



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

AGENDA

July 30, 2020 Special Meeting
5:30 p.m. Via Zoom Video 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
Kiko Jeantette – IT Specialist & Zoom Moderator

NOTE: Due to the COVID-19 Public Health Emergency, the Planning & Zoning special 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 Thursday, July 30, 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 Thursday, July 30. 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

There is no consent agenda.

4. PUBLIC HEARINGS & APPLICATIONS

There are no public hearings.

5. OLD BUSINESS

There is no Old Business.

6. **NEW BUSINESS**

Discussion of Planning and Zoning Topics

7. **REPORTS**

There are no reports.

8. **COMMISSIONER'S INFORMAL DISCUSSION**

9. **ADJOURNMENT**

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY AUGUST 11, 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

July 24, 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

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. 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.

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.

There are no items for the Consent Agenda

4. PUBLIC HEARING

There are no Public Hearings

5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

A. Discussion of Planning & Zoning Topics

Discussion of Planning & Zoning Topics

Commissioners,

Several topics have come up in the past few months that require clarification in the code and may not be addressed in the code at all. Staff would appreciate your assistance and opinions related to these issues/topics. These topics were brought before the Board of Trustees as well.

• Assisted living facilities in residential areas:

An assisted living facility is noted as conditionally allowed multi-family residential in the C-1, GD, and VC zones. It is not defined in the Village's Definitions (9.2.3), and it's defined in the Merriam-Webster dictionary as "a system of housing and limited care that is designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home."

Assisted living facilities are businesses, and the entire facility, inside and out, is a business. Therefore, it would not qualify as a home occupation and not be permitted in residential zones unless with a variance or special use permit. However, the purpose is to provide long-term living, and aside from a nurse/assistant, the set-up can be similar to someone who has roommates who pay their share of the rent, if it is a house-scale operation.

Based on the Village code, assisted living facilities in residential areas would require a variance for a home occupation or commercial business; however, it wouldn't meet a hardship criteria, especially since hardships cannot be monetary. As for the special use permit, it would be debatable whether it would be issued, as one of the three criteria is not met:

9.2.17(B)(15) "Other uses not specified herein and not adequately allowed or controlled in other zones relative to a specific site, provided that:

(a) **The proposed use is not provided for in any other zone;** and

This use is provided for in the VC, GD, and C-1 zones.

(b) The proposed use is not detrimental to the neighborhood where it is proposed to be located; and

(c) It can be shown that the use proposed is beneficial to the Village, is in accordance with the goals and policies of the Village Master Plan and will assist in the implementation of the Village Master Plan."

Question:

- Would a small, home-scale assisted living facility be something the Village would consider allowing?

• Food trucks in residential areas:

The Village recently started permitting food trucks to park in commercial zones, provided they have proper food, health, and business-related licenses. Food trucks are not currently allowed to park in residential zones. Should this continue to be the case, or should the Village permit food trucks to park in residential zones? If so, restrictions would be developed for this allowance.

An ice cream truck does not count as a food truck because it roams the streets and does not park for a significant time on the road or in a parking lot. If a food truck roamed and did not park, it seems like the same principal would apply and they could drive around without parking.

Questions:

- Would a food truck parked regularly at someone's house be permitted?
- Would a food truck parked regularly at Hartnett Park be permitted?
 - o The food trucks at the Growers' Market are part of a seasonal event. Allowing food trucks in residential zones would mean allowing them outside of events, more on a daily basis.

• **Distinguishing between agriculture and agricultural-commercial:**

The Village has residential-agricultural zoning (A-1, A-2, A-3), agricultural-commercial zoning (AC), and commercial zoning (C-1). The provisions of the residential-agricultural and agricultural-commercial zoning somewhat distinguish between residential and commercial agriculture. Currently, there is only one property in Los Ranchos zoned AC, Casa Rodena Winery.

Commercial Activities & Agriculture

Based on the A-1 Zone code, both "Display and sale of agricultural products, including animals raised on the premises and products incidental to the sales activity" and "Agricultural activities, including, but not limited to the raising, harvesting, and storage of fruits, vegetables, grain, hay and feed, poultry, rabbits, and the keeping and raising of livestock, riding stables and academies" are permissive uses. These uses are also allowed in the AC Zone code, as "Any permissive use...in the A-1 or A-3 Zones [are permissive]."

What is a bit confusing is the difference between the allowed uses above and what is further allowed in the AC Zone, which is "Commercial activities associated directly and exclusively with horticulture, equestrian activities and general agricultural activities including, but not limited to, the raising and selling of vegetables, fruits, crops and livestock, as well as the care, feeding, training and boarding of livestock."

Question:

- When does agriculture (and agricultural activities) in the A-1 zone cross into "commercial" and require a zone change to Agricultural-Commercial (AC) to occur?

Processing & Agriculture

Manufacturing and processing are different definitions in the Village code. Light manufacturing excludes "basic industrial processing," and processing includes agricultural examples such as alfalfa pellet mills or food canning/packing. Agricultural processing is not manufacturing unless it more closely meets the definitions of light, medium, and heavy manufacturing.

PROCESSING means to subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource; examples include saw mill, alfalfa pellet mills, food canning or packing, creation of glass, ceramic or plastic materials, gravel crushing, cement manufacture, concrete batching and the like.

Processing is not identified as one of the permissive uses in the A-1 zone. However, so long as it does not exceed the principal use in scale or activity, “packing, treating, or storing” can be considered an accessory use as identified in the definition of agriculture.

