

PLEASE SIGN IN

ALL members of the public planning to speak at tonight's meeting, please sign in at the front table. There are two sign-in sheets:

1. **Public Comment** – For any discussion NOT on the agenda.

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.**

2. **Agenda Items** – For any discussion concerning items ON the agenda.



*Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque*

AGENDA

**September 10, 2019 Regular Meeting
7:00 p.m. Warren J. Gray Hall**

Commission:

Chairman Jeff Phillips
Vice Chair Sandra Pacheco
Secretary Lynn Eby
Commissioner Al Park
Commissioner Gil Benavides
Commissioner Drew Seavey
Commissioner Dan Gay

Staff:

Tim McDonough - Director, Acting Administrator
Tiffany Justice - Planner
Jennifer Schilling – Admin. Assistant
Nann Winter – Village Attorney

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** – August 13, 2019 regular meeting.

4. PUBLIC HEARINGS & APPLICATIONS

- A. V 19-06 A request for a Variance by Jan Sultan from §9.2.10(E)(2)(a) the minimum side setback shall be ten (10) feet to allow encroachment of a structure into the setback area for a property in the R-2 Zone in the Camino Real Residential Character Area. The property is located at 501 Mullen Road NW and is legally known as Lot Numbered Twenty Four (24) of Unit One, El Paraiso, a Subdivision of a Tract of Land in School District No. 4, Bernalillo County, New Mexico, as the same is shown and designated on the map of said subdivision, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 12, 1941. The property contains 0.455 acres more or less.

- B. **SDP 19-02** A request by Cherie Montoya for a preliminary review and recommendation to the Board of Trustees of a Commercial Site Development Plan for a redevelopment in the Fourth Street Corridor and Character Area. The property is located at 8909 Fourth Street NW and is legally known as Lot 14 of Plat of Ortega Compound, a Tract of Land Lying and Situated within Section 16, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the County Clerk of Bernalillo County on October 22, 1996. The property contains 1.210 acres more or less.

5. **OLD BUSINESS**

- A. Discussion of the 2035 Master Plan process

6. **NEW BUSINESS**

There is no New Business.

7. **REPORTS**

- A. Planning Department Report

8. **COMMISSIONER'S INFORMAL DISCUSSION**

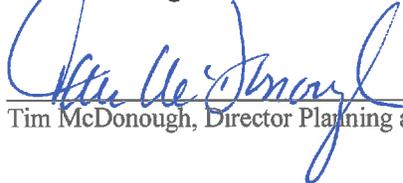
9. **ADJOURNMENT**

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

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY OCTOBER 8, 2019

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

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



 Tim McDonough, Director Planning and Zoning

August 22, 2019

 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

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on topics that do not appear elsewhere on the agenda. Audience members will be given an opportunity to comment on agenda items as they come up. Speakers must register with Village Staff prior to the beginning of the meeting. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

3. CONSENT AGENDA

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

A. Approval of minutes– August 13, 2019 regular meeting.

B. Approval of the BOT & P&Z Working Session - August 23, 2019



Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque

MINUTES
August 13, 2019

Commissioners Present:

Chairman Jeff Phillips
Vice Chair Sandra Pacheco
Secretary Lynn Eby
Commissioner Al Park
Commissioner Gil Benavides
Commissioner Drew Seavey
Commissioner Dan Gay

Staff Present:

Tim McDonough - Director, Acting Administrator
Tiffany Justice - Planner
Jennifer Schilling – Admin. Assistant, Scribe
Nann Winter – Village Attorney

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., August 13, 2019 at the Warren J. Gray Hall, by Chairman Jeff Phillips. A quorum was present. The agenda was approved, as changed: Application V-19-05 had been deferred.

2. PUBLIC COMMENT

Public Comment was given as follows:

SPEAKER:

Jacquelyn Armijo, 509 Chamiso Lane.

SUBJECT:

Speeding on Chamiso Lane. Requested a “slow” sign.

3. CONSENT AGENDA

A. Approval of the Consent Agenda

1. Minutes of the July 9, 2019 Planning & Zoning Regular Meeting

Commissioner Benavides made note of clarification to be written in on page 15 of 16; Line 26.

Motion: Commissioner Pacheco made a motion to approve the minutes as amended.

Seconded: Commissioner Benavides seconded the motion.

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

4. PUBLIC HEARINGS & APPLICATIONS

Attorney Winter swore in all those who would be speaking before the Commission.

1
2 **A. ZMA 19-02** An application by Lutgen Properties, LLC for a Zone Map Amendment to
3 change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a dual zoned property
4 in the R-2 Zone with a Special Use Permit for parking and C-1 Zone in the Fourth
5 Street Corridor and Character Area. The property is located at 7511 Fourth St. NW and
6 is legally known as a certain tract of land situated within the Alameda Grant, Section
7 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico,
8 being a portion of Tract 103-B as shown on the Middle Rio Grande Conservancy
9 District Property Map No. 27. The property contains 1.945 acres more or less.

10
11 **Resident & Applicant Speakers for the Discussion:**

12 *In order of presentation*

13
14 **SPEAKER:**

15
16 **POSITION:**

17 Michael Lutgen, 9113 Lynx Ln.	Applicant.
18 Jason Buchanan, 33 Sandia Heights	Project Engineer.
19 Lynn Miller, 508 Chamiso Ln.	Opposed: Read through the letter submitted and signed by neighbors on Chamiso Ln. See below.
20 Ron Ginsburg, 500 Chamiso Ln.	Opposed.
21 Jacquelyn Armijo, 509 Chamiso Ln.	Opposed.
22 Glenn Fellows, 530 Chamiso Ln.	Opposed.
23 Bryan Flamm, 524, Chamiso Ln.	Opposed.
24 Katherine Flamm, 524 Chamiso Ln.	Opposed.

25
26 *A letter was presented from several of the neighbors on Chamiso Lane outlining their*
27 *opposition to the application. The letter was signed by: Jackie Armijo, 509 Chamiso Lane NW;*
28 *Ron & Sandy Ginsburg, 500 Chamiso Lane; Lynn & Lynda Miller, 508 Chamiso Lane NW;*
29 *Chris & Kate Musello, 525 Chamiso Lane; Robert Ashmore, 531 Chamiso Lane NW; Susan*
30 *Ratcliff, 539 Chamiso Lane NW; Glenn Fellows, 530 Chamiso Lane NW; Nancy Joste, 516*
31 *Chamiso Lane NW.; John Pietz, 516 Chamiso Lane NW; Gwyneth Donald Parker, 538*
32 *Chamiso Lane NW; Michael & Monique Hogan, 530 Chamiso Lane NW; Bryan & Katherine*
33 *Flamm, 524 Chamiso Lane NW.*

34
35 **Commissioner Benavides** recused himself from commenting and voting on ZMA 19-02.

36
37 **Planner McDonough** gave the planning report with recommendation to forward the item to
38 the Board of Trustees for approval of ZMA 19-02.

39
40 **Discussion:**

- 41
42
- 43 • The number of townhome units that would be built on the property was discussed. It
44 was determined that there were many factors that could change the total number of
45 units upon conducting a Site Development Plan.
 - 46 • The change to a C1 Zone was addressed in relation to higher density dwellings. Planner
47 McDonough explained why C1 Zoning is the appropriate zoning for the applicant's
intended land use.

- 1 • Michael Lutgen, the applicant, presented his application and responded to questions
- 2 from the Commissioners. Emergency safety turnarounds would be designed in the Site
- 3 Development Plan phase.
- 4 • The previous use of the land was discussed, as well as the steps being taken to buildout
- 5 the property.
- 6 • Jason Buchanan, project engineer, spoke to the preliminary design of the intended
- 7 townhomes and responded to questions from the Commissioners.
- 8 • There were no comments made in favor of the application.
- 9 • There were 6 residents who spoke in opposition of the application, with corresponding
- 10 letter read through by resident Lynn Miller.
- 11 • The applicant, Michael Lutgen, responded to concerns presented by the speakers who
- 12 were in opposition to the application.
- 13 • Commissioner Park expressed concern that changing the zone would not guarantee that
- 14 the intended townhomes be built. Conditions could be placed on the zone change if the
- 15 application was passed. Conditions would be maintained with the land.
- 16 • Possible conditions discussed were the height of the building(s) and the setbacks;
- 17 specifically, maintaining the current R2 regulations of height and setbacks for the
- 18 requested C1 zone for the property in question.
- 19

20 **Chairman Phillips** closed the floor for comments.

21
22 **Motion: Commissioner Park** made a motion to forward the application to the Board of
23 Trustees, with recommendation to deny the application.

24 **Second: Commissioner Gay** seconded the motion.

25 After discussion, a roll call vote was conducted.

26 **Roll Call Vote:**

27 **Commissioner Park** Nay
28 **Commissioner Pacheco** Nay
29 **Commissioner Eby** Nay
30 **Commissioner Seavey** Nay
31 **Commissioner Gay** Yea
32 **Commissioner Phillips** Nay
33 **Commissioner Benavides** Recused, no vote.

34
35 **Motion failed (5-1).**

36
37 **Commissioner Park** explained why he voted against his own motion.

38
39 **Motion: Commissioner Eby** motioned to recommend approval of the application to the Board
40 of Trustees, with the conditions that the building height be consistent with R2 zoning of 26
41 feet and the rear setback be consistent with R2 zoning of 15 feet.

42 **Second: Commissioner Seavey** seconded the motion.

43 • After discussion, the motion was amended to clarify the conditions, as written above.

44 • Commissioner Seavey maintained his second for the motion as amended.

45 After discussion on the amended motion, a roll call vote was conducted.

46 **Roll Call Vote:**

47 **Commissioner Park** Nay

- 1 **Commissioner Pacheco** Yea
- 2 **Commissioner Eby** Yea
- 3 **Commissioner Seavey** Yea
- 4 **Commissioner Gay** Nay
- 5 **Commissioner Phillips** Nay
- 6 **Commissioner Benavides** Recused, no vote.

7
8 **Motion failed (3-3).**

9
10 **Motion: Commissioner Park** made a motion to defer the application indefinitely.
11 **Motion failed for lack of a second.**

12
13 **Motion: Commissioner Park** made a motion to defer the application.
14 **Second: Commissioner Eby** seconded the motion to defer the application.

15 **Roll Call Vote:**

- 16 **Commissioner Park** Yea
- 17 **Commissioner Pacheco** Nay
- 18 **Commissioner Eby** Yea
- 19 **Commissioner Seavey** Yea
- 20 **Commissioner Gay** Nay
- 21 **Commissioner Phillips** Yea
- 22 **Commissioner Benavides** Recused, no vote.

23
24 **VOTE:** The motion carried to defer the application (4-2).

25
26 **Chairman Phillips** stated that the public hearing on Item 4A in the request by Lutgen
27 Properties for a Zone Map Amendment was closed with the Commission voting to defer the
28 application.

29
30
31 **B. SDP 19-01** A request by Baca’s Trees Profit Sharing and Trust for a Preliminary Site
32 Development Plan review of a major subdivision for 3.3 acres of property in the Fourth
33 Street Corridor and Character Area. The subdivision would create four (4) R-2
34 residential lots of 0.50 acres each and three C-1 Commercial-Retail lots. The
35 subdivision would be a replat of existing property located at 7201, 7217, and 7221
36 Fourth St. NW and 401 Roehl Rd. NW and is legally known as a portion of Lots 3 & 4
37 (except the westerly 225 feet), Justen Jones Addition within Section 21, T. 11 N., R. 3
38 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property
39 contains 3.3 acres more or less.

40
41 **Resident & Applicant Speakers for the Discussion:**

42 *In order of presentation*

43
44 **SPEAKER:**

- 45 David Newman, 504 Mary’s Way
- 46 Andrew Varoz, 7701 Calle Carisma
- 47 Nancy Starr, 513 Roehl Rd.

44 **POSITION:**

- Applicant representing Baca’s Trees.
- Project Engineer.
- In favor of the application.

1 **Planner Justice** gave the planning report with recommendation to forward the item to the
2 Board of Trustees to approve the Site Development Plan with conditions.

3
4 **Discussion:**

- 5 • The plans were discussed in reference to setbacks and the Village's Floor Area Ratio.
6 The lots would adhere to current regulations for the designated zoning (whether R2 or
7 C1).
- 8 • The applicant, David Newman, presented his application with regard to the land's
9 current use, proposed use, and why a zone change would be needed following the
10 approval of the Site Development Plan and Subdivision.
- 11 • There was discussion about the proposed four residential lots; the lots would be sold as
12 vacant lots in the new subdivision.
- 13 • The well and septic systems were discussed and determined by the applicant that their
14 use is not yet decided.
- 15 • The conditions in the Planner's Report were discussed in regard to drainage plans and
16 off-site parking. Drainage plans had not been done on the C1 portion of the land with
17 the proposed property lines. The purpose of the condition was clarified; changing the
18 lots sizes require new drainage plans for all lots in the proposed R2 and C1 zones.
- 19 • Andrew Varoz, project engineer, spoke to the existing conditions and drainage.
- 20 • There was 1 resident who spoke in favor of the application.
- 21 • There were no comments made in opposition of the application.

22
23 **Chairman Phillips** closed the floor for comments.

24
25 **Motion: Commissioner Pacheco** made a motion to recommend to the Board of Trustees to
26 approve the application with the conditions as stated in the Planner's Report.

27 **Second: Commissioner Gay** seconded the motion.

28 **VOTE:** The motion carried unanimously (7-0)

29
30 **Chairman Phillips** stated that the public hearing on Item 4B in the request by Baca's Trees
31 Profit Sharing and Trust for a Preliminary Site Development Plan review was formally closed.

32
33 **C. S 19-01** A request by Baca's Trees Profit Sharing and Trust for a Preliminary Plat
34 review of a major subdivision for 3.3 acres of property in the Fourth Street Corridor
35 and Character Area. The subdivision would create four (4) R-2 residential lots of 0.50
36 acres each and three C-1 Commercial-Retail lots. The subdivision would be a replat of
37 existing property located at 7201, 7217, and 7221 Fourth St. NW and 401 Roehl Rd.
38 NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet),
39 Justen Jones Addition within Section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los
40 Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or
41 less.

42
43 **Resident Speakers for the Discussion:**

44 **SPEAKER:**

45 David Newman, 504 Mary's Way

44 **POSITION:**

45 Applicant representing Baca's Trees.

46
47 **Planner Justice** gave the planning report with recommendation to forward the matter to the
48 Board of Trustees a recommendation of approval with conditions.

1
2 **Discussion:**

- 3 • Commissioner Gay asked if the Commission had the authority to waive items from the
4 Preliminary Plat requirements. Planner Justice stated that that language is directly from
5 the code. There was no further discussion on this item.
6 • The applicant, David Newman, agreed to all conditions proposed.
7 • There were no speakers from the audience who spoke in favor or opposition to the
8 application.
9

10 **Chairman Phillips** closed the floor for comments.
11

12 **Motion: Commissioner Gay** moved to submit the application to the Board of Trustees for
13 approval with the 7 conditions as written.

14 **Second: Commissioner Pacheco** seconded the motion.

15 **VOTE:** The motion carried unanimously (7-0).
16

17 **Chairman Phillips** stated that the public hearing on Item 4C in the request by Baca's Trees
18 Profit Sharing and Trust for a Preliminary Plat was formally closed.
19

20 **5. OLD BUSINESS**

- 21 a. Discussion of the 2035 Master Plan process

22 Planner Tiffany Justice gave an update on the 2035 Master Plan. There will be a working
23 session on August 23rd with the Planning & Zoning Commission and the Board of Trustees;
24 no action will be taken at the session. The Master Plan will be on the Planning & Zoning
25 regular meeting agenda in the fall.
26

27 **6. NEW BUSINESS**

- 28 a. Discussion and direction on allowing a tennis court to be built within the 280-
29 foot setback in the South Rio Grande Character Area.
30 • The Commissioners and Planner McDonough discussed allowing tennis courts in the
31 280-foot setback of the South Rio Grande Character Area. The concluding thoughts
32 were that a tennis court in the 280-foot setback was in opposition to the Character Area.
33 **Note: The original wording of this item stated, "North Rio Grande Character Area".*
34 *Planner Tim McDonough corrected the language to state, "South Rio Grande*
35 *Character Area" during the meeting.*
36

37 **7. REPORTS**

- 38 a. Planning Department Report

- 39 • Planner Tiffany Justice gave the Planning & Zoning Department report: The Fourth
40 Street Project remains on schedule for completion in September. Dominic Tomba is
41 now the Code Enforcement Officer as well as the Animal Control Officer. The P&Z
42 Admin. Assistant, Jennifer Schilling, is seeking ways to make business registrations
43 and renewals more efficient for both the Village and business owners. Planner Justice
44 is working on a tourism section of the Village website, paired with the Village's
45 advertisement in the Albuquerque Discovery Map. A resolution was passed on July 31st

1 by the Board of Trustees, adopting a film policy and corresponding procedures. The
2 P&Z department is now accepting used parcel permit rider signs to be recycled.
3 • There was brief discussion on Planning and Zoning Commissioners having not been
4 noticed about the Board of Trustees Special Meeting regarding the Village’s film
5 policy, directly.

6
7 **8. COMMISSIONERS’ INFOMAL DISCUSSION**

- 8
9 • The property behind El Camino Motel was discussed; There were no known intentions
10 from the owner concerning that property.
11 • Materials submitted to the Commission during meetings were discussed. Concerns
12 were that these materials do not allow the Commissioners proper time to critically
13 review the information presented, nor does the applicant or the public have the
14 opportunity to review the materials thoroughly before the meeting. Attorney Winter
15 stated that these material-submissions are allowed on a case-by-case basis and is more
16 inclined to have a thorough record in the event of an appeal. Discussion concluded with
17 the prospect that if significant information is submitted during a meeting, there may be
18 cause to defer the application.

19
20 **9. ADJOURNMENT**

21
22 **Chairman Phillips** adjourned the meeting at 9:53 p.m.

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32 **Approval of the August 13, 2019 Minutes**

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34 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
35 Village of Los Ranchos de Albuquerque this _____ day of _____, 2019.

36
37 ATTEST:

38
39
40
41 _____
42 Lynn Eby, Secretary
43 Planning & Zoning Commission



Board of Trustees and
Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque

DRAFT MINUTES
August 23, 2019

Trustees & Commissioners Present:	Staff Present:
Trustee Pablo Rael	Tim McDonough - Director, Acting Administrator
Trustee Tom Riccobene	Tiffany Justice – Planner, Scribe
Chairman Jeff Phillips	Tim Karpoff – Facilitator
Vice Chair Sandra Pacheco	Danielle Sedillo-Molina – Village Clerk
Commissioner Al Park	
Commissioner Gil Benavides	
Commissioner Drew Seavey	

1. CALL TO ORDER

The Board of Trustees and Planning & Zoning Commission work session was called to order at 5:10 p.m., August 23, 2019 at the Warren J. Gray Hall, by Acting Administrator and Planning & Zoning Director Tim McDonough. A quorum was present. No official action was taken.

2. REVIEW OF 2035 MASTER PLAN DEVELOPMENT PROCESS

Acting Administrator and Planning & Zoning Director Tim McDonough reviewed the 2035 Master Plan Development Process, with additional comment from Facilitator Tim Karpoff and Planner Tiffany Justice. He explained the timeline of the development process: the formation and involvement of the Master Plan Committee, the development of the telephone survey, and the series of public input meetings and open house, including the public outreach for this process.

Trustees and Commissioners asked questions on the plan development process.

3. REVIEW OF 2035 MASTER PLAN SECTIONS

Planner Tiffany Justice reviewed the 2035 Master Plan Sections. She explained the overall themes of the plan and key points from each section.

Trustees and Commissioners asked questions on the master plan sections.

4. PUBLIC COMMENT ON 2035 MASTER PLAN

Public Comment was given as follows:

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SPEAKER:

SUBJECT:

J.T. Michelson, 5001 Rio Grande Blvd

Commented on the overall plan and his involvement throughout the process as a committee member.

Chuck Lucas, 1028 Ortega Rd

Commented on agricultural initiatives in the Village.

5. ADJOURNMENT

Acting Administrator and Planning & Zoning Director Tim McDonough adjourned the meeting at 7:14 p.m.

APPROVED by the Planning & Zoning Commission of the Village of Los Ranchos de Albuquerque this 10th day of September, 2019.

ATTEST:

Lynn Eby, Secretary
Planning & Zoning Commission

4. PUBLIC HEARING

- A. V 19-06 A request for a Variance by Jan Sultan from §9.2.10(E)(2)(a) the minimum side setback shall be ten (10) feet to allow encroachment of a structure into the setback area for a property in the R-2 Zone in the Camino Real Residential Character Area. The property is located at 501 Mullen Road NW and is legally known as Lot Numbered Twenty Four (24) of Unit One, El Paraiso, a Subdivision of a Tract of Land in School District No. 4, Bernalillo County, New Mexico, as the same is shown and designated on the map of said subdivision, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 12, 1941. The property contains 0.455 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: August 22, 2019

REPORT NO. PZ-19-24
 File: V-19-06

PREPARED FOR: Village of Los Ranchos Planning & Zoning Commission

SUBJECT: A request by Jan Sultan for a Variance from §9.2.10(E)(2)(a) the minimum side setback shall be ten (10) feet to allow encroachment of a structure into the setback area for a property in the R-2 Zone in the Camino Real Residential Character Area.

APPLICANT: Jan Sultan

AGENT: Nishan Garvanian

LOCATION AND PROPERTY DESCRIPTION:

The property is located at 501 Mullen Road NW and is legally known as Lot Numbered Twenty Four (24) of Unit One, El Paraiso, a Subdivision of a Tract of Land in School District No. 4, Bernalillo County, New Mexico, as the same is shown and designated on the map of said subdivision, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 12, 1941. The property contains 0.455 acres more or less.

Background:

The property has an existing single-story residence, shed, horno, and garage. The garage and shed are within the side setback area. All of the structures appear to be legally nonconforming, as the applicant states that the house was built around 1949. Satellite images from Google Earth show the existing garage and single-story resident since at least 1991. The Village and Bernalillo County do not have record of additions or alterations to the existing structures.

According to the owners, the existing structures were built prior to 1977 when the area was annexed into the Village.

The applicant desires to convert the existing 731 square foot garage into a guest house, and has stated that they will only expand the building footprint of the garage in this conversion by 48 feet with a 6x8 foot walk-in closet added to the south side of the building for a total of about 779 square feet. They also propose to add a porch around the south and east sides of the garage. This porch will be compliant with the side setback requirement on the north edge of the property and will stop ten (10) feet from the property line on the east side of the structure.

The applicant has already applied for a Conditional Use for a guest house, which is contingent upon approval of this Variance.

This use of the building as a guest house and porch and closet addition will not expand the non-conforming use and structure of the building.

SURROUNDING LAND USES:

The property to the north, south, east, and west is zoned R-2. The property to the north, south, east, and west is within the Camino Real Residential Character Area.

RELEVANT CODE LANGUAGE:

§9.2.10 R-2 RESIDENTIAL ZONE (one residential unit/one half (.5) acre)

(E) AREA REGULATIONS.

(2) Setbacks. Setback limits apply to all buildings and/or structures, including swimming pools.

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. For any property bounded by an irrigation ditch or drain, the minimum setback along the ditch or drain shall be twenty-five (25) feet.

§9.2.23 NON-CONFORMING USES AND STRUCTURES

(E) NON-CONFORMING USES AND STRUCTURES EXEMPTION.

(1) The following are prohibited:

(a) Changes of non-conforming uses to other non-conforming uses, except where the Planning and Zoning Commission finds the new nonconforming use will have no greater adverse impact on surrounding property or resources;

(b) Extension or enlargement of non-conforming uses or non-conforming structures and the construction of new non-conforming accessory structures, unless the Planning and Zoning Commission finds that such extension, enlargement or new accessory structures will not adversely affect surrounding properties and resources.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(7) Variance. A variance may be granted from the terms of this Section if:

(a) The variance is in conformance with the goals and policies of the Village Master plan;

1. It is not contrary to the public interest; and

2. Owing to special conditions, a literal enforcement of this Section will result in unnecessary hardship.

3. Use of premises (building and land) shall never be changed via a variance.

(b) For the purposes of this section, enforcement of this Section shall be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid;

2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted;

3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid;

4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient justification in itself to authorize a variance. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.

5. The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship; or

6. The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan.

(c) An application for a variance for the same property has not been filed within six (6) months from the date of the final action on a prior application.

Analysis:

As stated in §9.2.23(E)(1)(a), the new nonconforming use can have no greater adverse impact on surrounding property or resources, and in §9.2.23(E)(1)(b) the extension or enlargement of the non-conforming use or structure cannot adversely affect surrounding properties and resources.

The change of the garage into a guest house would not have greater adverse impact on the surrounding property as the proposed closet and porch addition would be on the south and east side of the building. The porch will also stop ten feet from the north property line on the east side of the building. The section of the building facing the north property would not be altered. The property to the west would not be affected as the existing structure and proposed additions are beyond the setback requirement for that side. Resources will also not be adversely impacted more than with the existing use. The applicant states in their letter that the structure is already connected to water, sewer, and electric, and that the structure has a swamp cooler and vented wood burning stove.

In accordance with §9.2.25(7)(a)(1), this variance it is not contrary to the public interest as many properties in the Village have guest houses on their property, and many are larger than the proposed 779 square feet as we allow up to 1,000 square feet.

In accordance with §9.2.25(7)(a)(2), the property meets the hardship criteria with §9.2.25(7)(b)(2), (5), and (6).

(2) The condition of the garage in the setback existed prior to annexation into the Village in 1977 with the passing of Ordinance 34, and thus was built on that property prior to requirement for R-2 zone setbacks.

(5) This proposed variance differs from the R-2 zone setback requirement only enough to relieve the alleged hardship. The structure will not be expanded in any way within the setback.

(6) Village of Los Ranchos 2020 Master Plan

7.1 Residential Goal

The goal is to maintain residential development in keeping with the rural and diverse character of the Village and within Village scale.

7.1.2 Objectives

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

Policy B: Regulate appropriate use and limitations of guest houses, caretaker quarters and rental units in the Village and address in-home caregiving needs and issues.

In accordance with §9.2.25(7)(c), no application for a variance has been filed for the same property in the past six months.

DEPARTMENT RECOMMENDATION:

The Department recommends **approval** of V-19-06 for a Variance from §9.2.10(E)(2)(a) the minimum side setback shall be ten (10) feet to allow encroachment of a structure for a property in the R-2 Zone in the Camino Real Residential Character Area with the following conditions:

1. The conditional use for the guest house does not expand the enclosed building footprint beyond what is proposed in the conditional use permit application for this property.
2. The variance from the setback requirement is for this structure only, and not a modification of the entire setback area.

Findings:

(a) The variance is in conformance with the goals and policies of the Village Master Plan;

- 1) It is not contrary to the public interest; and
- 2) Owing to special conditions, a literal enforcement of this Section will result in unnecessary hardship.

(b) 2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted.

The condition of the structure in the setback existed prior to annexation into the Village in 1977 with the passing of Ordinance 34, and thus was built on that property prior to requirement for R-2 zone setbacks.

5. The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship.

This proposed variance differs from the R-2 zone setback requirement only enough to relieve the alleged hardship. The structure will not be expanded in any way within the setback and the proposed porch will stop ten (10) feet from the property line.

6. The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan.

Village of Los Ranchos 2020 Master Plan

7.1 Residential Goal

The goal is to maintain residential development in keeping with the rural and diverse character of the Village and within Village scale.

7.1.2 Objectives

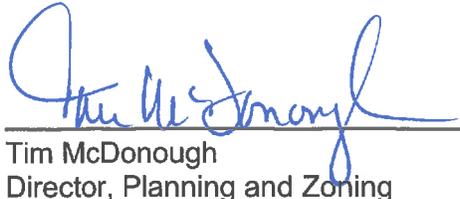
- Preserve existing low density residential uses appropriate to the Rio Grande, Village West, Guadalupe Trail, and Camino Real Residential character areas

Policy B: Regulate appropriate use and limitations of guest houses, caretaker quarters and rental units in the Village and address in-home caregiving needs and issues.

Therefore, the variance request meets the requirements of §9.2.25(7) (a) and (b)(2), (5), and (6).

No prior application for a variance has been submitted on this property in the prior six months.

Public notice requirements have been met by publication in the Albuquerque Journal on August 26, 2019. The public notice was sent by mail to all neighbors within 300 feet of the property on August 23, 2019.



 Tim McDonough
 Director, Planning and Zoning

Date: 8/28/2019

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582

FOR OFFICIAL USE		
Zone <u>R-2</u>	V # <u>19-06</u>	Date: <u>7/29/19</u> ^{20 of 67}
Related Cases <u>W/M CU-19-06</u>	Receipt # <u>607114</u>	
Character Area _____		

THE FEE FOR THIS APPLICATION IS \$150.00 DUE AT SUBMITTAL

APPLICATION FOR VARIANCE

Address of Property 501 Mullen NW Zip 87107
Closest Cross Streets 4th + MULLEN Los Ranchos de Albuquerque
Subdivision El Paraiso unit 1 Block _____ Lot No. 24
Tract No. 4 MRGCD Map No. _____ Acreage of Property .5

PROPERTY OWNER Jan Sultan
Mailing address 208 Larsen St. Manhattan beach Zip CA, 95266
Telephone (310) 545 3023 Cell (505) 610-9396
email address Janhsultan

CONTRACTOR/AGENT OR FIRM
Agent: Nishan Barvaman License NO. 390934
Business Name: MODLON LLC.
Mailing address: 2103 Morningside NE ABQ, NM Zip 87110
Telephone 505 908 0968 Cell " "
email address NMbarva@gmail.com
Nature of variance: requesting variance for setbacks

 **Signature of Property owner (Or submit affidavit of agent).** Date 7.29.19
 **Signature of Applicant (Contractor/Agent).** Date _____

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of, restrictive covenants on said property. All Fees generated by this application are the responsibility of the applicant, due and payable upon notification of fees by the Village.
1 COMPLETE COPY of all documentation submitted.

Village of Los Ranchos de Albuquerque
 Planning and Zoning Department

Applicant Variance Submittal List

The following items must be submitted with your Variance Application.

√		Notes
	Application Form	
	Application forms must be completed and signed by the property owner. Third parties may represent an owner of record as long as the application is accompanied with an affidavit authorizing the third party to act on the owner's behalf.	
	Site Plan showing Variance requested	
	Floor and Elevation plans (structure)	
	Design and Elevation plans (walls/fences)	
	Drawn to scale, including height of wall or fence, length, style, etc.	
	Photographs	
	Photographs must be clearly labeled showing the property from all sides. If possible, present digital photographs, printed 2 to 4 photos per page.	
	Grant/Warranty Deed or verification of proof of ownership	
	LEGAL DESCRIPTION FOR PUBLIC NOTICE	
	Verification that property taxes have been paid	
	Justification that supports the proposed project from the 2020 Master Plan and Zoning Code*	
	* Justification may be in the form of a cover letter, addressed to the Planning and Zoning Commission, or a more formal document prepared by an applicant's agent	

Your Variance Application will generate fees in addition to the Variance fee itself. These are Public Notice fees for postings in the newspaper and mailings sent to all neighbors within a 300-yard zone from your property.

After your Variance Application has been submitted, you will be required to post a sign on the property. The sign and posting instructions will be given to you by the Planning and Zoning Department.

Complete the application and return it to Planning and Zoning to ensure correctness. You will be walked through the entire process by Planning and Zoning Staff, who are happy to answer all your questions.

Variances must address one or more of the following hardships taken from Chapter 9 Land Use Section 24 (7) 3

Use of premises shall never be changed via a variance **(b)** For purposes of this Section, enforcement of this Section shall be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid;
2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted.
3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid.
4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.
5. The development proposed in the variance differs from that allowed in this Section only enough to relieve the alleged hardship;
6. The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan; or

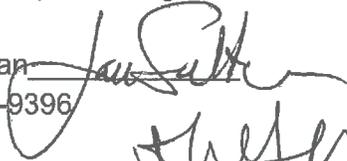
(c) An application for a variance for the same property has not been filed within six (6) months from the date of the final action on a prior application.

To whom it may concern,

I, Jan Sultan, hereby elect Nishan Garvanian to represent me in the application for a building permit and conditional use of the property in Los Ranchos; 501 Mullen NW 87107.

If there are any hearings on the matter Nishan will represent me. Nishan is also my contractor and will be performing the work on the property.

Jan Sultan
505-610-9396



Date 07-11-19

Nishan Garvanian
505-908-0968



Date 7-11-19

Dear Sirs, and Madame's:

I am writing to bear witness to some important things regarding my application to renovate an existing shop building on the property at 501 Mullen, at the corner of 6th. The property is a half acre, with a house built around 1949 and continuously occupied by the same family until my purchase.

I will start by saying that I am not looking at this property as an investment, but rather as a home to retire to. My wife and I had been searching in Albuquerque for several months, with the help of a realtor keeping watch for new listings. We needed a house with a double garage, a “guest house”, and enough space to keep a garden. The necessity for the guest house is because we have a 17 year old boy who is on the autism spectrum. While he is intelligent, he is socially awkward. We are certain by now that the boy will have to live at home after high school, and will not be capable of independent living.

It is for this reason that we were searching for a place of the description of the Mullen property. When the realtor showed us the place, and noted the R-2 zoning, I knew we had found the right place. We would be legally able to make changes to the existing shop building necessary to make a comfortable living space for my son...out of the house but close enough to give him support. In addition we like the quiet, the big trees, and the old neighborhood feel of Los Ranchos. As people who like to garden and grow food, the fact that Los Ranchos is part of the agricultural history of Old Albuquerque is really appealing to us.

When we bought the property, we had to catch up with a lot of deferred maintenance to make it more comfortable. It was when we applied for a building permit to do the renovation on the shop, that we found out that Los Ranchos has its own rules about the R-2 zoning designation, separate from Albuquerque. And so we are asking permission to proceed with our vision for the place. If we are not allowed to use the space it would mean the loss of our dream to create a compound where our family can take root, and our son to have privacy and a sense of belonging.

Sincerely, Jan H, Sultan

Owner

To whom it may concern,

My clients wish to improve the interior finish of an existing shop that is on their property. The shop currently has water, sewer, and electric. The shop is also climate controlled with a swamp cooler and a wood burning stove which is properly vented. The shop is technically a living space/dwelling unit. The use would not change. The shops footprint will not be altered and the level of non-conformity will not increase. The shop was built with the existing house in 1949 before the creation of Los Ranchos and the subsequent adoption of their zoning requirements/setbacks.

Referring to SS 9.2.23 Non-conforming uses and structures

(D)-(3)

The alterations to the building will not increase the degree of nonconformity.

(E)-(1)-(a)

The building has been a qualified dwelling unit since its construction, use will not change.

(E)-(1)-(b)

The owners plan on farming traditional crops on the land and there is an existing well and irrigation system that they will utilize. They plan to retire to the Community of Los Ranchos and to make the space green with gardening and activity.

-Nishan Garvanian
Owners Representative

SANDIA LAND SURVEYING LLC

15 CASA TERRENOS
PLACITAS, N.M. 87043
(505) 867-1241

IMPROVEMENT LOCATION REPORT

LOT 24
EL PARAISO UNIT I
BERNALILLO COUNTY
BERNALILLO COUNTY, NEW MEXICO

26 of 67

JOB NO.: 154-18 DATE: 5-25-2018 SCALE: 1"=40'

NOTE: THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE.

THIS IS TO CERTIFY: TO TITLE COMPANY: OLD REPUBLIC TITLE; TO UNDERWRITER: _____

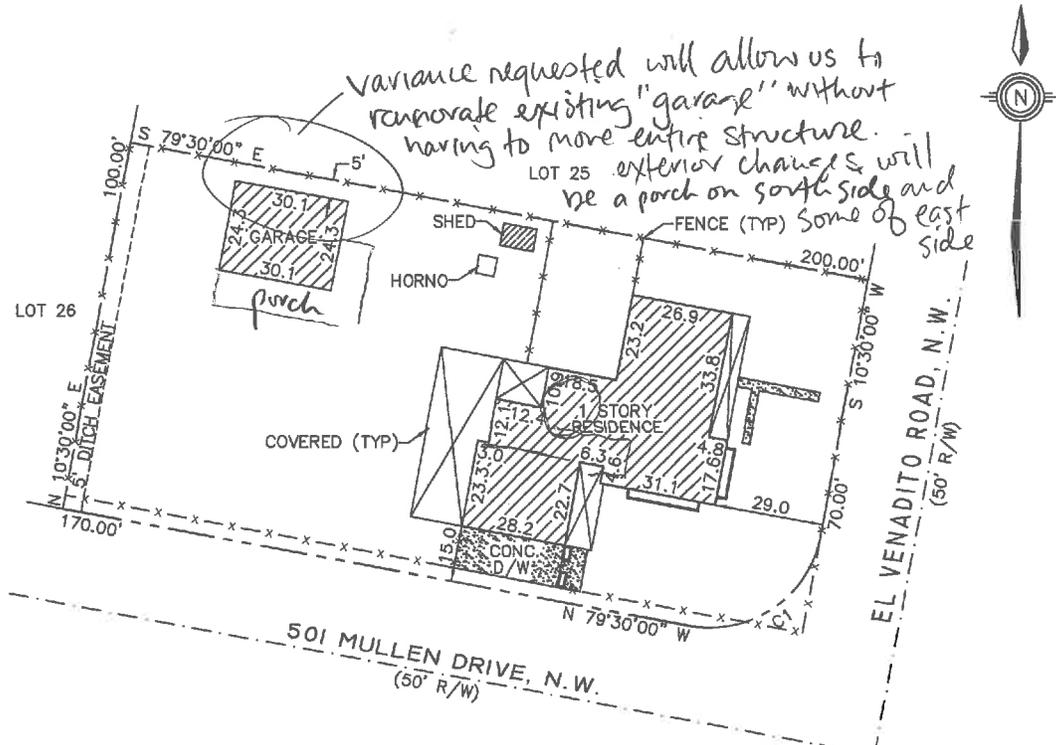
TO LENDER: _____ that on MAY 25TH, 2018, I, A.S. MEDINA, N.M.P.S. No. 12649, made an inspection of the premises situated at LOT 24, EL PARAISO UNIT I, BERNALILLO COUNTY, BERNALILLO County, New Mexico briefly described as (Address if applicable) 501 MULLEN ROAD, N.W.

PLAT REFERENCE: Bearings, distances and/or curve data are taken from the following plat (Include filing information if plat is filed).
SEE LEGAL DESCRIPTION

NOTE: The error of closure is less than one foot of error for every 20,000 feet along the perimeter of the legal description provided. Easements shown hereon are as listed in the Title Commitment No. 1803973 provided by the Title Company. Improvement location is based on previous property surveys. No monuments were set. This tract is subject to all easements, restrictions and reservations of record which pertain. This report is not to be relied on for the establishment of fences, buildings or other future improvements.

LEGAL DESCRIPTION

LOT NUMBERED TWENTY FOUR (24) OF UNIT ONE, EL PARAISO, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NO. 4, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON FEBRUARY 12, 1941.



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	30.00'	90°00'00"	47.12'

NOTE:
THIS REPORT IS NOT FOR THE USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE REMOVAL OF THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY, IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.

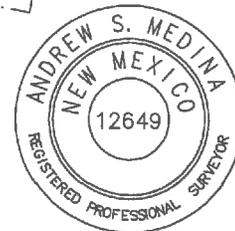
FLOOD CERTIFICATE:

IT IS HEREBY CERTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD BOUNDARY IN ACCORDANCE WITH HUD FEDERAL ADMINISTRATION FLOOD HAZARD BOUNDARY MAP DATED SEPTEMBER 26, 2008. ZONE "X", COMMUNITY PANEL NO. 350123 0119 G.

I FURTHER CERTIFY as to the existence of the following at the time of my last inspection:

- Evidence of rights of way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water, gas, or oil pipe lines on or crossing said premises (show location, if none visible, so indicate): _____
- Springs, streams, rivers, ponds, or lakes located, bordering on or through said premises: _____
- Evidence of cemeteries or family burial grounds located on said premises (show location): _____
- Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties (show location): _____
- Joint driveways or walkways, joint garages, party walls or rights of support, steps or roofs in common or joint garages: _____
- Apparent encroachments. If the building, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy appear to encroach upon or overhang adjoining property, or the like appear to encroach upon or overhang inspected premises, specify all such (show location): _____
- Specific physical evidence of boundary lines on all sides: SEE ABOVE SKETCH
- Is the property improved? (If structure appears to encroach or appears to violate set back lines, show approximate distances): YES
- Indications of recent building construction, alterations or repairs: SEE ABOVE SKETCH
- Approximate distance of structure from at least two lot lines must be shown. SEE ABOVE SKETCH

* NOT APPLICABLE, UNLESS INDICATED OTHERWISE ON THE ABOVE SKETCH



Andrew S. Medina
Surveyor, Andrew S. Medina
SANDIA LAND SURVEYING
N.M.P.S. No. 12649

Section 2 - Shortage Calculation & Anticipated Escrow Activity (continued)

Anticipated Month of Activity	Anticipated Payments To Escrow	Disbursements From Escrow	Description	Anticipated Balance	Required Balance
07/2020	\$266.61	\$0.00		\$20.05	\$799.83
08/2020	\$266.61	\$0.00		\$286.66	\$1,066.44

For assistance with your payment, please contact Caliber Customer Service at 1-800-401-6587.

Section 3 - Escrow Account History

This section itemizes your actual escrow account history since your last escrow analysis or initial disclosure. By comparing previous projections with actual payments and disbursements, you can determine where a difference may have occurred. An asterisk (*) indicates a difference in either the amount or date.

When applicable, the letter 'E' beside an amount indicates that a payment or disbursement has not yet occurred, but is estimated to occur as shown.

Month of Activity	Anticipated Escrow Payments	Actual Escrow Payments	Anticipated Disbursements From Escrow	Description	Actual Disbursements From Escrow	Description	Anticipated Balance	Actual Balance
09/2018	\$0.00	\$217.88	\$0.00		\$0.00	Starting Balance	\$0.00	\$871.52
10/2018	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$1,089.40
11/2018	\$0.00	\$217.88	\$0.00		-\$852.01	COUNTY TAX	\$0.00	\$1,307.28
12/2018	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$673.15
01/2019	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$891.03
02/2019	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$1,108.91
03/2019	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$1,326.79
04/2019	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	\$1,544.67
05/2019	\$0.00	\$217.88	\$0.00		-\$852.01	COUNTY TAX	\$0.00	\$910.54
06/2019	\$0.00	\$217.88	\$0.00		-\$1,495.35	HOMEOWNER INS	\$0.00	\$-366.93
07/2019	\$0.00	\$217.88	\$0.00		\$0.00		\$0.00	-\$149.05
08/2019	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	-\$149.05

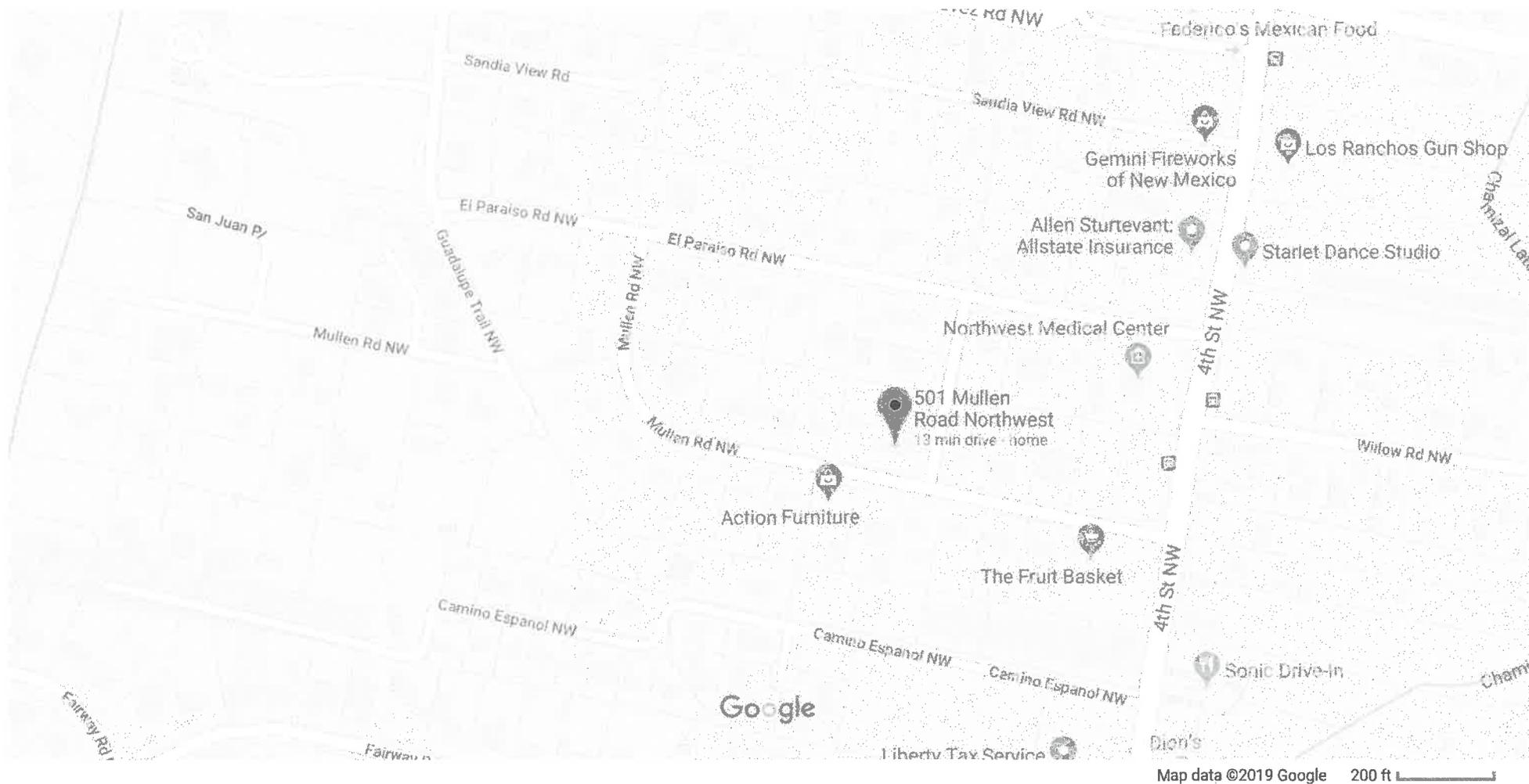
Section 4 - Questions

For questions regarding your statement, please contact Caliber Customer Service at 1-800-401-6587. Our business hours are Monday through Friday, 8:00 AM to 7:00 PM CST. Please also visit our website at www.caliberhomeloans.com.

This is an attempt by a debt collector to collect a debt and any information obtained will be used for that purpose.

Notice to Consumers presently in Bankruptcy or who have received a Bankruptcy Discharge: If you are a debtor presently subject to a proceeding in Bankruptcy Court, or if you have previously been discharged from this debt by a Federal Bankruptcy Court, this communication is not an attempt to collect a debt but is sent for informational purposes only or to satisfy certain Federal or State legal obligations.

Google Maps 501 Mullen Rd NW

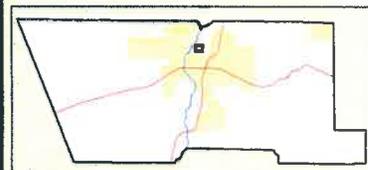
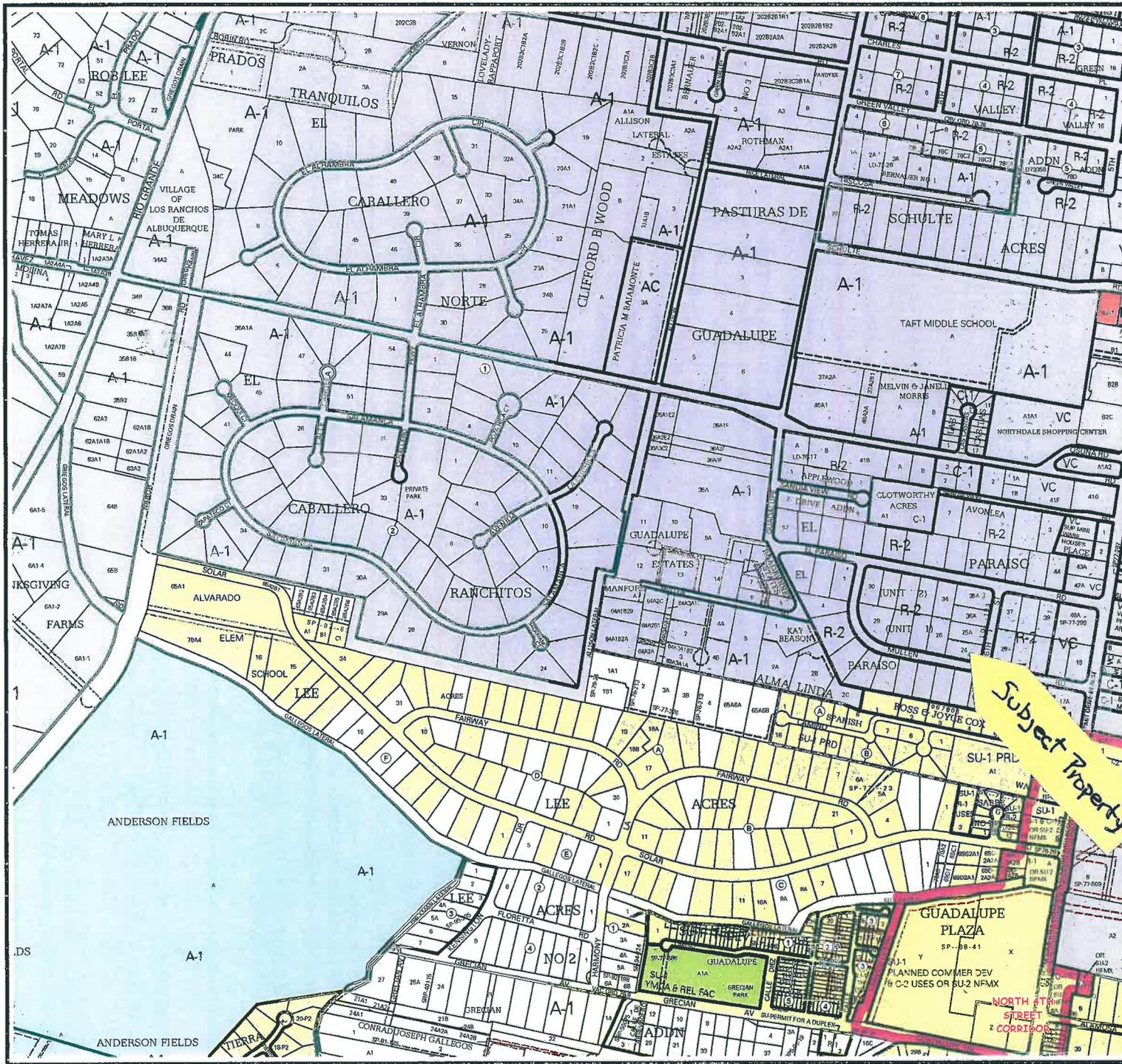




Homeowner Tools

Quick Map



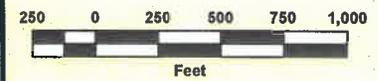


LEGAL DESCRIPTION

T11N
R3E
SEC 29

UNIFORM PROPERTY CODE

1-014-062



Map amended through July 2014



PUBLIC WORKS DIVISION
GIS PROGRAM

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data are from Bernalillo County and the City of Albuquerque. For current information visit www.bernco.gov/gis-program.

E-14-Z

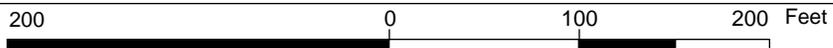


501 Mullen Rd



- Legend** 33 of 67
- Bernalillo County Parcels
 - Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes

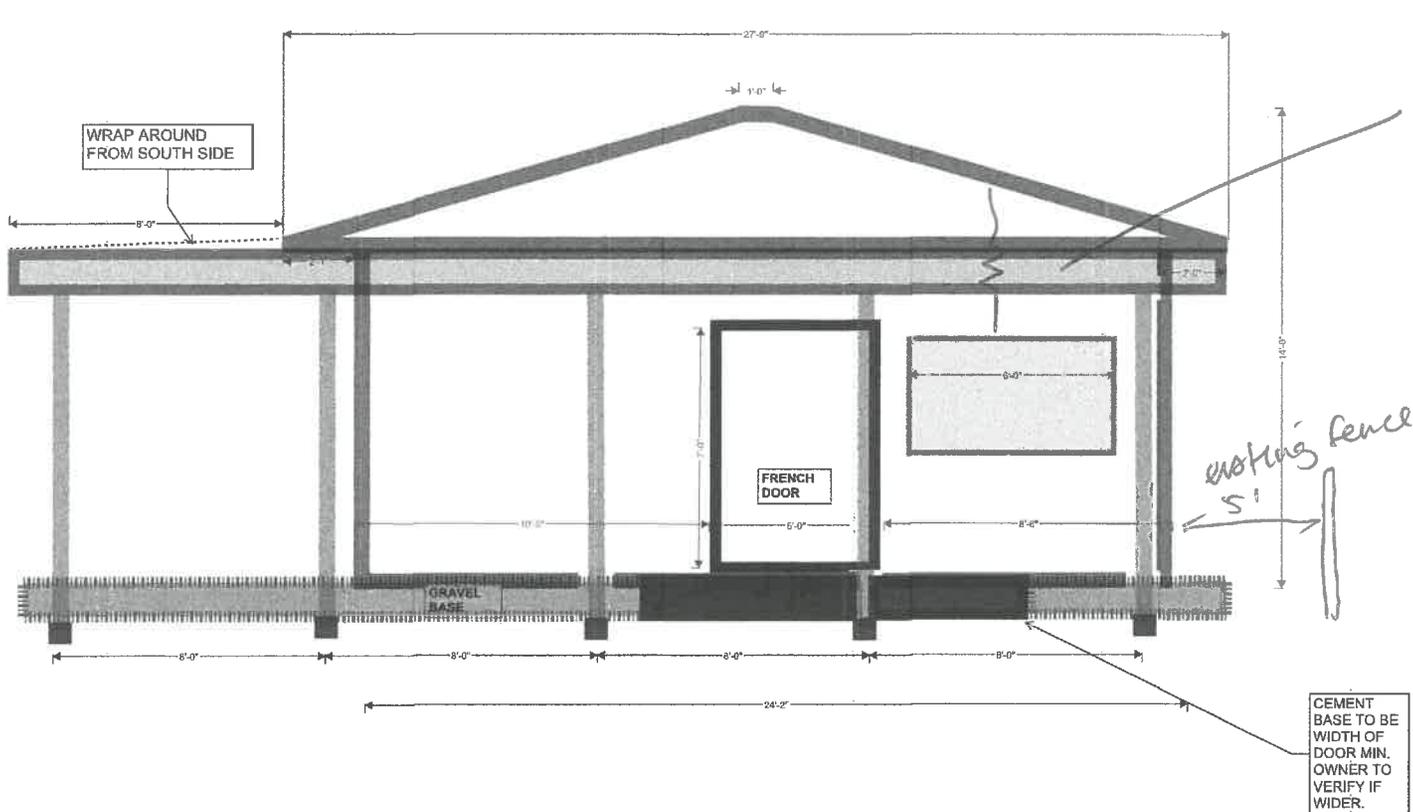


WGS_1984_Web_Mercator_Auxiliary_Sphere
8/22/2019 © City of Albuquerque

1: 1,200

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



EAST ELEVATION

4. PUBLIC HEARING

- B. SDP 19-02** A request by Cherie Montoya for a preliminary review and recommendation to the Board of Trustees of a Commercial Site Development Plan for a redevelopment in the Fourth Street Corridor and Character Area. The property is located at 8909 Fourth Street NW and is legally known as Lot 14 of Plat of Ortega Compound, a Tract of Land Lying and Situated within Section 16, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the County Clerk of Bernalillo County on October 22, 1996. The property contains 1.210 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: August 22, 2019

REPORT NO. PZ-19-25

File: SDP-19-02

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for preliminary review and recommendation to the Board of Trustees of a Commercial Site Development Plan for a redevelopment in the Fourth Street Corridor and Character Area.

APPLICANT: Cherie Montoya

AGENT: Modulus Design (Walter Gill)

LOCATION AND LEGAL:

The property is located at 8909 Fourth Street NW and is legally known as Lot 14 of Plat of Ortega Compound, a tract of land lying and situated within Section 16, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the County Clerk of Bernalillo County on October 22, 1996. The property contains 1.210 acres more or less.

PROJECT:

The applicant desires to develop a commercial site, currently with four existing buildings and one carport. The applicant plans to renovate the existing barn and expand it with an addition to the south and west, and demolish the existing carport and mobile home. The existing building, which is currently the location of the business "Found On Fourth," and the existing residence would remain without alterations to those buildings.

The renovation and expansion of the existing barn would be the site of a proposed business, Farm & Table Wine Bar/Bodega. While the business would be affiliated with Farm & Table, it would exist as a separate business as Farm & Table is located in Bernalillo County and this proposed business would be in the Village. See attached letter from Tax Manager stating that the businesses can operate separately. The proposed Village business would be required to obtain a Village business license and report gross receipts to the Village state code.

The applicant is in negotiations with the current property owner to purchase the property. Approval and execution of this site development plan is contingent upon property purchase by the applicant. The current property owner has signed off on the site development plan application.

With recommendation by the Planning and Zoning Commission, the Final Site Development Plan would be put before the Board of Trustees.

A Sketch Plat review is not necessary for this property as it is an existing commercial development with no alterations to the property boundaries.

SURROUNDING AREA:

North – Bernalillo County zoned C-1 Neighborhood Commercial Zone

East – C-1

South – SU-1 (Ortega Compound Planned Development)
 West – SU-1 (Ortega Compound Planned Development)

The Village C-1 zone allows for no side setback when the lot does not abut a residentially zoned property. The Bernalillo County C-1 Neighborhood Commercial Zone does not require a side setback except for buildings or parts of buildings altered for residential use. The barn within this possible side setback is not currently nor proposed to be for residential use, thus there is no required setback between the Bernalillo County C-1 Neighborhood Commercial Zoned property and this property.

The Ortega Compound SU-1 Zone was approved by the Board of Trustees in 1996. The SU-1 Zone for the Ortega Compound designates all of the lots, except for Lot 14 (8909 Fourth Street) as residential lots. Lot 14 is zoned C-1.

RELEVANT CODE LANGUAGE

§9.2.12 C-1 RETAIL COMMERCIAL ZONE

(B) USES.

Residential (as qualified below)	P
Single-family, detached, townhouse, condominium with a minimum of ten (10) dwelling units per acre and a maximum of twenty (20) dwelling units per acre.	P
Food and alcohol service (as qualified below)	P
Retail (as qualified below)	P

(D) AREA REGULATIONS.

(1) Commercial buildings. All commercial buildings and/or structures with the exception of signs must comply with the following setback requirements.

(a) Except as provided in §9.2.12(E)(2)(b), minimum setbacks when the lot does not abut a residentially zoned property shall be:

Front	five (5) feet minimum
Side	zero (0) feet minimum
Rear	Zero (0) feet minimum

(b) Where a C-1 lot abuts a residentially zoned lot, the minimum setback, on the side abutting the residentially zoned property, shall be;

Front	five (5) feet minimum
Side	ten (10) feet minimum
Rear	fifteen (15) feet minimum

(2) Setback limits for residential buildings.

(b) For any single family detached residential the minimum setback is:

Front	fifteen (15) feet minimum
Side	ten (10) feet minimum
Rear	fifteen (15) feet minimum

(I) OFF STREET PARKING REGULATIONS.

(2) The minimum requirements for off-street parking spaces for property shall be as follows:

Use	Required off street parking spaces
Residential	One (1) space per residence
Dining, bar, nightclub	Five (5) spaces per one thousand (1,000) square feet of gross floor area
Retail, office	Two (2) spaces per one thousand (1,000) square feet of gross floor area

§9.2.25 APPLICATION AND APPROVAL PROCESS

(4) Site Development Plan

(b) Applications.

- (1) The application for Site Development Plan shall include a document package with the following:
- The application form as designed by the Planning and Zoning Department, which includes but is not limited to a Zone Classification and Permissive Uses, Character Area and proposed land use.
 - Grant/Warranty Deed or Letter of Agent. Verification of proof of ownership – Legal description.
 - Current property tax record from Bernalillo County Assessor.
 - Required Site Development elements of §9.2.25(E)(3) below.

(f) Site Development Plans shall include the following: (data sheets may be combined)

1. Existing Conditions Plan requirements

- Address of Property (Los Ranchos de Albuquerque);
- Site Map;
- Existing buildings and disposition;
- Existing contour elevations and spot elevations at access points;
- Existing trees, landscaping, outcroppings, etc.;
- Existing utilities, power poles, transformers, right-of-ways and easements;
- Adjacent street names;
- Other appurtenances that exist which impact the development (wells, walls, ditches etc.); and
- Archeological or historical data and clearance if required from State Historic Preservation Office;

2. Site Plan

- Vicinity map with north arrow;
- Lot dimensions, setbacks, and easements;
- Data for total site area, disturbed area, and total impervious area;
- Ingress/egress to the property and access to proposed structures thereon, with particular reference to automobile and pedestrian safety;
- Pedestrian walkways.

3. Sign Requirements

- Placement of all signs.
- Size and type of signs (must be permitted separately and follow §9.2.22 for Signs)

4. Exterior lighting locations, type of lighting

5. Mailbox locations;

6. Bike rack locations;

7. Building plans/elevations;

- Total proposed square footage for all structures;

- i. Individual square footage per structure marked on plans. (Heated and unheated, covered patios and walkways).
- b. Proposed use of space;
 - i. Restaurants must meet State Environmental Health requirements.
- c. Four direction exterior elevation plans;
- d. Height from final grade – marked on plans;
- e. Exterior materials and colors; and
- f. Exterior equipment (including roof mounted).

(g) Grading and Drainage Plan – NPDES Stormwater Management Plan

1. Vicinity map and north arrow;
2. FEMA Floodplain data, benchmark data and legend;
3. A complete Grading and Drainage Plan (EPA NPDES Stormwater Management Plan) which will be forwarded to the building permitting process as follows:
 - a. A topographic survey and grading plan with final elevation contours to be achieved by grading.
 - i. All grade and spot elevations at access points.
 - b. Stormwater management measures;
 - i. Selected to best accommodate the specific geologic, hydrologic, and topographic features of the land to be developed.
 - c. Stormwater runoff peak flow rate;
 - i. Determined by the one hundred (100) year, six (6) hour storm event.
 - ii. Calculation of the runoff peak flow rate may approximate the event from available data.
 - d. On-site control measures;
 - i. These may include, but are not limited to, the use of detention or retention basins and active and passive water harvesting techniques including swales, berms, cisterns, check dams, vegetative ground cover, and other techniques appropriate for retaining and infiltrating water on-site.
 - e. All water containment in structures that have water open to the air;
 - i. Shall empty within twenty four (24) hours through approved outlet structures designed to ensure a controlled release of water that will not cause flooding or erosion or shall empty within ninety-six (96) hours through percolation or natural infiltration.
 - ii. Percolation tests or other means of demonstrating that containment structures will empty within ninety-six (96) hours may be required.
 - f. Infiltration, detention, and retention basins;
 - i. Shall provide a means of controlling and removing sediment.
 - ii. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets, or other methods.
 - iii. All basins shall be designed to empty within no more than 24 hours with approved outlet, or within 96 hours as per §9.2.25(E)(3)(g)(3)(e)(1). Vector control for mosquitoes, other insects and rodents shall be maintained.
 - g. Wherever possible, retention water shall be used for the irrigation of vegetation for landscaping;
 - h. No stormwater runoff shall be routed into public irrigation ditches, canals, acequias or private ditches;
 - i. No stormwater runoff shall be permitted to enter streets, public or private or public or private adjacent property.
 - i. A roof run-off drainage plan;
 - j. In-flow of runoff from adjacent properties; and
 - k. A post construction maintenance plan.

(h) Roadway Standards

1. Traffic control mechanisms;
 - a. Traffic Impact Study may be required.
2. The Village retains the right to limit access to major arterials from private drive ways and proposed developments when:
 - a. The house does not front on a major arterial (Rio Grande Blvd., Fourth Street, Montano, Osuna, Guadalupe Trail, etc.) as designated by the Village.
 - b. The house is part of a subdivision with internal streets used for ingress and egress by the subdivision.
 - c. Right of way can be obtained via a subsidiary street.
 - d. Granting right-of-way constitutes a safety hazard, would contribute to congestion and is contrary to the public welfare.
3. **Roadway Specifications**
 - a. Standard curbs and gutters are not allowed, in order to maintain the rural, agricultural nature of the Village, except when:
 - i. The Grading and Drainage Stormwater Management plan requires curb and gutter as a necessary part of the plan; or
 - ii. The streets are part of a state, federal or local infrastructure improvement.
 - b. Public roadways shall meet Urban Residential Street specifications per Attachment §9.2.25(E)(4)(h)(3)(b).
 - c. Private paved roadways shall meet Paved Private Way specifications per Attachment §9.2.25(E)(4)(h)(3)(b); or approved alternative.
 - d. Private graveled roadways shall meet Graveled Private Way specification per Attachment §9.2.25(E)(4)(h)(3)(d).
 - e. Rolled curb and gutter may be approved on a case by case basis.

(i) Parking Requirements and parking lot design

1. Required number of parking spaces and dimensions;
2. Required number of handicapped parking spaces and dimensions;

(j) Loading and docking areas;**(k) Paved parking lots meeting the Paved Private Way specifications of Attachment 1; and****(l) Unpaved parking lots meeting the Graveled Private Way specification of Attachment 2.****(m) Trash receptacles**

1. Dumpsters must be placed on a concrete pad and be enclosed and gated, away from abutting neighborhoods or special considerations for the neighborhood, such as screening, must be employed.

(n) Landscaping Plan

1. Must meet Section 19 Landscaping.

(o) Utilities Plan.

1. Sewer and water availability statement from ABCWUA; and
2. Location of existing and proposed fire hydrants approved by the Fire Department.

(p) Lighting Plan

1. Must meet current provisions in Section 20 for Dark Skies.

(q) Signage Plan (separate permit required)

1. Must meet current provisions in Section 22 for Signs.

(r) Site Development Plan must meet all Fire Department requirements.

(s) Additional Requirements. Any change in use which would require additional parking and/or any alteration or addition to the site of any structure upon the site, shall require the re-submittal of an application and approval as required by this Section.

1. The Planning Director/Commission/Board may require additional information on the economic, noise, glare or odor effects of the proposed use on adjoining properties and the overall health and safety of the community.

ANALYSIS:

The proposed uses in the site development plan are compliant with the C-1 Zone permissive uses:

The existing single-family residential home is legally nonconforming as it was built prior to the current C-1 Zone code, which was adopted in 2017 with Ordinance 260.

Food and alcohol service is a permissive use.

The existing retail is a permissive use.

Event spaces are not listed in the C-1 zone. As they are not a prohibited use, they are allowed. Should Special events occur that utilize more of the property than the barn and addition, the applicant would need to manage the parking for special events, and would be required to obtain a special event permit from the Village.

The applicant has proposed a plan to manage the parking when the barn is used for special events. The applicant has an agreement with the property owner of 8833 Fourth Street to utilize 37 parking spaces on their property on Mondays – Fridays after 5 pm and weekends after 2 pm. The parking will be valet parking, provided by Road Runner Shuttle and Charter. This parking agreement is for valet parking, not shared parking, as 8833 Fourth St. is outside the 300-foot radius from 8909 Fourth St. and therefore cannot share parking. The intent with shared parking is that customers are able to walk between properties, thus the 300-foot radius.

This parking will not interfere with the existing retail business hours at 8833 Fourth Street on Mondays – Fridays, as the store closes at 5 pm, however there may be some interference for two hours of operation, as they close at 5 pm on Saturday and Sunday and the agreement is for after 2 pm on Saturdays and Sundays.

§9.2.25(4)(b)(1) Site Development Plan Application

- a. Attached.
- b. Current property owner has signed application.
- c. Attached.
- d. See below.

§9.2.25(4)(f) Site Development Plan

- (1) The existing conditions of the site are shown on "Site Plan – Existing." Requirement i is not necessary.
- (2) The requirements for the site plan are included.
- (3) Signage will be required to comply with the Sign Ordinance §9.2.22 and will require separate permits.
- (4) Lighting will have to comply with the Dark Skies Ordinance §9.2.20.

- (5) Mailbox locations are not shown but will be required to be accessible to USPS.
- (6) There do not appear to be any proposed bike racks.
- (7) The building plans show the necessary requirements except for elevations. Elevations of the proposed structures, including height from final grade, will be required in the final site development plan.

§9.2.25(4)(g) NPDES Grading and Drainage Plan

The site plan shows two proposed drainage ponds, one on the west side of the property and one in the center of the property. The parking lot will be permeable with compacted crusher fines. The complete Grading and Drainage Plan and approval by the Village Designated Engineer will be required for approval of the final site development plan.

§9.2.25(4)(h) Roadway Standards

Roadway Specifications

The private graveled roadway will be required to meet Graveled Private Way specification per Attachment §9.2.25(E)(4)(h)(3)(d). This will need to be shown in the NPDES Grading and Drainage Plan and elevation of the site.

Traffic

The site plan shows a one-way 18-foot aisle drive area with angled and parallel parking. A traffic study does not appear to be required for the site.

§9.2.25(4)(i) Parking Requirements and Parking Lot Design

Per C-1 Zone requirements in §9.2.12(I)(2), the parking requirements for this site are as follows. For the purpose of calculating parking, the barn (event/dining space) was calculated as "dining." When it is used for events, additional parking through a valet service is available in agreement with 8833 Fourth Street.

1 residence: 1 parking space

Barn, Bar/Kitchen/Gallery, and Patio (dining space): 3,818 square feet → 20 parking spaces

Retail: 1,384 square feet → 3 parking spaces

Total: 24 parking spaces

Site plan shows 26 parking spaces (one parking space at residence for residence) with required dimensions. Two parking spaces are ADA accessible, in compliance with §9.2.18(G) Parking for Physically Challenged Motorists.

2% of non-residential parking spaces but not less than one (1) space shall be set aside for the physically challenged. With two non-residential structures, there are two spaces.

The length and width requirements for the ADA spaces are met.

§9.2.25(4)(j) Loading and docking areas are not specified but appear to be available on site.

§9.2.25(4)(k) is not applicable and **§9.2.25(4)(l)** must be met and shown in the NPDES Grading and Drainage Plan and elevation of the site.

§9.2.25(4)(m) Trash Receptacles

Trash receptacles will be required to be accessible by Waste Management and must be shown in the final site development plan.

§9.2.25(4)(n) Landscape Plan

The site plan shows some proposed additional landscaping on the north side of the property. A landscaping plan that meets §9.2.19 Landscaping and includes the NPDES Grading and Drainage Plan will be required for approval of the final site development plan.

§9.2.25(4)(o) Utilities Plan

There is a public utility easement on both the west and east sides of the property. The applicant will need a letter from Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) stating sewer and water availability in the final site development plan. Existing and proposed fire hydrant locations in the final site development plan must be approved by the Bernalillo County Fire Department.

§9.2.25(4)(p) Lighting Plan

All lighting for the site must be compliant with the Dark Skies Ordinance §9.2.20.

§9.2.25(4)(q) Signage Plan

All signs on the site must be compliant with the Sign Ordinance §9.2.22 and will require separate permits.

§9.2.25(4)(r) The applicant must meet Bernalillo County Fire Department requirements. The proposed barn addition shows internal fire measures.

§9.2.25(4)(s) For future changes in use that require additional parking, alter or add to the structures on the site will require resubmittal of an application and approval.

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 final site development plan will show documentation through a boundary survey that the barn does not encroach on adjacent property or documentation that an encroachment easement or agreement between the properties the barn is situated upon has been made.
2. The NPDES Grading and Drainage Plan must be complete and approved by the Village Designated Engineer for approval of the final site development plan. This includes the Graveled Private Way specification and the Landscape Plan.
3. The Landscape Plan must be complete for approval of the final site development plan.
4. Future signage must comply with the Sign Ordinance and sign permits must be obtained.
5. Future lighting must comply with the Dark Skies Ordinance.
6. Proposed demolition of the carport and mobile home must be completed within one year of the final approval of the site development plan (per §9.2.12(G) Existing Structure).
7. The final site development plan will show elevations of the proposed structures, including height from grade.
8. The final site development plan must show mailboxes and placement of trash receptacles.
9. Letter stating water and sewer availability is obtained from ABCWUA.
10. The final site development plan must meet Bernalillo County Fire Department requirements, including location of fire hydrants.
11. The proposed barn addition must meet §9.2.21 Design Regulations.
12. Construction shall meet all current Village, County, and State Codes.
13. The final site development plan must be executed by the applicant after purchase from the current property owner.

Findings:**2020 Master Plan****1.2 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

1.2.2 The goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

2.1 Village Form Goals**2.1.2 Policy E Action Step:**

- Encourage Village style in development north of Paseo del Norte on Fourth Street

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

- Encourage stores of a unique character that harmonize with the scale and nature of the Village, whether local businesses, national businesses or new, compatible commercial activities.

The proposed development meets the requirements of §9.2.12 C-1 Retail Commercial Zone.

Public notice requirements have been met by publication in the Albuquerque Journal on August 26, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on August 23, 2019.



Tim McDonough
Director, Planning and Zoning Department

Date: Aug 28, 2019

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582 Fax: (505) 344-8978

\$280.00
Receipt NO:
607120

FOR OFFICIAL USE 47 of 67	
Zone <u>C-1</u>	SDP # <u>19-02</u>
Special Conditions <input type="checkbox"/>	

APPLICATION FOR COMMERCIAL SITE DEVELOPMENT PLAN SKETCH PLAT

Address of Property 8909 4th ST Zip 87114
Los Ranchos de Albuquerque

Closest Cross Streets _____

Subdivision Ortega Compound Block _____ Lot No. _____

Tract No. _____ MRGCD Map No. _____ Acreage of Property 1.21

PROPERTY OWNER CHERIE MONTOYA ("Contract Purchaser") Ann Weil
Mailing/home address 8917 4th ST ABQ, NM Zip 87114 ("Existing Owner")

Telephone _____ Cell 907-1234 Fax _____

CONTRACTOR AGENT OR FIRM

License NO. _____
Business Name MODULUS DESIGN (WALTER GILL)

Mailing address 912 BROADWAY BLVD NE ABQ, NM Zip 87102

Telephone (505) 842-0354 Cell (505) 620-4238 CRS-1 On File

Ann Weil (Existing Owner):

Authentisign
Marita Ann Weil 08/23/2019
8/23/2019 4:21:46 PM MDT
Signature of Property owner (Or submit affidavit of agent) _____ Date _____

W. Gill 8/2/19
Signature of Contractor/Agent _____ Date _____

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of, restrictive covenants on said property.

Commercial construction zoning reviews must be accompanied by a Site Development Plan which is approved by the Planning and Zoning Commission. ALL FEES GENERATED BY THIS APPLICATION ARE THE RESPONSIBILITY OF THE APPLICANT AND ARE DUE AND PAYABLE UPON NOTIFICATION FROM THE VILLAGE.

In order to schedule your request for a Hearing, please complete and submit all required information. Please make an appointment to submit an application. A pre-application meeting is MANDATORY. Call 344-6582 to make your appointment with the Planning and Zoning Director or staff.

Once the application package is complete, Village staff will instruct you on the process and how documents must be completed.

Expansion of Farm & Table

1. Farm & Table Background

Farm & Table, Inc. has been in operation since 2012. Cherie Montoya is the sole owner. The restaurant space is leased from her father, David Montoya, who owns the 12 +/- acre parcel at 8917 4th Street NW.

Since opening in March of 2012, Farm & Table has received numerous local and national accolades and an overwhelming endorsement from the community. It is dedicated to utilizing fresh, locally sourced ingredients to create an inspired, seasonally-changing menu. Farm & Table has established strong relationships with many local farmers, ranchers, dairies, cheese makers, and food artisans and utilizes their products throughout the year.

2. Farm & Table Expansion

Farm & Table is endeavoring to purchase the property adjacent to the south at 8909 4th Street to expand its operation. The plan proposes to use the existing barn as a space for special events/dinners and to build a kitchen and small wine bar/bodega to service this new space.

3. Intent for Existing Structures and New Space

- a. **House/Retail Space** - Continue to lease to "Found On 4th"
- b. **Mobile Trailer** - Remove
- c. **Car Port** - Remove
- d. **Main House**- Maintain use as a house
- e. **Barn** - Convert to a special event / dining space
- f. **New Structure (kitchen and small bar/bodega)**

4. Details of Retail Space

- a. **EXISTING BUSINESS: Found On 4th**
Hours of Operation: Tuesday - Sunday 11-4pm
Found On 4th is a retail shop that features eclectic vintage items, and crafts.
- b. **PROPOSED: Farm & Table Wine Bar/Bodega**
Hours of Operation: Tuesday - Saturday 4-9pm
Square Footage: 1,880

The Farm & Table Wine Bar/Bodega will serve fresh dishes created with local ingredients. We will utilize local vegetables, fruits, meats, cheeses, artisan foods to create creative dishes that include salads, soups, shareable entrees, small plates, and desserts. Fresh bread and pastries will be made on-site. We will obtain a restaurant license to offer beer and wine. We will offer table and counter service for up to 48 guests.

c. PROPOSED: Farm & Table Barn Events

Hours of Operation: The Barn will be utilized on scheduled occasions during the following hours: **Monday - Friday 5 - 10pm and Saturday - Sunday 3 - 10pm.**

This space will not be open to the general public, and will only be booked for scheduled occasions. Valet parking will be mandatory and included in the contract for each event. The valet service will offer convenient drop-off and pick-up for each guest, with no burden on the proposed parking lot.

The maximum number of guests will be 100. Special events will include dinners, receptions, meetings and social gatherings.

5. Parking Plan

- a. **PLAN TO SOLVE FARM & TABLE STREET PARKING ON BUSIEST DAYS - SATURDAY AND SUNDAY BRUNCH:** The proposed plan for on-site parking at 8909 4th Street will provide ample space, above and beyond what is needed for Found On 4th, the house, and Farm & Table Wine Bar/Bodega. Farm & Table Wine Bar/Bodega will be closed during Saturday and Sunday brunches, which will provide additional parking spots for overflow parking from Farm & Table. This will help to alleviate overflow street parking.
- b. **PLAN FOR EVENTS PARKING:** A shared parking agreement has been created with David & Pam Montoya to utilize the property at 8833 4th Street. This lot can accommodate up 37 valet parking spaces. Valet parking service for events will be provided by Road Runner Shuttle and Charter. This will ensure that events will not burden on-site parking.

6. Gross Receipt Taxes

- a. All revenue generated from the Barn Events and Farm & Table Wine Bar/Bodega will be accounted for and sales tax will be paid to Los Ranchos de Albuquerque. *See letter from REDW that states how revenue will be accounted for.*

7. Summary

- a. This expansion plan provides Farm & Table an opportunity to expand its current operation in a meaningful and sustainable manner. It will also address two key issues that Farm & Table has experienced since it was open in 2012, that being (1) it's inability to accommodate larger groups for special events (2) access to additional parking resulting in overflow along 4th Street.
- b. Finally, this expansion will benefit not only Farm & Table but Los Ranchos de Albuquerque in the following ways: (1) it will keep hard-earned dollars in the community via additional gross receipt taxes (2) it will help to expand the

operations of a successful local business (3) and it will provide the community with an additional high-quality and beautiful venue for special events.

- c. The project proposed will be done with respect for the land, the buildings it comprises, the community it exists in, and the families and neighbors in the surrounding area. A strong team that includes architects and builders, (Modulus Design) broker, (Kyla Stoker) Certified Public Accountant, (REDW) and Cherie Montoya along with a team of quality culinary professionals, are working to create a thoughtful, intentional and well-advised plan to ensure that this project benefits us all.



CPAs | Business & Financial Advisors

redw.com

RE: Farm & Table - Gross receipts tax for different counties

Our suggestion would be to have separate POS systems for each county. The POS system that has been used for Farm & Table (Bernalillo) in the past could be left the same. A new POS system (Village of Los Ranchos) should be used for all transactions related to that business. There will be two counties going forward on each CRS report.

We recommend that a separate bank account be opened for the new business activity. All of the income and expenses related to that activity should be categorized separately from the Farm & Table activity. These transactions should be correctly posted in QuickBooks for tracking purposes.

Please let me know if you have any questions.

A handwritten signature in black ink, appearing to read 'Leslie Jiron'.

Leslie Jiron, CPA
Tax Manager
505-998-3223

Invoice due upon receipt. We greatly value your business!

Pay securely online at redw.com/pay
or remit check to REDW:
PO Box 93656, Albuquerque, NM 87199
Need more time to pay? Payment plans
are available at the link for \$2,000+ balances.

Albuquerque
7425 Jefferson St NE
Albuquerque, NM 87109
P 505.998.3200
F 505.998.3333

Phoenix
5353 N 16th St, Suite 200
Phoenix, AZ 85016
P 602.730.3600
F 602.730.3699

PROPERTY ADDRESS AND DESCRIPTION PARCEL
 8909 4TH ST NW
 LT 14 PLAT OF ORTEGA COMPOUND CONT 1.2100 AC

PARCEL NUMBER: 101506445331510615



TREASURER BERNALILLO
 COUNTY
 PO BOX 627
 ALBUQUERQUE, N.M. 87103-0627
 (505) 468-7031
 TREASURERS OFFICE
 E-MAIL: TREAS@BERNCO.GOV

AFC MRGB

1 015 064 453 315 10615
 WEIL HARRY & MARITA ANN
 8909 4TH ST NW
 ALBUQUERQUE NM 87114

2018 TAX BILL

SENT TO MGC # 1929
 CALIBER HOME LOANS

LIAM TAX DISTRICT

PROPERTY	CODE	VALUE	AGENCIES	TAX RATE	NET TAXABLE VALUE	AMOUNT DUE
ASSESSED VALUE LAND		103,637	STATE	1.360	94,615	128.68
ASSESSED VALUE IMPROVEMENTS		186,239	COUNTY	8.490	94,615	803.29
ASSESSED VALUE PERS PROP		0	LOS RANCHO	1.000	94,615	94.62
TAXABLE VALUE LAND		34,542	SCHOOL APS	10.473	94,615	990.91
TAXABLE VALUE IMPROVEMENTS		62,073	CNM	3.799	94,615	359.44
TAXABLE VALUE PERS PROP		0	UNMH	6.400	94,615	605.54
TOTAL VALUATION		96,615	AMAFCA	0.847	94,615	80.14
STATUTORY EXEMPTION		2,000	MRGCD	5.069	94,615	479.60
VETERAN EXEMPTION		0				
NET TAXABLE VALUE			TOTAL RATE	37.438	2018 TAX >>	3,542.22
	HOHX	94,615				

1st half payment becomes delinquent after Dec 10, 2018
 2nd half payment becomes delinquent after May 10, 2019
 Postmark by these dates for each half is on time...

[CLICK HERE TO SEE TAX & PAYMENT HISTORY](#)

OTHER TAX DUE:

YEAR	TAX	INTEREST	PENALTY	FEES	AMOUNT DUE
------	-----	----------	---------	------	------------

Valet ~~Shared~~ Parking Agreement

THIS AGREEMENT made effective the 1 day of August, 2019

BETWEEN

Cherie Montoya, Owner/President of Farm & Table located at adjacent addresses:
8917 4th Street NW, Albuquerque, NM 87114 and
8909 4th Street NW, Los Ranchos de Albuquerque, NM 87114 (pursuant to purchase of
said property)

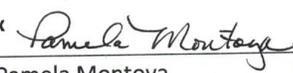
AND

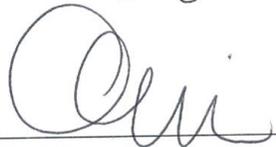
David and Pamela Montoya, OWNERS of property at:
8833 4th St NW, Los Ranchos De Albuquerque, NM 87114

WHEREAS

David & Pamela Montoya will allow Farm & Table the use of 37 parking spots during the
following hours:

- Monday – Friday after 5pm
- Saturday and Sunday – after 2pm

x  x  8/1/19
 David Montoya Pamela Montoya Date

x  8/1/19
 Cherie Montoya Date

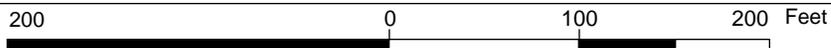


8909 Fourth Street



- Legend** 54 of 67
- Bernalillo County Parcels
 - Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes

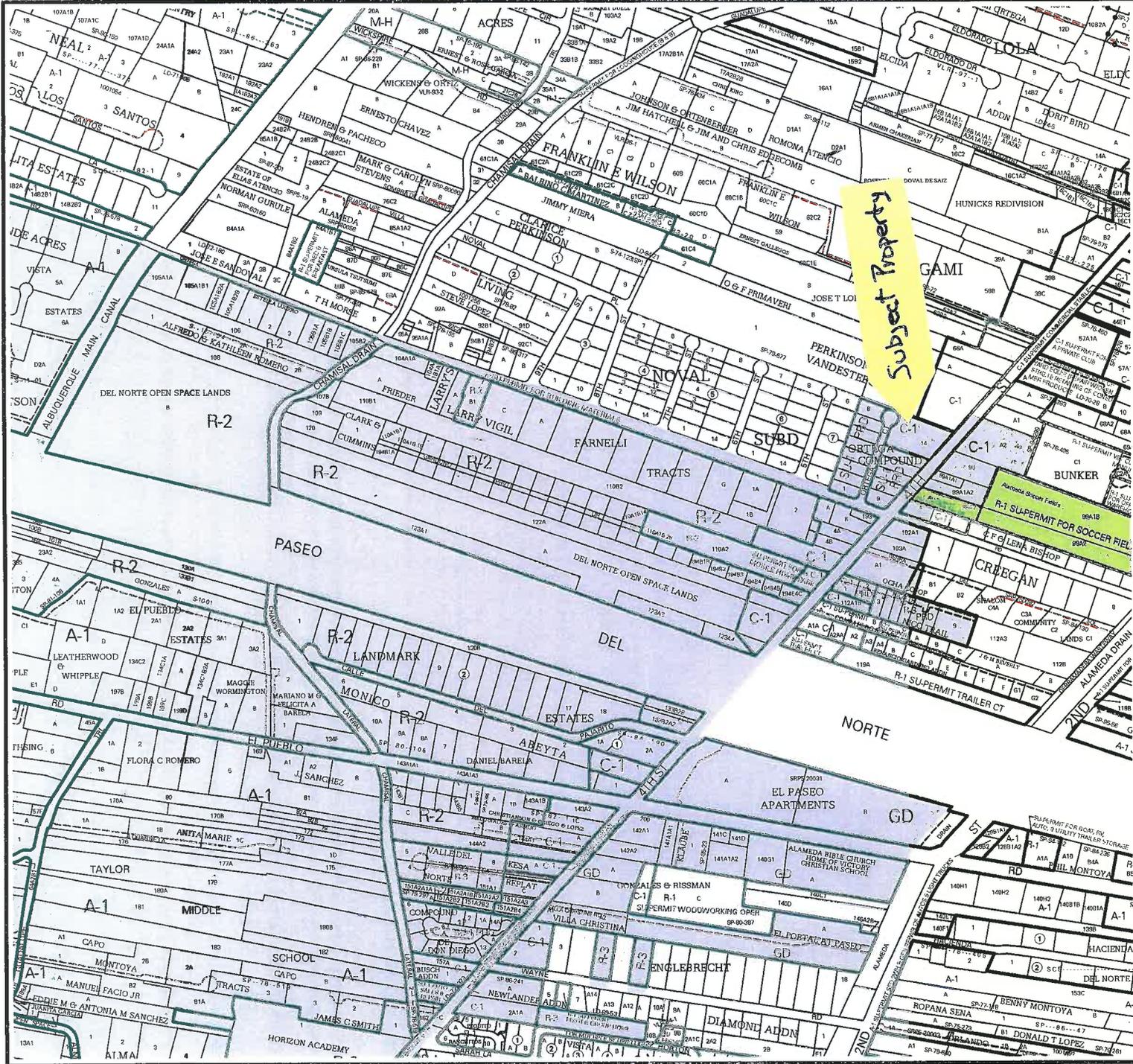


WGS_1984_Web_Mercator_Auxiliary_Sphere
8/22/2019 © City of Albuquerque

1: 1,200

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGAL DESCRIPTION

T11N
R3E
SEC 16

UNIFORM PROPERTY CODE

1-015-064

250 0 250 500 750 1,000
Feet

Map amended through July 2014

PUBLIC WORKS DIVISION
GIS PROGRAM

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data are from Bernalillo County and the City of Albuquerque. For current information visit www.bermo.gov/gis-program.

C-15-Z

PROJECT TEAM

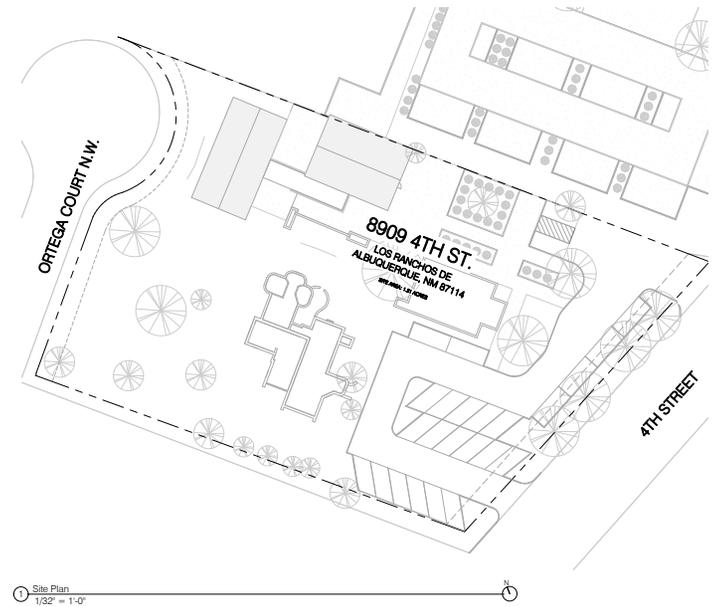
OWNER:	DESIGN TEAM:	MECHANICAL:	ELECTRICAL:	STRUCTURAL:	CIVIL / SURVEY:
Farm + Table 8917 4th St. NW Albuquerque, NM 87114	Modulus Design 912 Broadway Blvd NE Albuquerque, NM 87102				
Cherie Morfya 505.503.7124	Christie Harpaz 505.842.0354				
	Walter Gill 505.842.0354				
	Wendell Montgomery 505.842.0354				

PROPERTY INFORMATION



PROJECT LOCATION
 PROPERTY ADDRESS: **8909 4th Street, Los Ranchos de Albuquerque, NM 87114**
 ZONING / PROPERTY CLASS: **C-1**
 UPC #: **10150644531510815**
 LEGAL DESCRIPTION: **LT 14 PLAT OF ORTEGA COMPOND CONT 1.2100 AC**
 LOT SIZE: **1.21 ACRES**

LOCATION MAP



Site Plan
 1/32" = 1'-0"



FARM + TABLE

8909 4TH ST.
 LOS RANCHOS DE ALBUQUERQUE, NM 87114

TENANT IMPROVEMENT & SITE WORK

SHEET INDEX	
Sheet Number	Sheet Name
G001	COVER SHEET
G002	CODE ANALYSIS
AS100	SITE PLAN - EXISTING
AS100 D	SITE PLAN - DEMOLITION
AS101	SITE PLAN - PROPOSED
AS101	FLOOR PLAN - PROPOSED

Farm + Table
 8909 4th Street,
 Los Ranchos de Albuquerque, NM 87114

MODULUS DESIGN, L.L.C.
 912 Broadway Blvd NE
 Albuquerque, NM 87102
 P 505.842.0354
 F 505.243.3669

G001
 COVER SHEET

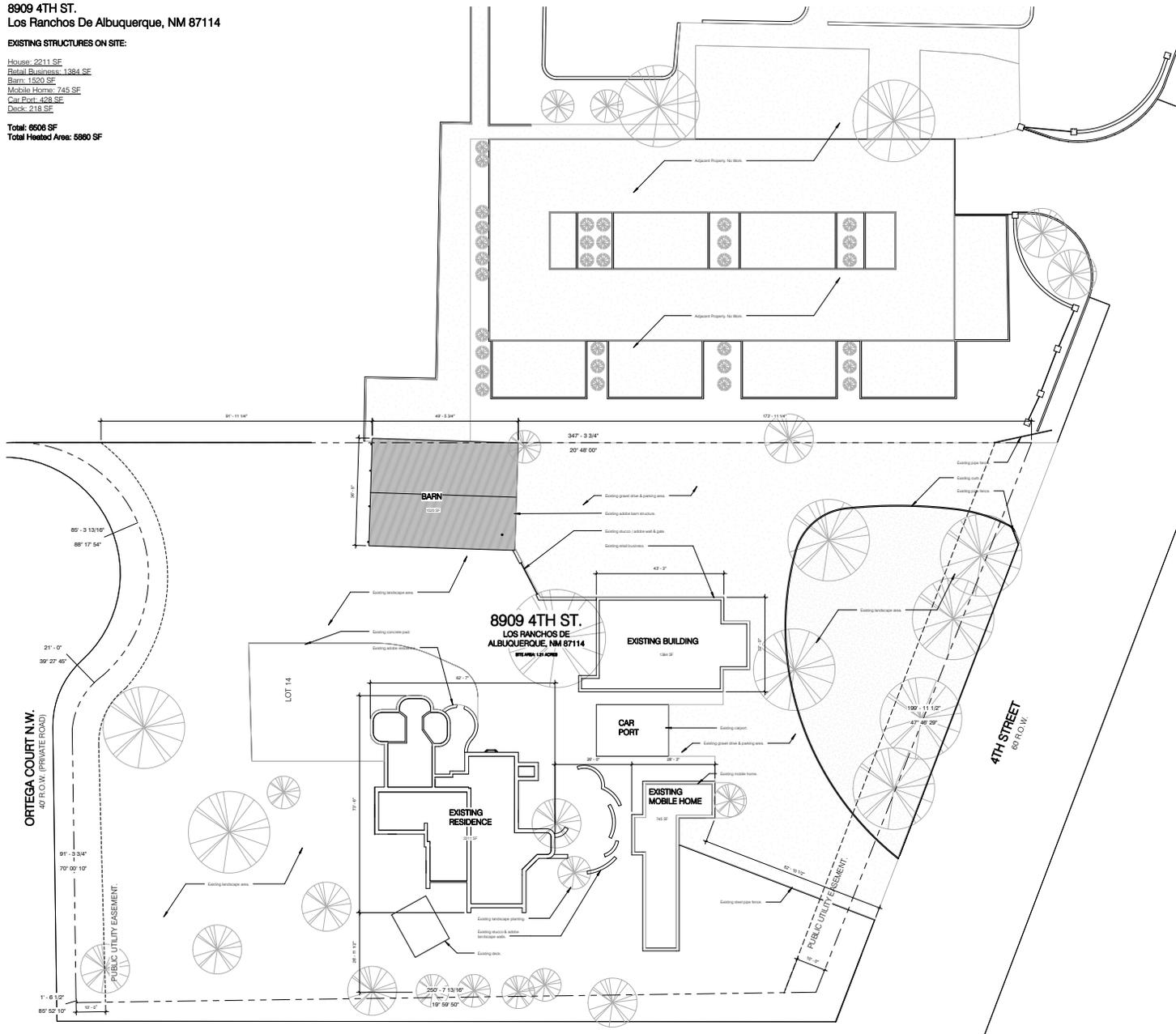
8/10/19 9:27:38 PM
 SCALE: 1/32" = 1'-0"

8909 4TH ST.
Los Ranchos De Albuquerque, NM 87114

EXISTING STRUCTURES ON SITE:

- House: 2211 SF
- Retail Building: 1384 SF
- Barn: 1820 SF
- Mobile Home: 745 SF
- Car Port: 428 SF
- Deck: 218 SF

Total: 6508 SF
Total Heated Area: 5880 SF



1 SITE PLAN - EXISTING
1/16" = 1'-0"

Farm + Table
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Los Ranchos de Albuquerque, NM 87114

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912 Broadway Blvd. NE
Albuquerque, NM 87102
P 505.842.0354
F 505.243.3669

AS100

SITE PLAN - EXISTING

SCALE: 1/16" = 1'-0"

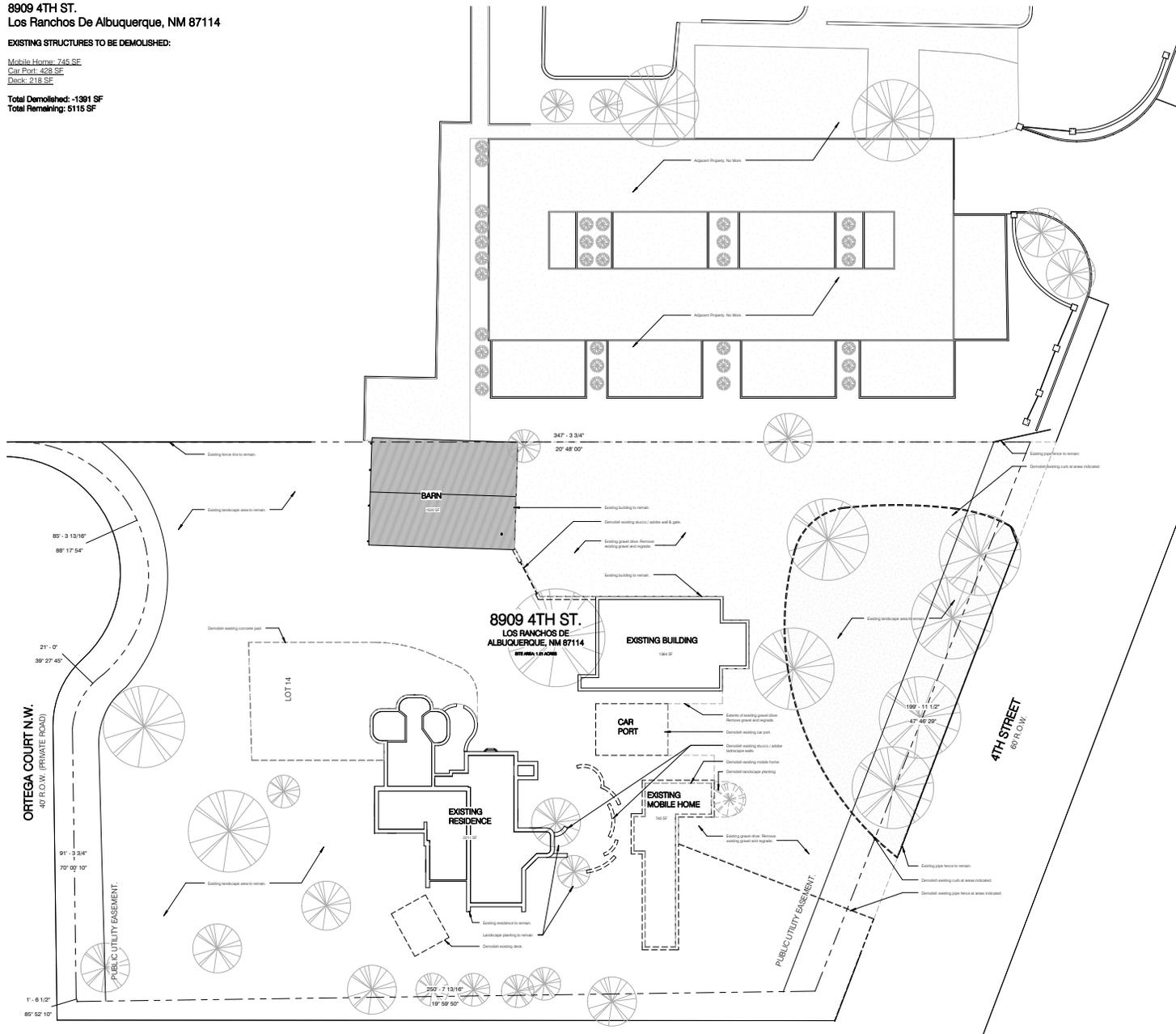
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8909 4TH ST.
Los Ranchos De Albuquerque, NM 87114

EXISTING STRUCTURES TO BE DEMOLISHED:

Mobile Home: 745 SF
Car Port: 438 SF
Deck: 218 SF

Total Demolished: 1391 SF
Total Remaining: 5115 SF



1 SITE PLAN - EXISTING + DEMO
1/16" = 1'-0"

Farm + Table
8909 4th Street,
Los Ranchos de Albuquerque, NM 87114

MODULUS DESIGN LLC
910 Broadway Blvd. NE
Albuquerque, NM 87102
P 505.842.0354
F 505.243.3669

AS100 D

SITE PLAN - DEMOLITION
SCALE: 1/16" = 1'-0"

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8909 4TH ST.
Los Ranchos De Albuquerque, NM 87114

EXISTING STRUCTURES ON SITE:

House: 2211 SF
Retail Business: 1384 SF
Barn: 1830 SF
Bar / Kitchen / Gallery: 1886 SF
Patio: 412 SF

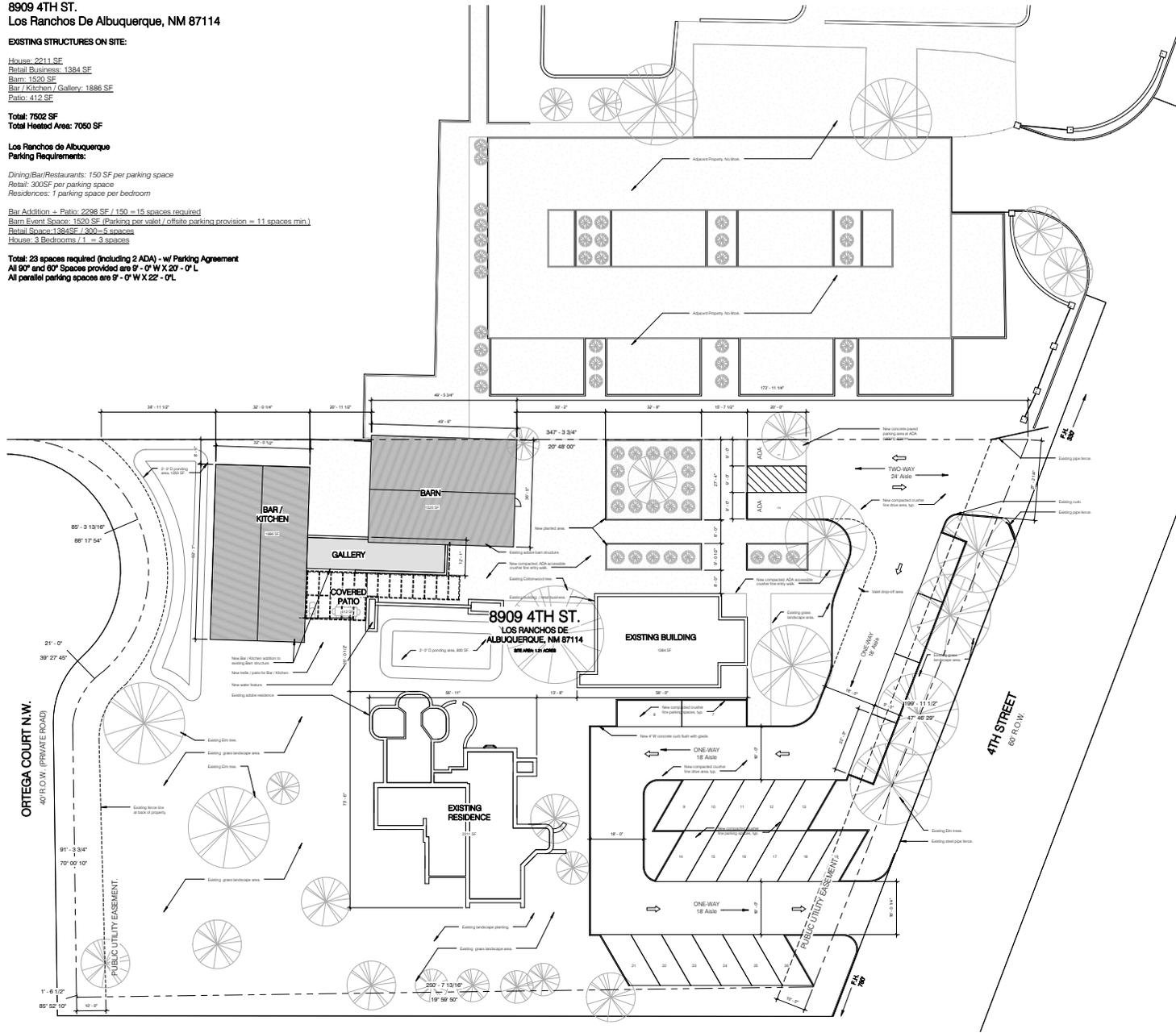
Total: 7502 SF
Total Heated Area: 7050 SF

Los Ranchos de Albuquerque
Parking Requirements:

Dining/Bar/Restaurants: 150 SF per parking space
Retail: 300SF per parking space
Residences: 1 parking space per bedroom

Bar Addition + Patio: 2298 SF / 150 = 15 spaces required
Barn Event Space: 1520 SF (Parking per valet / offsite parking provision = 11 spaces min)
Retail Space 1384 SF / 300 = 5 spaces
House: 3 Bedrooms / 1 = 3 spaces

Total: 23 spaces required (including 2 ADA) - w/ Parking Agreement
All 90' and 60' Spaces provided are 9' - 0" W X 20' - 0" L
All parallel parking spaces are 9' - 0" W X 22' - 0" L



1 SITE PLAN - PROPOSED
1/16" = 1'-0"

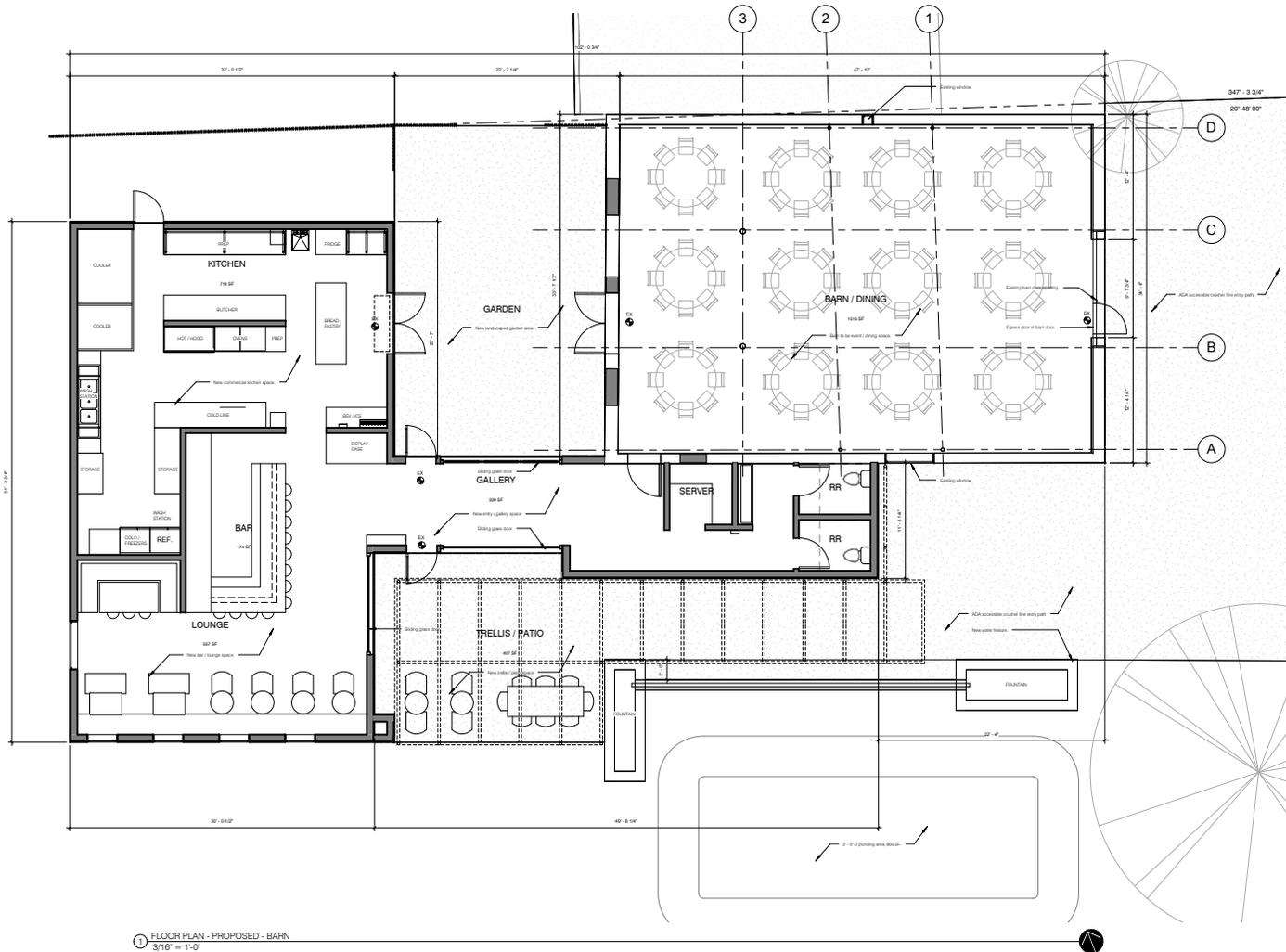
Farm + Table
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Los Ranchos de Albuquerque, NM 87114

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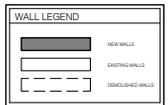
AS101

SITE PLAN - PROPOSED
SCALE: 1/16" = 1'-0"

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ROOM SCHEDULE - AREA		
Number	Name	Area
1	KITCHEN	716 SF
2	LOUNGE	307 SF
3	GALLERY	308 SF
4	BARN / DINING	1515 SF
5	RR	35 SF
6	RR	35 SF
7	TRELLIS / PATIO	407 SF
8	SERVER	87 SF
11	BAR	174 SF
0		3807 SF



1 FLOOR PLAN - PROPOSED - BARN
3/16" = 1'-0"

Farm + Table
8900 4th Street,
Los Ranchos de Albuquerque, NM 87114

MODULUS DESIGN LLC
910 Broadway Blvd NE
Albuquerque, NM 87102
P 505.842.0354
F 505.243.3669

A101
FLOOR PLAN - PROPOSED
SCALE: As indicated

8/10/2019 5:27:15 PM

5. OLD BUSINESS

A. Discussion of the 2035 Master Plan process

6. NEW BUSINESS

There is no new business.

7. REPORTS

A. Planning Department Report

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

Fourth Street Project

The Fourth Street Construction Project continues with construction on the west side. String lights are being strung across Fourth Street and at the north end of the project are lit up at night. The pedestrian light poles are being installed on the southern end of the project. Other on-going construction activity includes the installation of brick sidewalks, permeable paver system, and irrigation. Bus shelters are also being installed on the west side and site grading has begun on the public parking lot on the east side of Fourth Street just south of Tyler Road.

Master Plan

The working session was held on August 23 to review the plan and the plan development process with the Planning & Zoning Commission and the Board of Trustees. A make-up session for those who were unable to attend the August 23rd session is being scheduled for the latter half of September and the Master Plan is anticipated to be on the October Planning & Zoning Commission meeting agenda.

General

Dominic Tomba continues to field concerns and write letters for properties to come into compliance.

Jennifer Schilling continues to work on a 2021 system to manage business license renewals. Also, as seen in the minutes for the August meeting, she is simplifying the minutes compliant with Robert's Rules. Jennifer is also taking responsibility for the Village's requirements for the 2020 Census.

Tiffany Justice has completed a new policy for filming in the village. She and Tim McDonough visited a film production last month to see first-hand the activities during a film production. She has also set up a new portion of the web site that identifies businesses in the Village, with photographs and links to their business website. Tiffany has taken over most of the responsibilities of the Planning & Zoning Director including meeting with architects and developers for potential projects.

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT