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

MINUTES
February 11, 2019

Commissioners Present:	**Staff Present:**
Chairman Jeff Phillips	Tiffany Justice - Director, Acting Administrator
Secretary Lynn Eby	Ann Simon – Village Administrator
Commissioner Al Park	Jennifer Schilling – Admin. Assistant, Scribe
Commissioner Gil Benavides	Nann Winter – Village Attorney
Commissioner Drew Seavey	
Commissioner Dan Gay	

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., February 11, 2020 at the Warren J. Gray Hall, by Chairman Jeff Phillips. A quorum was present. The agenda was approved as read.

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 January 14, 2020 Planning & Zoning Regular Meeting

Motion: Commissioner Seavey made a motion to approve the minutes as read.
Second: Commissioner Eby seconded the motion.
Vote: The motion carried unanimously (6-0).

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.

Public Speakers for the Discussion:
In order of presentation

SPEAKER:	**ADDRESS:**	**POSITION:**
Jill Logan	723 Chavez Rd. NW	Applicant. Spoke in favor.
Jesse Kalapa	723 Chavez Rd. NW	Applicant. Spoke in favor.
Zhenya Novareign	723 Chavez Rd. NW	Applicant. Spoke in favor.
Charey Fox	3536 Anderson Ave. SE	Spoke in favor.
Paul Mitchell	329 Adams St. NE	Spoke in favor.

Sarah Cobb	5903 Padre Roberto Rd. NW	Spoke in favor.
Io Kalapa	723 Chavez Rd. NW	Spoke in favor.
Tim McDonough	1024 Ortega Rd. NW	Spoke in favor.
Jisan Lopez	807 El Alhambra Cr. NW	Spoke in opposition.
Linda McKee	747 & 749 Chavez Rd. NW.	Spoke in opposition.
Randy McKee	747 & 749 Chavez Rd. NW.	Spoke in opposition.
Jerry Dixon	801 EL Alhambra Cr. NW	Spoke in opposition.

Director Justice introduced the application with a statement regarding the hearing and motion on the same item in January 2020 and scheduling for the February 2020 meeting. Director Justice also commented that while short term rentals are being discussed by the Board of Trustees, the Village is still operating under current code and the item should be considered in context of the current code. Director Justice gave the planning report with recommendation to approve the application with conditions.

Discussion:

- Chairman Phillips clarified that this was a continuation of the hearing from January and received confirmation from Attorney Winter. Commissioner Seavey recused himself from this hearing, as he had done previously. Other applications such as a variance for additional signs and conditional use for a guesthouse, would not be discussed as part of this hearing. Questions about postponing a hearing and scheduling were discussed.
- Applicants Jill Logan, Jesse Kalapa, and Zhenya Novareign spoke on their application. Points included their family history in the North Valley, use of the land, fire safety concerns, and comparisons of their goals with the 2035 Master Plan.
- Speakers of the public presented their statements either in favor or in opposition. There were five speakers in favor of the application (not including applicants), and four speakers in opposition.
- Applicants, Jesse Kalapa and Larry Garcia, responded to comments on the number of rentals that would be used, fire safety, and goals of the B&B. Commissioners asked the applicants for clarification on property ownership, what their plans are on landscaping and fire concerns, and renovations on the property.
- Director Justice responded to comments made with clarification of relevant code language and the process of fire inspections for a home occupation. The process of revoking a Home Occupation should the business not follow Village Code was dicussed. Possible future changes of the Village Ordinances were briefly discussed, however were not considerations for action on this item. Correspondence between Linda McKee and the Bernalillo County Fire Department (Steve Trujillo) was presented and discussed.

Chairman Phillips closed the floor for comments.

Motion: Commissioner Gay moved to postpone the application until the next subsequent meeting.
Second: There was no second and the ***motion failed.***

Motion: Commissioner Park moved to approve the application with the conditions presented in the Planning Report.
Second: Commissioner Eby seconded the motion.
Discussion:

- Commissioner Park expressed his reservations due to the fire safety concerns. Commissioner Eby stated that the application does meet the conditions and that the fire department will be holding the property to the appropriate standard. Fire inspections are required for an annual business license. Attorney Winter reminded the Commission that there are actions to revoke a home occupation permit if deemed necessary.
- Conditions were discussed. There was only one condition to vacate one of the dwellings on the property (the barn).

A roll call vote was conducted:
Commissioner Gay: Nay
Commissioner Eby: Aye
Commissioner Benavides: Aye
Commissioner Park: Yes
Chairman Phillips: Aye
Commissioner Seavey: Recused; No Vote

Vote: The motion to approve the application with the conditions as stated carried 4-1.

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

B. **V 20-02** A request by Daniel Chavez and Art Villescas for a Variance from §9.2.14(C) "Auto-oriented Uses: Trailer or recreational vehicle sales or service is a prohibited use" to allow for the sale and service of recreational vehicles (boats) in the VC Zone in the Fourth Street Character Area. The property is located at 6714 Fourth Street NW and is legally known as certain tracts of land known and described as Tract 27A and Tract 29 as shown on Map No. 29 of the Middle Rio Grande Conservancy District, located within Section 16, T. 11 N., R. 3 E., N.M.P.M., Bernalillo County, New Mexico. The property contains 1.49 acres more or less.

Public Speakers for the Discussion:
In order of presentation

SPEAKER:	**ADDRESS:**	**POSITION:**
Monnica Barreras	PO Box 27158, ABQ, NM 87125	Applicant Agent.
Daniel Chavez	312 Plaza Muchomas 87004	Applicant; Spoke in favor
Art Villescas	312 Enchanted Valley Cr. NW	Applicant; Spoke in favor
Daniel Valles	905 Sunridge Rd. NW 87121	Spoke in favor.
Bob Martinez	301 Enchanted Valley Rd. NW	Spoke in favor.
Robert Chavez	324 Enchanted Valley Pl. NW	Spoke in favor.
George Arms	344 Enchanted Valley Pl. NW	Spoke in favor.
David Newman	504 Mary's Way NW	Spoke in favor.
Marco Kellman	324 Enchanted Valley Rd. NW	Spoke in favor.
James Bryant	349 Enchanted Valley Rd. NW	Spoke in favor.
Alfonso Villescas	6740 Enchanted Valley Rd. NW	Spoke in favor.
Paul Cordova	356 Enchanted Valley Rd. NW	Spoke in favor.

Director Justice gave the planning report with two potential recommendations for the Commission; either approval of the variance or approval of changing one legally non-conforming use to another legally non-conforming use.

Discussion:

- The Commissioners asked for further explanation on the hardships. The differences between the two protentional options in front of the Commission were explained. The non-conforming status was discussed in terms of land-use. The expiration of non-conforming use was discussed, specifically on the building previously occupied by NAPA.
- The applicants and applicant-agent spoke to the application, the goals of the business, and improvements made to the property. Ms. Barres addressed letters received in opposition and addressed the application regarding the 2035 Master Plan. Art Villescas described the improvements to the property since the purchase. Daniel Chavez addressed the letters of support received by the neighbors and improvements to the property.
- Commissioners asked the applicants about the NAPA building's discontinued use and the applicant's purchase of the property. Applicants restated that the application is for the whole property and that there are still non-conforming uses taking place on the property outside the old NAPA building. Boat placement for the purpose of advertising was discussed.
- Speakers of the public presented their comments. There were nine speakers (not including applicants or applicant agent) who spoke in favor of the application. There were no speakers present in opposition of the application.
- Closing remarks included the pathways options. Ms. Barres advocated for the variance. During this discussion understanding of the problems posed in changing one non-conforming use to another non-conforming arose. Director Justice recommended the variance over the change of non-conforming use option. The Commission also determined that the variance would be the only pathway they would consider.

Chairman Phillips closed the floor for comments.

Motion: Commissioner Park moved to approve the variance request.
Second: Commissioner Gay seconded the motion.

Discussion:

- Commissioner Benavides and Commissioner Eby discussed their reservations in approving the variance. Commissioner Seavey discussed the 2035 Master Plan in context of encouraging businesses. Hardships were discussed with mixed opinions.

A roll call vote was conducted:
Commissioner Gay: Aye
Commissioner Seavey: Aye
Commissioner Eby: Nay
Commissioner Benavides: Nay
Commissioner Park: Yes
Chairman Phillips: Yes

Vote: The motion carried (4-2).

Chairman Philips stated that the public hearing on item 4-B in the request by Daniel Chavez and Art Villescas for a variance was formally closed.

Chairman Phillips *announced that the time was 10:00pm and the Commission could vote to continue with the remaining agenda items or reconvene later.*

Motion*: Commissioner Park moved to proceed with the meeting.*
Second*: Commissioner Eby seconded the motion.*
Vote*: The motion carried (6-0).*

C. **ZMA 20-01** A request by Doug and Valerie Velhagen for a Zone Map Amendment to change A-1 zoning to C-1 zoning as allowed by §9.2.25(E)(8), for a property in the A-1 Zone with a Special Use Permit for a commercial building in the Fourth Street Character Area. The property is located at 320 Roehl Rd NW and is legally known as certain tracts of land known and described as Tract 165A2A and Tract 165B1B1 as shown on Map No. 27 of the Middle Rio Grande Conservancy District, located within Section 16, T. 11 N., R. 3 E., N.M.P.M., as projected into the Alameda Grant, Bernalillo County, New Mexico. The property contains 0.51 acres more or less.

Public Speakers for the Discussion:
In order of presentation

SPEAKER:	**ADDRESS:**	**POSITION:**
Doug Velhagen	20 Canconcito Rd. NW 87122	Applicant. In favor.
Peter Ennen	316 Roehl Rd. NW	Spoke in favor.

Director Justice gave the planning report with recommendation to forward the matter to the Board of Trustees for approval.

Discussion:

- Commissioners did not have any questions for the Director. The applicant was invited to speak on his application. Doug Velhagen explained his plan for the property.
- Commissioners asked questions for the applicant about his intended use (townhomes) and compared the intent to the 2035 Master Plan. The number of townhomes to be constructed were discussed.
- There was one speaker from the public who spoke in favor of the application. There were no speakers in opposition of the application.

Chairman Phillips closed the floor for comments.

Motion: Commissioner Seavey moved to recommend approval to the Board of Trustees.
Second: Commissioner Benavides seconded the motion.
After brief discussion, Chairman Phillips called for a vote.
A roll call vote was conducted:

Commissioner Gay: Aye
Commissioner Seavey: Aye

Commissioner Eby: Aye
Commissioner Benavides: Aye
Commissioner Park: Yes
Chairman Phillips: Yes

Vote: The motion carried unanimously (6-0)

Chairman Philips stated that the public hearing on item 4-C in the request by Doug and Valerie Velhagen for a Zone Map Amendment to change A-1 zoning to C-1 zoning was formally closed.

D. **V 20-03** A request by Daniel and Carmelita Pallares for a Variance from §9.2.12(E)(3)(b) "The square footage of the second floor of condominiums and townhouse common wall units shall be limited to a total of sixty percent (60%) of the square footage of the first-floor Enclosed Area, as defined by §9.2.3(B)" to allow for the second floor square footage to be approximately 80% of the first floor square footage for a property in the C-1 Zone in the Fourth Street Character Area. The property is located at 320 Roehl Rd NW and is legally known as certain tracts of land known and described as Tract 165A2A and Tract 165B1B1 as shown on Map No. 27 of the Middle Rio Grande Conservancy District, located within Section 16, T. 11 N., R. 3 E., N.M.P.M., as projected into the Alameda Grant, Bernalillo County, New Mexico. The property contains 0.51 acres more or less.

Public Speakers for the Discussion:
In order of presentation

SPEAKER:	**ADDRESS:**	**POSITION:**
Doug Velhagen	**20 Canconcito Rd. NW 87122**	**Applicant-Agent. In favor.**
Peter Ennen	**316 Roehl Rd. NW**	**Spoke in favor.**

Director Justice gave the planning report with recommendation to approve the application with conditions.
Discussion:

- The variance was discussed regarding potential precedence setting; however, variances are case by case. The Commissioners inquired about the future use or sale of the townhomes.
- Mr. Velhagen (applicant-agent) presented the application, his target market, and the design of the townhomes.
- There was one speaker from the public who spoke in favor of the application. There were no speakers in opposition of the application.

Chairman Phillips closed the floor for comments.

Motion: Commissioner Benavides moved to approve the application with conditions as recommended by the department.
Second: Commissioner Park seconded the motion.
After brief discussion a roll call vote was conducted.

Commissioner Gay: Aye
Commissioner Seavey: Aye
Commissioner Eby: Yes
Commissioner Benavides: Aye
Commissioner Park: Yes
Chairman Phillips: Yes

Vote: The motion carried unanimously (6-0).

Chairman Philips stated that the public hearing on item 4-B in the request by Daniel and Carmelita Pallares for a Variance was formally closed.

5. **OLD BUSINESS**
   There was no Old Business
6. **NEW BUSINESS**
   There was no New Business
7. **REPORTS**
   - Director Justice gave the planning report for the Planning & Zoning Department. Chairman Phillips was thanked for his service on the Commission. New Planning & Commissioners would be announced at the February Board of Trustees meetings. Commissioner orientation would be scheduled in the coming weeks.

8. **COMMISSIONERS' INFOMAL DISCUSSION**
   - Commissioners held informal discussion.

9. **ADJOURNMENT**

Motion: Commissioner Park moved to adjourn the meeting.
Second: Commissioner Benavides seconded the motion.
Vote: The motion carried (6-0).
Chairman Phillips adjourned the meeting at 10:51 p.m.

Approval of the February 11, 2020 Minutes

These minutes have been **APPROVED** by the Planning & Zoning Commission of the Village of Los Ranchos de Albuquerque this 10th day of March, 2020.

ATTEST:

Lynn Eby, Secretary
Planning & Zoning Commission