AGRICULTURE means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the materials to produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Merriam-Webster Definitions

To Pack:

- To make into a compact bundle
- To fill completely
- To fill with packing
- To put in a protective container
- To gather into tight formation: make a pack of (animals, such as hounds)
- To cover or surround with a pack

To Process: To subject to a special process of treatment (as in the course of manufacture or film development)

To Store:

- To lay away, accumulate
- To place or leave in a location (such as a warehouse, library, or computer memory) for preservation or later use or disposal
- To provide storage room for: Hold

To Treat:

- To deal with: Handle
- To act upon with some agent especially to improve or alter

Questions:

- What would the Commission consider is the difference between “processing” and “packing, treating, or storing”?
- At what point, if any, would agricultural processing become allowable in the A-1 zone?

• **Growers’ Market & Arts Market**

The Growers’ Market is a long-standing seasonal event that takes place Saturdays at Hartnett Park. It is separate from the Arts and Crafts Market, which also takes place Saturdays at Hartnett Park, though Arts & Crafts have not been allowed to vend due to COVID-19 related restrictions.

The Growers’ Market has acted both independently and as an extension of the Village. There is a tab for the market on our website, a standing article and ad in the Village Vision, and a sign in front of Village Hall.

There are no agreements in place between the Village and the Growers' Market, but the creation of the Agriculture Committee (Resolution No. 2000-6-4) notes that one of the duties and functions of that committee is to "Sponsor the Grower's Market."

Over the years the Agriculture Committee has changed. The members listed in the resolution are those who were appointed in 2000, but new members have joined as volunteers (non-appointed). Also, the committee was created to fulfill the agriculture goal of the 2010 Master Plan but is now addressing new issues at the Agri-Nature Center and beyond. There has not been any official action altering the Agriculture Committee.

Questions:

- How would the Commission consider moving forward with the Growers' Market?
 - o Should the Agriculture Committee continue to "sponsor" the Growers' Market?
 - o What would sponsorship mean?
 - o Should the Village provide financial support to the market?
 - Should the Village pay for their insurance?
 - Should the Village pay for their ads?

Similar to the Growers' Market and Agriculture Committee, the Arts Committee was created in 2002 (Resolution No. 2002-6-2) with a duty/function to "Sponsor the Arts and Crafts Market." This committee has become inactive over the years, but there has not been any official action altering the arts committee. Currently the Arts & Crafts Market is becoming an independent organization separate from the Village.

Merriam-Webster Definition

Sponsor (noun): One who assumes responsibility for some other person or thing

A person or an organization that pays for or plans and carries out a project or activity

• Gateway District Residential Uses

The Gateway District (GD) zone is in the northeast part of the Village, south of Paseo del Norte and east of 4th Street. The intent of the GD zone is to create a "transit-supportive mixed-use neighborhood of commercial and residential uses that fosters pedestrian activity and a sense of community." At the time of its creation, the Village was planning to annex up to the Railrunner train station, hence the multi-modal transportation focus.

Residential uses are allowed in the GD zone, but one specific residential use is prohibited: Apartment buildings or other dwelling units designed primarily as rental units.

(E) PERMISSIVE USES

(3) RESIDENTIAL USES.

(b) Single-family Residential dwelling units (site-built or modular) with a maximum of one dwelling per one twelfth (.0833) acre. [This converts to 12 dwelling units per acre.]

(c) Multi-Residential Units with a maximum of twelve (12) dwelling units per acre.

(5) PROHIBITED USES IN THE GATEWAY DISTRICT ZONE:

(b) Apartment buildings or other dwelling units designed primarily as rental units.

This prohibited use essentially prohibits long-term rentals of any kind, whether they are apartments, townhomes, or single-family residential dwellings. This prohibited residential use seems more restrictive on property owner rights than other zones in the Village; no other zone prohibits long-term rentals as the language in the GD zone does.

The Village Code has different definitions for “Dwelling, Multi-Family” and “Dwelling, Multi-Residential Units.” However, the definitions have some overlap, which can be confusing when one is prohibited in the GD zone.

Dwelling, Multi-Family means one (1) of two (2) or more residential buildings having a common or party wall that separates living facilities, each having a kitchen facilities for sleeping, sanitation, bathing and living; a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominium; also multiple dwellings.

Dwelling, Multi-Residential Units means residential units that have a common wall(s) such as condominiums or townhouses. Multi-Residential Units do not include multifamily or apartment developments designed as rental properties.

It appears that the intent in distinguishing between Multi-Family and Multi-Residential Units was to prohibit apartment developments, however no other mixed-use zone (VC and C-1) explicitly prohibit this. The VC zone does not reference the term apartments, multi-family, or multi-residential units, and the C-1 zone only refers to multi-family, which includes apartments. This is a conditional use and is allowed. It is unclear why the GD zone is the only mixed-use zone that prohibits apartment complexes and renting, especially given its location east of Fourth Street, adjacent to C-1 zoning. It is not a transitional zone between lower density single-family housing and higher density uses.

Question:

- Would the Commission recommend a change removing this prohibited use?

There is also a density maximum on units in the GD zone, with 12 dwelling units per acre. This inadvertently supports larger dwellings than smaller, as the same number of units is allowed per acre. This discourages smaller, likely more affordable housing, in favor of larger units. Both the VC and C-1 zones have higher density maximums (24 DU/acre townhomes in VC and 20 DU/acre in C-1) than the GD zone.

Question:

- Would the Commission recommend a change allowing for a higher density maximum around that allowed in the VC and C-1 zone? If so, what would be an appropriate number of dwelling units per acre?

7. REPORTS

There are no reports

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT