



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

**MINUTES**  
**September 8, 2020**

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**Commissioners Present:**

Acting Chairperson Lynn Eby  
Commissioner Karen Christensen  
Commissioner Rachel Berenson  
Commissioner Al Park  
Commissioner Drew Seavey

**Staff Present:**

Tiffany Justice – Planning & Zoning Director  
Jennifer Schilling – Records Info. Manager  
Nann Winter – Village Attorney  
Kiko Jeanette – IT Specialist/Moderator

**Commissioners Absent:**

Commissioner Gil Benavides - Excused  
Commissioner Dan Gay - Excused

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**1. CALL TO ORDER**

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., September 8, 2020 via Zoom video conference, by Chairperson Lynn Eby. A quorum was present. The agenda was approved as read.

**2. PUBLIC COMMENT**

There were no speakers for the Public Comment period.

**3. CONSENT AGENDA**

- A.** Approval of the Minutes
1. July 30, 2020 special meeting
  2. August 11, 2020 regular meeting

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

**Second:** Commissioner Seavey seconded the motion.

A roll-call vote was called:

Commissioner Christensen – Aye  
Commissioner Park - Aye  
Commissioner Seavey - Aye  
Commissioner Berenson - Aye  
Commissioner Eby - Aye

**Vote:** The motion carried unanimously (5-0).

**4. PUBLIC HEARINGS & APPLICATIONS**

**A. V 20-10** A request by Magic Acres LLC for a Variance from §9.1.10(A)(3)(b) “A private road which provides access to the main body of two (2) to eight (8) lots that do not abut a public right-of-way, may not be narrower than twenty-five (25) feet” to allow for a 15-foot-

1 wide private access easement in the A-1 Zone in the North Rio Grande Character Area. The  
2 property is located at 8531 Rio Grande Blvd NW and is legally known as certain tracts of land  
3 known and described as Tracts 22C1A1, 22D1, 22C2A, and 22D2A as shown on Map No. 25  
4 of the Middle Rio Grande Conservancy District, projected section 17, T. 11 N., R. 3 E.,  
5 N.M.P.M., Los Ranchos de Albuquerque, Bernalillo County, New Mexico. The property  
6 contains 2.55 acres more or less.

7  
8 **Resident Speakers for the Discussion:**

9 *All speakers in attendance were sworn in by Attorney Winter.*

10  
11 **SPEAKER:**

12 Edward Roibal – PO Box 70488, ABQ, NM 87197

11 **POSITION:**

12 Applicant-Agent

13  
14 **Director Justice**, having been sworn in, gave the planning report with a recommendation of  
15 approval.

16  
17 **Discussion:**

- 18 • The Commission asked questions about the number of lots and houses built along the  
19 road, both current and future. Current zoning limits future development, allowing for  
20 only three lots. The land characteristics also create limitation.
- 21 • Emergency vehicle access was discussed, as well as security gates and fencing.
- 22 • Director Justice clarified the subdivision language and explained that the boundary  
23 lines would not be changing. There would still be two lots, but MRGCD tracts must be  
24 replatted. Property lines were briefly discussed and location of current fencing between  
25 lots.
- 26 • Mr. Edward Roibal spoke on behalf of the property owners as the applicant-agent.  
27 (Note: Attorney Winter stated that Mr. Roibal is an associate of *Stelzner, Winter,*  
28 *Warburton, Flores & Dawes P.A.*).
- 29 • Mr. Roibal Spoke to the application and the property. The property had been a horse  
30 facility. He stated that the owners had difficulty in selling the property due to the replat  
31 requirement to build a house and that without the variance, the land could not be used  
32 as a residential property and would remain vacant.
- 33 • There were no questions from the Commission.
- 34 • There were no public speakers in favor or in opposition of the application.
- 35 • Chairperson Eby closed the floor for comments.

36  
37 **Motion:** Commissioner Park moved to approve the variance.

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

39 After brief discussion a roll-call vote was called:

40 Commissioner Christensen – Aye

41 Commissioner Park - Aye

42 Commissioner Seavey - Aye

43 Commissioner Berenson - Aye

44 Commissioner Eby - Aye

45 **Vote:** The motion carried unanimously (5-0).

46  
47 **Chairperson Eby** stated that the public hearing on item 4-A in the request by Magic Acres,  
48 LLC for a Variance was formally closed.

1  
2 **B. V 20-11** A request by Scott Shepherd for a Variance from §9.2.10(E)(2)(a) “The minimum  
3 rear setback shall be fifteen (15) feet” to allow for placement of a structure within the rear  
4 setback in the R-2 Zone in the Fourth Street Character Area. The property is located at 613  
5 Calle del Pajarito and is legally known as Lot 10 Landmark Estates situated in School District  
6 No. 3 within the Alameda Grant, projected section 16, T. 11 N., R. 3 E., N.M.P.M. Bernalillo  
7 County, New Mexico, as filed in the Office of the Bernalillo County Clerk on April 5, 1962.  
8 The property contains 0.49 acres more or less.  
9

10 **Resident Speakers for the Discussion:**

11 *All speakers in attendance were sworn in by Attorney Winter.*  
12

13 **SPEAKER:**

**POSITION:**

14 Scott Shepard - 613 Calle del Pajarito	Applicant
15 Lori Marshall – 713 Calle del Pajarito	In Favor
16 Joe Craig – 505 Calle del Pajarito	In Opposition

17

18 **Director Justice** gave the planning report with recommendation to deny the variance.  
19 Director Justice also provided conditions should the Commission chose to grant the variance.  
20

21 **Discussion:**

- 22 • Commissioners discussed the structure’s location, property lines, and the previously  
23 filed building permits for the property.
- 24 • The applicant, Scott Shepard, spoke to the application, noting how the plans had been  
25 approved and inspected through the county.
- 26 • The Commissioners asked the applicant questions concerning the original structure,  
27 when it was built, and on issues of flooding.
- 28 • The permitting process was discussed, and it was not fully understood how changes to  
29 the structure were permitted with Bernalillo County without having first been approved  
30 with the Village.
- 31 • The road or easement behind the property was discussed in relation to flooding on the  
32 property. The applicant stated that removal of the subject structure would allow the  
33 water from the back to flood his property more than it currently does.
- 34 • There was one speaker from the public who spoke in favor of the application: Lori  
35 Marshall. Ms. Marshall discussed other issues on the street and stated that she was more  
36 concerned with what is happening in the front of the properties.
- 37 • There was one speaker in opposition of the application: Joe Craig. Mr. Craig discussed  
38 concerns about the home occupation based at the subject property and stated that Mr.  
39 Shepard does not live on the property.
- 40 • Mr. Shepard responded to Mr. Craig’s statements.
- 41 • Chairperson Eby closed the floor for comments.  
42

43 **Motion:** Commissioner Seavey moved to deny the application.

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

45 After brief discussion a roll-call vote was called:

46 Commissioner Christensen – Aye

47 Commissioner Park - Aye

48 Commissioner Seavey - Aye

1 Commissioner Berenson - Aye

2 Commissioner Eby - Aye

3 **Vote:** The motion to deny the application carried unanimously (5-0).

4  
5 **Chairperson Eby** stated that the public hearing on item 4-B in the request Scott Shepherd for  
6 a Variance was formally closed.

7  
8 **C. HO 562** A request by Isaiah Connick for a Home Occupation Permit & License with an  
9 amended condition of approval to allow for a service vehicle greater than one (1) ton on the  
10 premises in the R-2 Zone in the Fourth Street Character Area. The property is located at 616  
11 Garduno Rd NW and is legally known as Tract 2-D Easement Survey within Tracts 1 Through  
12 17 Lands of Clark and Cummins within projected section 16, T. 11 N., R. 3 E., N.M.P.M.,  
13 Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, as filed in the Office  
14 of the Bernalillo County Clerk on March 17, 1994. The property contains 0.19 acres more or  
15 less.

16  
17 **Resident Speakers for the Discussion:**

18 *All speakers in attendance were sworn in by Attorney Winter.*

19  
20 **SPEAKER:**

21 Isaiah Connick – 616 Garduno Rd. NW

20 **POSITION:**

21 Applicant

22  
23  
24 **Director Justice** gave the planning report with a recommendation of denial, however, should  
25 the Commission grant the application, she presented conditions.

26  
27 **Discussion:**

- 28
- 29 • The home occupation would be for a towing company in which the tow truck was the  
30 primary focus of the discussion. The parked location of the truck was discussed, hours  
31 in which the truck would be on the property, and if the truck would be loaded or  
32 unloaded while parked. The weight of the truck, unloaded, was discussed with concern  
33 for the road.
  - 34 • The applicant, Isaiah Connick, spoke to his application and the use of the tow truck. He  
35 discussed working hours (between 8AM and 7PM), in which the truck would not be on  
36 the property, and off hours (between 7PM and 8AM) when the truck would be parked.  
37 Mr. Connick stated that the consensual towing would only be to transport vehicles from  
38 one location to another. He discussed the gravel driveway and the ability to back the  
39 truck into the driveway. He stated that he did not have another location to park the truck  
40 at the time.
  - 41 • There were no speakers present in favor or in opposition of the application.
  - 42 • Chairperson Eby closed the floor for comments.

43 **Motion:** Commissioner Berenson moved to approve the application with the amended  
44 condition that the 12-ton truck only be parked on the premises unloaded without additional  
45 weight of another vehicle.

46 **Second:** Commissioner Park seconded the motion.

47 Discussion on the motion:

- 1 • Commissioner Park inquired on granting the application with an expiration, to allow  
2 the truck to be parked at the property for a certain period of time.
- 3 • Director Justice stated that an expiration is possible and that the conditions applied  
4 would be applied to the home occupation, not the property.
- 5 • Commissioner Eby reopened the floor for the applicant to provide feedback on the time  
6 frame he would need to park the truck at his residence while his business was still being  
7 established.
- 8 • Mr. Connick agreed to the expiration of the home occupation license after one year.  
9

10 Commissioner Berenson withdrew her original motion and restated a motion as follows:  
11

12 **Motion:** Commissioner Berenson moved to approve the application with the conditions:

- 13 1) The tow truck shall be parked on premises (not on-street).
- 14 2) The tow truck shall be parked unloaded.
- 15 3) The tow truck shall be parked only outside of hours of operation.
- 16 4) The Home Occupation license with amended condition expires in one (1) year (December 31,  
17 2021).

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

19 After brief discussion a roll-call vote was called:

20 Commissioner Park - Aye  
21 Commissioner Seavey - Aye  
22 Commissioner Berenson - Aye  
23 Commissioner Eby - Nay  
24 Commissioner Christensen – Nay  
25

26 **Vote:** The motion carried (3-2).  
27

28 **Chairperson Eby** stated that the public hearing on item 4-C in the request by Isaiah Connick  
29 for a Home Occupation Permit & License was formally closed.  
30

31 *The Commission took a 5-minute break from 8:50 – 8:55PM*  
32

33 **D. S 20-06** A request by Dawn Nieto-Gouy & Robert Gouy for a Sketch Plat Review for a  
34 major subdivision in the A-1 Zone in the South Rio Grande Character Area. The property is  
35 located at 7200 Rio Grande Blvd NW and is legally known as Tracts 136A & 136B MRGCD  
36 Map No. 27 situate in projected section 20, T. 11 N., R. 3 E., N.M.P.M., Village of Los  
37 Ranchos de Albuquerque, Bernalillo County, New Mexico. The property contains 12.29 acres  
38 more or less.  
39

40 **No action was taken on this item.**  
41

42 **Resident Speakers for the Discussion:**

43 *All speakers in attendance were sworn in by Attorney Winter. Discussion for this item did not*  
44 *specify speakers in favor or in opposition.*  
45

46 **SPEAKER:**

47 Veree Simons – 286 Los Pinos Rd., Santa Fe, NM 87507  
48 Joe Craig – 505 Calle del Pajarito

1 James Colbert – 7313 Rio Grande Blvd.

2  
3 **Discussion:**

- 4
- 5 • Director Justice gave the planning report on the conceptual plans of the project.
  - 6 • The Commissioners discussed the location of the property on Rio Grande Boulevard
  - 7 and the proposed layout of the property with emphasis on where a pond had been
  - 8 planned by a previous owner.
  - 9 • The Applicant-Agent, Veree Simons, spoke to the application and responded to
  - 10 questions from the Commissioners. Topics discussed included the size of the lots and
  - 11 proposed homes, estimated time of completion, and maintaining the use of flood
  - 12 irrigation.
  - 13 • Net versus gross lot size was briefly discussed with emphasis on what kinds of
  - 14 easements cut into the gross lot size.
  - 15 • There were two speakers from the public.
    - 16 ○ Mr. Joe Craig spoke on the conservation of open space in the Village and
    - 17 encouraged the property owners to investigate adding a conservation easement
    - 18 to the property.
    - 19 ○ Mr. James Colbert inquired on future subdivisions of the property and was
    - 20 against any further development on the property. Director Justice responded
    - 21 that with the acreage, the large remaining portion could go through the process
    - 22 again, unless other restrictions are in place.
  - 23 • Chairperson Eby closed the floor for comments.
- 24

25 **E. SDP 20-05** A request by Dawn Nieto-Gouy & Robert Gouy for a Sketch Plat Review for a  
26 Residential Site Development Plan for a development in the A-1 Zone in the South Rio Grande  
27 Character Area. The property is located at 7200 Rio Grande Blvd NW and is legally known as  
28 Tracts 136A & 136B MRGCD Map No. 27 situate in projected section 20, T. 11 N., R. 3 E.,  
29 N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico. The  
30 property contains 12.29 acres more or less.

31  
32 **No action was taken on this item.**

33  
34 **Resident Speakers for the Discussion:**

35 *All speakers in attendance were sworn in by Attorney Winter. Discussion for this item did not*  
36 *specify speakers in favor or in opposition.*

37  
38 **SPEAKER:**

39 Veree Simons – 286 Los Pinos Rd. , Santa Fe, NM 87507

40  
41 **Discussion:**

- 42 • Director Justice gave the planning report. This application was different from the
- 43 previous application, although during the sketch plat phase, both applications shared
- 44 the same documents.
- 45 • There was no discussion from the Commission.
- 46 • The applicant stated that everything had be covered at this point.
- 47 • There were no speakers from the public.

- 1 • Chairperson Eby closed the floor for comments.  
2

3 **5. OLD BUSINESS**

4 There was no Old Business.

5 **6. NEW BUSINESS**

6 A. Discussion of Hardship Requirements for Variance Applications

- 7 • The Commissioners discussed the relevant language in the code and issues they saw  
8 with the grammar and syntax. Thoughts on the report drafted by Director Justice were  
9 briefly discussed.  
10 • The Commissioners expressed they would like to discuss the topic again when all  
11 members of the Commission were present.  
12

13 **7. REPORTS**

14 Director Justice gave the Planning & Zoning Department report:

- 15 • Jennifer Schilling continues to work on the redesign of the Village magazine. She is  
16 also in the process of obtaining quotes and proposals for the Village website  
17 redevelopment, as well as continuing to process zone review permits.  
18 • Keen Heinzelman continues to patrol the Village and work with property owners to  
19 bring their properties into compliance with Village code. He has also been processing  
20 large building permits and processing excavation/barricade permits.  
21 • Tiffany Justice has been working with Village Emergency Manager Jeff Phillips on  
22 the Hazard Mitigation Plan update and drafting the annual MS4 permit report.  
23

24 **COMMISSIONERS' INFORMAL DISCUSSION**

- 25 • The Commissioners did not have any comments for Informal Discussion.  
26

27 **8. ADJOURNMENT**

28 **Motion:** Commissioner Christensen moved to adjourn.

29 **Second:** Commissioner Park seconded the motion.

30 **Vote:** The motion carried unanimously (5-0).  
31

32 **Chairperson Eby** adjourned the meeting at 9:43 p.m.  
33

34 **Approval of the September 8, 2020 Minutes**

35  
36 These minutes have been **APPROVED** by the Planning & Zoning Commission of the  
37 Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
38

39 ATTEST:  
40  
41

42 \_\_\_\_\_  
43 Drew Seavey, Secretary  
44 Planning & Zoning Commission