



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:**

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.

- 1 • Director Justice commented on the operation of the contractor’s yard, pointing to a
2 memorandum from 1996 which states that the uses could maintain on the property so
3 long as they conform to the non-conforming use provisions of the zoning ordinance,
4 and that the Village was unaware of the business operations.
5

6 **Chairperson Eby** closed the floor for comments.
7

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

10 **Second:** Commissioner Berenson seconded the motion.
11

12 There was discussion regarding the evidence for continuous use. Commission Eby stated she
13 was not in favor of the motion as stated. Commission Park stated that there was no evidence
14 showing the there was not continuous use.
15

16 **Roll Call Vote:**

17 **Commissioner Christensen – No**

18 **Commissioner Benavides – Yes**

19 **Commissioner Park – Yes**

20 **Commissioner Seavey – Yes**

21 **Commissioner Gay – No**

22 **Commissioner Berenson – Yes**

23 **Commissioner Eby – No**
24

25 **The motion carried 4-3**
26

27 **Chairperson Eby** stated that the public hearing on item 4-A in the request by David Montoya
28 for preliminary review and recommendation to the Board of Trustees of a Commercial Site
29 Development Plan was formally closed.
30

31 **B. ZMA 20-02** A request by Baca’s Trees Profit Sharing and Trust for a Zone Map
32 Amendment to change C-1 zoning to R-2 zoning as allowed by §9.2.25(E)(8) for a property
33 in the C-1 Zone in the Fourth Street Corridor and Character Area. The property is located at
34 401 Roehl Road NW and is legally known as a portion of Lots 3 & 4 (except the westerly
35 225 feet) Justen Jones Addition within projected section 21, T. 11 N., R. 3 E., N.M.P.M.
36 Village of Los Ranchos, Bernalillo County, New Mexico. The property contains 3.3 acres
37 more or less. The proposed zone change will be for 1.114 acres more or less.
38

39 **Resident Speakers for the Discussion:**

40 **SPEAKER:**

41 David Newman, 504 Mary’s Way
42

POSITION:

Applicant-Agent – In Favor

43 **Director Justice** gave the planning report with recommendation to forward a recommendation
44 to the Board of Trustees for the approval of a Zone Map Amendment with conditions.
45

46 **Discussion:**

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

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

Second: Commissioner Benavides seconded the motion.

After brief discussion, the motion was amended:

Motion: Commissioner Christensen moved to forward a recommendation of approval to the Board of Trustees.

Second: Commission Benavides seconded the amended motion.

Roll Call Vote:

Commissioner Christensen – Yes

Commissioner Benavides – Yes

Commissioner Park – Yes

Commissioner Seavey – Yes

Commissioner Gay – Yes

Commissioner Berenson – Yes

Commissioner Eby – Yes

The motion carried unanimously (7-0).

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

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

Resident Speakers for the Discussion:

SPEAKER:

Michael McCaffrey, 1904 Sol Rio Court

Trina McCaffery, 1904 Sol Rio Court

Jack Guerndt, 6021 Redondo Court

Steven Curtis, 6029 Redondo Court

Jack Guerndt, 6021 Redondo Court

POSITION:

Applicant – In Favor

Applicant – In Favor

In Favor

In Favor – Written Comment

In Favor – Written Comment

Director Justice gave the planning report with recommendation approve the application.

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' INFORMAL 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 19th day of June, ~~2019~~ 2020.

36
37 ATTEST:

38
39
40 

41 _____
42 Drew Seavey, Secretary
43 Planning & Zoning Commission