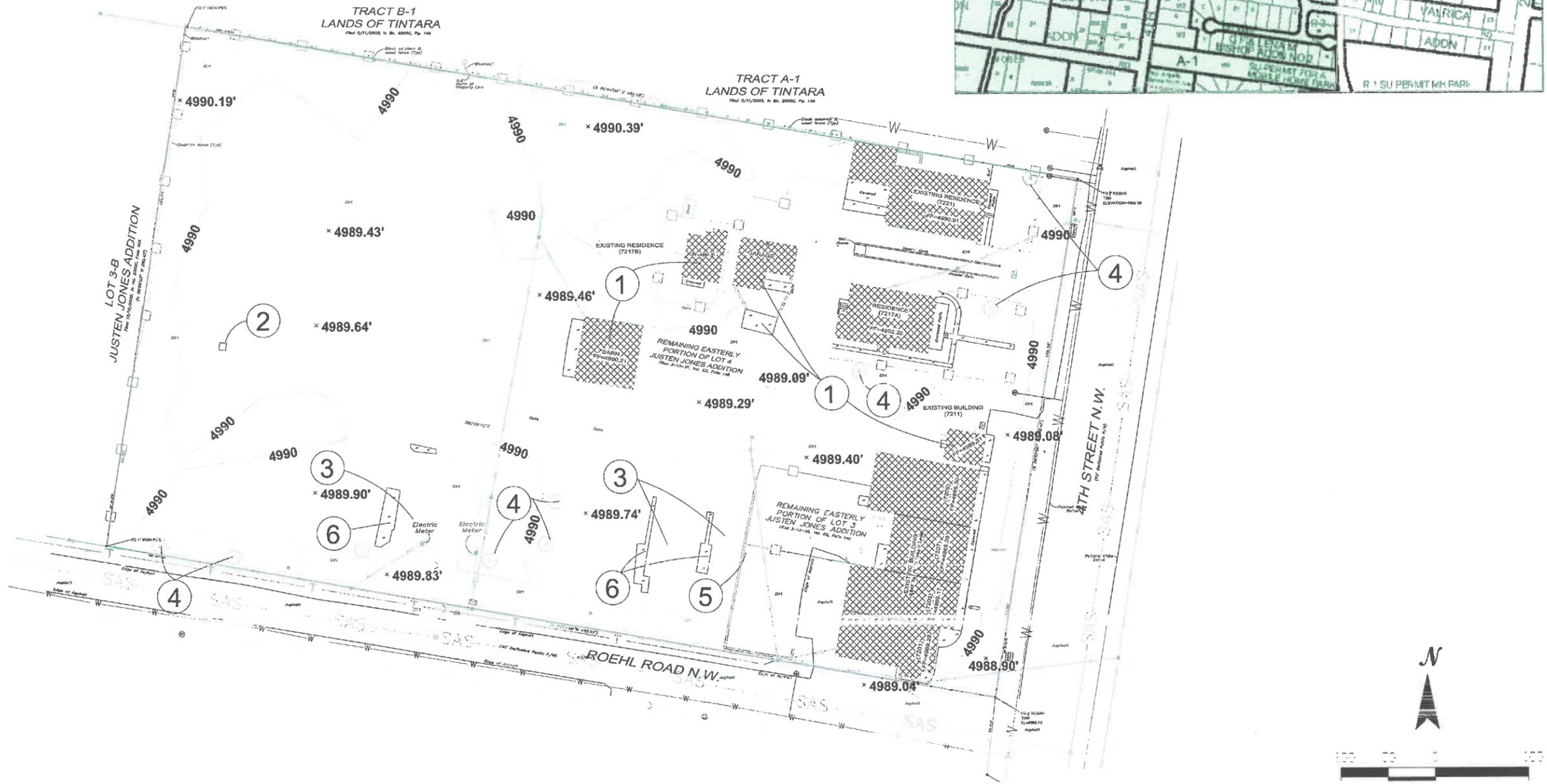


KEY NOTES:

- ① EXISTING STRUCTURE TO BE REMOVED
- ② EXISTING WELL
- ③ EXISTING SCEPTIC TANK
- ④ EXISTING TREE
- ⑤ EXISTING CMU WALL
- ⑥ CONCRETE PAD

NOTES:

- 1. NO EXISTING STORM DRAINAGE INFRASTRUCTURE ON SITE.
- 2. NO IDENTIFIED EASEMENTS EXIST ON THE PROPERTY.
- 3. SITE SLIGHTLY DRAINS FROM NORTH TO SOUTH AND FROM WEST TO EAST.
- 4. AERIAL IMAGE OF SURROUNDING AREA ON PG 9



ZIA VIEW Rd. NW

EXISTING CONDITIONS

DESIGNED BY  
DRAWN BY  
FOR REVIEW

DRAFTED BY:  
ANDREW VARGAS

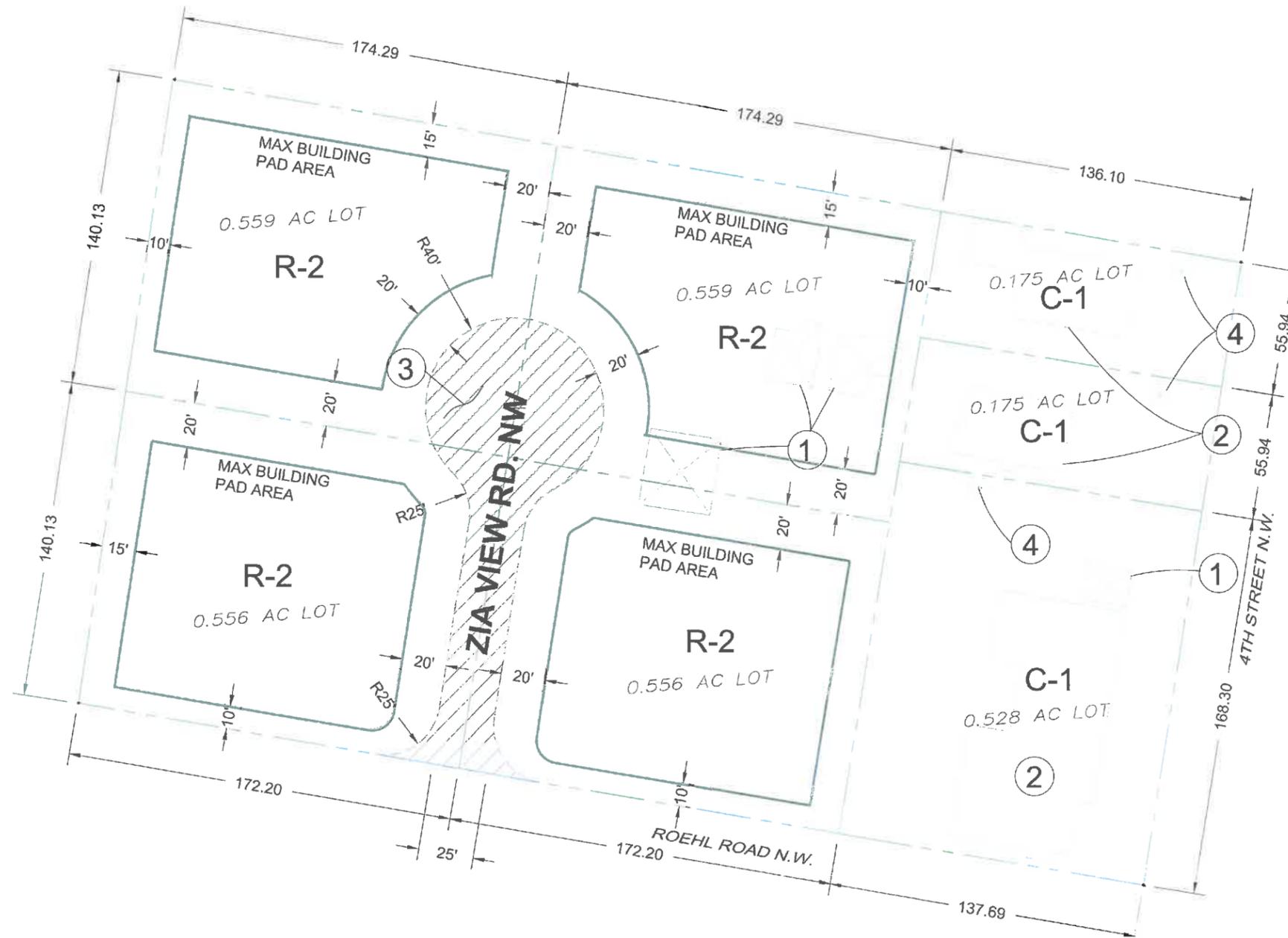
LAST UPDATED:  
05/04/19

**KEY NOTES:**

- ① EXISTING STRUCTURE TO BE REMOVED
- ② EXISTING STRUCTURE TO REMAIN
- ③ PROPOSED ACCESS ROAD AND PUBLIC UTILITY EASEMENT
- ④ EXISTING TREE TO REMAIN

**NOTES:**

- 1. ALL RESIDENTIAL UTILITIES WILL BE PLACED WITHIN THE LIMITS OF THE ACCESS ROAD.
- 2. THE RESIDENTIAL DEVELOPMENT WILL BE CALLED ZIA VIEW AND WILL CONTAIN ROUGHLY FOUR HALF ACRE LOTS.
- 3. ELEVATIONS AND PAVING SECTION ARE DETAILED ON THE GRADING PLAN SHEET 8
- 4. PROPERTY AREA AND ENCOMPASSING 1,000' AREA ARE SHOWN ON SHEET 9



SCALE 1/8"=1'

**ZIA VIEW Rd. NW**

SITE DEVELOPMENT PLAN

90% DESIGN DRAWINGS  
NOT FOR CONSTRUCTION

DRAFTED BY:  
ANDREW VAROZ P.E.

LAST UPDATED:  
05/04/19

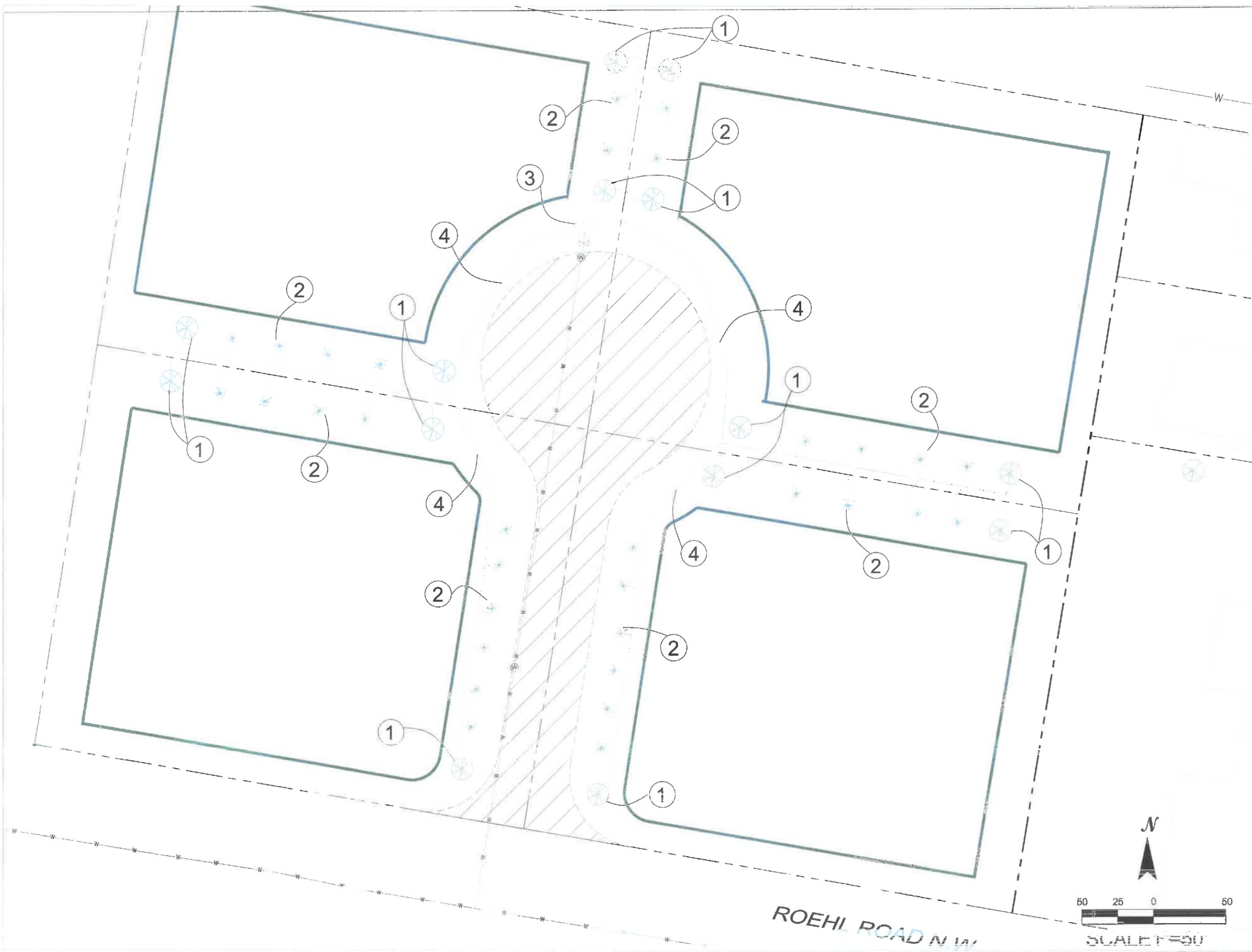
SHEET 4 of 9

**KEY NOTES:**

- ① NEW 15 GALLON TREE
- ② NEW 5 GALLON SHRUB
- ③ IRRIGATION WATER METER BOX
- ④ NEW 1" DRIP IRRIGATION LINE

**NOTES:**

- 1. NEW PLANTS TO BE DETERMINED BY ZIA VIEW HOA.
- 2. WATER COST AND MAINTENANCE OF LANDSCAPED AREA TO BE PAID AND MANAGED BY ZIA VIEW HOA.
- 3. TURF COVER TO VARY IN LANDSCAPED AREAS. COVER TO RANGE FROM CRUSHER FINE GRAVEL TO LARGE RIP RAP.



**ZIA VIEW Rd. NW**

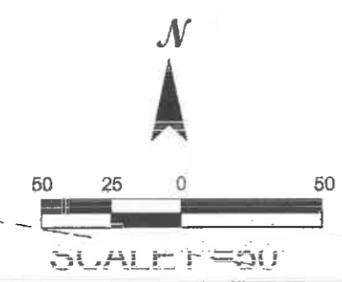
LANDSCAPING PLAN

DRAFTED BY:  
ANDREW VAROZ P.E.

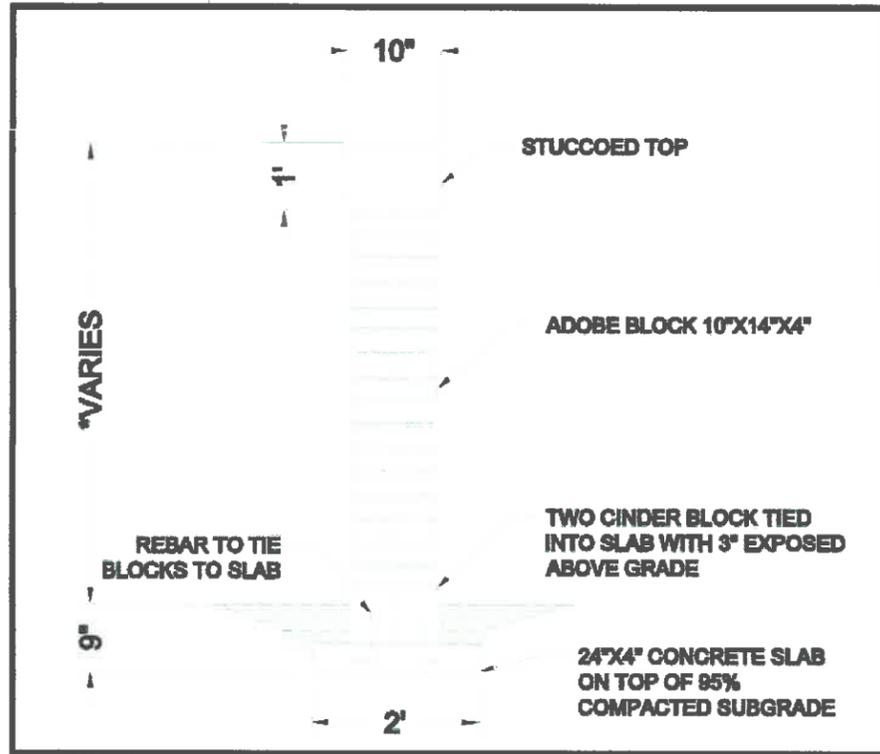
LAST UPDATED:  
05/04/19

SHEET 3 OF 4

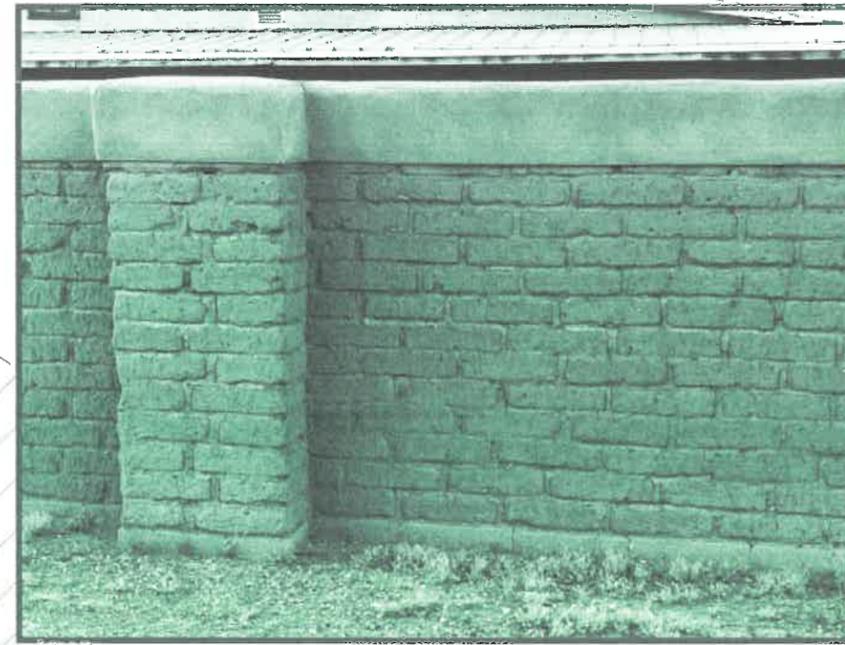
50% DESIGN  
DRAWINGS  
NOT FOR  
CONSTRUCTION



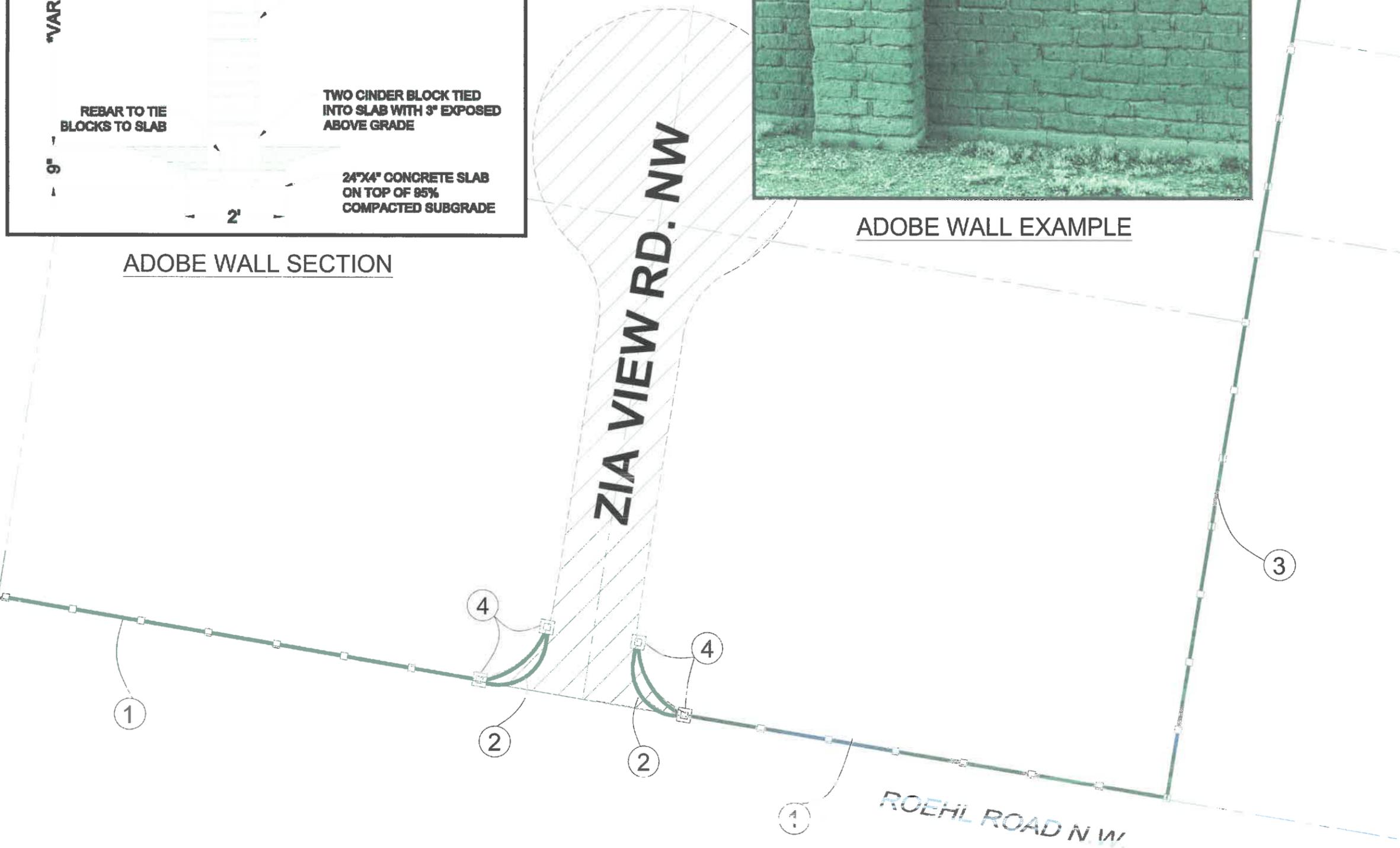
ROEHI ROAD N.W.



