



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

AGENDA

June 9, 2020 Regular Meeting
7:00 p.m. via Zoom Remote Conference

Commission:

Commissioner Lynn Eby, Chair
Commissioner Al Park, Vice-Chair
Commissioner Drew Seavey, Secretary
Commissioner Dan Gay
Commissioner Gil Benavides
Commissioner Karen Christensen
Commissioner Rachel Berenson

Staff:

Tiffany Justice – Planning & Zoning Director
Ann Simon – Village Administrator
Jennifer Schilling – Administrative Assistant
Nann Winter – Village Attorney
Kiko Jeantette – IT Specialist & Zoom Moderator

NOTE: Due to the COVID-19 Public Health Emergency, **the Planning & Zoning regular meeting will be held virtually via Zoom video conference** in accordance to the Governor’s Stay-at-Home instructions. For instructions on viewing and/or participating in the meeting, please visit <https://losranchosnm.gov/planning-zoning-media>

Public Comment: The public may both submit written comment in advance of the meeting and sign up to speak during the meeting. The Planning & Zoning Commission will receive written comment via email up to **5:00 pm Monday, June 8, 2020**. Staff will read aloud comments into the record. Individuals wishing to provide verbal public comment at this meeting must sign up prior to the meeting. It is advisable to sign up for public comment as early as possible but no later than 5:00 PM Tuesday, June 9th. To submit comments or sign-up to speak, email the Village Clerk Danielle Sedillo-Molina at dmolina@losranchosnm.gov.

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 – May 12, 2020 regular meeting.

4. PUBLIC HEARINGS & APPLICATIONS

- A. V 20-06** A request by Stephen & Francoise Coy for a Variance from §9.2.7(E)(2)(a)(3) “Rear setback shall be: twenty-five (25) feet” to allow for placement of a structure within the rear setback in the A-1 Zone in the North Rio Grande Character Area. The property is located at 8306 Rio Grande Blvd NW and is legally known as Tract C Arada Addition situate in projected section 17, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on October 15, 1982. The property contains 0.507 acres more or less.
- B. ZMA 20-03** A request by Jim Shull for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8) for a property in the C-1 and R-2 Zone in the Fourth Street Character Area. The property is located at 7222 4th Street NW and is legally known as Tract B La Esquina de Los Ranchos within projected section 21, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on September 29, 2008. The property contains 1.1226 acres more or less. The proposed zone change will be for 0.81 acres more or less.

5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

There is no New Business

7. REPORTS

A. Planning Department Report

8. COMMISSIONER’S INFORMAL DISCUSSION

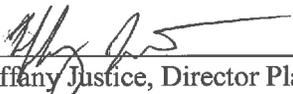
9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED DIGITALLY BY EMAIL. PLEASE EMAIL TIFFANY JUSTICE AT TJUSTICE@LOSRANCHOSNM.GOV. VILLAGE HALL REMAINS CLOSED TO THE PUBLIC, EXCEPT BY APPOINTMENT, DUE TO THE COVID-19 PUBLIC HEALTH ORDERS.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY JULY 14, 2020

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 2020-1-P&Z.


Tiffany Justice, Director Planning and Zoning

May 27, 2020
Date

1. CALL TO ORDER- Chairperson Eby

A. ROLL CALL

COMMISSIONER CHRISTENSEN

COMMISSIONER BENAVIDES

COMMISSIONER PARK

COMMISSIONER EBY

COMMISSIONER SEAVEY

COMMISSIONER GAY

COMMISSIONER BERENSON

B. APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD

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3. CONSENT AGENDA

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

- A. Approval of minutes– May 12, 2020 regular meeting.**



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

MINUTES
May 12, 2020

Commissioners Present:

Chairperson Lynn Eby
Commissioner Karen Christensen
Commissioner Gil Benavides
Commissioner Al Park
Commissioner Drew Seavey
Commissioner Dan Gay
Commissioner Rachel Berenson

Staff Present:

Tiffany Justice – Planning & Zoning Director
Jennifer Schilling – Admin. Assistant, Scribe
Nann Winter – Village Attorney
Kiko Jeanette – IT Specialist/Moderator

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., May 12, 2020 via Zoom video conference, by Chairperson Lynn Eby. A quorum was present. The agenda was approved as read.

- **Resolution 2020-04: Rules for the Transaction of Business**

Motion: Commissioner Christensen moved to approve the resolution.

Second: Commissioner Benavides seconded the motion.

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

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 March 10, 2020 Planning & Zoning Regular Meeting

Motion: Commissioner Christensen moved to approve the minutes as read.

Second: Commissioner Benavides seconded the motion.

Vote: The motion carried unanimously (6-0), with Commissioner Park abstaining as he was not present at the March 10, 2020 meeting.

4. PUBLIC HEARINGS & APPLICATIONS

All speakers were sworn in by Attorney Winter individually before speaking

- A. SDP 20-01** A request by David Montoya 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. The property is located at 506 Ortega Road NW, 8831 Fourth Street NW, and 8833 Fourth Street NW. 506 Ortega Road and

1 8831 Fourth Street are legally known as Lots A & B Lands of Wendel Scarbrough,
 2 Section 16, T. 11 N., R. 3 E., N.M.P.M., as projected into the Town of Alameda Grant,
 3 Bernalillo County, New Mexico, filed in the Office of the Bernalillo County Clerk on
 4 November 21, 1984. 8833 Fourth Street is legally known as a certain tract of land known
 5 and described as Tract 193 as shown on Map No. 24 of the Middle Rio Grande
 6 Conservancy District, located within Section 16, T. 11 N., R. 3 E., N.M.P.M., as
 7 projected into the Alameda Grant, Bernalillo County, New Mexico. The properties
 8 contain 0.3333, 0.3636, and 0.17 acres more or less, respectively.
 9

10 **Resident Speakers for the Discussion:**

11 **SPEAKER:**

11 **POSITION:**

| | |
|--------------------------------------|----------------------------|
| 12 David Montoya, 517 Pueblo Solano | Applicant – In Favor |
| 13 Pamela Montoya, 517 Pueblo Solano | Applicant – In Favor |
| 14 Eric Munn, 717 Cottonwood Dr. | Applicant-Agent – In Favor |
| 15 Julie Dwyer, 508 Ortega Rd. | Neutral with Concerns |
| 16 Gay Dwyer, 508 Ortega Rd. | Neutral with Concerns |

17
 18 **Director Justice** gave the planning report, with recommendation to forward the item to the
 19 Board of Trustees for approval of SDP 20-01 with conditions.
 20

21 **Discussion:**

- 22 • The property characteristics were discussed, including the ongoing subdivision
 23 process, which will combine two of the three lots into one lot, totaling two lots when
 24 the subdivision is complete. Prior to this application, the applicant submitted a sketch
 25 plat review which was administratively approved. Landscaping and parking design
 26 were briefly discussed. Buffering requirements were addressed in regard to other
 27 properties in the area.
- 28 • The applicants, David and Pam Montoya, and Eric Munn (agent) presented their
 29 application. Mr. Montoya stated that the property has continually been a construction
 30 yard since purchasing the property in 1981, prior to being annexed into the Village of
 31 Los Ranchos. Changes planned would bring equipment indoors. Mrs. Montoya spoke
 32 to the history and use of the property as a construction yard. Eric Munn spoke briefly
 33 about the process for the site development plan for this property.
- 34 • Commissioner Gay asked the applicants about getting a conditional use for a
 35 contractor's yard. The applicant stated that property was annexed into the Village as a
 36 contractor's yard and objected to the condition that a conditional use be obtained.
- 37 • Evidences for and against the property maintaining legally non-conforming use were
 38 discussed, including the nature of businesses that have occupied the property. While a
 39 business license would have established a continuous use, the absence of a license does
 40 not establish that there was not a continuous use.
- 41 • There were two speakers/one household, who spoke to their concerns about previous
 42 uses of the subject property. Gay Dwyer expressed previous issues with large, idling
 43 trucks and concerns to the surrounding area's property values. Julie Dwyer expressed
 44 concerns of potential traffic, the property's entrances, and property values to the
 45 surrounding homes.
- 46 • David Montoya responded to the concerns, stating that their goal is to move equipment
 47 indoors and enclosed. The applicant will not be parking RVs on the property.

- Director Justice commented on the operation of the contractor's yard, pointing to a memorandum from 1996 which states that the uses could maintain on the property so long as they conform to the non-conforming use provisions of the zoning ordinance, and that the Village was unaware of the business operations.

Chairperson Eby closed the floor for comments.

Motion: Commissioner Park moved to approve the application with conditions 2-10, excluding the first condition.

Second: Commissioner Berenson seconded the motion.

There was discussion regarding the evidence for continuous use. Commission Eby stated she was not in favor of the motion as stated. Commission Park stated that there was no evidence showing the there was not continuous use.

Roll Call Vote:

Commissioner Christensen – No

Commissioner Benavides – Yes

Commissioner Park – Yes

Commissioner Seavey – Yes

Commissioner Gay – No

Commissioner Berenson – Yes

Commissioner Eby – No

The motion carried 4-3

Chairperson Eby stated that the public hearing on item 4-A in the request by David Montoya for preliminary review and recommendation to the Board of Trustees of a Commercial Site Development Plan was formally closed.

B. ZMA 20-02 A request by Baca's Trees Profit Sharing and Trust for a Zone Map Amendment to change C-1 zoning to R-2 zoning as allowed by §9.2.25(E)(8) for a property in the C-1 Zone in the Fourth Street Corridor and Character Area. The property is located at 401 Roehl Road NW and is legally known as a portion of Lots 3 & 4 (except the westerly 225 feet) Justen Jones Addition within projected section 21, T. 11 N., R. 3 E., N.M.P.M. Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres more or less. The proposed zone change will be for 1.114 acres more or less.

Resident Speakers for the Discussion:

SPEAKER:

David Newman, 504 Mary's Way

POSITION:

Applicant-Agent – In Favor

Director Justice gave the planning report with recommendation to forward a recommendation to the Board of Trustees for the approval of a Zone Map Amendment with conditions.

Discussion:

- 1 • The applicant, David Newman, spoke briefly on his application, stating he agreed with
- 2 the Planning and Zoning Department recommendation. There were no questions for the
- 3 applicant from the Commission.
- 4 • There were no speakers in favor or opposition to the application.

5
6 **Motion:** Commissioner Christensen moved to approve the application according the Planning
7 and Zoning Department’s recommendations.

8 **Second:** Commissioner Benavides seconded the motion.

9 *After brief discussion, the motion was amended:*

10
11 **Motion: Commissioner Christensen** moved to forward a recommendation of approval to the
12 Board of Trustees.

13 **Second: Commission Benavides** seconded the amended motion.

14
15 **Roll Call Vote:**

16 **Commissioner Christensen – Yes**

17 **Commissioner Benavides – Yes**

18 **Commissioner Park – Yes**

19 **Commissioner Seavey – Yes**

20 **Commissioner Gay – Yes**

21 **Commissioner Berenson – Yes**

22 **Commissioner Eby – Yes**

23
24 **The motion carried unanimously (7-0).**

25
26 **Chairperson Eby** stated that the public hearing on item 4-B in the request by Baca’s Trees
27 Profit Sharing and Trust for a Zone Map Amendment review was formally closed.

28
29 **C. V 20-05** A request by Michael & Trina McCaffrey for a Variance from §9.2.7(E)(2)(a)(2)
30 “Side setback shall be: fifteen (15) feet” to allow for side setbacks of ten (10) feet for a
31 property in the A-1 Zone in the South Rio Grande Character Area. The property is located at
32 6025 Redondo Court NW and is legally known as Lot 38-A Plat of Lots 38-A & 39-A Rob
33 Lee Meadows Being a Replat of Lots 38 & 39 Rob Lee Meadows, within the southwest
34 quarter projected section 20, T. 11 N., R. 3 E., N.M.P.M., within the Elena Gallegos Grant,
35 Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the
36 Office of the Bernalillo County Clerk on May 29, 2008. The property contains 0.5372 acres
37 more or less.

38
39 **Resident Speakers for the Discussion:**

40 **SPEAKER:**

41 Michael McCaffrey, 1904 Sol Rio Court

42 Trina McCaffery, 1904 Sol Rio Court

43 Jack Guerndt, 6021 Redondo Court

44 Steven Curtis, 6029 Redondo Court

45 Jack Guerndt, 6021 Redondo Court

40 **POSITION:**

Applicant – In Favor

Applicant – In Favor

In Favor

In Favor – Written Comment

In Favor – Written Comment

46
47 **Director Justice** gave the planning report with recommendation approve the application.
48

1 **Discussion:**

- 2 • The condition not to remove the cottonwood tree was discussed in relation to the land's
3 characteristics and the 2035 Master Plan. The tree could be removed in the future
4 should it die or cause harm.
- 5 • Questions about the lot size being less than one acre were discussed. The property was
6 subdivided with a substandard lot size in 2008. The property is still zoned for single-
7 family dwelling and can be built on.
- 8 • Setbacks were discussed considering emergency vehicle access.
- 9 • Michael and Trina McCaffrey spoke to their application, home design, and preservation
10 of the cottonwood tree. Mr. McCaffrey discussed other trees on the property that are a
11 concern. Mrs. McCaffrey stated having had conversations with Baca Trees on the
12 health and care of the trees on the property.
- 13 • There was one attendee who spoke in favor of the application. There were no attendees
14 to speak in opposition of the application. There were two written comments in favor of
15 the application.

16
17 **Chairperson Eby** closed the floor for comments.

18
19 **Motion:** Commissioner Benavides moved to approve the application with only the first stated
20 condition.

21 **Second:** Commissioner Berenson seconded the motion.

22 *After brief discussion, a roll call vote was called.*

23
24 **Roll Call Vote:**

25 **Commissioner Christensen – No**

26 **Commissioner Benavides – Yes**

27 **Commissioner Park – Yes**

28 **Commissioner Seavey – No**

29 **Commissioner Gay – No**

30 **Commissioner Berenson – Yes**

31 **Commissioner Eby – No**

32
33 **The motion did not carry (4-3).**

34
35 **Motion:** Commissioner Christensen moved to approve V 20-05 with both conditions stated in
36 the Planning and Zoning Department report.

37 **Second:** Commissioner Benavides seconded the motion.

38
39 **Roll Call Vote:**

40 **Commissioner Christensen – Yes**

41 **Commissioner Benavides – Yes**

42 **Commissioner Park – Yes**

43 **Commissioner Seavey – Yes**

44 **Commissioner Gay – Yes**

45 **Commissioner Berenson – Yes**

46 **Commissioner Eby – Yes**

47
48 **The motion carried unanimously (7-0)**

1 **Chairperson Eby** stated that the public hearing on item 4-C in the request by Michael and
2 Trina McCaffrey for a Variance was formally closed.

3
4 **5. OLD BUSINESS**

5 *There was no old business*

6 **6. NEW BUSINESS**

7 *There was no new business*

8 **7. REPORTS**

9 Director Justice gave the Planning Department Report:

- 10 • Providing online resources and adapting to COVID-19 has been a major focus.
- 11 • Jennifer Schilling continues to work on Planning and Zoning databases and has
- 12 assumed the role of publication coordinator for the Village Vision magazine.
- 13 • Dominic Tomba continues to work on the Code Enforcement database and has begun
- 14 developing case progress reports to be completed on a monthly or quarterly basis.
- 15 • Tiffany Justice is drafting a white paper regarding short-term rentals which will be
- 16 presented to the Board of Trustees. She has also been working on the department’s
- 17 budget for the next fiscal year.
- 18 • The Village website’s Acequias/Ditches page has been updated to recognize the
- 19 newly formed Acequia/Ditch Committee; a citizen volunteer committee spearheaded
- 20 by Village resident Dan Gay.

21
22 **8. COMMISSIONERS’ INFOMAL DISCUSSION**

- 23 • Commissioners held brief informal discussion.

24
25 **9. ADJOURNMENT**

26 **Motion: Commissioner Seavey** moved to adjourn.

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

28 **Vote:** The motion carried (7-0).

29
30 **Chairperson Eby** adjourned the meeting at 9:47 p.m.

31
32 **Approval of the May 12, 2020 Minutes**

33
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 Drew Seavey, Secretary
43 Planning & Zoning Commission
44
45

4. PUBLIC HEARING

A. V 20-06 A request by Stephen & Francoise Coy for a Variance from §9.2.7(E)(2)(a)(3) “Rear setback shall be: twenty-five (25) feet” to allow for placement of a structure within the rear setback in the A-1 Zone in the North Rio Grande Character Area. The property is located at 8306 Rio Grande Blvd NW and is legally known as Tract C Arada Addition situate in projected section 17, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on October 15, 1982. The property contains 0.507 acres more or less.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

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

DATE ISSUED: May 20, 2020

REPORT NO. PZ-20-28

File: V-20-06

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Variance from §9.2.7(E)(2)(a)(3) "Rear setback shall be: twenty-five (25) feet" to allow for placement of a structure within the rear setback in the A-1 Zone in the North Rio Grande Character Area.

APPLICANTS: Stephen & Francoise Coy

LOCATION AND LEGAL:

The property is located at 8306 Rio Grande Blvd NW and is legally known as Tract C Arada Addition situate in projected section 17, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on October 15, 1982. The property contains 0.507 acres more or less.

PROJECT:

The applicants desire to replace an existing shed that is currently within the rear setback. The new shed would be in the same location as the existing shed and would be about twice the size of the existing shed. Though larger, the shed would not encroach into the setback any more than the existing shed, about 15 feet from the property line. The shed cannot be placed elsewhere on the property due to a combination of other structures, fencing, and landscaping.

The existing shed is a legally non-conforming use, however per §9.2.23(D)(4), more than 50% of the original structure would be destroyed, so the replacement of it would remove that status.

As the rear of the property is also the side that is bounded by an irrigation ditch, a variance from the rear setback requirement is also a variance from the irrigation ditch setback requirement.

SURROUNDING LAND USES:

The properties to the north, south, east, and west are all zoned A-1 in the North Rio Grande Character Area.

RELEVANT CODE LANGUAGE:

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(E) AREA REGULATIONS.

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

(a) Except as provided in §9.2.7(E)(3), (G)(4)(a) and (H) of this Section, the setbacks from the property line to the nearest structure shall be as follows:

1. Front setback shall be: twenty-five (25) feet.
2. Side setback shall be: fifteen (15) feet.
3. Rear setback shall be: twenty-five (25) feet.
4. For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.

§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 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 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 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.

(d) Each and every variance is unique to the circumstances of the property for which it was granted; the granting of one variance does not set precedence for later variances.

ANALYSIS:

Legally Non-Conforming Use:

§9.2.23(E)(1)(b) Extension or enlargement of non-conforming uses or nonconforming structures and the construction of new non-conforming accessory structures [is prohibited], unless the Planning and Zoning Commission finds that such extension, enlargement or new accessory structures will not adversely affect surrounding properties and resources. New non-conforming accessory structures shall be allowed provided there is no alternative which is 1) suitable for the construction of such accessory structure and 2) reasonably available to the applicant such that the accessory structure may be constructed so as to conform to applicable regulations;

As the condition of the existing shed prohibits the restoration of the shed within the allowable parameters, though it would be in the same location the new shed would be a new non-conforming accessory structure. Based on the existing development on the property, including buildings,

fences/walls, and landscaping, there is no reasonable alternative suitable for the construction of the accessory structure that would not be within a setback nor involve demolition. The option to demolish what is currently developed on the property is not reasonably available to the applicant.

The Planning & Zoning Commission can find that the placement of this new non-conforming accessory structure is allowed under the provisions of the Non-Conforming Uses and Structures section of the code and approve it through the Variance.

Variance:

In accordance with **§9.2.25(7)(a)(1)** the Variance is not contrary to the public interest. The location of the proposed shed would be in the same location as the existing legally non-conforming shed and visible to two neighboring properties, same as the existing. Foliage and a fence would partially conceal the shed. No adverse comment was received prior to publishing of the meeting packet.

In accordance with **§9.2.25(7)(a)(2)** the Variance meets hardship criteria #3, #5, and #6:

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;

The parcel shape is regular as it is roughly a rectangle, however it is narrow in width going north-south. This lot was platted in 1969 with this narrow width. The north and south sides are subject to the front and rear setbacks, and as the lot is about 100 feet wide, subtracting the 50 feet of setbacks leaves about 50 feet for development north to south. While the lot is not a tripa, its developable area is akin to a narrow (less than 60 feet wide) tripa lot.

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

The Variance is to allow for encroachment of a shed into the setback. The 25-foot rear setback would still apply and placing other structures within the setback shall require another Variance. The new shed would not encroach into the setback any closer to the property line than the current shed.

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 2035 Master Plan

8.1 Residential Development Goal

The goal is to sustain the Village as a semi-rural multigenerational community through residential development in keeping with Village scale and character, in particular the agricultural, historic, and open expanses characteristics of the Village.

8.1.1 Objectives

- Address the prevalence of non-conforming and irregularly shaped lots while providing options for landowners

8.1.2 Policies & Action Steps

Policy B

Action Steps:

- Continue to provide language in the code through variances to allow reasonable development accommodations on tripa lots in recognition of the historic lot pattern

In accordance with **§9.2.25(7)(a)(3)** the use of the premises is not changing. The property is zoned A-1 and the proposed building would be an accessory building permissive in the A-1 zone.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval of V-20-06** for a Variance from §9.2.7(E)(2)(a)(3) "Rear setback shall be: twenty-five (25) feet" to allow for placement of a structure within the rear setback in the A-1 Zone in the North Rio Grande Character Area with the following Conditions and Findings:

Conditions:

1. The Variance is for the placement of an approximately 120 square foot structure.
2. Other encroachment into the rear/irrigation ditch setback will require another Variance.

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;
- 2) Owing to special conditions, a literal enforcement of this Section will result in unnecessary hardship; and
- 3) The use of the premises is not changing.

(b) The enforcement of this Section shall cause unnecessary hardship due to:

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;

The parcel shape is regular as it is roughly a rectangle, however it is narrow in width going north-south. The north and south sides are subject to the front and rear setbacks, and as the lot is about 100 feet wide, subtracting the 50 feet of setbacks leaves about 50 feet for development north to south. While the lot is not a tripa, its developable area is akin to a narrow (less than 60 feet wide) tripa lot.

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

The Variance is to allow for encroachment of a shed into the setback. The new shed would not encroach into the setback any closer to the property line than the current shed.

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 2035 Master Plan

8.1 Residential Development Goal

The goal is to sustain the Village as a semi-rural multigenerational community through residential development in keeping with Village scale and character, in particular the agricultural, historic, and open expanses characteristics of the Village.

8.1.1 Objectives

- Address the prevalence of non-conforming and irregularly shaped lots while providing options for landowners

8.1.2 Policies & Action Steps

Policy B Action Steps:

- Continue to provide language in the code through variances to allow reasonable development accommodations on tripa lots in recognition of the historic lot pattern

Therefore, the Variance request meets the requirements of §9.2.25(E)(7)(a),(b)3, 5, and 6, and (c).

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 May 12, 2020. The Public Notice was sent by mail to all neighbors within 300 feet of the property on May 12, 2020.



Tiffany Justice
Director, Planning and Zoning Department

Date: May 20, 2020

Attachments:
Application
Ortho
Zone Map

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

| | | | |
|--------------------------|------------------|-------------------------|----------|
| FOR OFFICIAL USE | | | 18 of 57 |
| Zone <u>A-1</u> | V # <u>20-06</u> | Date: <u>5/1/2020</u> | |
| Related Cases <u>N/A</u> | | Receipt # <u>000031</u> | |
| Character Area _____ | | | |

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

APPLICATION FOR VARIANCE

Address of Property 8306 Rio Grande Blvd. NW **Zip** 87114
Los Ranchos de Albuquerque
Closest Cross Streets Rio Grande Blvd. and Arada Lane (just South of El Pueblo, to the East)
Subdivision Arada Addition **Block** _____ **Lot No.** _____
Tract No. C **MRGCD Map No.** 25 **Acreage of Property** 0.507

PROPERTY OWNER Stephen C. and Francoise B. Coy

Mailing address 8306 Rio Grande Blvd. NW **Zip** 87114

Telephone 505-897-9407 **Cell** 505-228-4283

email address stephencoyjr@gmail.com

CONTRACTOR/AGENT OR FIRM

Agent: Patrick McGrath **License NO.** 33620

Business Name: Tuff Shed

Mailing address: 8450 Pan American Fwy NE Albuquerque **Zip** 87113

Telephone 5052273818 **Cell** _____

email address pmcgrath@tuffshed.com

Nature of variance: We would like to replace an existing storage shed that has fallen into disrepair, however the storage shed appears to be in the rear setback, and, because of the layout of the lot, there is no other good place for it. We therefore request a variance to allow us to put a new shed in that same location.

Stephen Coy April 30, 2020
Signature of Property owner (Or submit affidavit of agent). **Date**

Patrick McGrath April 30, 2020
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.

For Official Use

Planning and Zoning Commission

Application Hearing Date: _____

Disposition:

Approved Disapproved Withdrawn on _____
Date

Conditions:

Attest: _____ Date _____
Director of Planning and Zoning

Letter with special conditions of approval or basis for disapproval specified in letter

mailed on _____
Date

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.

Variations 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.

Variations must address one or more of the following hardships taken from The 2013 Codified Ordinances of the Village of Los Ranchos §9.2.25(E)(7).

- 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;
- 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 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;
- 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;
- The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship; or
- The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the 2020 Master Plan.
- In the V-C or C-1 zones only, denial of a variance will result in unnecessary hardship because development can not proceed as a comprehensive whole.

April 30th, 2020

To the members of the Village of Los Ranchos Planning and Zoning Commission,

I am writing to request a variance to allow us to replace an existing storage shed, which was on our property when we purchased it, with new and larger storage shed to be placed in the same basic location. It has always been our intention, from the time we purchased our home more than 20 years ago, to replace the existing shed at some point, because it is ugly, cheap, dark, claustrophobic, and spider-infested – every time we spray, they keep coming back. We have long wanted to replace it with something much more attractive in appearance, higher quality, with natural light, larger, and tall enough for me to be able to walk in without bumping my head. Unfortunately, we recently discovered that the existing shed is in the setback zone at the rear (South) of our lot – it's about 15 feet from our Southern property line, and the normal setback (given that there is an easement for utilities and an irrigation ditch (no longer used)) would be 25 feet. So, we cannot place the new shed in the same basic location unless you decide you are willing to grant us a variance. And, as we shall explain, there is no other good place to put the new shed.

Until recently, while we definitely wanted to replace the shed, we had no urgent need to do so, but now we do. You see, my wife Francoise is an artist, a painter, and until recently she had only a single gallery, Mariposa Gallery in Nob Hill, showing and selling her work, and most of her paintings were relatively small, so they didn't take up too much room, and she could store them in her studio. Last Fall, however, she was invited by a prominent gallery owner in Santa Fe to show her work at a new gallery she was opening right in the middle of "gallery row" on Canyon Road, one of the best places in the country for an artist to be able to show their work. The gallery owner asked Francoise if she could start making larger paintings, so she did. The gallery, Kay Contemporary Art, opened last December, and Francoise started working hard to produce more large paintings. Soon we started running out of room in her studio, so, for the first time, she decided to store some of her paintings in the existing shed. She carefully wrapped them in plastic to protect them from any leaks or dust, but what we did not count on was mice. It runs out that mice apparently like to chew on paintings, and, unbeknownst to us, there was a large hole in the back of the shed, so they could come and go freely. Recently Francoise went to the shed to retrieve two of the paintings stored there and found that they had both been damaged by mice. Those two were reparable, fortunately, but she discovered another one that was beyond repair. So, we need a mouse-proof place to store her artwork, and we need it as soon as possible. Also, because of the coronavirus pandemic, both of her galleries had to close, and now we can't be sure when they will be allowed to reopen, much less when the art market will get back to more or less normal, so we'd like to make the new storage shed large enough to store quite a few paintings, many of them large.

After looking carefully at the site, I have concluded that, if you were to grant us the variance, and allow us to place the new shed at the same basic location as the existing shed, approximately fifteen feet from our Southern property line, there is would be ample room for a 10' x 20' shed, one of the standard sizes available for a particular model of shed available from Tuff Shed, the "Premier Pro Studio", which would suit our needs quite well. Like the existing shed, it would be visible to our neighbors to the East, Alan and Cathy Altman, but it is much more attractive in appearance than the existing shed, and it would not encroach on the setback on that side. Also, like the existing shed, a small part of the back of the shed and the roof would be just barely visible from one corner of the lot South of us, owned by Susan Lentz, but even from there it would be largely obscured by the thick vegetation along the property line. Both of these views of the existing shed are included in the Photographs section below.

Now, to understand why there is no other good location for the new shed, please look at the site plan, shown on the next page. The East and most of the South side of the house are encircled by an adobe wall that I think may have been built at the same time as the house itself. Inside the wall, there is not a great deal of space, and what there is has been professionally landscaped, creating a beautiful garden very much in keeping with the spirit of the village, and there is no room anywhere in that garden to put a shed of the size we need. And the area outside the adobe wall is mostly in the setback area, again leaving no room for a shed. There is no room at all on the North side of the house because the house itself is already built closer to the property line than current zoning rules would allow. The only possibility, therefore, is the West end of the lot. The Site we have proposed is near the Southwest corner of the lot. There is an area not encroaching on the setbacks which runs basically North and South, but there are two practical problems with putting a shed anywhere in that area. First, there is a removable section of fencing in the Northwest corner of the lot, which makes it possible for a truck or a Bobcat to get onto the lot, and we have preserved a lane wide enough for a Bobcat all the way around the house to the garden, in case we or a future owner ever again need to get a Bobcat in there. I think it would be a mistake to block that lane, and that eliminates a large part of the area that does not encroach on the setbacks. The second problem is that there is an old well enclosure on the property, shown on the site plan, and, even though the well hasn't been used in many years, that is where the water from the city now enters the house, and twice in the last five or ten years we have had major leaks at that spot which we had to have repaired, so we have chosen to keep the well enclosure there for now, just so that a plumber can easily access those pipes.

As we understand it, our request for this variance is justified based on hardship criterion #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". In addition, as we understand it our request is consistent with criterion #5, "The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship", and also with criterion #6," The alleged hardship is such that relief is justifiable in accordance with the goals and policies of the Master Plan".

On the pages that follow we have included a site plan, scale drawings of the proposed storage shed (elevations and floor plan), a number of photographs that illustrate the location, condition, and appearance of the existing shed, including one photograph showing the existing wall that prevents us from placing the new shed ten feet further North, to get it out of the rear setback. Also, we include one photograph from the Tuff Shed website showing a shed from the same line as the new shed we propose to build, in the same colors we propose to use, which closely match the colors of the stucco and trim on the main residence.

In closing, I would like to emphasize just how very important this is to us. Françoise will turn 78 years old this July, and suddenly, just as she was beginning to enjoy some well-deserved recognition and success as a painter, her galleries were forced to close. So now, if she is to be able to keep painting, we need to be able to store her paintings safely, and to do that, we need this new shed.

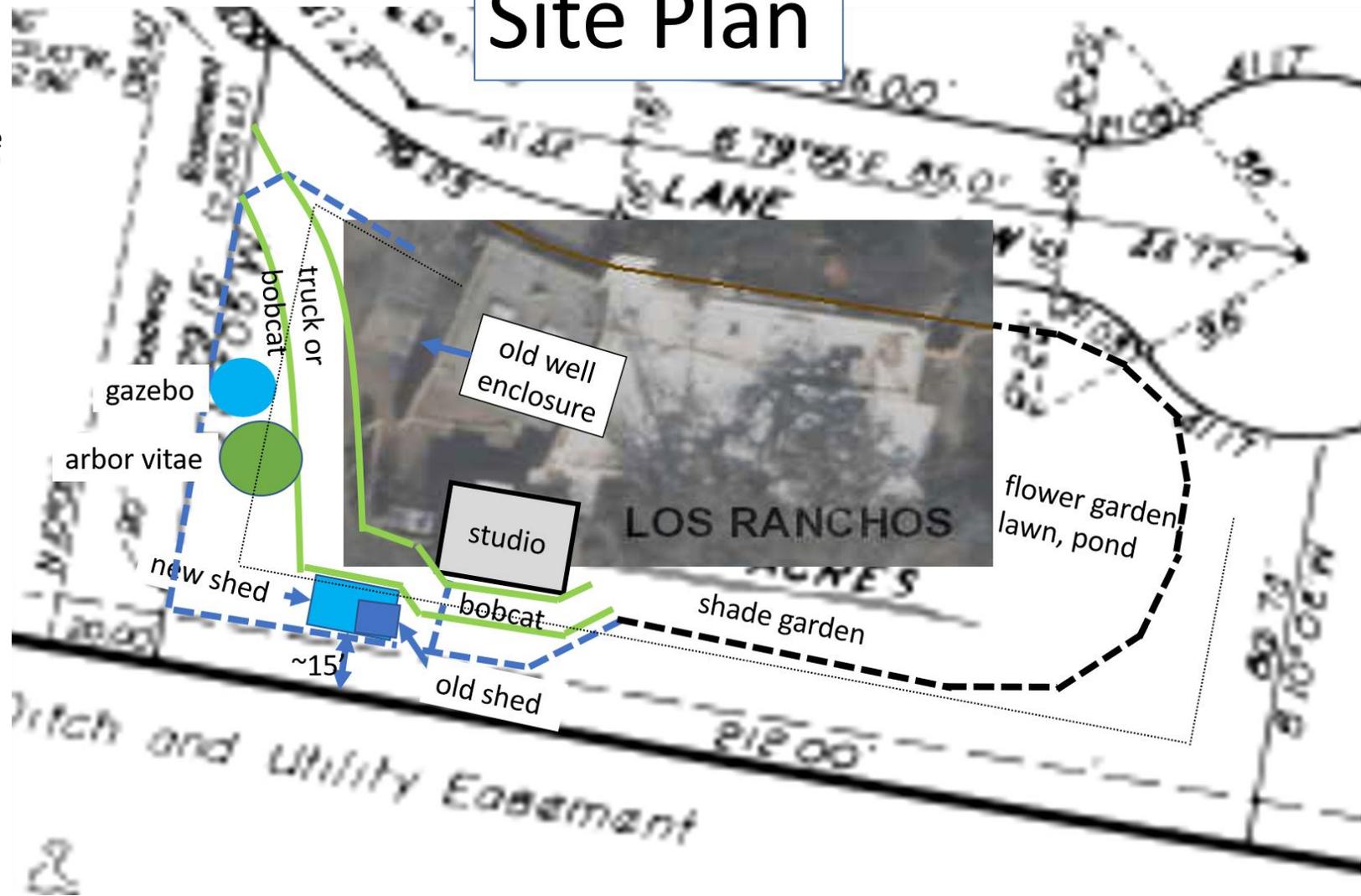
Thank you for your consideration,

Stephen Coy

Stephen and Françoise Coy, 8306 Rio Grande Blvd. NW

Site Plan

- wooden fence
- adobe wall
- setbacks



Floor and Elevation plans (structure):



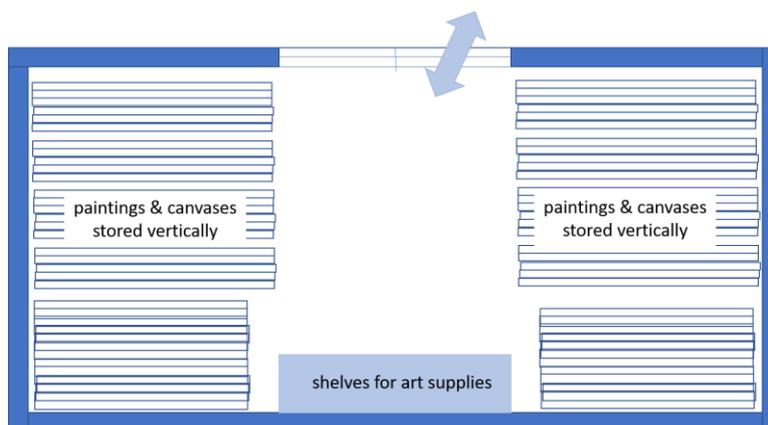
Build-A-Quote Number: 1756387

Created: Apr 30, 2020 2:24:05 PM



Note: The new shed would be 10' x 20', as shown. It would have no interior walls. We plan to add shelving and vertical storage for paintings and canvases after construction, roughly as shown:

Floor Plan



| Description | Qty | List Price | Discount | Ext Net Price |
|------------------------------------|-----------|------------|----------|---------------|
| Premier Pro Studio 10 x 20 | 1/Ea | \$7342.00 | \$0.00 | \$7342.00 |
| Upgrade - 6068 Sliding Glass Door | 1/Ea | \$1069.00 | \$0.00 | \$1069.00 |
| Credit for Removal of Default Door | 1/Ea | \$-655.00 | \$0.00 | \$-655.00 |
| Transom Window (16"x8") | 14/Ea | \$60.00 | \$14.29 | \$640.00 |
| Paint - Cool Clay | 568/Ea | \$0.00 | \$0.00 | \$0.00 |
| Paint - Delicate White | 1/Ea | \$0.00 | \$0.00 | \$0.00 |
| Paint 10% of building base price | 1/Ea | \$735.00 | \$0.00 | \$735.00 |
| Shingles TBD - Dimensional | 303/Sq Ft | \$0.00 | \$0.00 | \$0.00 |
| Roof - 2/12 Roof Pitch Upgrade | 303/Sq Ft | \$1.00 | \$0.00 | \$303.00 |
| 12"x12"Gable End Vent, White | 2/Ea | \$32.00 | \$0.00 | \$64.00 |

Photographs:

The pictures below illustrate the location, appearance and condition of the existing shed:

The location of the existing shed, just inside the fence on the North side of the utility/ditch easement on the South side of our property, approximately 15 feet from the rear (South) property line:



The hole in the back of the shed, allowing mice to enter, and then damage the artwork stored inside:



The existing courtyard wall, North of the shed, which prevents us from placing the new shed in the same general location, but 25 feet away from the property line:



The existing shed, as seen from the West (toward the Altman's house):



The existing shed as seen (barely) from the lot to the South, belonging to Susan Lentz:



The new shed would be built by Tuff Shed, and would be one of their top of-the-line configurations, a "Premier Pro Studio", an example of which, painted in the same colors we propose to use, is shown below. (This example is somewhat smaller and differs in some details from the proposed new shed.)



Below are pictures of the adobe wall-encircled garden at the East end of the property, so that you can see (a) there is not enough room for to add a shed, and (b) it would be a shame to mess it up:

Shade garden, looking East:



Flower garden, looking North:



Lawn, pond, flower garden, and adobe wall, in the Fall, looking East from portal:



Pond and adobe wall, in the Fall, looking East:



PROPERTY ADDRESS AND DESCRIPTION PARCEL
 8306 RIO GRANDE BLVD NW
 TRACT C AMENDED PLAT OF ARADA ADDN IN THE
 VILLAGE OF LOS RAN
 CHOS DE ALB CO NT 0.507 AC

PARCEL NUMBER: 101406439311340219



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

AFC MRGB

1 014 064 393 113 40219
 COY STEPHEN JR & FRANCOISE BARNES
 8306 RIO GRANDE BLVD NW
 ALBUQUERQUE NM 87114

2019 TAX BILL

SENT TO MGC # 4659
 PNC MORTGAGE

LIAM TAX DISTRICT

| PROPERTY | CODE | VALUE | AGENCIES | TAX RATE | NET TAXABLE VALUE | AMOUNT DUE |
|-----------------------------|------|---------|-------------------|---------------|--------------------------|-----------------|
| ASSESSED VALUE LAND | | 86,212 | STATE | 1.360 | 108,184 | 147.13 |
| ASSESSED VALUE IMPROVEMENTS | | 238,374 | COUNTY | 8.574 | 108,184 | 927.57 |
| ASSESSED VALUE PERS PROP | | 0 | LOS RANCHO | 1.000 | 108,184 | 108.18 |
| TAXABLE VALUE LAND | | 28,734 | SCHOOL APS | 10.588 | 108,184 | 1,145.45 |
| TAXABLE VALUE IMPROVEMENTS | | 79,450 | CNM | 3.823 | 108,184 | 413.59 |
| TAXABLE VALUE PERS PROP | | 0 | UNMH | 6.400 | 108,184 | 692.38 |
| TOTAL VALUATION | | 108,184 | AMAFCA | 0.849 | 108,184 | 91.85 |
| STATUTORY EXEMPTION | | 0 | MRGCD | 5.069 | 108,184 | 548.37 |
| VETERAN EXEMPTION | | 0 | | | | |
| | | | TOTAL RATE | 37.663 | 2019 TAX >> | 4,074.52 |
| NET TAXABLE VALUE | | 108,184 | | | | |

1st half payment becomes delinquent after Jan. 19, 2020
 2nd half payment becomes delinquent after May 10, 2020
 Postmark by these dates for each half is on time...

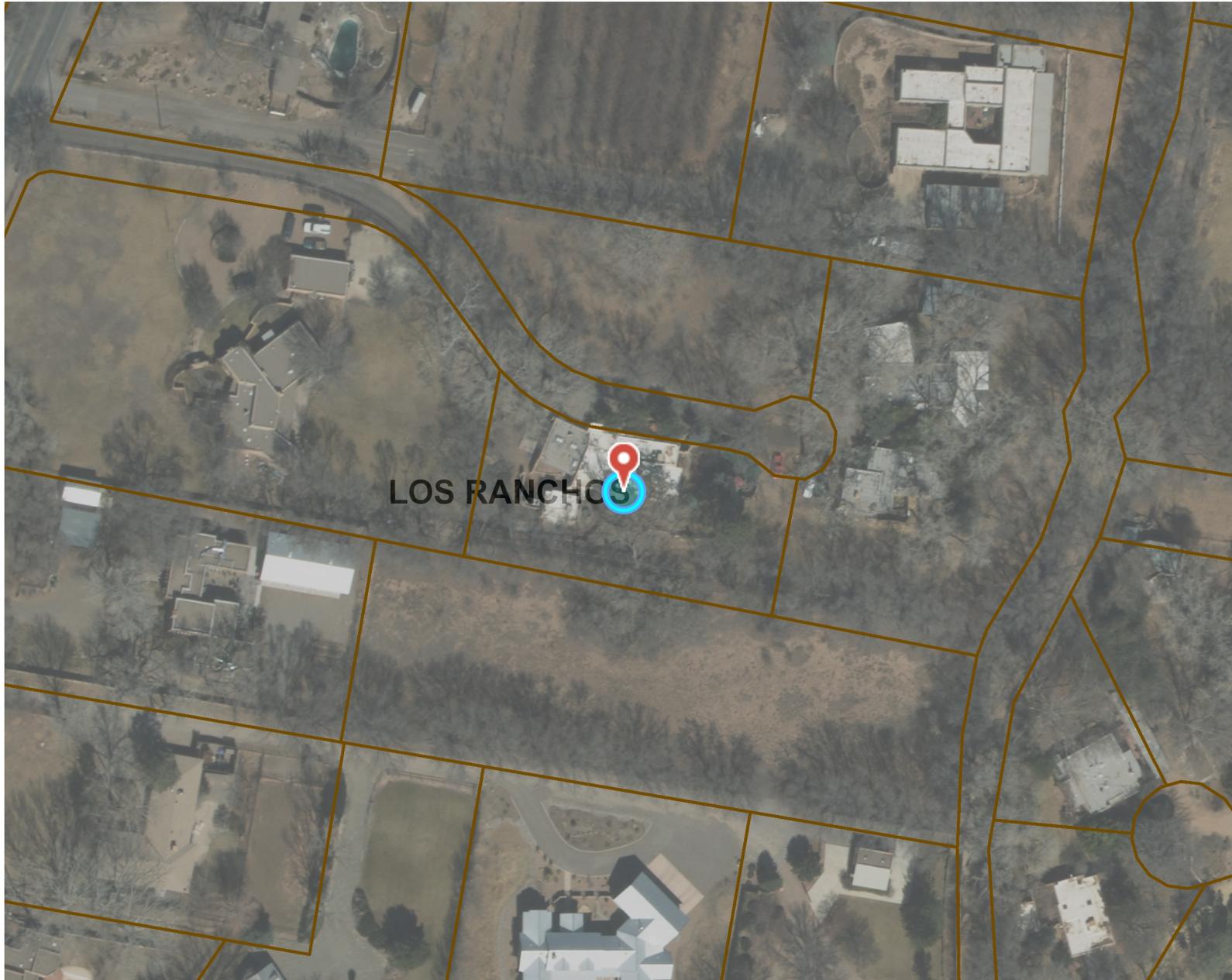
[CLICK HERE TO SEE TAX & PAYMENT HISTORY](#)

OTHER TAX DUE:

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

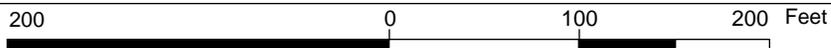


8306 Rio Grande Blvd



- Legend** 33 of 57
- Bernalillo County Parcels
 - Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

LOS RANCHOS



WGS_1984_Web_Mercator_Auxiliary_Sphere
5/8/2020 © 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

Notes

4. PUBLIC HEARING

B. ZMA 20-03 A request by Jim Shull for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8) for a property in the C-1 and R-2 Zone in the Fourth Street Character Area. The property is located at 7222 4th Street NW and is legally known as Tract B La Esquina de Los Ranchos within projected section 21, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on September 29, 2008. The property contains 1.1226 acres more or less. The proposed zone change will be for 0.81 acres more or less.

PLANNING & ZONING COMMISSION
PLANNING REPORT

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

DATE ISSUED: May 28, 2020

REPORT NO. PZ-20-32
File: ZMA-20-03

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8) for a property in the C-1 and R-2 Zone in the Fourth Street Character Area.

APPLICANT: Jim Shull

LOCATION AND LEGAL:

The property is located at 7222 4th Street NW and is legally known as Tract B La Esquina de Los Ranchos within projected section 21, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on September 29, 2008. The property contains 1.1226 acres more or less.

PROJECT:

The lot is currently dual zoned, with the front portion zoned C-1 and the back portion zoned R-2. About 0.3126 acres are zoned C-1 and about 0.81 acres are zoned R-2. The C-1 zone extends 300' from Fourth Street at this property, and the remaining 400' after it is zoned R-2. Changing the zoning would extend the C-1 zone up to the ditch and would expand the C-1 zone by a little more than twice the current 300' length. Any development that would occur on this lot would be subject to a 10' side setback from neighboring properties, whether it's zoned C-1 or R-2.

There is a site development plan for this property, which includes the other lot, Tract A, to the west. SDP-07-08 was approved with the conditions that the requirements of the landscaping, dark skies, and sign ordinances be met and that the recommendations by the Village Designated Engineer for permitting be met. This site development plan has the emergency turnaround and drainage pond in the R-2 zone.

An amendment to the site development plan or a new site development plan would be public noticed to everyone within 300' of the property, same as this application. An amendment would be approved administratively if no adverse comment is received and would go to the Commission if adverse comment is received. A new plan would go before the Commission and Board for approval.

The applicant leases the building on the property to operate a brewpub, approved by CU-15-02. The conditions of approval only stipulate closing times (Monday-Thursday 11 PM, Friday-Saturday 12 AM, Sunday 10 PM). An amendment to this condition would require an application and public notice.

The property and surrounding properties are in the Fourth Street Character Area. The property to the east is in unincorporated Bernalillo County.

SURROUNDING LAND USES:

North: C-1 and A-1

East: Special Use Permit for Contractor's Yard, A-1 Rural Agricultural, Unincorporated Bernalillo County

South: C-1 and A-1

West: C-1

RELEVANT CODE LANGUAGE:

§9.2.10 R-2 Residential Zone (one residential unit/one half (.5) acre)
(B) PERMISSIVE USES.

(1) Any permissive use as allowed and regulated in §9.2.7 A-1 Zone.

§9.2.7 A-1 Agricultural/Residential Zone (1 residential unit/one acre)

(B) PERMISSIVE USES.

(5) Parking incidental to uses permitted in this zone.

§ 9.2.5 ESTABLISHMENT AND INTERPRETATION OF ZONES AND CHARACTER AREAS

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

§ 9.2.3 DEFINITIONS

(B) SPECIFIC DEFINITIONS

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

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

§ 9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS

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

ANALYSIS:

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

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

NMSA 1978 § 3-21-5 (A) requires that “[t]he regulations and restrictions of any county or municipal zoning authority are to be in accordance with a comprehensive plan”.

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

(A) See below reference to the 2035 Master Plan.

(B) The property is in the Fourth Street Character Area, which has a combination of residential and commercial uses and zoned properties.

2) There is public interest in changing the zone

Fourth Street is the sole commercial corridor in the Village. To revitalize it, the Village has invested in improvements to the public infrastructure, which encourages development along this

corridor. Expansion of the C-1 zone along Fourth Street allows for a wider variety of development, including commercial, mixed-use, and higher density residential.

Any proposed change to the conditional use conditions of approval, a site development plan amendment, or a new site development plan would be noticed to all neighbors within 300', same as this application. With the zone change, the property would have a wider variety of development options, but in exchange development would also be reviewed by governing body and neighbors would be notified. As it is presently zoned, the residential portion can be developed residentially without public notice or review by the governing body.

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

The property to the west and the front portion of this lot are zoned C-1.

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

Dual-zoned properties must handle different development requirements on the same lot. Residential zoning directly behind and within the same parcel as commercial zoning has the potential to create conflicts between the commercial and residential uses on a common property rather than avoid them. Accessing this back residential portion requires a potential resident to maneuver through business activity to reach their portion, which can reduce the desirability of the residential area.

The Village's commercial zoning is a relatively narrow corridor along Fourth Street and expanding it allows for more potential commercial and mixed-uses. In addition, some of the site development plan (emergency turnaround and drainage pond) for this property was already expanded into the residential zone.

The applicant desires to expand their parking, which is not allowed in the R-2 zone. The uses allowed in a residential zone are those which are residential, agricultural, or accessory to residential and agricultural. While parking is an allowed accessory use, when it is accessory to a commercial use it is then commercial, requiring commercial zoning. With the zone change the applicant could decide to do more than parking, but all development would be reviewed by the governing body and noticed to neighbors.

5) **Support for the zone change is within the 2035 Master Plan**

1.2 Overall Village Goals

1.2.1 Reflect and preserve a semi-rural Village identity and character with agriculture, Village history, and the natural environment—open space, vistas, the canopy, and ditches—at its core through:

- Density and intensity of Village commercial development appropriate to Village needs, primarily focused on Fourth Street

2.1 Village Form Goal

The goal is to preserve and enhance the historic and "valley" character of the Village while recognizing, preserving, and enhancing the distinct character areas of the Village.

Policy B Action Steps:

- Enhance and unify the commercial aspects of Fourth Street, the Village Center, and the Gateway District

9.1 Economic Development Goal

The goal is to sustain and enhance economic activity throughout the Village through public and private efforts and based on Village identity and scale, in particular along the commercial corridor of Fourth Street, including the Village Center and Gateway District.

9.1.1 Objectives

- Support the business community and create a business climate in which businesses can flourish
- Attract, support, and retain businesses and commercial activities for residents and visitors that fit within and enhance Village character, in particular those which are high-quality and local

- Focus commercial activities along the Fourth Street Corridor while recognizing and supporting commercial activities throughout the Village

Policy B: Strongly support Village businesses, both current and potential.

Action Steps:

- Support the attraction and retention of Village businesses

Policy C: Develop and maintain physical public infrastructure to support Village businesses and encourage development of the commercial and mixed-use areas of the Village through zoning regulations and design requirements.

Action Steps:

- Consider the 300-foot rule along Fourth Street a general guideline for commercial development to avoid conflicts between businesses and adjacent residential areas.
 - o Recognize the guideline's limitations for mixed-use residential and desirable growth in commercial activities

Fourth Street:

- Support dual-zoned properties to apply for a zone change for appropriate uses to one zone
 - o Enforce zone change conditions of approval

The Master Plan recognizes the 300-foot guideline for commercial zoning but does not consider it a fixed value. For dual-zoned properties in particular, the Master Plan encourages zone changes of dual-zoned properties to one zone.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends the Commission **forward a recommendation of approval of ZMA 20-03** a request for a Zone Map Amendment to change R-2 zoning to C-1 zoning as allowed by §9.2.25(E)(8) for a property in the C-1 and R-2 Zone in the Fourth Street Character Area.

Findings:

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

The surrounding zones are residential and commercial.

The zone map amendment is supported in the 2035 Master Plan:

1.2 Overall Village Goals

1.2.1 Reflect and preserve a semi-rural Village identity and character with agriculture, Village history, and the natural environment—open space, vistas, the canopy, and ditches—at its core through:

- Density and intensity of Village commercial development appropriate to Village needs, primarily focused on Fourth Street

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Action Steps:

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Policy C: Develop and maintain physical public infrastructure to support Village businesses and encourage development of the commercial and mixed-use areas of the Village through zoning regulations and design requirements.

Action Steps:

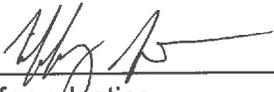
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 - o Recognize the guideline's limitations for mixed-use residential and desirable growth in commercial activities

Fourth Street:

- Support dual-zoned properties to apply for a zone change for appropriate uses to one zone
 - o Enforce zone change conditions of approval

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

Public notice requirements have been met by publication in the Albuquerque Journal on May 30, 2020. The Public Notice was sent by mail to all neighbors within 300 feet of the property on May 27, 2020.



Date: May 28, 2020

Tiffany Justice
Director, Planning and Zoning Department

Attachments:
Application
Ortho
Zone Map

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

| |
|---------------------------|
| Zone Map Amendment |
| Date: <u>5/27/2020</u> |
| FEE: <u>\$ 280</u> |
| Receipt No. <u>174646</u> |

APPLICATION FOR ZONE MAP AMENDMENT

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

ZMA CASE # 20-03 Related cases: N/A

Site Address: 7222 4th Street NW 87107
Los Ranchos, NM Zip

Subdivision La Esquina de Los Ranchos Block _____ Lot No. _____
 Tract No. 153-B MRGCD Map # _____ Acreage 1.12

UPC CODE 1 015 063 145 118 3/204

- Requirements:**
 Application Packet see attachment
1. Document Package
 2. Vicinity Map
 3. Grading and Drainage Plan

Property Owner: HRM LLC

Address: P.O. Box 2777 Corrales NM 87048
Print Name City State Zip

Home Phone: () _____ Cell (505) 991-1405

Email address: womanbuilder2@gmail.com

SIGNATURE Marie E Blea

Applicant Name: Jim Skull

Mailing Address: 7222 4th Street NW 87107
Print Name City State Zip

Phone: () _____ Cell (505) 269-2952

Email address: jimskull@gmail.com

SIGNATURE J Skull

May 25, 2020

Village of Los Ranchos

Planning and Zoning Commission

6718 Rio Grande Boulevard NW

Los Ranchos De Albuquerque, NM 87114

Re: A request to zone change at 7222 4th Street NW

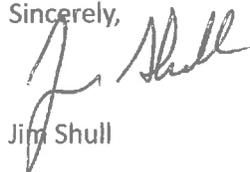
Board of Trustees:

I am requesting to change the zoning for property located behind my Tap Room in the rear portion of 7222 4th Street NW in the Village of Los Ranchos. This is currently zoned R2 and I plan to only use the first 150 feet for parking. The remaining 250 feet, which backs up to the ditch, will remain open space. I will continue to diligently maintain the property, which includes the addition of crusher fines to minimize mud and dust disturbance to neighboring businesses. We will also provide a five-foot wide crusher fine pathway to the ditch, which will encourage our patrons to travel via foot traffic or bicycle.

This back property has been used for parking, with no disturbance or previous complaints from neighboring businesses, for over a year. Allowing me to utilize this back parking area will also limit customers seeking alternative parking space by infringing on the street or attempting to park in neighboring businesses' parking lots.

Thank you for your consideration on this proposed zoning change.

Sincerely,



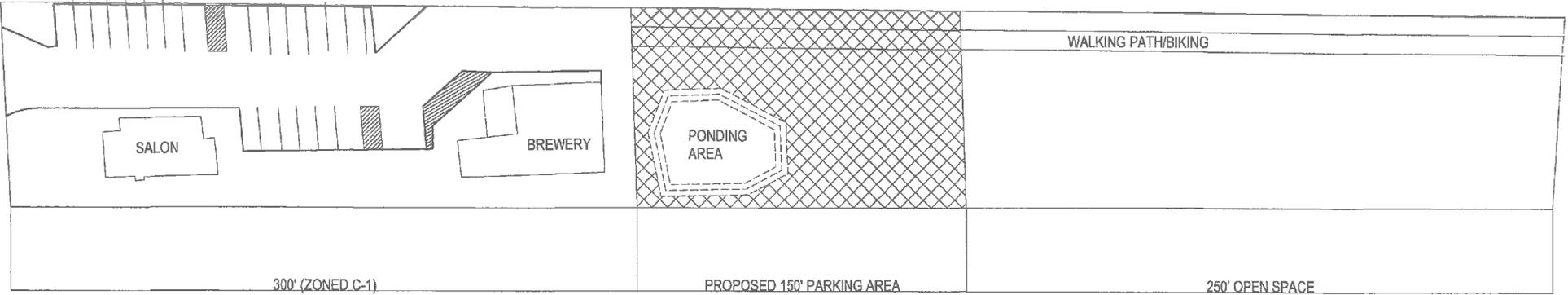
Jim Shull

Owner, Hops Brewery

Los Ranchos Brewing, LLC

505-269-2952

7222 FOURTH STREET N.W.





FRONT



LOOKING EAST



LOOKING NORTH

LOOKING SOUTH

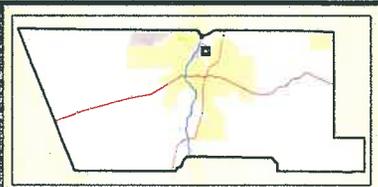
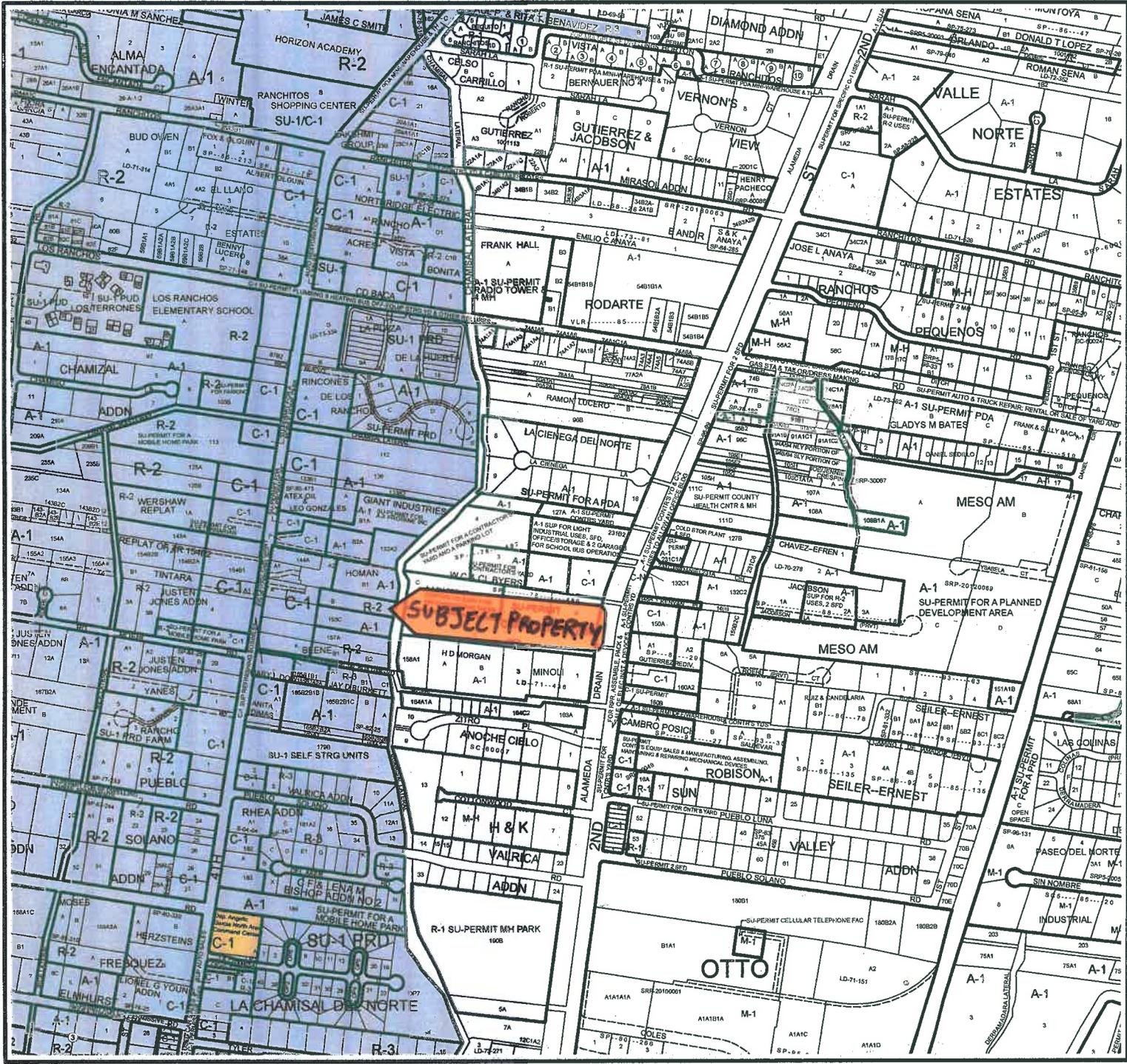


LOOKING WEST



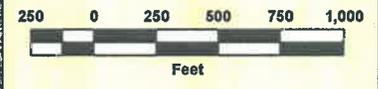
DITCH ACCESS





LEGAL DESCRIPTION
 T11N
 R3E
 SEC 21

UNIFORM PROPERTY CODE
 1-015-063



Map amended through July 2016



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 from Bernalillo County and the City of Albuquerque. For current information visit www.bermco.gov/public-works/gis.aspx.

D-15-Z

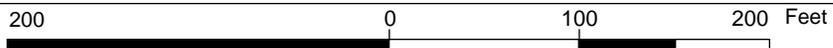


7222 4th Street



- Legend** 51 of 57
- Bernalillo County Parcels
 - Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes
ZMA 20-03



WGS_1984_Web_Mercator_Auxiliary_Sphere
5/27/2020 © 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

5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

There is no New Business

7. REPORTS

A. Planning Department Report

DEPARTMENT REPORT - JUNE

COVID-19

The Planning & Zoning Department is now operating both remotely and in person, by appointment only. As restrictions are lifted, in-person operations will expand, but most applications can be handled entirely digitally and those involving physical items have minimal contact. As the state reopens, the P&Z Department will still continue to offer online permit processing. This situation pushed our processes into the 21st century and we will keep it available.

Remote meetings will continue to be conducted until the state allows otherwise. Applicants are given the option, before public notices go out, to defer their item to a later month if they are not comfortable with a virtual meeting.

General

Jennifer Schilling will be working with Administrator Ann Simon and Mayor Lopez to refresh the Village Vision magazine. The Village will not produce a September issue to allow time for administrative updates. All current advertisers have been made aware of this pause in production. For advertisers who would have had an ad in the September issue, we have extended their advertisement expiration by one issue. Jennifer continues to process permits and organize the databases for Village businesses and the Village magazine.

Dominic Tomba continues to patrol the Village and work with property owners to bring their properties into compliance. There has been an increase in animal control cases and the code enforcement report will be quarterly.

Tiffany Justice has been working on the facility and special event policy, application forms, and facilities/events webpage. Until state orders allow large gatherings, Village facilities are not available for rental, but the applications and webpage are in preparation for that time. The facility and special event policy was adopted by the Board of Trustees on May 13, 2020. Before this policy, there was only the application to rent the Community Barn. Now there are clearer guidelines for what is allowed and required for a special event and all Village facilities.

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT