



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

MINUTES
January 14, 2020

Commissioners Present:

Chairman Jeff Phillips
Vice Chair - Vacant
Commissioner Gil Benavides
Commissioner Drew Seavey
Commissioner Dan Gay

Staff Present:

Ann Simon – Village Administrator
Tim McDonough – Planning & Zoning Director
Tiffany Justice - Planner
Jennifer Schilling – Admin. Assistant, Scribe
Nann Winter – Village Attorney

Commissioners Absent or Excused:

Excused: Commissioner Al Park, Commissioner Lynn Eby

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., January 14, 2020 at the Warren J. Gray Hall, by Chairman Jeff Phillips. A quorum was present. The agenda was approved, as read.

Special Announcement followed rollcall: Thanks were offered to Trustee Sandra Pacheco for her time on the Commission. Trustee Pacheco gave a short speech. Chairman Jeff Phillips received a farewell gift and thanks for his service on the Commission. The Commissioners also thanked Tim McDonough for his service to the Village and offered congratulations on his retirement.

2. PUBLIC COMMENT

There were no speakers for the Public Comment period.

3. CONSENT AGENDA

A. Approval of the Consent Agenda

1. Minutes of the November 12, 2019 Planning & Zoning Regular Meeting

Motion: Commissioner Seavey moved to approve the minutes, as read.

Second: Commissioner Gay seconded the motion.

Vote: The motion carried unanimously (4-0).

4. PUBLIC HEARINGS & APPLICATIONS

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

A. HO B&B Permit #546 A request by Jesse Kalapa, Zhenya Novareign, Jill Logan, and Larry Garcia for a Bed and Breakfast Permit as required by §9.2.25(E)(1) in the A-1 Zone of the Guadalupe Trail Character Area. The property is located at 723 Chavez Rd NW and is legally known as Lot B Plat of Land of Clifford B. Wood, within the Village of Los Ranchos, Bernalillo County, New Mexico as the same is shown on the plat thereof recorded in the records of the Bernalillo County Clerk, New Mexico on August 29, 1984. The property contains 2.0505 acres more or less.

1 **Public Speakers for the Discussion:**

2 *In order of presentation*

3 <u>SPEAKER:</u>	4 <u>ADDRESS:</u>	5 <u>POSITION:</u>
6 Larry Garcia	723 Chavez Rd. NW	Applicant – In Favor
7 Zhenya Novareign	723 Chavez Rd. NW	Applicant – In Favor
8 Jill Logan	723 Chavez Rd. NW	Applicant – In Favor
9 Jesse Kalapa	723 Chavez Rd. NW	Applicant – In Favor
10 Anthony Allen	75 Circle Rd. NW	Spoke in Favor
11 Sarah Cobb	5903 Padre Roberto Rd. NW	Spoke in Favor
12 Jane Wiggins	741 Chavez Rd. NW	Spoke in Favor
13 Paul Mitchell	329 Adams St. NE	Spoke in Favor
14 Charey Fox	3536 Anderson Ave. SE	Spoke in Favor
15 Vernon Mulanix	435 El Paraiso Rd. NW	Spoke in Favor
16 Lucas Chavez	517 Pacific Ave. SE	Spoke in Favor
17 Doug Binder	827 El Alhambra Cir. NW	Spoke in Opposition
18 Jisan Lopez	807 El Alhambra Cir. NW	Spoke in Opposition
19 Bill Spence	743 Chavez Rd. NW	Spoke in Opposition
20 Sylvia Spence	743 Chavez Rd. NW	Spoke in Opposition
21 Linda McKee	749 Chavez Rd. NW	Spoke in Opposition
22 Randy McKee	749 Chavez Rd. NW	Spoke in Opposition

23 **Planner Justice** gave the planning report, with recommendation to approve the application
24 with conditions.

25 **Discussion:**

- 26 • The Commissioners ask Planner Justice questions concerning the number of rooms to
27 be rented and their location on the property. Clarification of where the family would
28 live on the residence was also discussed. Requirements were clarified; there is no
29 requirement for a site plan. Commissioner Benavides asked about a potential change to
30 Village ordinances regarding short term rentals. Planner Justice clarified that while a
31 discussion on short term rentals is happening, this application has been submitted under
32 the current ordinance. Turn-around requirements were discussed.
- 33 • After the Commissioners concluded questions addressed to Planner Justice, the
34 applicants came forward to speak on the application. All four applicants spoke. Larry
35 Garcia introduced himself and a history of their family in the North Valley. Zhenya
36 Novareign spoke to the benefits of a bed and breakfast at their location and how the
37 request fits into the goals of the 2035 Master Plan. Jill Logan spoke to the family's
38 history in the North Valley, how the application fits into the 2035 Master Plan, and her
39 experience running a short-term rental in Albuquerque. Jesse Kalapa spoke to his desire
40 to restore the property and operate a bed and breakfast. Mr. Kalapa discussed traffic
41 concerns, improvements made into the property thus far, fire safety concerns, and
42 concern for peace and quiet in the neighborhood.
- 43 • Commissioners presented questions to the applicant(s). Questions included
44 maintenance of the pond on the property. Mr. Kalapa explained the history of the pond
45 and improvements made to the pond. There were no further questions for the applicant
46 by the Commissioners.
- 47 • Speakers in favor of the application were then asked to speak. There were 7 speakers
48 in favor of the application, not including the applicants. Comments from the public in

1 favor of the application included benefits of Air BnB's, positives comments on the
2 applicants as neighbors, and the improvements made to the property. There were 6
3 speakers in opposition of the application. Comments of opposition included negative
4 experiences with Air BnB's outside the Village, concerns of privacy, disturbances from
5 the property in question, and fire safety and health concerns. See the above list for
6 names, addresses, and position of all those who spoke on this application. Mr. Kalapa
7 responded to comments made by the speakers from the public.

- 8 • Planner Justice addressed comments and pointed out that the application does align
9 with current Village code for a Bed and Breakfast permit. Commissioners were given
10 a chance to ask the applicant questions – Commissioner Benavides asked about the gate
11 on the property. There were no further questions.

12
13 **Chairman Phillips** closed the floor for comments.

14
15 **Motion:** Commissioner Gay moved to deny the application.

16 **Second:** There was no second and the *motion failed*.

17
18 **Motion:** Commissioner Gay moved to postpone the application "...until the Village has had
19 adequate time to address the Air BnB or B&B issues that everybody's referring to tonight."

20
21 **Chairman Phillips** restated that the motion was to postpone. Before a second was made,
22 Chairman Phillips asked Attorney Winter about the point of order on postponement and if it
23 was an option.

24
25 **Attorney Winter** stated that postponement was an option and that it has been exercised in the
26 past.

27
28 **Second:** Commissioner Benavides seconded the motion to postpone.

29
30 **Discussion on the Motion to Postpone:**

- 31 • The Commissioners discussed the motion in light of concerns made by the neighbors.
32 Commissioner Gay encouraged the public to attend the conversation on January 28,
33 2020 concerning short-term rentals. Commissioner Benavides discussed pros and cons
34 of the application that he perceived from the application and comments. Commissioner
35 Benavides recalled a different application that had been denied before his role on the
36 Commission. Planner Justice clarified that the application that Commissioner
37 Benavides mentioned had been denied on the basis of a conditional use permit for a
38 guest house. Village code states that guest houses cannot be rented.

39
40 **Chairman Philips** restated that the motion made and seconded was to postpone the
41 application. A rollcall vote was conducted:

42
43 **Commissioner Gay:** Aye

44 **Commissioner Benavides:** Aye

45 **Chairman Phillips:** Nay

46 **Commissioner Seavey** recused himself from voting on this item.

47

1 **Vote:** The motion to postpone the application carried (2-1). Chairman Phillips stated that the
2 Commission would postpone. No specific time frame was given.

3
4 **Chairman Phillips** stated that the public hearing on item 4-A in the request by Jesse Kalapa,
5 Zhenya Novareign, Jill Logan, and Larry Garcia for a Bed and Breakfast Permit was formally
6 closed.

7
8 **B. V 20-01** A request by Eryn and Meredith Houx Remiger for a Variance from
9 §9.2.7(H)(2) and (3) No solid wall or fence located within the rear or side setback area
10 shall exceed six (6) feet in height and no solid wall or fence located within the front
11 setback area shall be more than four (4) feet in height to allow for a 6.25 foot high solid
12 wall for a property in the A-1 Zone in the Guadalupe Trail Character Area. The property
13 is located at 1015 El Pueblo Road NW and is legally known as Tract E-1 Lands of
14 Balduini and Whipple, Section 16, T. 11. N, R. 3 E., N.M.P.M., Village of Los Ranchos
15 de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the Bernalillo
16 County Clerk on May 15, 1996. The property contains 1.0000 acres more or less.

17
18 **Public Speakers for the Discussion:**

19 *In order of presentation*

<u>SPEAKER:</u>	<u>ADDRESS:</u>	<u>POSITION:</u>
20 Eryn Houx Remiger	1015 El Pueblo Road NW.	Applicant – In Favor
21 Michael Houx	5091 Los Poblanos Ln. NW	Spoke in Favor
22 Harvey White	1020 El Pueblo Road NW.	Written Comment in Opposition

23
24
25 **Planner Justice** gave the planning report with recommendation to approve the variance with
26 conditions.

27
28 **Discussion:**

- 29 • The hardship of past burglary was briefly discussed between Planner Justice and the
30 Commissioners. Attorney Winter stated that the hardship terms were discretionary for
31 the Planning and Zoning Commission. Height regulations of fences and walls in the
32 Village were discussed.
 - 33 • Eryn Houx Remiger, applicant, presented his request for the variance. Mr. Houx
34 Remiger described the events of the burglary and concerns for safety and privacy. He
35 explained that the grading of his property is much lower than the road and how the
36 height variance would provide greater privacy, security, and enjoyment of their
37 property.
 - 38 • Commissioners asked questions about the construction of the wall and if the applicant
39 had known about the four-foot height restriction before beginning. Mr. Remiger Houx
40 stated that he did not know of the restriction before beginning the wall. The style of the
41 wall was briefly discussed. A written comment that had been received in objection to
42 the wall. The author of this letter was not present at the meeting.
 - 43 • There was one speaker from the public who spoke in favor of the application. There
44 were no speakers in opposition of the application.
 - 45 • Commissioner Benavides asked Planner Justice about the alternative solutions to the
46 grading issue on the property. Mr. Remiger Houx spoke the complications of trying to
47 fill in dirt to adjust the grading.
- 48

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

2
3 **Motion:** Commissioner Seavey moved to approve the application.

4 **Second:** Commissioner Benavides seconded the motion to approve the application.

5
6 **Discussion on the Motion:**

- 7
8 • The height limit regulation in the Village Codified Ordinances was discussed;
9 Commissioner Gay explained his opposition to the variance. Commissioner Benavides
10 described his personal experience with wall heights in the Village. Commissioner
11 Seavey acknowledged the grading situation on the property, and that there is no
12 language in Village code that sets a time limit on the stated hardship.

13
14 **Vote:** The motioned carried (3-1), with Commissioner Gay voting nay.

15
16 **Chairman Phillips** stated that the public hearing on item 4-B in the request by Eryn and
17 Meredith Houx Remiger for a variance was formally closed.

18
19 **5. OLD BUSINESS**

20 There was no Old Business.

21 **6. NEW BUSINESS**

22 There was no New Business.

23 **7. REPORTS**

24 Planner Justice gave the Department Report. Items covered included general business, an
25 announcement of a Short-Term Rental discussion open to public that will be held on January
26 28, 2020 from 6:30-9:00pm at Village Hall, and a farewell to Director Tim McDonough. The
27 Department Report also covered a summary of Planning & Zoning, zoning actions conducted
28 in 2019. Planning & Zoning Commission reappointment schedules were briefly discussed.

29 **8. COMMISSIONERS' INFORMAL DISCUSSION**

- 30 • The Commissioners held informal discussion.

31 **9. ADJOURNMENT**

32 **Motion:** Commissioner Gay moved to adjourn.

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

34 **Vote:** The motion carried (4-0).

35 Chairman Phillips adjourned the meeting at 9:34 p.m.

36
37 **Approval of the January 14, 2020 Minutes**

38 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
39 Village of Los Ranchos de Albuquerque this 14th day of February, 2019.

40
41 ATTEST:

42
43
44 
45 Lynn Eby, Secretary
46 Planning & Zoning Commission