ADOBE WALL SECTION



ADOBE WALL EXAMPLE

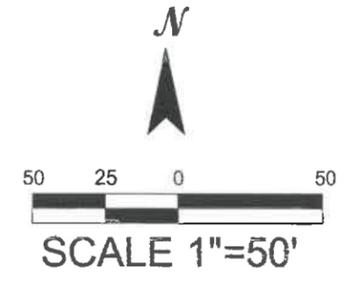


**KEY NOTES:**

- ① CONSTRUCT NEW 4' HIGH ADOBE WALL
- ② CONSTRUCT NEW 2' HIGH ADOBE WALL TO FORM PLANTER
- ③ CONSTRUCT NEW 6' HIGH ADOBE WALL
- ④ WALL PILLARS NEAR ENTRANCE TO BE 3'X3' WIDE

**NOTES:**

- 1. NEW ADOBE WALL ON THE SOUTH SIDE OF THE RESIDENTIAL DEVELOPMENT IS TO BE 4' HIGH.
- 2. NEW ADOBE WALL ON THE EAST SIDE OF THE RESIDENTIAL DEVELOPMENT IS TO BE 6' HIGH.
- 3. TWO NEW ADOBE PLANTERS 2' HIGH ARE TO BE BUILT AT THE ENTRANCE OF THE SITE.
- 4. ALL NEW ADOBE WALLS ARE TO BE STUCCOED ON THE TOP PORTION OF THE WALL (SEE EXAMPLE IMAGE)
- 5. 2' X 2' PILLARS ARE TO BE SPACED 20' APART.



**ZIA VIEW Rd. NW**

WALL AND ENTRY TO SUBDIVISION

90% DESIGN DRAWINGS  
NOT FOR CONSTRUCTION

DRAFTED BY:  
ANDREW VAROZ P.E.

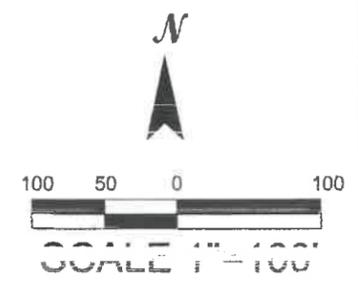
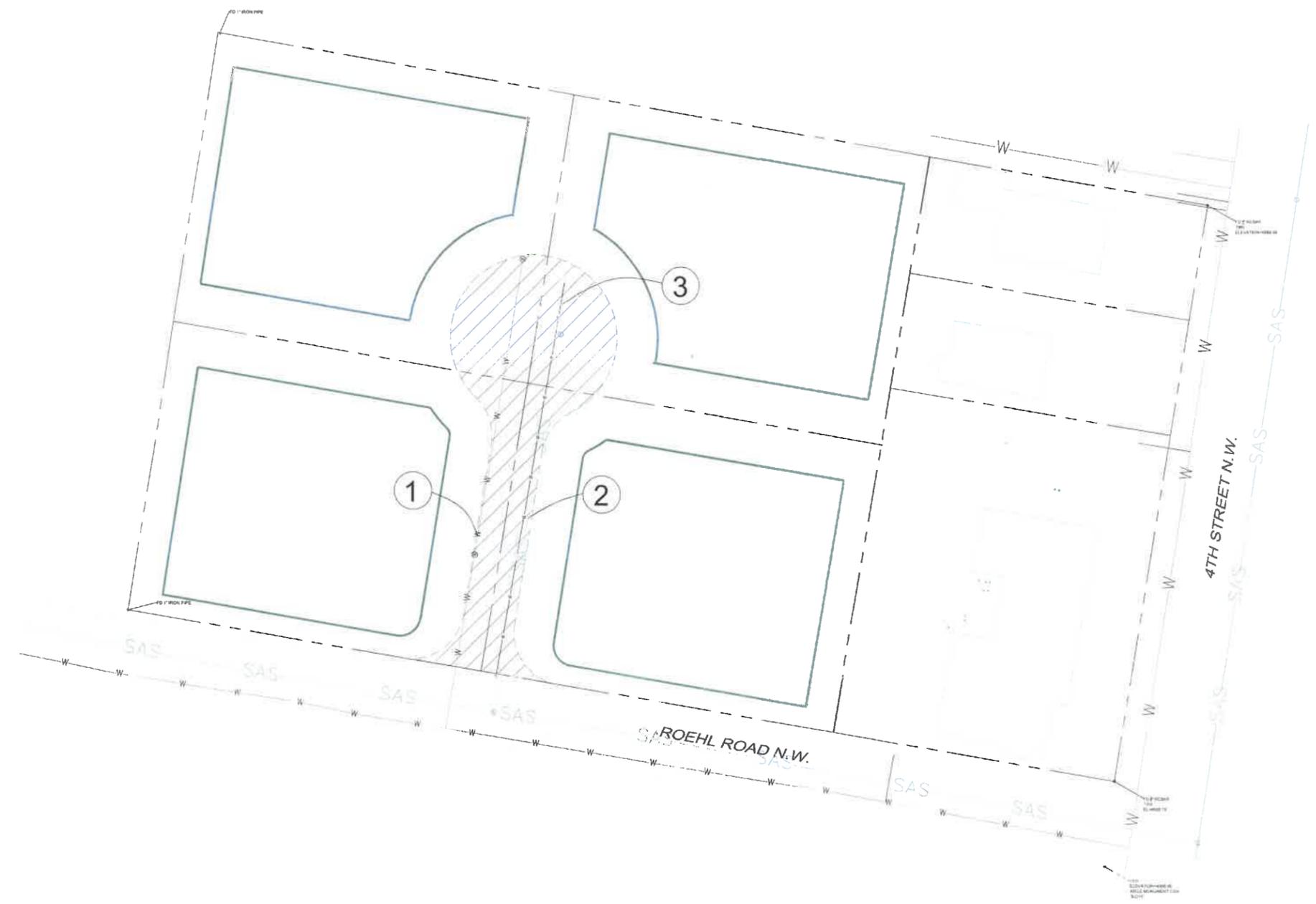
LAST UPDATE:  
05/04/19

**KEY NOTES:**

- ① NEW 4" WATER LINE
- ② NEW 8" SAS LINE
- ③ NEW 2" GAS LINE

**NOTES:**

- 1. UTILITY CONNECTIONS FROM INDIVIDUAL PROPERTIES TO MAIN LINES WILL BE SET ONCE NEW RESIDENTIAL PLANS ARE MORE DEVELOPED.
- 2. POWER, GAS AND COMMUNICATIONS TO SHARE SAME TRENCH OUTSIDE OF WHEEL PATH.
- 3. POWER AND COMMUNICATIONS DESIGN TO BE PROVIDED BY THE UTILITY FOR FINAL PLAT
- 4. ALL PUBLIC UTILITIES ARE TO BE PLACED WITHIN THE ACCESS/UTILITY EASEMENT ON ZIA VIEW ROAD AND WILL CONNECT TO EXISTING LINES IN ROEHL ROAD NW.



**ZIA VIEW Rd. NW**

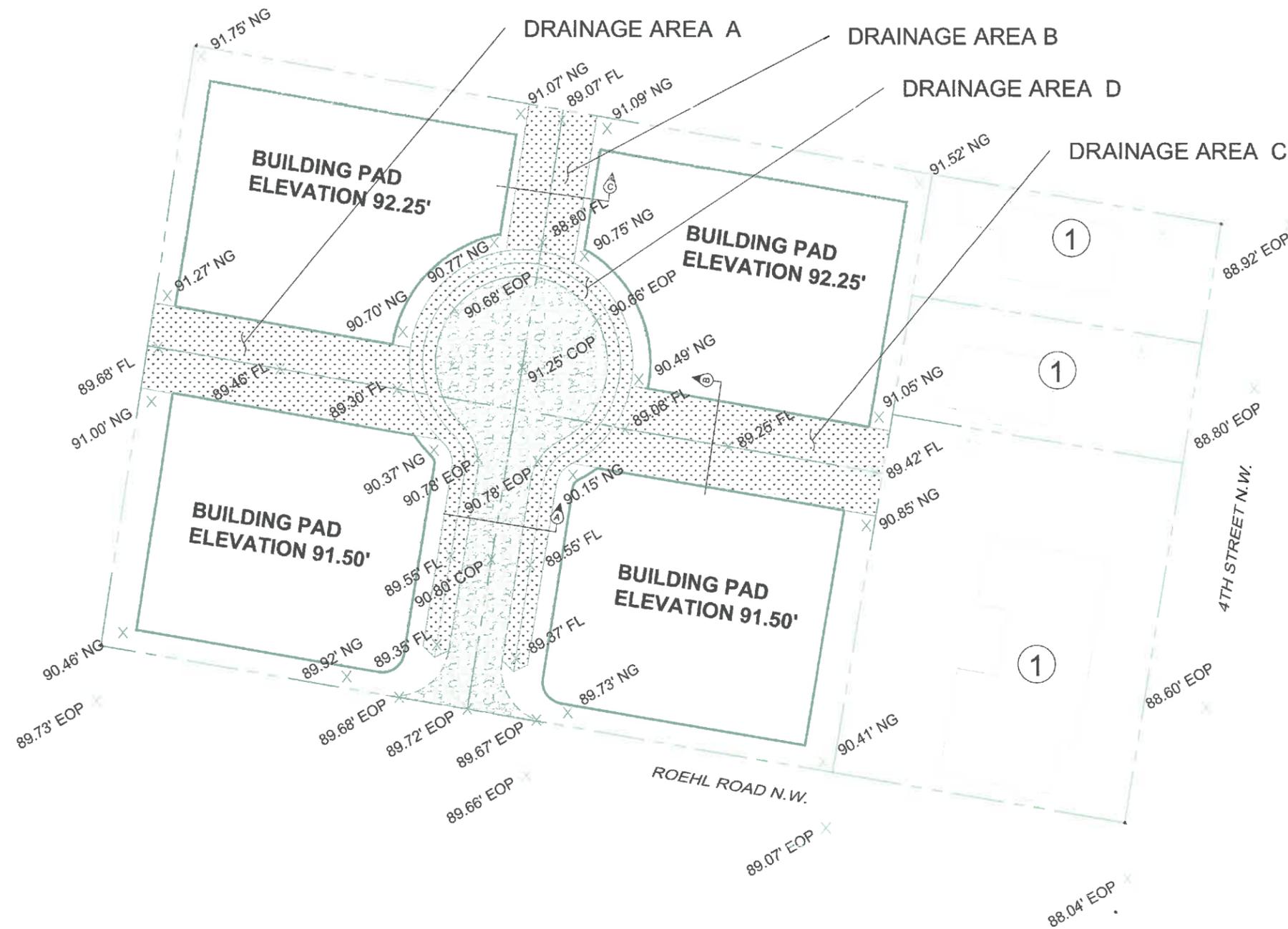
UTILITY PLAN

90% DESIGN  
DRAWINGS  
NOT FOR  
CONSTRUCTION

DRAFTED BY:  
ANDREW VARGAS P.E.

LAST UPDATED:  
05/04/19

SHEET 7 of 9



**HYDROLOGY NOTES**

THIS SITE IS LOCATED ON THE ZONE ATLAS MAP D-15 AND IS PROPOSED TO BE ZONED R-2 ON THE WESTERN TWO-THIRDS AND C-1 ON THE EASTERN THIRD. THE PROPERTY IS BOUNDED ON THE NORTH AND WEST BY SIMILAR PROPERTIES WITH 4TH STREET TO THE EAST AND ROEHL ROAD TO THE SOUTH. THE PROJECT PROPOSES THE UTILIZATION OF RETENTION PONDS ON THE RESIDENTIAL PORTION OF THE PROPERTY THAT IS TO BE DEVELOPED.

THE EXISTING SITE IS SET IN THE NORTH VALLEY AND IS GENERALLY FLAT WITH LITTLE GRADE FALLING SW TOWARDS 4TH STREET. THERE IS NO EXISTING STORM DRAINAGE INFRASTRUCTURE ON THE SITE AND ONLY THE NEW RESIDENTIAL DEVELOPMENT IS PROPOSED TO HAVE GRADING CHANGES. THE COMMERCIAL PORTION OF THIS PROPERTY IS TO REMAIN UNCHANGED.

EACH NEW RESIDENTIAL PROPERTY WILL BE GRADED TO ELEVATE BUILDING PADS AND EXCAVATED DEPRESSIONS TO BE RETENTION PONDS. THE PROPOSED ACCESS ROAD IS CROWNED AND ELEVATED TO HELP DRAIN THE PROPERTY AND WILL BE COMPACTED BASE COURSE TO ALLOW FOR ADDITIONAL GROUND INFILTRATION.

THE TOTAL RESIDENTIAL DEVELOPMENT IS DESIGNED TO CAPTURE THE 10 YEAR 24 HOUR RUNOFF THAT FOR THE ENTIRE PROPERTY IS 0.39 AC-FT, BUT FOR THE NEWLY DEVELOPED LOTS IS 0.28 AC-FT, AS CALCULATED FOR 40 ACRE AND SMALLER BASINS AS OUTLINED IN THE ALBUQUERQUE DEVELOPMENT PROCESS MANUAL (CH22, SECTION2).

THESE RETENTION REQUIREMENTS EXCEED AND THEREFORE, ADDITIONALLY SATISFY THE FIRST FLUSH CAPTURE REQUIREMENTS IN BERNALILLO COUNTY. THE RETENTION PONDS WILL INFILTRATE INTO NATIVE SOIL AND HAVE THE POTENTIAL TO BE A LANDSCAPED AREA FOR THE NEIGHBORHOOD.

DRAINAGE AREA STORAGE	
POND A	0.0861 AC FT
POND B	0.0478 AC FT
POND C	0.0861 AC FT
POND D	0.0613 AC FT
<b>TOTAL</b>	<b>0.2813 AC FT</b>

**KEY NOTES:**

- 1 EXISTING PROPERTY CONDITIONS UNCHANGED

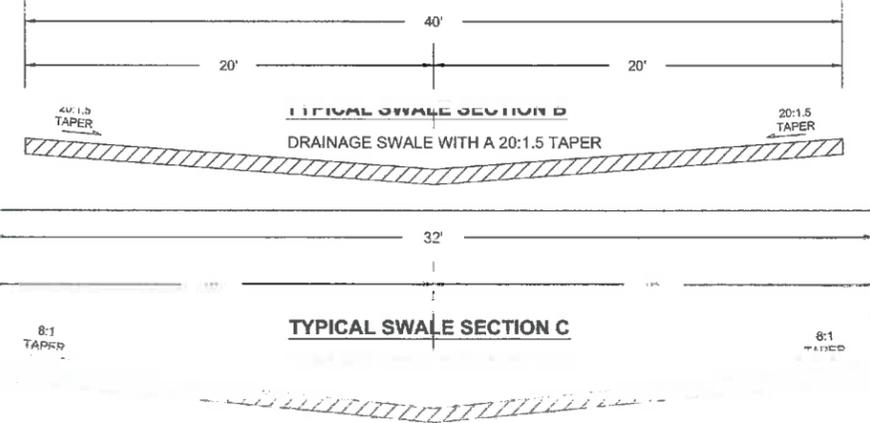
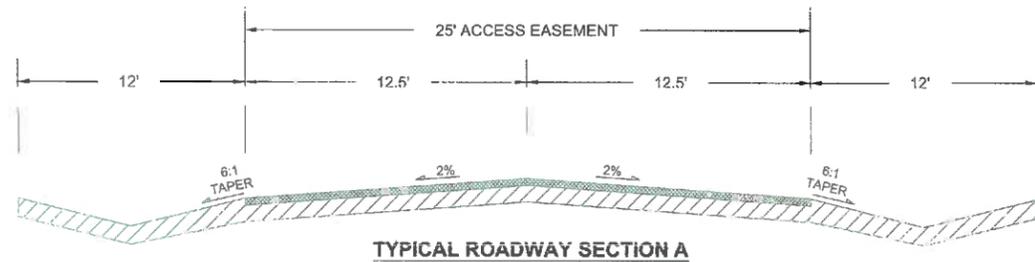
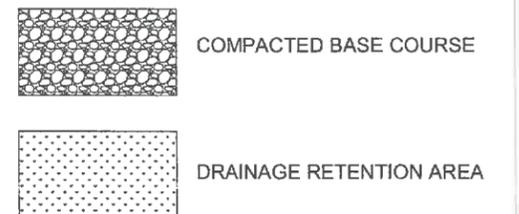
**NOTES**

CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION

THE CONTRACTOR MUST CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST CONTROL MEASURES AND REQUIREMENTS.

EXISTING COMMERCIAL LOTS WILL REMAIN UNCHANGED AND WILL NOT BE RE-GRADED AS APART OF THIS PLAN.

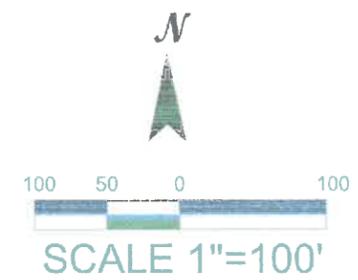
NEW RESIDENTIAL DEVELOPMENT WILL PROVIDE ENOUGH RUNOFF STORAGE TO COVER THE THE 10 YEAR STORM OF APPROX. (0.28 AC FT).



**ZIA VIEW Rd. NW**

**GRADING AND DRAINAGE PLAN**

DESIGN  
 DRAFTED BY:  
 ANDREW YAROSZ  
 LAST UPDATED:  
 05/04/10



<b>ZIA VIEW Rd. NW</b>	
SURROUNDING AREA	
<b>90% DESIGN DRAWINGS</b> <b>NOT FOR CONSTRUCTION</b>	DRAFTED BY: ANDREW VAROZ P.E.
	LAST UPDATED: 05/04/19
	<b>SHEET 9 of 9</b>

DRAINAGE REPORT (1)

-(s16.67h8.5v0T-&18D

AHYMO PROGRAM (AHYMO-S4) - Version: S4.01a - Rel: 01a
RUN DATE (MON/DAY/YR) = 05/13/2019
START TIME (HR:MIN:SEC) = 17:24:43 USER NO.= M-GoodwinNMSiteA90075759
INPUT FILE = C:\Users\hiram\Desktop\Varoz\_Subd.txt

START 0.0 HRS PUNCH CODE=0 PRINT LINES=-6
\*S\*\*\*\*\*

\*S Varoz
\*S 10 YEAR 24-HR STORM EVENT
\*S
\*S FILE: Varoz\_Subd.DAT
\*S LAST REVISED: 7-24-15
\*S NOAA ATLAS 14, VOL I ZONE: A 10

LOCATION NEW MEXICO
State of New Mexico soil infiltration values (LAND FACTORS) used for computations.
Land Treatment Initial Abstr.(in) Unif. Infilt.(in/hour)
A 0.65 1.67
B 0.50 1.25
C 0.35 0.83
D 0.10 0.04

RAINFALL TYPE=1 RAIN QUARTER=0.0
RAIN ONE=1.54 IN RAIN SIX=2.04 IN
RAIN DAY=2.33 IN DT=0.0333 HRS

6-HOUR RAINFALL DIST. - BASED ON NOAA ATLAS 14 FOR CONVECTIVE AREAS (NM & AZ) - D1
DT = 0.033300 HOURS END TIME = 5.994000 HOURS

Table with 7 columns of rainfall distribution values ranging from 0.0000 to 2.0400.

\*S\*\*\*\*\*
\*\*\*
\*S TOTAL SITE
\*S DEVELOPED CONDITIONS
\*\*\*
\*\*\* BASIN 101
\*\*\* AREA = 3.1094 ACRES
\*\*\* AREA = .004858
\*\*\* \*\*\*\*\*

## DRAINAGE REPORT (1)

COMPUTE NM HYD ID=1 HYD NO=100 AREA= 0.004858 SQ MI  
 PER A=0 PER B=0 PER C=28 PER D=72  
 TP=-0.13333 HR MASS RAIN=-1

K = 0.072665HR TP = 0.133330HR K/TP RATIO = 0.545000 SHAPE CONSTANT, N = 7.106428  
 UNIT PEAK = 13.806 CFS UNIT VOLUME = 0.9985 B = 526.28 P60 = 1.5400  
 AREA = 0.003498 SQ MI IA = 0.10000 INCHES INF = 0.04000 INCHES PER HOUR  
 RUNOFF COMPUTED BY INITIAL ABSTRACTION/INFILTRATION NUMBER METHOD - DT = 0.033300

K = 0.105145HR TP = 0.133330HR K/TP RATIO = 0.788605 SHAPE CONSTANT, N = 4.550611  
 UNIT PEAK = 3.9824 CFS UNIT VOLUME = 0.9971 B = 390.35 P60 = 1.5400  
 AREA = 0.001360 SQ MI IA = 0.35000 INCHES INF = 0.83000 INCHES PER HOUR  
 RUNOFF COMPUTED BY INITIAL ABSTRACTION/INFILTRATION NUMBER METHOD - DT = 0.033300

PRINT HYD ID=1 CODE=1

PARTIAL HYDROGRAPH 100.00

RUNOFF VOLUME = 1.51894 INCHES = 0.3935 ACRE-FEET  
 PEAK DISCHARGE RATE = 10.49 CFS AT 1.532 HOURS BASIN AREA = 0.0049 SQ. MI.

\*  
 FINISH

NORMAL PROGRAM FINISH END TIME (HR:MIN:SEC) = 17:24:43  
 -(sOp10h4099T-&16D

NEW DEVELOPMENT AREA = 2.224 ACRES

2.2244 ACRES /3.1094 ACRES = 0.715

0.715 X (0.3935 ACRE-FEET) = 0.2815 ACRE-FEET

NEW RUNOFF VOLUME FOR RESIDENTIAL DEVELOPMENT = 0.28 ACRE-FEET

## 4. PUBLIC HEARING

- C. S 19-01** A request by Baca's Trees Profit Sharing and Trust for a Preliminary Plat review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area. The subdivision would create four (4) R-2 residential lots of 0.50 acres each and three C-1 Commercial-Retail lots. The subdivision would be a replat of existing property located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 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:** July 29, 2019

**REPORT NO.** PZ-19-23

File: S-19-01

**ISSUED BY:** Planning and Zoning Department

**SUBJECT:** A request for Preliminary Plat review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor and Character Area.

**APPLICANTS:** Baca's Trees Profit Sharing and Trust

**AGENT:** David Newman

**LOCATION AND LEGAL:**

The property is located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or less.

**PROJECT:**

The subdivision would create four (4) R-2 residential lots of 0.50 ac each and three C-1 Commercial-Retail lots.

**ANALYSIS:**

The subdivision is a replat of existing property. The owner desires to subdivide the 3.3 acres into four (4) Residential lots and three Commercial lots. The property is on the corner of Fourth Street and Roehl Rd., and consists of two tracts. The property is currently zoned C-1 on the eastern portion (fronting Fourth Street extending 300 ft. deep) and R-2 to the west. There is also a Special Use Permit for a mobile home park on the southern portion of the tract.

The owner is requesting a preliminary plat review on his proposal for re-subdividing the property as the second step in the Major Subdivision Plat process. The Sketch Plat Review hearing occurred on January 8, 2019.

The concept includes platting four lots of 0.5 acres or more net, served by a 26 ft. wide access road and cul-de-sac, with water and sewer utility from the Albuquerque Bernalillo County Water Utility authority, and other utilities as required. As drawn, the easternmost R-2 lots would encroach into the existing C-1 zone. The three (3) C-1 lots would be 136.3 Ft. deep from Fourth St. a reduction from the current 300 ft. and would be 75 ft., 42 ft.' and 163.37 ft. wide consecutively from north to south.

The owner would vacate the Special Use Permit, apply for a zone change from C-1 to R-2 in the area of residential lots 2 & 4, construct the lots, with all required improvements, and sell vacant lots ready for construction of houses. The commercial buildings are existing and the owner is not intending on modifying those buildings at this time, other than to remove one structure in the commercial and to remove the detached buildings in the area of the residential subdivision.

**RELEVANT CODE LANGUAGE:**

There are several Code sections that apply to this request. First is §9.1 Subdivision, Vacation & Development, (sections §9.1.6, §9.1.7, §9.1.8, §9.1.9) which discuss the requirements for a plat and

improvements for a major subdivision, secondly §9.2.10 R-2 Residential Zone (1 residential unit/0.50 acre), third is §9.2.12 C-1 Retail-Commercial Zone, and lastly §9.2.25 Applications and Approval Process, §9.2.25(E)(4) which discusses the requirements for a Site Development Plan.

For the residential portion of the subdivision most of the R-2 requirements, other than area requirement, will be addressed with the subsequent building plan approval. The roadway dimension meets the Village requirements of 25 ft., and the Fire Marshall will address the size of the emergency turnaround (Cul-de-sac).

The commercial development will need to address grading and drainage for the individual lots, off-street parking requirements, and lots will need to provide the required 15 ft. setback on the rear lot line, which is marked on the supporting document MWC of 4<sup>th</sup> St/Roehl Rd NW Proposed Subdivision. Also for consideration is application of landscaping requirements given these are existing buildings and no new commercial construction is anticipated. The landscaping plan is included in the site development plan packet.

In the approval process for a major subdivision, Preliminary Plat Review with the Planning and Zoning Commission is the second step, along with the Site Development Plan (SDP) hearing. This will be followed by Preliminary Plat and Site Development Plan hearings with the Board of Trustees and lastly the Final Plat hearing and approval at the Planning and Zoning Commission. The applicant will also apply for a Zone Change through the Zone Map Amendment process.

### §9.1.5 DEFINITIONS

**(T) PLAT, PRELIMINARY.** A map of a subdivision of land conforming with the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the subdivider achieves vested rights to subdivision upon preliminary plat approval.

### §9.1.6

**(C) CONSIDERATIONS FOR SUBDIVISION PLATTING.** In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

- (1) Maintenance of Rural Atmosphere – Not applicable
- (2) Geographic Suitability – Not applicable
- (3) Services – Applicant has stated that they have requested a letter stating water and sewer availability for all of the properties of the subdivision from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA). The Utility Plan shows placement of public utilities.
- (4) Preservation – The Site Development Plan notes existing trees that will remain.
- (5) Area Plan – Proposed master plan for the total area not applicable. The street alignments, proposed sewer, water, and drainage systems extend, complement, and conform to existing municipal streets and facilities.
- (6) Conformance of proposal to Master Plan and other Land Use Plans – The proposal conforms to the Village of Los Ranchos 2020 Master Plan:

#### **Village of Los Ranchos 2020 Master Plan**

##### **Overall Village Goals**

**1.2.1** The goal is to reflect a Village character through:

- Density and intensity of Village scale; commercial development appropriate to Village needs and primarily focused on Fourth Street, the Village Center, and Transit District.

