



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

MINUTES
July 14, 2020

Commissioners Present:

Chairperson Lynn Eby
Commissioner Karen Christensen
Commissioner Gil Benavides
Commissioner Al Park
Commissioner Drew Seavey
Commissioner Rachel Berenson
Commissioner Dan Gay – Excused for the latter part of the meeting.

Staff Present:

Tiffany Justice – Planning & Zoning Director
Jennifer Schilling – Records Info. Manager
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., July 14, 2020 via Zoom video conference, by Chairperson Lynn Eby. A quorum was present. The agenda was approved (4-0, Commissioners Benavides, Gay, and Seavey were not yet connected when the vote was called).

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 June 9, 2020 Planning & Zoning Regular Meeting

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

Second: Commissioner Christensen seconded the motion.

Roll Call Vote:

Commissioner Karen Christensen - Yes

Commissioner Gil Benavides – Yes

Commissioner Al Park - Yes

Commissioner Lynn Eby – Yes

Commissioner Rachel Berenson – Abstained because she was not present for the June meeting.

The motion carried unanimously (4-0).

4. PUBLIC HEARINGS & APPLICATIONS

The meeting was momentarily paused for Commissioners to better establish their connection to the meeting.

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

8
9 *Commissioner Christensen recused herself from this hearing.*

10
11 **Speakers for the Discussion:**

12 *All speakers were sworn in by Attorney Winter*

13 **SPEAKER:**

POSITION:

| | |
|--|----------------------------|
| 14 Jim Shull – 8425 Guadalupe Trail NW | Applicant – In Favor |
| 15 Chris Kenny – 298 Placitas Rd. NW | In Favor |
| 16 Joe Craig – 505 Calle Del Pajarito NW | In Favor |
| 17 Phillip Chavez – 330 Schulte Rd. NW | In Favor |
| 18 Kathleen Hall – 322 Tyler Rd. NW | In Favor – Written Comment |
| 19 Bill Moy – No Address | In Favor – Written Comment |
| 20 Mary Homan – 7318 4 th Street NW | In Opposition |

21
22
23 **Director Justice**, after swearing in, gave the planning report. Director Justice clarified that
24 Bernalillo County has the address for this property recorded as 7226 4th Street. The applicant
25 changed the request from changing the entire R-2 zoned portion of the property to C-1, to only
26 changing the westerly 100-feet of the R-2 zoned portion to C-1. The Department
27 recommendation was to forward the item to the Board of Trustees a recommendation of denial
28 of ZMA 20-03.

29
30 **Discussion:**

- 31 • The Commissioners discussed ways to allow the change through other means besides
32 a Zone Map Amendment.
- 33 • The change from the whole R-2 zone to the westerly 100-feet of the R-2 zone for C-1
34 zoning was discussed.
- 35 • Jim Shull, applicant, spoke to his application. He discussed the change to the westerly
36 100-feet and that the change came from discussions with the Homans, the neighbors to
37 the north of the subject property. The applicant responded to questions about keeping
38 a path open from the ditches to the C-1 zone accessible for guests on bikes or horseback.
- 39 • The previous site development plan was discussed in relation to a zone change. After a
40 zone change, a new site development would need to be done.
- 41 • Speakers in favor: Chris Kenny spoke in favor of the application, speaking to the
42 clientele of the establishment and the goals of the Village. Joe Craig spoke to actions
43 by a previous Planning and Zoning Commission and was under the impression that the
44 zone had already been approved. Phillip Chavez spoke to the nature of the
45 establishment and stated he was in support of the change. Two comments in favor were
46 submitted in writing and read by Director Justice: Kathleen Hall wrote about the quality
47 of the establishment and desire for more parking. Bill Moy wrote about the character
48 of the business and stated that it is aligned with the 4th Street improvements.

- 1 • Speakers in opposition: Mary Homan stated that she had met with the Shull's about the
2 100-foot and would expect that there would be a 10-foot buffer between the properties.
3 She also expressed concern of lighting and commercial encroachment.
4 • Jim Shull responded to comments made by the public, specifically of Ms. Homan's
5 comments. Mr. Shull also outlined characteristics of the area. Hours of operation were
6 discussed in response to Commission questions, as well as the applicant's lease or rent
7 of the property.
8

9 **Motion:** Commissioner Benavides moved to forward a recommendation of approval to the
10 Board of Trustees with the condition that Mr. Shull and Ms. Homan come to an agreement on
11 lighting, buffering, and fencing.
12

13 *Before a second was called, Chairperson Eby questioned the conditions. Director Justice*
14 *stated that conditions would be best added during the Site Development Plan. After brief*
15 *discussion the motion was amended as follows.*
16

17 **Motion:** Commissioner Benavides moved to forward a recommendation of approval to the
18 Board of Trustees with the amended request of the westerly 100-foot limitation.

19 **Second:** Commissioner Park seconded the motion.
20

21 **Discussion:**

- 22 • The commissioners held discussion on the motion, including the lasting implications
23 of changing the zone and concerns over ownership of the land, as the applicant is not
24 the owner. Chairperson Eby clarified that this request would not be considered spot-
25 zoning. Paving and permeability were also briefly discussed.
26

27 **Roll Call Vote:**

28 Commissioner Karen Christensen – Recused

29 Commissioner Gil Benavides – Yes

30 Commissioner Al Park - Yes

31 Commissioner Dan Gay – No

32 Commissioner Drew Seavey – Yes

33 Commissioner Rachel Berenson – Yes

34 Commissioner Lynn Eby – Yes
35

36 **The motion carried 5-1 with Commissioner Gay voting against the motion.**
37

38 **Chairperson Eby** stated that the public hearing on item 4-A in the request by Jim Shull for a
39 Zone Map Amendment was formally closed.
40

41 *The Commission took a short break at 9:15 p.m.*

42 *The meeting was resumed at 9:21 p.m.*
43

44 **B. SDP 20-02** A request by Que Village LLC for a Sketch Plat Review for a Commercial Site
45 Development Plan for a redevelopment in the C-1 Zone in the Fourth Street Corridor and
46 Character Area. The property is located at 6126 Fourth Street NW and is legally known as
47 Block A-2 of Bowers Subdivision Being a Replat of Blocks A-1 and B-1 Now Blocks A-2 and
48 B-2 situate in Section 28, T. 11 N., R. 3 E., N.M.P.M., Bernalillo County, New Mexico, filed

1 in the Office of the Bernalillo County Clerk on April 15, 1986. The property contains 4.9016
2 acres more or less.

3
4 **Chairperson Eby** stated that no action would be taken by the Commission on this item. This
5 hearing was an opportunity to give general information and guidance for the proposal.

6
7 **Speakers for the Discussion:**

8 *Speakers from the public were not asked if they were in favor or in opposition. All speakers*
9 *were sworn in by Attorney Winter*

10
11 **SPEAKER:**

11 **POSITION:**

| | |
|--|--------------------------------------|
| 12 Molly Calvani – 1306 Rio Grande Blvd. | Applicant-Agent |
| 13 Vince DeGregory – 6506 Alpine Trail 87111 | General Contractor for the Applicant |
| 14 Jim Shull – 8425 Guadalupe Trail NW | General Comments |
| 15 Bob Calvani – 1306 Rio Grande Blvd. | Applicant-Agent |
| 16 Willard Eastman – 302 Alamosa Rd. NW | General Comments |

17
18 **Director Justice** gave the planning report.

19
20 **Discussion:**

- 21 • Commissioner Benavides asked about the property being in both the Village of Los
22 Ranchos and the City of Albuquerque. Commissioner Park clarified the portion of the
23 property within Los Ranchos. The right-of-way requirements and the City's
24 requirements were discussed. Village right-of-way requirements would need to be
25 added to the plans going forward.
- 26 • The applicant-agent, Molly Calvani, described the project and the possible phasing of
27 the project. Re-grading of the parking lot would be among the first phases. Ms. Calvani
28 asked about parking variances due to the drainage and landscaping on the property.
- 29 • Director Justice explained that a variance would depend on the use of the buildings,
30 which can change. Chairperson Eby restated the applicant's question of phasing the
31 project to the Commissioners. Director Justice explained there are some planning
32 aspects that can be done now, others in the future may require amendments to a site
33 development plan or a new site development plan.
- 34 • Vince DeGregory, general contractor, asked the Commission about phasing out
35 improvements, particularly about the façades of storefronts and if that could be done
36 without the site development plan. Director Justice stated that if the work was solely
37 façade work on the storefront, that would be appropriate without the complete site
38 development plan.
- 39 • Jim Shull, spoke to the condition of the property as it is now, and was in favor of a
40 phased development.
- 41 • Bob Calvani, applicant-agent, spoke to the parking lot, rights-of-way, and importance
42 of phasing out the development.
- 43 • Willard Eastman addressed drainage issues, pedestrian access, and traffic. Mr. Eastman
44 had also submitted written comment that would have normally been read into the
45 record, however it was not read because he was present to discuss his concerns.
- 46 • Director Justice explained that the site development plan should be the final product
47 even if construction of the plan is phased.
- 48 • Chairperson Eby closed the floor for comments.

1
2 The Commission discussed styles, right-of-way, and the “Welcome to the Village” sign. Molly
3 Calvani spoke to the style and aesthetic of the building. Commissioner Berenson stated she felt
4 the configuration was not changing and was in support of the redevelopment. Commissioner
5 Benavides spoke to the traffic issues. Commissioner Seavey addressed pedestrian connectivity
6 between the development and the apartments nearby.
7

8 *Note: Commissioner Dan Gay had lost connection to the meeting and would not rejoin for the*
9 *remainder.*

10
11 **Chairperson Eby** stated that the public hearing on item 4-B in the request by Que Village
12 LLC for a Sketch Plat Review for a Commercial Site Development Plan was formally closed.
13 No Action was taken.
14

15 **C. V 20-07** A request by Michael Darr for a Variance from §9.2.7(E)(2)(a)(2) and (3) “Side
16 setback shall be: fifteen (15) feet” and “Rear setback shall be: twenty-five (25) feet” to allow
17 for placement of a structure within the side and rear setbacks in the A-1 Zone in the Guadalupe
18 Trail Character Area. The property is located at 6729 Green Valley Place NW and is legally
19 known as Lot 4 Bernauer Subdivision No. 3 situate in section 29, T. 11 N., R. 3 E., N.M.P.M.,
20 Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office
21 of the Bernalillo County Clerk on November 22, 1963. The property contains 0.51 acres more
22 or less.
23

24 **Speakers for the Discussion:**

25 *All speakers were sworn in by Attorney Winter*
26

27 **SPEAKER:**

28 Michael Darr – 6729 Green Valley Pl.

27 **POSITION:**

28 Applicant – In Favor
29

30 **Director Justice** gave the planning report with recommendation to deny the application.
31

32 **Discussion:**

- 33
- 34 • The applicant, Michael Darr, spoke to his application concerning the placement of the
35 guesthouse in the desired location or in maintaining A-1 setbacks. Maintaining the
36 setbacks would require removal of fruit trees and a garden.
 - 37 • Commissioners discussed hardships and whether the application met the defined
38 hardships for a variance. Discussion of changing the request to the R-2 zone setbacks
39 was considered should the current request be denied.
 - 40 • There were no participants present to speak in favor or in opposition to the application.
 - 41 • The floor was closed for comments.

42 **Motion:** Commissioner Benavides moved to approve the application with the amended
43 setbacks according to the R-2 zone so that the north-side setback would be 10 feet and the
44 west-rear setback would be 15 feet.

45 **Second:** Commissioner Eby seconded the motion.
46

47 **Discussion:**

- 1 • Commissioner Park expressed concern that, regardless of A-1 or R-2 setbacks, the
2 application does not meet a variance hardship requirement and is more of a preference
3 issue, and therefore would not support the motion. Commissioner Christensen stated
4 she was in agreement with Commissioner Park.
5 • Possible hardship considerations were discussed including setback requirements for
6 half-acre lots in the A-1 zone and the cutting down or relocation of fruit trees. The
7 Commissioners considered other possible changes that would not require a variance,
8 such as the size of the guesthouse.
9

10 **Roll Call Vote:**

11 Commissioner Karen Christensen – No
12 Commissioner Gil Benavides – Yes
13 Commissioner Al Park – No
14 Commissioner Drew Seavey – No
15 Commissioner Rachel Berenson – Yes
16 Commissioner Lynn Eby – Yes
17

18 **The motion failed due to a tie.**

19
20 **Motion:** Commissioner Benavides moved to defer the item to be heard at the August
21 meeting.

22 **Second:** Commissioner Eby seconded the motion.
23

24 **Roll Call Vote:**

25 Commissioner Karen Christensen – No
26 Commissioner Gil Benavides – Yes
27 Commissioner Al Park – No
28 Commissioner Drew Seavey – Yes
29 Commissioner Rachel Berenson – Yes
30 Commissioner Lynn Eby – Yes
31

32 **The motion carried 4-2 with Commissioners Christensen and Park voting against
33 the motion.**
34

35 **Chairperson Eby** stated that the public hearing on item 4-C in request by Michael Darr for a
36 Variance was formally closed.
37

38 *The time was after 10:00PM at this point in the meeting. The Commission decided,
39 unanimously, to continue to the next hearing.*
40

41 **D. SDP 20-03** A request by 7108 Properties LLC for a Sketch Plat Review for a Commercial
42 Site Development Plan for a development in the C-1 Zone in the Fourth Street Corridor and
43 Character Area. The property is located at 7108 Fourth Street NW and is legally known as
44 Parcel A-1 Lands of Anita Dimas Being Comprised of Parcels A & B, Lands of Anita Dimas
45 situate in section 21, T. 11 N., R. 3 E., N.M.P.M., Village of Los Ranchos de Albuquerque,
46 Bernalillo County, New Mexico, as filed in the Office of the Bernalillo County Clerk on June
47 23, 2015. The property contains 0.8733 acres more or less.
48

1 **Chairperson Eby** stated that there would be no action taken by the Commission on this
2 sketch plat review and that the hearing was to get comments about whether the Commission
3 thought the proposal has merit, if the configuration would be acceptable and if the Commission
4 saw any difficulty in the site development conforming with the Master Plan.
5

6 **Speakers for the Discussion:**

7 *All speakers were sworn in by Attorney Winter*

8 **SPEAKER:**

9 Michelle Mullen – 1718 Central Ave

POSITION:

Applicant-Agent

10
11 **Director Justice** gave the planning report.
12

13 **Discussion:**

- 14 • The architectural style of the building was discussed, as well as the proposed outdoor
15 seating area. The lot is currently vacant.
- 16 • The applicant-agent, Ms. Mullen, spoke to the sketch plat. The architectural style is
17 conceptual and could be changed. Connectivity to 4th street and the outdoors in the
18 design were noted as being important to the owners of the property. The development
19 may be phased or done all at once.
- 20 • The timeframe for the project was discussed. Ms. Mullen stated that she would like to
21 have the plan on the October Planning & Zoning meeting for the next step. If the plan
22 moves forward, the applicants/contractors may break ground by December.
- 23 • The owners live in Los Ranchos and currently operate business in the Village.
- 24 • There were no speakers from the public to comment on this item.
- 25 • The outdoor seating was briefly addressed by the Commission. Commissioner Seavey
26 suggested more shade for outdoor seating. Ms. Mullen responded to the conceptual
27 design and setbacks where the seating would be located. The views to the east are an
28 important aspect of the design.
- 29 • The building location was discussed in contrast to the Village 4th Street character,
30 specifically opinions of the building sitting against the sidewalks. Ms. Mullen
31 responded to the comments and possible adjustments to the plan. Elevations were also
32 discussed
- 33 • Chairperson Eby closed the floor for comments.
34

35 **Chairperson Eby** stated that the public hearing on item 4-D in request by 7108 Properties
36 LLC for a Sketch Plat Review for a Commercial Site Development Plan was formally closed.
37

38 **5. OLD BUSINESS**

39 There was no Old Business.

40 **6. NEW BUSINESS**

41 **a. Discussion of Planning and Zoning topics.**

- 42 • Due to the time, New Business was postponed and would be discussed at a
43 special meeting, July 30th at 5:30PM via a Zoom video conference.
44
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47

1 **7. REPORTS**

2 **Director Justice** gave the Planning & Zoning Department report:

- 3 • The Department is still working remotely for a majority of tasks.
- 4 • Keen Heinzelman has resumed Code Enforcement in addition to his role as
- 5 Public Facilities Manager
- 6 • Jennifer Schilling continues to work on the magazine changes, business records,
- 7 and building permits.
- 8 • Tiffany Justice has been working on planning reports and the facility and
- 9 special event application forms and webpage. Until state orders allow large
- 10 gatherings, Village facilities are not available for rental, but the applications
- 11 and webpage are in preparation for that time.

12
13 **8. COMMISSIONERS' INFORMAL DISCUSSION**

- 14 • Commissioner held brief informal discussion

15
16 **9. ADJOURNMENT**

17 **Motion:** Commissioner Park moved to adjourn the meeting.

18 **Second:** Commissioner Christensen seconded the motion.

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

20
21 **Chairperson Eby** adjourned the meeting at 10:58 p.m.

22
23
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25
26
27 **Approval of the July 14, 2020 Minutes**

28
29 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
30 Village of Los Ranchos de Albuquerque this 28th day of August, 2020.

31
32 ATTEST:

33
34
35 

36
37 _____
38 Drew Seavey, Secretary
39 Planning & Zoning Commission