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

MINUTES
August 11, 2020

Commissioners Present:

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

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 7:01 p.m., August 11, 2020 via Zoom video conference, by Chairperson Lynn Eby. A quorum was present. The agenda was approved, as changed (6-0, with Commission Benavides not yet connected to the meeting): Application V 20-09 was withdrawn.

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 July 14, 2020 Planning & Zoning Regular Meeting

Motion: Commissioner Gay made a motion to approve the minutes as read.

Second: Commissioner Christensen seconded the motion.

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

4. PUBLIC HEARINGS & APPLICATIONS

A. V 20-07 A request by Michael Darr for a Variance from §9.2.7(E)(2)(a)(2) and (3) “Side setback shall be: fifteen (15) feet” and “Rear setback shall be: twenty-five (25) feet” to allow for placement of a structure within the side and rear setbacks in the A-1 Zone in the Guadalupe Trail Character Area. The property is located at 6729 Green Valley Place NW and is legally known as Lot 4 Bernauer Subdivision No. 3 situate in section 29, 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 November 22, 1963. The property contains 0.51 acres more or less.

1 **Resident Speakers for the Discussion:**

2 *All speakers in attendance were sworn in individually by Attorney Nann Winter*

3 <u>SPEAKER:</u>	4 <u>POSITION:</u>
5 Michael Darr, 6729 Green Valley Pl.	Applicant – in favor
6 Debbie Tissot, 378 Tyler Rd.	Neutral
7 Glen Rowe, 926 Green Valley Rd.	In Favor

8 **Attorney Winter** swore in Director Tiffany Justice.

9
10 **Director Justice** gave the planning report, with recommendation to deny the application.

11
12 **Discussion:**

- 13 • This application was a rehearing, as deferred from the July meeting.
- 14 • Compliance with the Village Floor Area Ratio (FAR) was discussed, as well as
- 15 different setbacks that could be applied to the proposed guesthouse. Minimum distance
- 16 between structures was discussed.
- 17 • Michael Darr, applicant, was sworn in and spoke to his variance request, addressing
- 18 zoning, lot size, setbacks, and aesthetics.
- 19 • Debbie Tissot spoke on the incorporation of the subject property into the Village.
- 20 • A written comment in favor of the application, from Glen Rowe, who was not in
- 21 attendance, was read aloud by Director Justice.
- 22 • There were no speakers in opposition of the application.

23
24 **Chairperson Eby** closed the floor for comments.

25
26 **Motion:** Commissioner Park moved to deny the application.

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

28
29 **Discussion on the motion:**

- 30 • Commissioner Park emphasized the Commission’s role in applying the current
- 31 ordinances to decisions on applications.
- 32 • Commissioner Benavides argued that the lot could be considered irregular due to the
- 33 less-than-one-acre size in the A-1 zone.
- 34 • Commissioner Seavey stated he agreed with Commissioner Park’s statements.
- 35 • Commissioner Eby stated she felt that the hardship criteria had been met and explained
- 36 her reasoning. She stated she would be in favor of applying R-2 zone setbacks to the
- 37 property.
- 38 • There were no further comments from the Commission.

39
40 A Roll-Call Vote was called:

41
42 Commissioner Christensen – Aye
43 Commissioner Benavides – Nay
44 Commissioner Park – Aye
45 Commissioner Seavey - Aye
46 Commissioner Gay – Aye
47 Commissioner Berenson – Nay

1 Commissioner Eby - Nay

2
3 **Vote:** The motion to deny the variance carried (4-3).

4
5 **Chairperson Eby** stated that the public hearing on item 4-A in the request by Michael Darr
6 for a variance was formally closed.

7
8 **B. V 20-08** A request by Ralph & Debbie Tissot for a Variance from §9.2.11(E)(2)(a) “The
9 minimum side setback shall be ten (10) feet” to allow for placement of a structure within the
10 side setback in the R-3 Zone in the Fourth Street Character Area. The property is located at
11 378 Tyler and is legally known as Lot 25 Kingsbury Addition situate in projected section 28,
12 T. 11 N., R. 3 E., N.M.P.M., Albuquerque, New Mexico, as filed in the Office of the Bernalillo
13 County Clerk on December 26, 1945. The property contains 0.32 acres more or less.

14
15 **Commissioner Gay recused himself from this item.**

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

18 *All speakers in attendance were sworn in individually by Attorney Nann Winter*

19 **SPEAKER:**

POSITION:

20 Debbie Tissot, 378 Tyler Rd. NW

Applicant – In Favor

21
22 **Director Justice** gave the planning report with recommendation to deny the application.

23
24 **Discussion:**

- 25 • There were no questions or comments from the Commission for Director Justice.
- 26 • The applicant, Debbie Tissot, spoke to her application and intended use of the proposed
27 shed.
- 28 • Commissioner Benavides asked the applicant why she was opposed to other locations
29 that would be compliant with the setbacks. Commissioner Eby asked if moving the
30 shed would encroach on the driveway. Other possible locations were discussed.
- 31 • There were no further questions for the applicant.
- 32 • There were no speakers in favor or in opposition of the application.

33
34 **Chairperson Eby** closed the floor for comments.

35
36 **Motion:** Commissioner Berenson moved to deny the variance.

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

38
39 **Discussion on the Motion:**

- 40 • Commissioner Christensen stated there were no hardships presented in the application.
- 41 • Commissioner Eby agreed there was not a hardship presented that warranted a variance.

42
43 **A Roll-Call Vote was Called:**

44 Commissioner Christensen – Aye

45 Commissioner Benavides – Aye

46 Commissioner Park – Aye

47 Commissioner Seavey – Aye

48 Commissioner Berenson- Aye

1 Commissioner Eby – Aye

2
3 **Vote:** The motion to deny the variance carried unanimously (6-0).

4
5 **Chairperson Eby** stated that the public hearing on item 4-B in the request by Ralph and
6 Debbie Tissot for a variance was formally closed.

7
8 **C. V 20-09** A request by Duran Family Trust LLC for a Variance from §9.2.7(E)(3)(d) “If the
9 straight line connecting the fronts of the nearest dwelling on each side facing the same street
10 crosses or falls behind one half (.5) the distance of the depth of the lot, then the one half (.5)
11 distance of the depth of the lot shall be the setback” to allow for placement of a structure within
12 the Rio Grande Blvd setback in the A-1 Zone in the North Rio Grande Character Area. The
13 property is located at 8201 Rio Grande Blvd NW and is legally known as Lot A Subdivision
14 of Tract 65-B on Map 25, Middle Rio Grande Conservancy District, Village of Los Ranchos
15 de Albuquerque, Bernalillo County, New Mexico, as filed in the Office of the Bernalillo
16 County Clerk on October 14, 1977. The property contains 1.005 acres more or less.

17
18 *This item was withdrawn by the applicant.*

19
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21 **D. SDP 20-04** A request by Doug & Valerie Velhagen for preliminary review and
22 recommendation to the Board of Trustees of a Residential Site Development Plan for a
23 development in the C-1 zone in the Fourth Street Character Area. The property is located at
24 320 Roehl Rd NW and is legally known as certain tracts of land known and described as Tracts
25 165B1B1 and 165B2A2A as shown on Map No. 27 of the Middle Rio Grande Conservancy
26 District, Section 21, T. 11 N., R. 3 E., N.M.P.M., Elena Gallegos Grant, Bernalillo County,
27 New Mexico. The property contains 0.51 acres more or less.

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29 **Resident Speakers for the Discussion:**

30 *All speakers in attendance were sworn in individually by Attorney Nann Winter*

31 **SPEAKER:**

32 Doug Velhagen, 20 Canoncito Rd. NE, 87122
33 Peter Ennen, 316 Roehl Rd NW

31 **POSITION:**

32 Applicant – In Favor
33 In opposition – Written Comment

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36 **Director Justice** gave the report with recommendation to forward to the Board of Trustees a
37 recommendation of approval with conditions.

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39 **Discussion:**

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- Commissioner Gay asked the Director if the plan had been changed since previous hearings for this property and project. Director Justice explained the process and applications the item has gone through.
 - The applicant, Doug Velhagen, spoke to his application, including design, target market and adding a fire hydrant for neighborhood use.
 - Commissioner Eby asked about a previous application that had been approved for this property.
 - Zoning and uses of surrounding properties were briefly discussed. Parking and landscaping were also discussed.

- 1 • Mr. Velhagen spoke to the business model of the project.
- 2 • There were no speakers in favor of the application.
- 3 • There was one written comment in opposition from Peter Ennen, who was not in
- 4 attendance, read aloud by Director Justice. Concerns were that the sun would be
- 5 blocked by the buildings, diminishing the effects of the stained-glass windows in Mr.
- 6 Ennen’s home.
- 7 • Mr. Valhagen responded to the comments. The change from one six-plex, to two four-
- 8 plexes was discussed and the applicants attempts to leave room between the proposed
- 9 project and Mr. Ennen’s home.
- 10 • Side setbacks were discussed for the C-1 zone, as well as height restrictions.

11
12 **Chairperson Eby** closed the floor for comments.

14 **Motion:** Commissioner Benavides moved to forward a recommendation of approval to the
15 Board of Trustees with the conditions as outlined in the Planner’s Report.

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

17
18 **Discussion on the Motion:**

- 19 • Commissioner Gay encouraged the applicant to work with the neighbor to resolve any
- 20 issues between the two.
- 21 • Commissioner Seavey clarified that he was not in favor of increasing structure height.

22
23 A Roll-Call Vote was Called:

- 24 Commissioner Christensen – Aye
- 25 Commissioner Benavides – Aye
- 26 Commissioner Park – Aye
- 27 Commissioner Seavey – Aye
- 28 Commissioner Gay – Aye
- 29 Commissioner Berenson- Aye
- 30 Commissioner Eby – Aye

31
32 **Vote:** The motion carried unanimously (7-0)

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34 **Chairperson Eby** stated that the public hearing on item 4-D in the request by Doug & Valerie
35 Velhagen for preliminary review and recommendation to the Board of Trustees was formally
36 closed.

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38 **5. OLD BUSINESS**

39 *There was no Old Business.*

40 **6. NEW BUSINESS**

41 **A. Discussion on start time of Planning & Zoning Commission meetings**

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43 **Discussion:**

- 44 • Director Justice presented a report on the topic. Meeting times are set by resolution,
- 45 not ordinance. Meeting times are typically the same for Planning and Zoning
- 46 Commission meetings and Board of Trustees meetings.

- 1 • Commissioners discussed the current start time of 7:00 p.m., the number of hearings
2 on each agenda, issues with some meetings going until 11:00 p.m., and various options
3 to mitigate late meetings. Special meetings were discussed as an alternative to
4 continuing meetings after 10:00 p.m. There was emphasis that the Commission should
5 be critical about whether continuing or not is fair to the applicant(s) and if the
6 Commissioners are alert enough to continue. There was discussion of adding language
7 to the agendas to make the public and applicants aware that the meeting could be cutoff
8 at 10:00 p.m. and an application may be postponed.
- 9 • The Commissioners agreed that maintaining a 7:00 p.m. start time was appropriate and
10 no further discussion on changing the time was made.

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12 **7. REPORTS**

13 Director Tiffany Justice gave the Planning & Zoning Department report:

- 14 • Jennifer Schilling, Planning & Zoning Coordinator and Records Information Manager,
15 continues to work on redesigning the Village magazine and magazine records. Building
16 permits continue to be processed.
- 17 • Keen Heinzelman, Code Enforcement and Facilities Manager, is working with property
18 owners to bring their properties into compliance.
- 19 • Tiffany Justice is working on planning reports and obtaining quotes for a new planner-
20 plotter.
- 21 • A Hazard Mitigation process will be adopted in 2021. A survey has been noticed and
22 is available on the website and Village Facebook.
- 23 • Variance language will be discussed for new business at the next meeting.

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25 **8. COMMISSIONERS' INFORMAL DISCUSSION**

26 *There was no informal discussion by the Commission.*

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28 **9. ADJOURNMENT**

29 **Motion:** Commissioner Gay moved to adjourn the meeting.

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

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

32 **Chairperson Eby** adjourned the meeting at 9:15 p.m.

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37 **Approval of the August 11, 2020 Minutes**

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39 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
40 Village of Los Ranchos de Albuquerque this twenty-fourth day of September, 2020.

41
42 ATTEST:

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44 _____
45 Drew Seavey, Secretary
46 Planning & Zoning Commission
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