##### **2.1 Village Form Goal**

**Policy E.** Promote private development that is in keeping with Village Scale.

##### **7.1 Residential Goal**

**Policy C.** Regulate subdivision within the Village to maintain Village scale.

### **§9.1.8 REQUIREMENTS FOR SUBMITTAL OF A PRELIMINARY PLAT AND FINAL PLAT TO THE COMMISSION AND BOARD**

#### **(A) CONTENTS OF PRELIMINARY PLAT.**

**(2) Preliminary Plat Requirements.** Unless waived by the Commission, the preliminary plat and accompanying documents shall show at least the following:

- (a)** Proof of financial responsibility on the part of the subdivider.
- (b)** The location of all present property lines, projected section lines, streets, buildings, watercourses, irrigation easements and facilities, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.
- (c)** The proposed location and width of all proposed streets, alleys, utility and irrigation easements, and areas to be reserved for public use.
- (d)** Existing utilities, irrigation easements and facilities, drainage courses and culverts within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines; and, a letter of water and sewer availability from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA).
- (e)** The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.
- (f)** If the property to be subdivided is owned by more than one individual or corporation, the names and signatures of all title holders shall be included on the plat.

### **§ 9.1.9 REQUIRED IMPROVEMENTS**

**(A) SUBDIVISION IMPROVEMENTS AGREEMENT.** Upon approval of plans and specifications by the Village, the subdivider shall execute a subdivision improvements agreement which guarantees completion of required improvements. The format of such agreement shall be set forth by the Village Attorney. After execution of a satisfactory improvements agreement, the subdivider may proceed with the construction of all such improvements.

**(B) INSTALLATION ASSURANCE.** In the subdivision improvements agreement, the subdivider shall post a suitable improvements guarantee to accompany the subdivision improvements agreement in the amount of 125% of the cost estimated by a Licensed Professional Engineer with concurrence of the Village. The guarantee shall be at the discretion of the Commission or the Board. The improvements are essential to the delivery of Village services and utilities to the individual lots of the subdivision. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Commission or Board.

The Village may, at its option, assess all or a portion of the property in the subdivision for the cost of any outstanding obligations incurred under a Subdivision Improvements Agreement and may record and foreclose against the property a municipal lien in accordance with §3-36-1, *et seq.*, NMSA 1978 or its successor municipal lien statutes.

**(C) COMPLETION.** All improvements shall be certified by Licensed Professional Engineer and completed to the satisfaction of the Village Designated Engineer.

### **DEPARTMENT RECOMMENDATIONS AND FINDINGS:**

The Department recommends **the Commission forward to the Board of Trustees a recommendation of approval** of S-19-01 for a Preliminary Plat of a major subdivision for 3.3 acres of property with the following conditions:

1. The Final Plat shall contain all of the required language to be placed on the plat, i.e. data notes, vicinity map, public utility easement statements, restriction, legend and certifications, etc.
2. All utility systems shall be underground if the utility company permits.
3. All the requirements of the Albuquerque Bernalillo County Water Utility Authority shall be met in the installation of the utilities and governing rules and regulations adhered to.
4. A grading and drainage plan will be required for the commercial properties as well.
5. All development shall be carried out in accordance with the applicable state laws and Village ordinances.
6. A subdivision improvements agreement will be necessary prior to the recording of the Final Plat to guarantee completion of required improvements.
7. A financial guarantee instrument in the amount of 125% of the estimated infrastructure costs must be submitted prior to filing of the Final Plat.

**Findings:**

The subdivision meets the requirements of §9.1.8(A)(2) Preliminary Plat Requirements:

(a) Proof of financial responsibility will be in the form of a subdivision improvements agreement, which will be required in the Final Plat.

(b) The plat shows the existing buildings on the site map on page 1 of 2. The proposed subdivision shows lots and acreage.

(c) The proposed location and width of all proposed streets, alleys, utility and irrigation easements, and areas to be reserved for public use are noted on page 2 of 2.

(d) The applicant has requested a water and sewer availability letter from ABCWUA. The drainage plan will include the commercial property in the Final Plat.

(e) Signature lines and titles are on page 1 of 2 and include the professional surveyor. The title under which the proposed subdivision is to be recorded is included as Zia View.

(f) Not applicable.

Public notice requirements have been met by publication in the Albuquerque Journal on July 25, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on July 22, 2019.

  
 \_\_\_\_\_  
 Tim McDonough  
 Director, Planning and Zoning Department

Date: Aug 1, 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.

## 4. PUBLIC HEARING

**D.V 19-05** A request by Phillip Sterling for a Variance from several area requirements to allow for subdivision of a property impacted by the 280 ft. setback on Rio Grande Blvd. The applicant desires to subdivide the 2.1 acre Tract into two A-1 zoned lots. The property is located at 8215 Rio Grande Blvd. NW and is legally described as certain tracts of land situated within the Alameda Grant, Section 17, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being Tracts 65A1 and 65A2 as shown on the Middle Rio Grande Conservancy District Property Map No. 25. The property contains 2.100 acres more or less.

Public Hearing V-19-05, a request by Philip Sterling for a variance has been deferred.

## **5. OLD BUSINESS**

### **A. Discussion of the 2035 Master Plan process**

## **6. NEW BUSINESS**

- A. Discussion and direction on allowing a tennis court to be built within the 280-foot setback in the North Rio Grande Character Area.**

## **7. REPORTS**

### **A. Planning Department Report**

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

**Fourth Street Project**

The Fourth Street Construction Project continues with construction on the west side. Crews with subcontractor Beaty Masonry have begun installing the permeable paver system in the gutter plan and on-street parking spaces on the northern end of the project. Bricklaying crews have completed the sidewalks past Bledsoe Road and are quickly approaching Tyler Road. The brick sidewalks and permeable paver system are anticipated to be complete by the end of August. The subcontractor MWI has begun installing pedestrian light poles, scheduled to be installed by mid-August. Stormwater piping continues to be installed to the drainage reservoirs on Tyler and Schulte Roads. The project remains on schedule for completion in September.

**Master Plan**

The working session will be held August 23 to review the plan and the plan development process with the Planning & Zoning Commission and the Board of Trustees. Staff are working with MRCOG to develop final maps for the plan. The comment period and call for photographs is over. In total, staff received four written comments. We're thankful for all of the photo submissions highlighting our beautiful Village. The last Master Plan Committee meeting was held in the middle of July and we are also thankful for their part in the development of this plan. They've consistently been a source of insight, acted dually as participants and as facilitators in the public input process, and reviewed many documents and drafts along the way. The Master Plan will be on the Planning & Zoning Commission agenda in the September meeting.

**General**

As of adoption of the 2019/2020 budget, Dominic Tomba is now the Code Enforcement Officer and Animal Control Officer. He is working with Keen Heinzelman to learn the position, is expanding his knowledge of the Code, and has already been fielding concerns and writing letters for properties to come into compliance.

Jennifer Schilling is working on a system for 2021 to manage business license renewals and is working on our database. Also, if realtors would like to recycle their Village sign for a property listing, we are now accepting them.

Tiffany Justice is working on a tourism section of the Village website, paired with the Village's advertisement in the Albuquerque Discovery Map. This section is now online and highlights businesses and events in the Village.

At the Board of Trustees Special Meeting on July 31, 2019 the Board passed a resolution adopting film policy and procedures. The Village is also updating its transportation project listings with the 2040 MTP through TPTG.

## **8. COMMISSIONERS INFORMAL DISCUSSION**

## 9. ADJOURNMENT