



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:**

14 **POSITION:**

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

24
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. **The**
36 **reason being that Commissioner Benavides had personally known the applicant for 40 years.**

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

40
41 **Discussion:**

- 42
43
 - 44 • The number of townhome units that would be built on the property was discussed. It
45 was determined that there were many factors that could change the total number of
46 units upon conducting a Site Development Plan.
 - 47 • The change to a C1 Zone was addressed in relation to higher density dwellings. Planner
48 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.

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Motion failed (3-3).

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.

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.

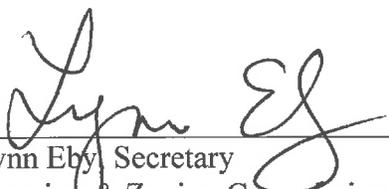
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20 **9. ADJOURNMENT**

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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 12 day of Sept., 2019.

36
37 ATTEST:

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