



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

AGENDA

April 9, 2024 Regular Meeting
6:00 p.m. Warren J. Gray Hall
6718 Rio Grande Blvd NW

Commission:

Commissioner Mary Homan, Chair
Commissioner Connie Barrow, Vice Chair
Commissioner Robert Martinez
Commissioner John Edward
Commissioner Gwenn Baldwin
Commissioner Dru Tagliapietra
Commissioner Claire Heywood

Staff:

Maida Rubin – Planning & Zoning Director
Brennon Williams – Village Staff
Michelle S. Austin – Administrative Assistant
Bill Chappell – Village Attorney
Darnell Worrell – IT Specialist & Zoom Moderator

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 12:00 pm Tuesday, April 9, 2024. 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, April 9, 2024. 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

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.

- A. Approval of the Minutes – March 12, 2024 Regular Meeting

4. PUBLIC HEARINGS & APPLICATIONS

- A. **V 24-01;** A request by Thomas & Mary McConnell for a variance from § 9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area to allow a 1,692-

sq. ft. guest house. The property is located at 1742 Dietz Pl. NW, Los Ranchos, NM, 87107, and is legally described as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less.

B. V 24-03; A request by Thomas & Mary McConnell for a variance from § 9.2.7(E)(2)(a)4. requiring a structure to be at least 25 feet from an irrigation ditch/drain to allow a guest house to be 15 feet from a ditch in the rear yard of the property. The property is located at 1742 Dietz Pl. NW, Los Ranchos, NM, 87107, and is legally described as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less.

C. CU 24-02; A request by Pete Marquez & Sean Hollowwa, agents for 411 Equipment, LLC., for conditional use approval for auto sales as allowed by § 9.2.12(B). The property is located at 7324 4th St. NW, Los Ranchos NM, 87107, and is legally described as Tract B2A, Plat of Tracts B1A & B2A, Lands of Giant Industries. The property contains 1.6725 acres, more or less.

D. Discussion and recommendation of **Ordinance No. 299**, amending Ordinance 284, rescinding the Pilot Project Program allowing for up to three conservation development projects in the Village of Los Ranchos, and establishing provisions for Conservation Developments; removing Pilot Project approval process from Planning & Zoning Commission Matrix, adding approval process for Conservation Developments, and correcting an omission; amending and removing definitions; amending a section on Conservation Development standards.

5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

There is no New Business

7. REPORTS

A. Planning & Zoning Department Report

B. COMMISSIONER'S INFORMAL DISCUSSION

C. 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 OR AT www.losranchosnm.gov.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY May 14, 2024

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 2023-1-P&Z.



Maida Rubin, AICP, CFM, Planning and Zoning Director

03/22/24

Date

1. CALL TO ORDER- Chairman Homan

A. Roll Call

**COMMISSIONER BARROW
COMMISSIONER MARTINEZ
COMMISSIONER EDWARD
COMMISSIONER BALDWIN
COMMISSIONER TAGLIAPIETRA
COMMISSIONER HEYWOOD
COMMISSIONER HOMAN**

B. Approval of the Agenda

2. PUBLIC COMMENT PERIOD

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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.

- A. Approval of Minutes – March 12, 2024 Regular Meeting Minutes



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

MINUTES
March 12, 2024

Commission:

Commissioner Mary Homan, Vice Chair
Commissioner Connie Barrow
Commissioner Bob Martinez
Commissioner John Edward
Commissioner Gwenn Baldwin
Commissioner Dru Tagliapietra
Commissioner Claire Heywood

Staff:

Maida Rubin – Planning & Zoning Director
Brennon Williams – Village Staff

Bill Chappell – Village Attorney
Darnell Worrell – IT Specialist &
Streaming Moderator

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:02 p.m., March 12, 2024, at the Warren J. Gray Hall, by Vice Chairman Mary Homan.

- a) Oath of Office for new Commissioners
 - a. Dru Tagliapietra
 - b. Claire Heywood
- b) Roll Call - A quorum was present.
- c) Approval of the Agenda – Changes to Agenda:
 - a. Public Hearing 4.A V 24-01 A request by Thomas & Mary McConnell for a variance from §9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area requested deferral to the April 9, 2024 P&Z Regular Meeting due to the need to apply for a second variance to address a related issue to the project. Deferral request is included in the packet.

Motion: Commissioner Barrow moved to approve agenda as amended.

Second: Commissioner Baldwin seconded the motion.

Vote: The motion carried unanimously (7 - 0) by roll call vote.

Commissioner Barrow – yea
Commissioner Martinez – yea
Commissioner Edward – yea
Commissioner Baldwin – yea
Commissioner Tagliapietra – yea
Commissioner Heywood – yea
Commissioner Homan – yea

2. PUBLIC COMMENT

- None

1 **CONSENT AGENDA**

- 2 a) Approval of the Consent Agenda
3 1. January 9, 2024, Regular Meeting Minutes
4

5 **Motion:** Commissioner Baldwin moved to approve the minutes of January 9, 2024.

6 **Second:** Commissioner Martinez seconded the motion.
7

8 **Vote: The motion carried (7- 0) by roll call vote.**
9

- 10 *Commissioner Barrow – yea*
11 *Commissioner Martinez – yea*
12 *Commissioner Edward – yea*
13 *Commissioner Baldwin – yea*
14 *Commissioner Tagliapietra – yea*
15 *Commissioner Heywood – yea*
16 *Commissioner Homan – yea*
17

18 **3. PUBLIC HEARINGS & APPLICATIONS**
19

20 **A. V 24-01;** Deferred to the April 9, 2024 P& Z Meeting.
21

22 **B. V 24-02;** A request Caroline Orcutt for a Variance from § 9.2.11(E)(2)(a)
23 requiring a 10-foot side yard setback distance. The property is zoned R-3 and is
24 located within the 4th Street Character Area. The property is located at 363 Tyler
25 Rd. NW and is legally known as Lot 7, Kingsbury Addition. The property
26 contains 0.32 acres, more or less.
27

28 **Director Rubin**, having been sworn in by Attorney Chappell, gave the planning report with a
29 recommendation of denial.
30

- 31 • Commissioners presented questions for Director Rubin.
32 ○ What are the setback requirements to the development to the north and the
33 subject site? Does P&Z have a count of other properties in the area that have
34 sought out variances? How are illegal, non-conforming buildings enforced? Is
35 it possible that existing, non-conforming buildings have been grandfathered in
36 before being annexed into the Village? How are these incorporated and how are
37 new codes and ordinances that were in place at the time determined? The
38 Village is somewhat of a “hodgepodge” when it comes to this.
39 • Director Rubin responded to questions.
40 ○ Setbacks are as follows:
41 ▪ A-1, A-2, A-3 Zone: front & rear 25’ and side 15’
42 ▪ R-2 & R-3 Zone: front 20’; rear 15’; side 10’
43 ○ The Village Code Enforcement Officer handles complaints and illegal non-
44 conforming buildings. At the present time, the Village is in between Code
45 Enforcement Officers.
46 ○ If Commissioners would like to discuss past variances, they can make an
47 appointment to meet outside this meeting.

1
2 **Speakers for the Discussion:**

3 Shown in the order of presentation. All speakers in attendance were sworn in by Attorney
4 Chappell.

5
6 **SPEAKERS:**

7 Carolyn Orcutt 363 Tyler Rd NW

8 Bud Latven 363 Tyler Rd NW

6 **POSITION:**

Applicant

Applicant

9
10 **Discussion:**

- 11 • Applicant spoke to their application. Their lot is only a 1/3 of an acre and to keep a
12 clean yard a shed is required to store the equipment. After placing a call to the Village,
13 the P&Z Department informed them that if a shed is under 120 SF in area, they are not
14 required to follow the setback requirements. Tuff Shed (their contractor) confirmed this
15 with them.
- 16 • Commissioners presented questions for applicant: Is the red building shown on the
17 photograph they presented as part of their packet in their yard? Are the sheds connected
18 to utilities? Are they placed on a slab? Is there another place in the yard that the sheds
19 can go?
- 20 • Applicant responded to the questions presented. The red building is on their neighbor's
21 property. There are no utilities, other than an electrical connection. Only garden tools
22 are stored in the sheds and they are not placed on a slab. The sheds cannot be placed
23 elsewhere due to existing landscaping and overhead utilities within the back yard.
- 24 • Floor was closed for comments.

25
26 **Commissioners' Discussion:**

- 27 • Concerns regarding the perceived number of current non-conforming buildings and
28 other possible unpermitted structures in the area was discussed, as well as what
29 direction to take going forward. It was suggested to that it may be helpful to have a
30 FAQ article in an upcoming edition of the *Village Vision* magazine regarding steps and
31 considerations before building a shed. What happens if a resident constructs one shed
32 under 120 SF, then another shed under 120 SF, and keeps adding sheds? At what point
33 do we stop allowing multiple sheds? The Village administration should create a
34 friendly environment which encourages residents to want to come in and ask questions.

35
36 **Motion:** Commissioner Barrow moved to deny with staff findings.

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

38
39 **Vote: The motion failed (4 - 3) by roll call vote:**

40
41 *Commissioner Barrow – yea*

42 *Commissioner Martinez – yea*

43 *Commissioner Edward – yea*

44 *Commissioner Baldwin – nay*

45 *Commissioner Tagliapietra – nay*

46 *Commissioner Heywood – nay*

47 *Commissioner Homan – nay*

1
2 **Discussion on motion:**

- 3 • Variance approval changes the dynamic when P&Z informed the application that the
4 setbacks do not apply to sheds under 120 SF.
5

6 **New Motion:** Commissioner Baldwin moved to approve V 24-02

7 **Motion:** Commissioner Tagliapietra seconded
8

9 **Vote: The motion carried (5 - 2) by roll call vote:**

10
11 *Commissioner Barrow – nay*

12 *Commissioner Martinez – nay*

13 *Commissioner Edward – yea*

14 *Commissioner Baldwin – yea*

15 *Commissioner Tagliapietra – yea*

16 *Commissioner Heywood – yea*

17 *Commissioner Homan – yea*
18

19 **Vice Chairman Homan** stated that the public hearing on item **V 24-02**, a request Caroline
20 Orcutt for a Variance from § 9.2.11(E)(2)(a) requiring a 10-foot side yard setback distance,
21 was formally closed with approval of the variance.
22

23 **4. OLD BUSINESS**

24 *There was no Old Business*
25

26 **5. NEW BUSINESS**

27
28 A. Adoption of Resolutions for 2024

29 1. Adoption of Resolution 2024-2 Planning & Zoning – Open Meetings Act
30

31 **Director Rubin** gave a summary of Adoption of Resolution 2024-2: Change meeting time to
32 6:00PM from 7:00PM, and the annual election of Officers to be held in February rather than
33 March.
34

35 **Discussion:**

- 36 ○ Will there be a discussion on meetings being recorded at any point? Are there any legal
37 standings of meetings being recorded? P&Z Meetings are not available by Zoom, they
38 are streamed. Attorney Chappell said there is no specific standards for keeping minutes
39 to a meeting; however, case law has indicated that minutes should be complete enough
40 to understand the subject matter and discussion to support the decisions rendered.
41 ○ Can this resolution be amended to reflect meetings are recorded for use at later date?
42 Attorney Chappell stated there can be technical difficulties, and therefore, this is not in
43 the ordinances or resolution for that reason.
44

45 **Motion:** Commissioner Barrow moved to approve Resolution 2024-2.

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

1 **Vote: The motion carried (7 - 0) by roll call vote:**

2
3 *Commissioner Barrow – yea*
4 *Commissioner Martinez – yea*
5 *Commissioner Edward – yea*
6 *Commissioner Baldwin – yea*
7 *Commissioner Tagliapietra – yea*
8 *Commissioner Heywood – yea*
9 *Commissioner Homan – yea*

10
11 **6. Election of Officers for 2024**

12 A. Nomination for Chair, Vice Chair, and Secretary.

13 a. **Chair:**

14 **Motion:** Commissioner Barrow moved to elect Mary Homan for Chair.

15 **Second:** Commissioner Tagliapietra seconded the motion.

16 **Vote:** The motion carried unanimously (7-0) by roll call vote.

17 b. **Vice Chair:**

18 **Motion:** Commissioner Baldwin moved to elect Connie Barrow for Vice Chair.

19 **Second:** Commissioner Martinez seconded the motion.

20 **Vote:** The motion carried 6-0 by roll call vote; Commissioner Barrow abstained.

21 c. **Secretary:**

22 **Motion:** Commissioner Barrow moved to elect Gwenn Baldwin for Secretary.

23 **Second:** Commissioner Heywood seconded the motion.

24 **Vote:** The motion carried 6-0 by roll call vote; Commissioner Baldwin abstained.

25
26 **7. REPORTS**

27 A. Planning & Zoning Department Report.

- 28 a. Director Rubin gave the P&Z Department report. Report included in
29 packet.

30
31 **8. COMMISSIONERS' INFORMAL DISCUSSION**

- 32 • A Code Enforcement report is included in the BOT Packet.
33 • P&Z Department receives complaints for weeds, leaves, dogs, disputes between
34 neighbors, trash, Dark Skies violations, potholes, and speeders.

35
36 **9. ADJOURNMENT**

37 **Motion:** Commissioner Edward moved to adjourn the meeting.

38 **Second:** Commissioner Tagliapietra seconded to adjourn the meeting.

39
40 Attorney Chappell added information regarding legally non-conforming uses in the
41 Village as it pertains to variances. He explained that if a use was in existence at time
42 the zoning became applicable, it's legally non-conforming. When our ordinance says
43 that these are the criteria for a hardship, the more of those granted by the Planning &
44 Zoning Commission that don't meet the criteria, the harder it becomes for the
45 Commission to deny the next one.

46
47 **Vice Chairman Homan adjourned the meeting at 8:15 pm**

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Approval of the March 12, 2024, Minutes

These minutes have been **APPROVED** by the Planning & Zoning Commission of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2024.

Gwenn Baldwin, Secretary
Planning & Zoning Commission

Draft Minutes - Not Yet Approved by P&Z Commission

4. PUBLIC HEARINGS

- A. V 24-01;** A request by Thomas & Mary McConnell for a variance from § 9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area to allow a 1,692-sq. ft. guest house. The property is located at 1742 Dietz Pl. NW, Los Ranchos, NM, 87107, and is legally described as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: March 1, 2024

REPORT NO. PZ-24-07

File: V-24-01

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Variance from §9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area. The property is zoned A-1 and is located within the South Rio Grande Character Area.

APPLICANT: Thomas & Mary McConnell

AGENT:

LOCATION AND LEGAL:

The property is located at 1742 Dietz Pl. NW and is legally known as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less.

PROJECT:

The owner is seeking a permit to construct a 2-story guest house addition to the existing home. The initial request proposed an 1,800 square foot addition, however more recent adjustments to the proposal will result in a 1,692 square foot guest house, requiring a 692 square foot variance to the guest house size requirements.

SURROUNDING LAND USES:

The properties to the north, south and west are zoned A-1, while the lot to the east is located within the unincorporated area of Bernalillo County and zoned R-1 Single-Family Residential. The parcels within the Village are located within the South Rio Grande Character Area.

RELEVANT CODE LANGUAGE

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(C) CONDITIONAL USES.

(5) Guest house or additional dwelling.

- (a) The guest house is limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen (microwave, coffee pot, etc.), sleeping and sanitation.
- (b) Guest houses may not have a garage.
- (c) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission or rent is for only short-term rental as all or part of a permitted Bed and Breakfast Establishment.
- (d) Guest houses shall not have a separate address.
- (e) Upon lots with at least twice the minimum lot area, one (1) dwelling per minimum lot area, but limited to a maximum of three (3) dwellings per lot. One (1) dwelling shall be the principal single family dwelling and any additional dwelling shall be for use as a guest and/or caretaker's house limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen i.e. microwave, coffee pot, etc.), sleeping and sanitation and providing the structures have access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

1. Upon lots with a lot area less than twice the minimum lot area, one guest house may be approved providing it has access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.
2. The additional dwelling(s) shall meet the current building and zoning code requirements of the Village.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS.

(7) Variance. This provision applies to applications for variances from the terms of this Chapter 9.

(a) A variance may be granted if:

1. The variance is in conformance with the goals and policies of the Village Master Plan; and
2. It is not contrary to the public interest in protecting and fostering the character of the vicinity and the Village, and will not cause material adverse impacts on adjacent property, the neighborhood, or the community; and
3. Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid; or
2. When compared to other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted; or
3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid; or
4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance; or
5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

(c) General principles applicable to all variances:

1. The requested variance shall not effectuate or be deemed to have authorized a zone change or in any manner affect the zoning of any property; and
2. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property; and
3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship; and
4. The alleged hardship was not self-imposed by the property owner; and
5. An application for a variance for the same property will not be considered if another application has been filed within six (6) months from the date of the final action on a prior application; and
6. Each and every variance is unique to the circumstances of the property for which it was granted; the granting of one variance does not set precedence for later variances.

ANALYSIS:

§9.2.25(E)(7)(a)1., compliance with the Master Plan:

Under **2.1.2 Village Form Policies & Action Steps** in the Master Plan, **Policy A Action Steps** includes the provision to “Enforce Village zoning and Ordinance requirements.” This policy supports the implementation of, and adherence to, the 1,000 square foot limit on guest houses. *May not conform.*

Multigenerational housing is discussed throughout the 2035 Village Master Plan, and is included in 1.2 Overall Village Goals, 1.2.4, which reads: “Sustain the Village as a multigenerational community.” This lends support to the project; however it does not necessarily support the request to exceed 1,000 square feet. *May not conform.*

§9.2.25(E)(7)(a)2., public interest and material adverse impacts on adjacent property, the neighborhood, or the community:

One facet of public interest is conformity with the adopted goals and policies of the Village Master Plan, as noted above. Adherence to square footage limits for guest houses helps maintain Village character. However, the request is still within the allowable Floor Area Ratio requirements for the property. As for adverse impact on the adjacent property and neighborhood, the Department received five letters in support of the project prior to the comment deadline. *May conform.*

§9.2.25(E)(7)(a)3., unnecessary hardship:

Staff concurs with the applicant that the request does not meet Hardship Criteria 1-4; there is nothing unique about the property itself that warrants this request. The applicant cites Hardship Criteria 5 in the justification letter:

5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

The role of staff is to provide analysis based on the Village Master Plan and Zoning Code, and staff has a limited role in recommending approval based on Criteria 5, as it provides the Commission with flexibility for decision-making based on each individual request. Staff cannot find that other factors exist that justify exceeding 1,000 square feet for the guest house. The onus is on the Planning and Zoning Commission to determine whether this criteria is met. *May not conform.*

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends **denial of V-24-01**, a request for a Variance from §9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area, in the A-1 zone within the South Rio Grande Character Area, with the following Findings:

Findings:

The Variance request does not adequately meet the requirements of **§9.2.25(E)(7)(a) 1-3, (b) 3 and 5, and (c) 1-6:**

(a)(1) The application is not in conformance with the Master Plan in the following sections:

**2.1.2 Village Form Policies & Action Steps,
Policy A Action Steps**
Enforce Village zoning and Ordinance requirements.

(a)(2) The Variance is contrary to the public interest, as it does not protect and foster the character of the vicinity and Village.

(a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will not result in unnecessary hardship.

(b) Unnecessary Hardship Criteria are not met: #1 through #5.

(c) Subsections met: 1, 2, 3, 5, 6; Subsections not met: 4.

Should the Planning and Zoning Commission find that granting the Variance request is warranted, staff recommends the following findings of fact and conditions for approval:

Findings:

The Variance request sufficiently meets the requirements of §9.2.25(E)(7)(a) 1-3, (b) 1-5, and (c) 1-6:

(a)(1) The Variance is in conformance with the goals and policies of the Village Master Plan. Policy A Action Steps states, "Enforce Village zoning and Ordinance requirements." This is due to the fact that the application has met the Hardship Criteria requirements of the Village Code.

(a)(2) The Variance is not contrary to the public interest.

(a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria #5 is met.

(c) Subsections 1 through 6 are met.

Conditions:

1. The variance is approved to exceed the 1,000 square foot of heated floor area requirement by 692 square feet, resulting in a 1,692 square foot guest house.
2. Approval of a Conditional Use Permit is necessary prior to building permit approval.

Public notice requirements have been met by publication in the *Albuquerque Journal* on February 21, 2024. The Public Notice was sent by mail to all neighbors within 300 feet of the property on February 20, 2024. The Public Notice sign was posted on the property by February 26, 2024.



Maida Rubin, AICP, CFM
Director, Planning and Zoning Department

Date: 03/01/24

Attachments:

Application
Written Comments Received
Ortho Map
Zone Map

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582



PAID

FOR OFFICIAL USE		
Zone <u>A-1</u>	V# <u>24-01</u>	Date <u>Feb. 8, 2024</u>
Related Cases <u>—</u>	Receipt # <u>988931</u>	
Character Area <u>Rio Grande South</u>		

Application fee of \$150.00 due at submittal. Additional public notice fees will apply.
Complete application must be submitted with all required documents by the deadline for the next Planning & Zoning Commission meeting. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

VARIANCE APPLICATION

Address: 1742 Dietz Pl NW Zip: 87107
Los Ranchos de Albuquerque

Property Acreage 1.513 Nature of Variance Request: Variance to exceed square foot maximum 4.27 (7) (b) 5 (c) (5) (a)
Legal Description (Only if property has no formal address)

Subdivision _____ Block _____ Lot No. _____ Tract No. _____ MRGCD Map No. _____

PROPERTY OWNER

Name: Thomas & Mary McConnell
Mailing address: 1742 Dietz Pl NW Los Ranchos 87107
Street City Zip
Telephone: 505.344.4554 Email: tmccon@unm.edu

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.
Contact Name: Susan McConnell Title: Agent (Daughter)
Business Name: n/a
Mailing address: 4008 Amy Kay Ct NW Albuquerque NM 87107
Street City Zip
Telephone: 505.681.3176 Email: suzmccon@aol.com

REQUIRED DOCUMENTS

*** Must be submitted with application form.**

- Grant/warranty deed or other proof of ownership* (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)* (From <https://www.bernco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent – Nature of request and why requested, consisting of:
 - Section(s) of code requesting variance from – View at www.losranchosnm.gov/village-code
 - Hardship criteria – Must reference at least one. If no numerical hardship (1-5) identified, staff will recommend denial.
 - Site plan – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations – If applicable. To scale (include dimensions).
 - Photographs/diagrams – If applicable.

In addition to the \$150.00 variance fee, the application will generate public notice fees for postings in the newspaper, a posted sign, and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.

The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that all statements herein are true and correct to the best of my knowledge.

John S. Melendez May L. McConnell - 6-24
Signature of Property Owner (or submit affidavit of agent) Date

John McConnell 2/16/24
Signature of Applicant (Contractor/Agent) (if applicable) Date

FOR OFFICIAL USE

Planning & Zoning Commission Application Hearing Date: _____

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____ Date _____
Planning and Zoning Director

Letter with special conditions of approval or basis for denial specified in letter (notice of decision) mailed on _____
Date

Date: February 6, 2024

To: Village of Los Ranchos
Planning and Zoning Commission

From: McConnell Family
1742 Dietz Pl NW
Los Ranchos de Albuquerque, NM 87107

Letter of Intent –

Please be informed that the McConnell family is requesting a variance from the Los Ranchos Village code to build an addition onto the existing home located at the above address.

Per the application, we are requesting a variance under Section 9.2.25 E 7 b 5 –

We respectfully seek a variance from the max square foot building. Our plan exceeds the 1000 sq ft max by approximately 800 sq ft. We are claiming exception #5 “Other relevant factors ... substantially justifiable”.

My name is Susan McConnell. My parents, Tom and Mary reside in their home at 1742 Dietz Pl NW and have lived there since they purchased the home in 1977. I graduated from high school in that house! They are now 89 and 87 respectively and have loved their time in the peaceful north valley.

The time has come that managing their property, small farm animals, irrigating, mowing, gardening, maintenance and upkeep of their home, is getting more difficult. My father has some heart and blood pressure issues and last October had a small stroke (TIA). My mother suffers from muscle and heart disease and uses a walker. Regardless, as many folks can understand – they do not want to leave their home. My brother and I do help with chores, and this brings me to the point of our request. It would be much easier, for everyone involved, if I could live on the property.

We are proposing an 1800 sq foot addition, to include all the amenities for a person to live independently and yet still be accessible, just steps away, as needs arise.

Attached are the plans for the home. We have attended to the following in terms of meeting code and regulation –

The square foot to acreage ratio is met. The property is 1.513 acres. According to the formula worksheet provided by the planning and zoning office, we must stay under 11,080 square feet of floor area. Existing buildings comprise 3524 square ft. The addition is approximately 1800 square ft for a total on the lot not to exceed 5324 square ft. Well under the allowed 11,080 (per the worksheet).

All zoning setbacks are maintained as well as max height of buildings.

We have procured letters of support from our immediate neighbors who have site lines for our building project.

The exterior of the addition will match color, window trim, and original exterior elements such as posts and corbels, which honor the southwestern architectural style already in place.

Here is the reasoning for our request to exceed the square footage max allowed for our new construction.

The first-story is living space for myself. I am an avid gardener, cook, remote analyst for the NM Legislature, and a grandmother who has grandchildren around routinely. I do require some space, including my own kitchen. The second-story consists of a bedroom, bath, and what we call our “workspace”. The necessity of this additional space allows us to maintain some family priorities, including -

I have an active duty, Army EOD (explosives) son who uses my home as his permanent address. He deserves an independent space to come home to when taking leave.

I am the Executive Director of a non-profit business that sends care packages to active duty, overseas US military service members. The workspace is dedicated to crafting our signature knit beanies, storing our donated goods such as hydration paks, sunscreen, chapstick, hygiene products, coffee and other comforts, and packing boxes for shipping. This is a charitable effort – no money exchanges hands. Our business is a registered 501c3, in good standing with the NM secretary of state. Check us out on Instagram, @homefireluv and our website, www.homefiresinc.org.

Our property does have pre-1907 water rights and we use our irrigation system and Middle RG conservancy water routinely through the summer. Our family cleans the lateral ditch from the turn out all the way to our property. We are good stewards to our neighbors and within our immediate Village community.

Being on my parents’ property will afford me (and them) the convenience and also the necessity of being able to help them at will, while not being on top of each other; respecting their abilities and independence. And, at the same time - I will be able to help manage our farm animals, the swimming pool, gardens and grounds, as well as look after my folks personally, as needed. Particularly as time passes. We have had several occasions in the past 2 years that I have had to respond quickly to their home – when my mother has fallen and broken bones, and when my dad had his TIA. I want to respect their independence but also feel a great responsibility in caring for them and being right where I need to be as they need me.

Our hope is that you understand the quality of life that this provides for our whole family, while not infringing on the understandable goals of the Village, maintaining a culture of rural appeal and tranquility. We intend to honor that on all levels.

Attached, please find all pertinent documentation per the application.

Thank you so much for your consideration –

Respectfully submitted,

Susan McConnell
Tom and Mary McConnell

Attachments:

- Deed – proof of ownership – 1742 Dietz Pl NW
- Verification of paid property taxes
- Site plan
- Floor plan, design, elevations
- Orientation of addition on property (with setbacks)
- Letters of support from sightline neighbors
 - Martinez
 - Oleachea-Armstrong
 - Kranz
 - Jones

33' 1 13/16"

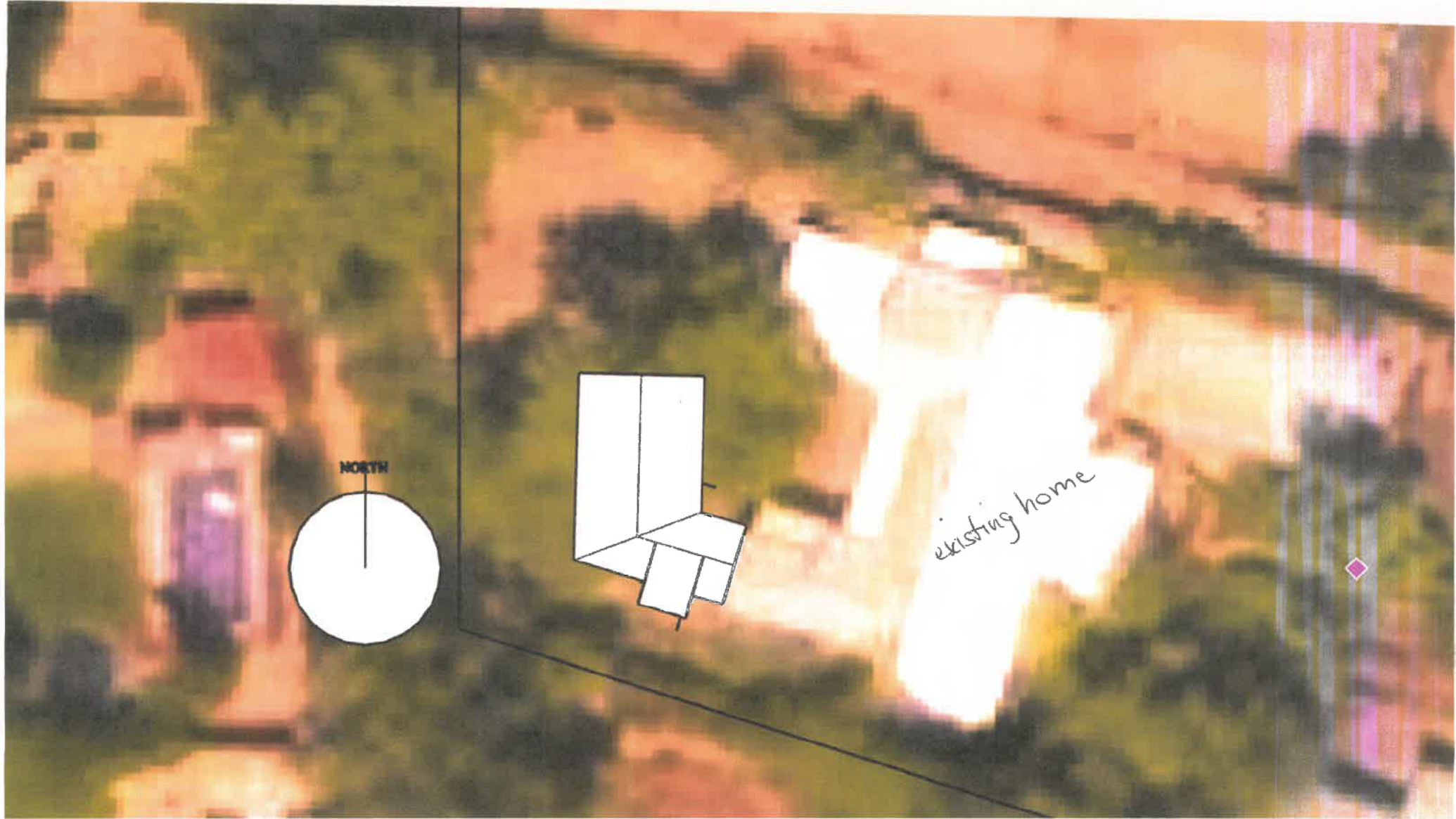


~ 25' 5 7/8"

15'

~ 10' 9 5/8"



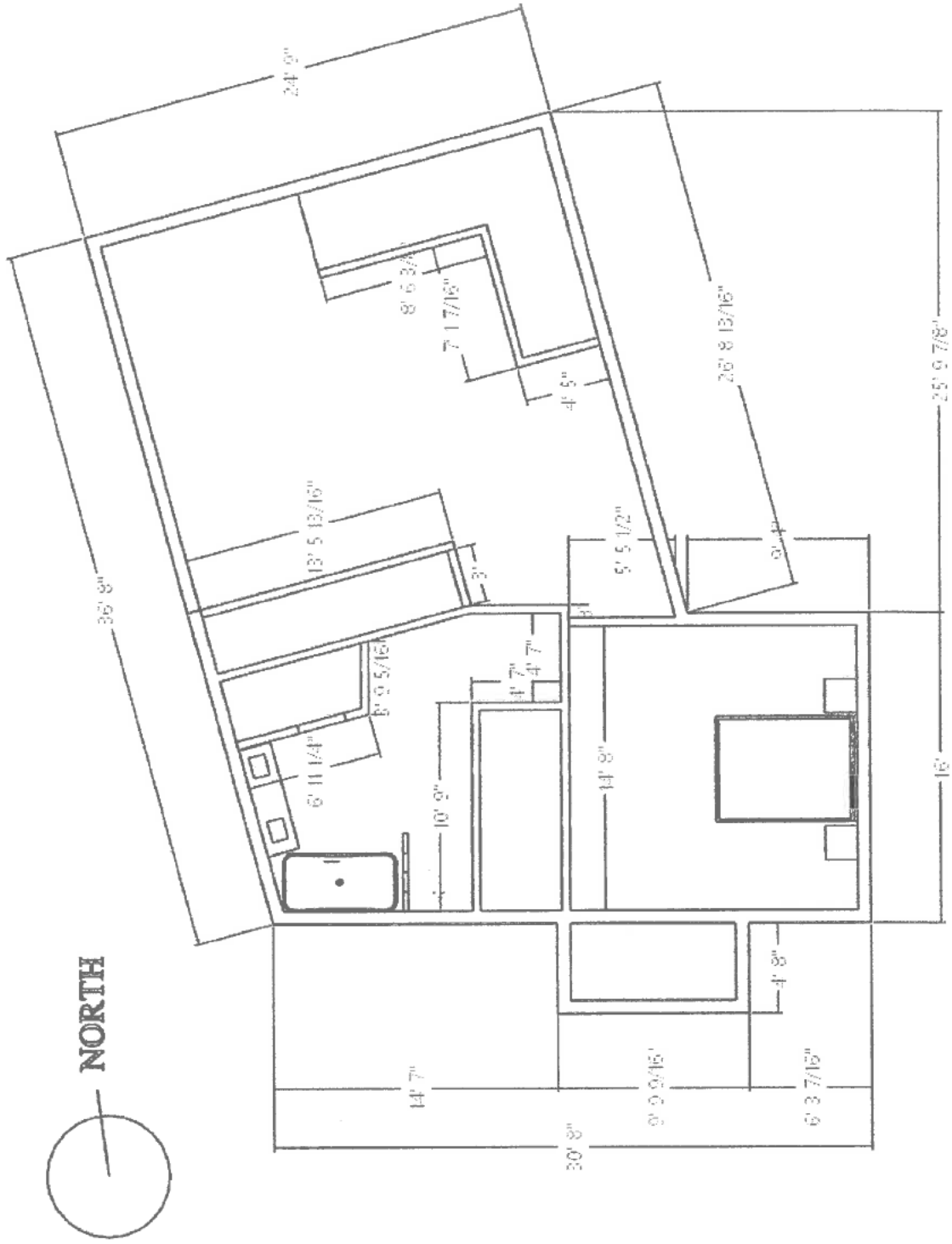


NORTH

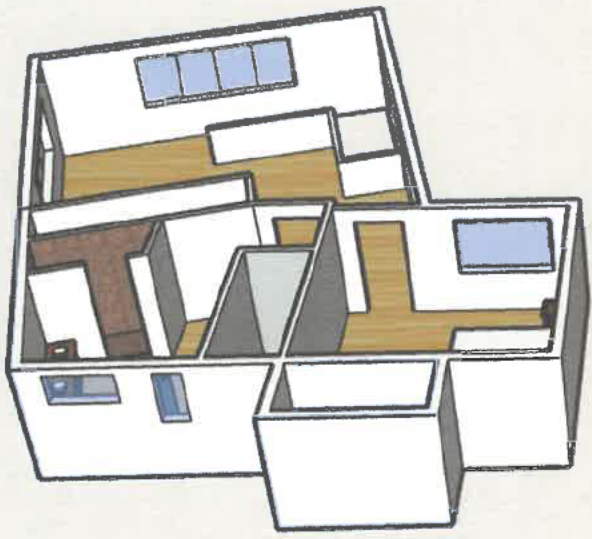
existing home

Top

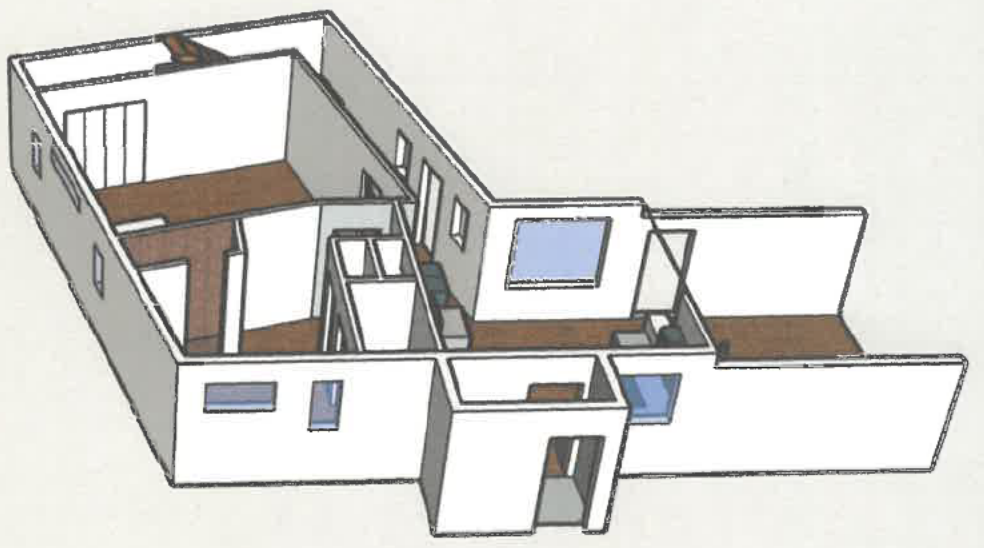
FLOOR 2



North
↑

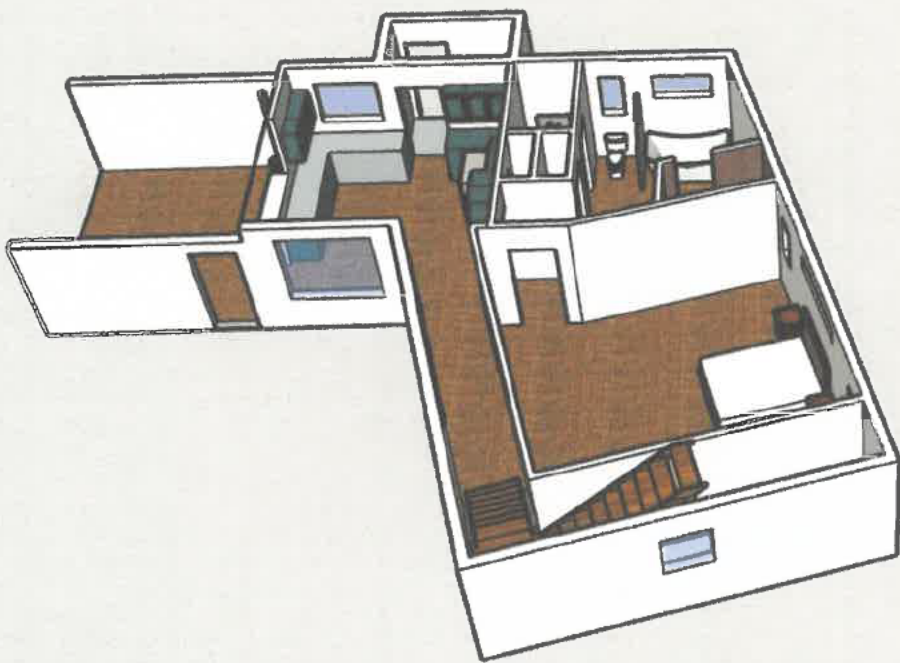


SECOND FLOOR

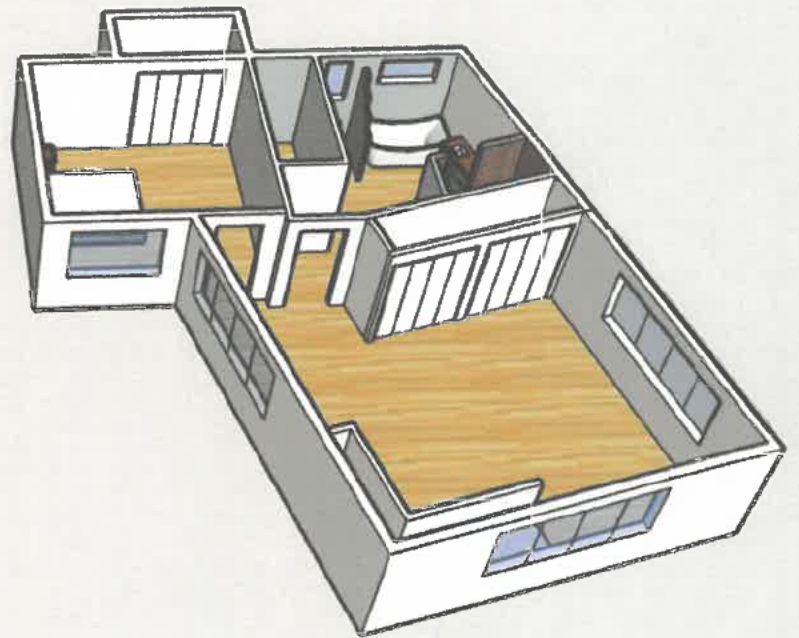


FIRST FLOOR.

looking from south



FIRST FLOOR

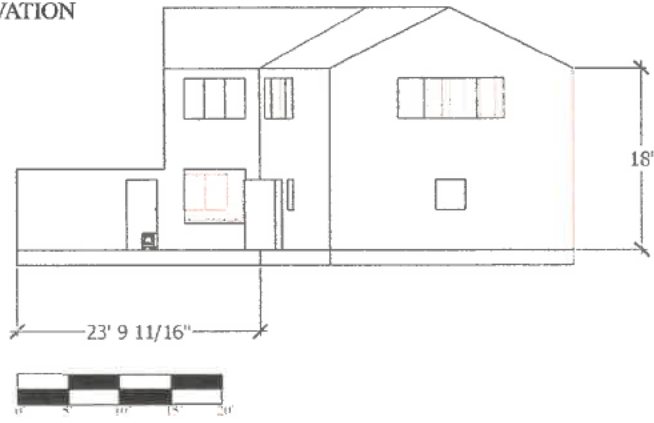


SECOND FLOOR.

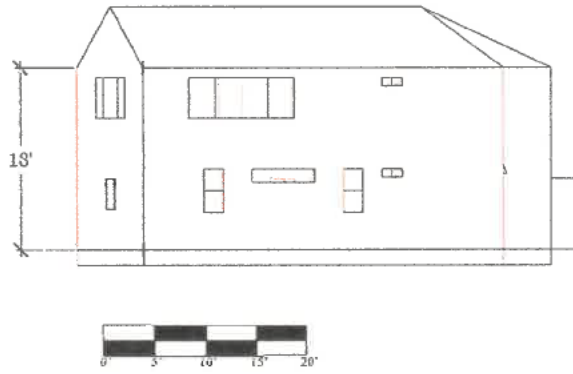
N

looking from the north

NORTH ELEVATION



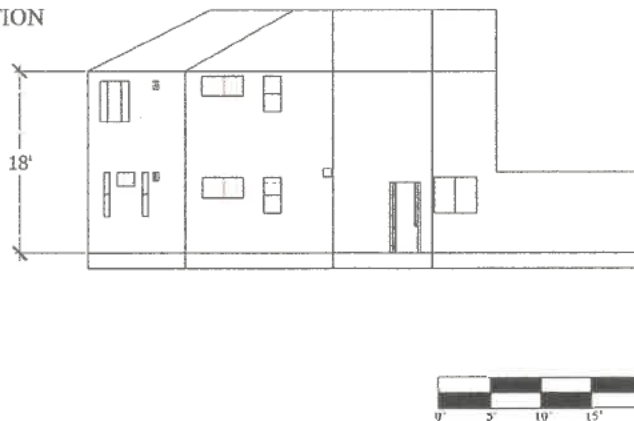
WEST ELEVATION



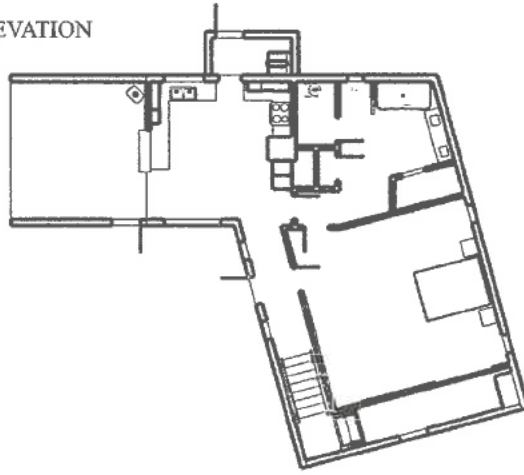
EAST ELEVATION



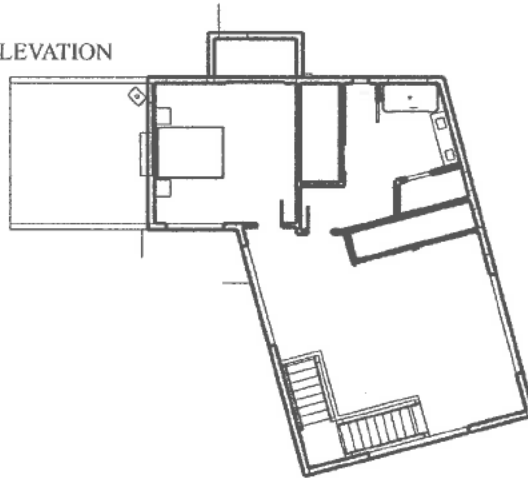
SOUTH ELEVATION



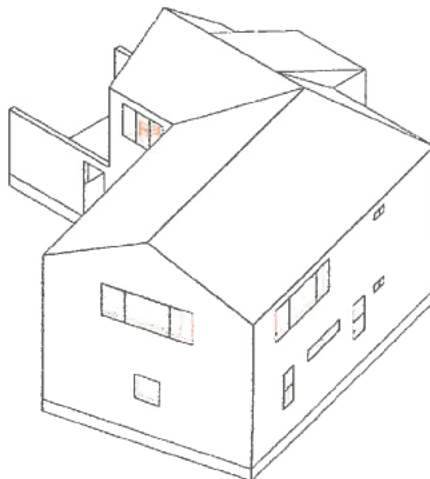
FIRST FLOOR ELEVATION

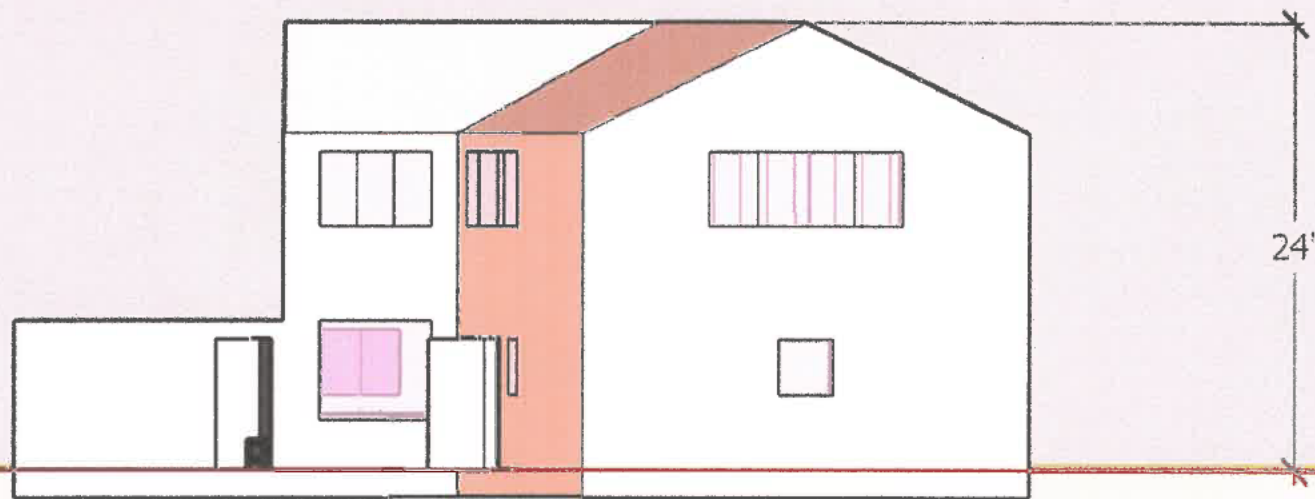


SECOND FLOOR ELEVATION



ISOMETRIC PLAN





24' foot max roof height measured at grade.
The foundation does not count in the maximum roof height allowed.

Maida Rubin

From: Susan McConnell <suzmconl@aol.com>
Sent: Monday, February 26, 2024 10:41 AM
To: Maida Rubin
Subject: Per our phone conversation

Hi -
Thanks for the call and for clarifying the distinction between guest quarters and care-taker residence. I understand.

Just as an added detail - when we deducted 3 ft to meet the set back on the west side of the building we are reducing the square footage by approximately 108.

The west dimension is a total of 36 ft long, times 3 foot reduction, equals 108.
So instead of exceeding the maximum sq footage by 800 sq ft, it would essentially be about 700 (692 to be more precise)

Thanks -
See you on the 12th
Susan

SPECIAL WARRANTY DEED

Dr. THOMAS S. McCONNELL and MARY L. McCONNELL, his wife, whose address is 1742 Dietz Place, N.W., Albuquerque, New Mexico, 87105-3215, for consideration paid, grant to THOMAS S. McCONNELL and MARY L. McCONNELL and their successors, Trustees of the McConnell Trust under agreement dated April 6, 1998, all of their interest in and to the following described real estate in Bernalillo County, New Mexico:

Tract E-1 and Tract E-2 of the Land Division Plat of Tract No. 39, Map 31, Middle Rio Grande Conservancy District, Bernalillo County, New Mexico, as the same is shown and designated on the said Plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 29, 1973 in Map Book B7, Folio 200. ALSO the following described real estate in Bernalillo County, New Mexico: A Tract of land being the Westerly Fourteen feet of Lot No. 1, Block No. 3 of RIO GRANDE MEADOWS, a Subdivision, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 29, 1965 in Map Book C6, Folio 74.

SUBJECT TO that certain mortgage, dated February 4, 1987, by and between Thomas S. McConnell and Mary L. McConnell, as mortgagors and Sandia Mortgage Corporation as mortgagee, and which mortgage was recorded in the Bernalillo County Real Estate Records on February 9, 1987, in Book MD860A, at Page 181, as Document No. 87012940. This mortgage was assigned to First Nationwide Mortgage on July 15, 1997, in Book 97-19, at Page 1019, as Document No. 97071904.

WITH WARRANTY COVENANTS OR WITH SPECIAL WARRANTY COVENANTS.

WITNESS our hands and seals this 6th day of April, 1998.

Thomas S. McConnell (Seal) Mary L. McConnell (Seal)



1998042118
5821316
Page: 1 of 2
04/07/1998 04:02P
Bk-5888 Pg-588

ACKNOWLEDGEMENT OF NATURAL PERSONS

STATE OF NEW MEXICO)
)ss
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 6th day of April, 1998 by Dr. THOMAS S. McCONNELL AND MARY L. McCONNELL.

My Commission expires:
03/25/2001

Allison P. Peroni
Notary Public



1998042118
5831316
Page: 2 of 2
04/07/1998 04:02P
BK-9888 Pg-598

1742 Dietz Pl.

HOW TO DETERMINE THE FLOOR AREA RATIO
FROM THE ADOPTED FAR TABLE

1. Find the two numbers on the chart the lot size falls between.

Actual lot size = 65,343 square feet (SF)
Falls between 1.492 and 1.515
65,000 66,000

2. Subtract lower lot size square footage from actual lot size square footage.

65,343 Actual net lot size square footage
- 65,000 Lower lot size square footage

0.343 square feet = THE PERCENTAGE FOR STEP #5 (3 decimal places)

3. Subtract the lower MAX FAR SF from the Table from the upper MAX FAR SF to get the Multiplicand

_____ FAR = 11,153 sf Upper MAX FAR SF
_____ FAR = 11,042 sf Lower MAX FAR SF

Multiplicand = 111 sf

4. 111 is the MULTIPLICAND

5. Use PERCENTAGE FROM STEP # 2 0.343

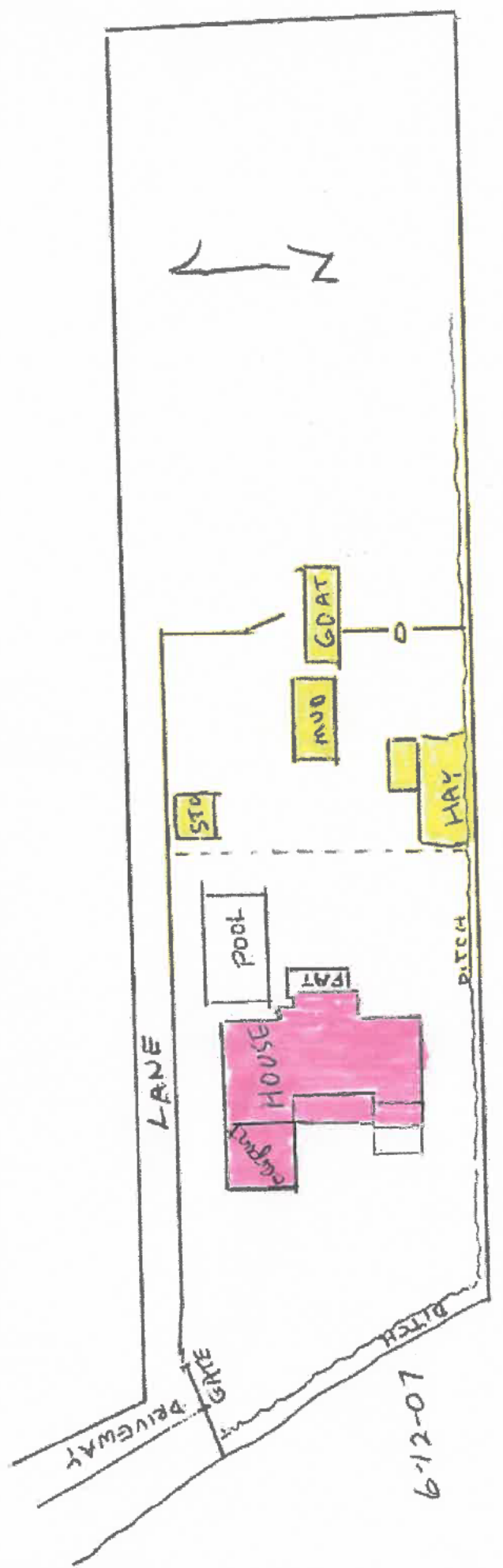
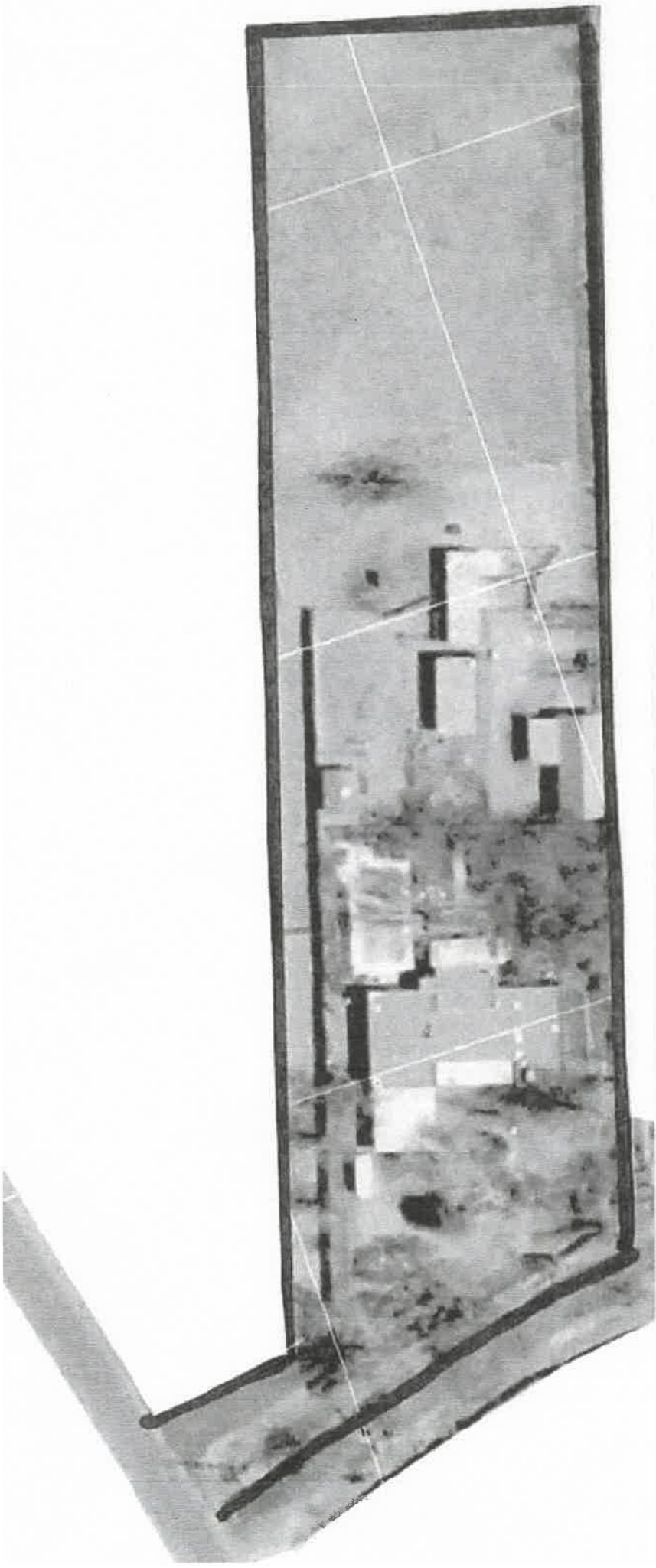
6. Multiply the MULTIPLICAND by the PERCENTAGE

111 x 0.343 = 38 square feet

7. Add results of # 6 to the Lower MAX FAR SF

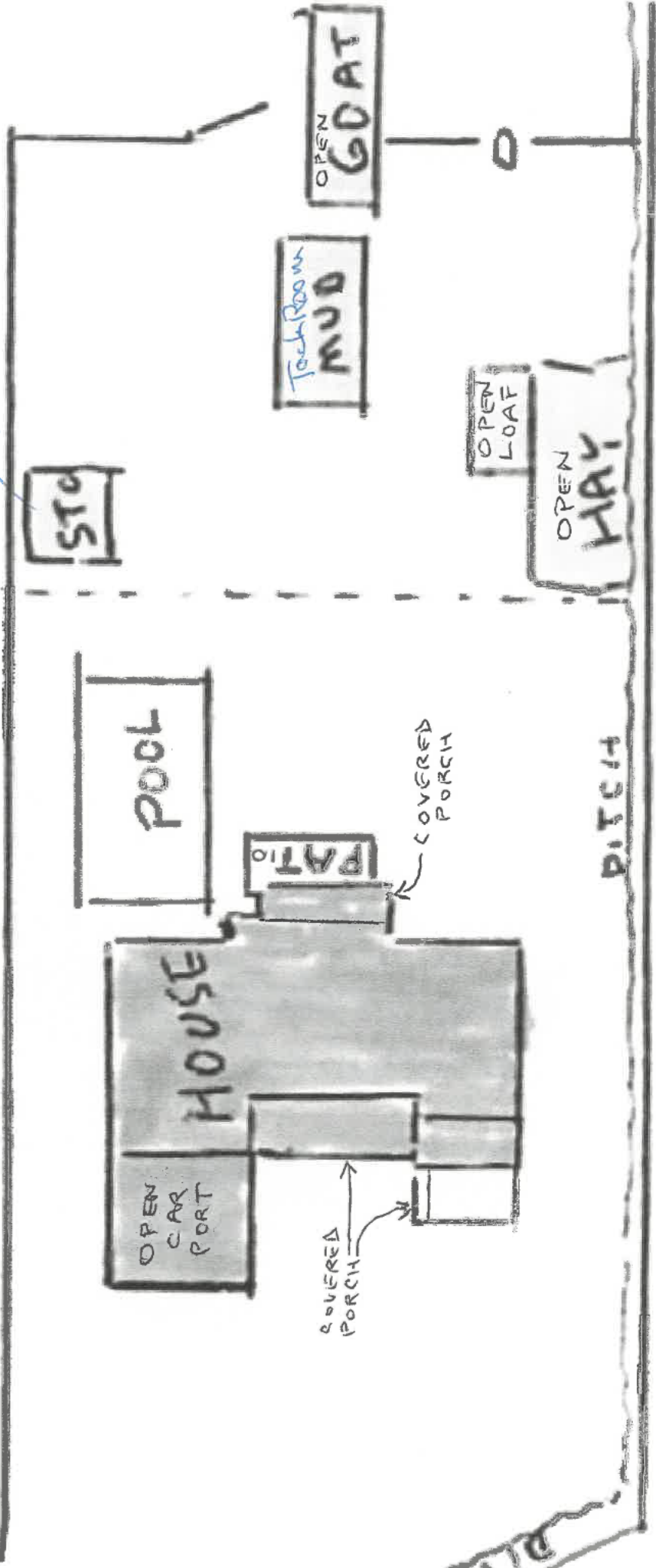
11,042 + 38 = 11,080 (FAR for net lot size)

Existing:
SF House _____
SF TACKRM 434
SF Carport 620.68
SF Storage _____
Proposed:



for animal
protection

LANE



POOL

HOUSE

PATIO

COVERED PORCH

OPEN CAR PORT

COVERED PORCH

STO

Tech Room
MUD

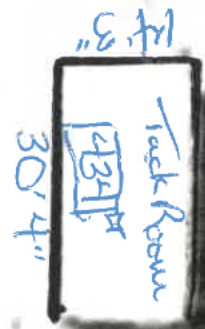
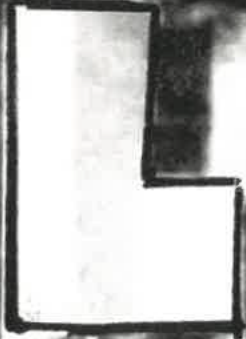
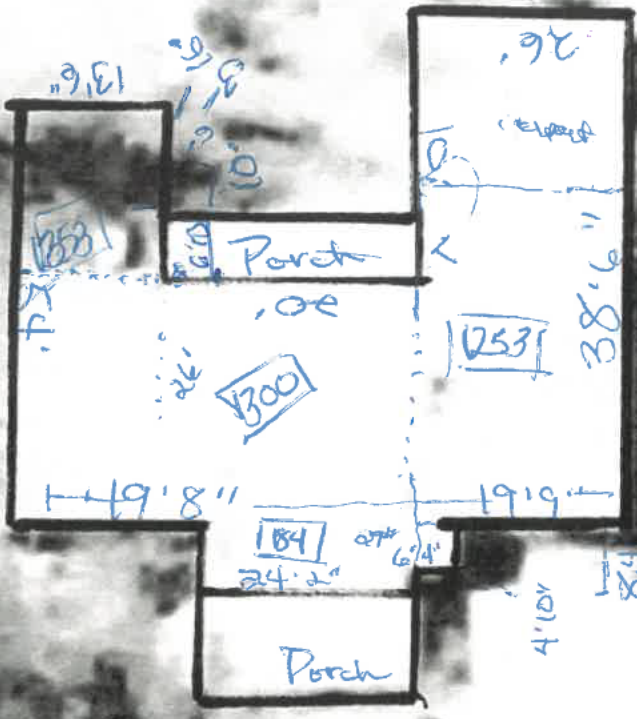
OPEN GOAT

OPEN LOAF

OPEN HAY

PITCH

2.16 x 1.16
Product



3090 ✓
includes
car port
434 ✓
tack room

3524
1850

total 5374 ✓



Suze McConnell <mcconnellsuze@gmail.com>

Addition to Home Located at 1742 Dietz Pl

1 message

Patsy Jones <pajones830@comcast.net>
To: mcconnellsuze@gmail.com
Cc: Ron <rvjones53@comcast.net>

Wed, Jan 24, 2024 at 4:11 PM

Hi Susan,

We wholeheartedly support your plan for an addition to your parent's home. As your immediate neighbors to the south - we live at 1721 Avenida Las Campanas NW - we appreciate the time and effort it takes to keep up the property at 1742 Dietz Pl and caring for the animals living there. We agree that having additional personal space would make helping your parents easier. We also appreciate your thoughtfulness in matching the style of the addition to the existing home.

Regards,

Patsy and Ron Jones
Residents of 1721 Avenida Las Campanas NW
Los Ranchos, NM 87107
505-480-2816 (Patsy)

Christina Olaechea and Sean Armstrong
4101 Dietz Loop NW
Los Ranchos, NM 87107

January 27th, 2024

The Village of Los Ranchos de Albuquerque Zoning Department
6718 Rio Grande Blvd NW
Los Ranchos, NM 87107

To Whom it May Concern,

We are Tom McConnell's neighbors just across the street on Dietz loop NW. We have discussed the plan to build an addition to his home with Tom and his daughter Susan, and we fully and wholeheartedly support this project as it will make it much easier for them as a family to care for each other and their animals. We understand their need to expand the house to include additional living space, and we endorse this improvement and wish to share our thoughts and feelings on it to all interested parties.

Please feel free to reach out to either of us if there are any questions or concerns.

Thank you,



Christina Olaechea

505 450-5118



Sean Armstrong

505 440-8709

Feb 1st 2024

To Whom it may concern

I do not oppose the building plans for the addition to my neighbors, the McCornells, home as long as there are no issues that would affect my property.

Leslie Krane

LESLIE KRANZ
1740 DIETZ PLACE NW
LOS RANCHOS NM 87107

505-250-3239

FROM THE DESK OF

THE MARTINEZ FAMILY

February 2, 2024

Anthony and Angela Martinez
1900 Dietz Pl NW
Los Ranchos De Albuquerque NM 87107

To the Village of Los Ranchos,

Our family is writing this letter in favor of our wonderful neighbors wanting to build an addition to their home located at 1742 Dietz Pl Nw. They have been such amazing neighbors and friends to not only our family but the entire Village. We are in complete support of this wonderful addition to the neighborhood.

Sincerely yours,

Anthony, Angela and the entire Martinez family

A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be a combination of the letters 'A' and 'M', followed by a long horizontal flourish extending to the right.

Danielle Sedillo-Molina
Village Clerk
6718 Rio Grande Blvd. NW
Village of Los Ranchos, NM 87107

Subject: V 24-01; A request by Dr. Thomas and Mary McConnell for a variance.

Dear Ms. Sedillo-Molina:

I am responding to your Public Notice for V 24-01; A request by Thomas & Mary McConnell for a variance from _ 9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area to allow a 1,800-sq. ft. guest house.

My property adjoins that of Tom and Mary McConnell. We have enjoyed their friendship for over forty years. Their property complements the rural and pastoral character of the Village of Los Ranchos.

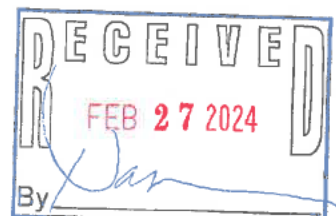
I have discussed the proposed addition on site with Tom McConnell and believe the proposed addition and requested variance will be compatible with the rural character and variable architectural styles of our neighborhood. The requested variance would not affect my property or visual aspects.

We support the proposed addition and requested variance and recommend the approval of the variance by the Village of Los Ranchos Planning and Zoning Commission.

Your consideration is appreciated.

Mark and Kathleen Sifuentes

Mark Sifuentes
Kathleen Sifuentes



Maida Rubin

From: Danielle Sedillo-Molina
Sent: Tuesday, March 26, 2024 9:49 AM
To: 'S.R. Cox'
Cc: Maida Rubin; Brennon Williams
Subject: RE: V 24-01 and v 24-03 Comments

Good Morning,

I am in receipt of your comments, thank you. I will forward to Maida Rubin, P & Z Director for her review and inclusion in the commission packet.

Sincerely,
Danielle Sedillo-Molina, CMC
Clerk/Chief Procurement Officer/HR
Village of Los Ranchos
6718 Rio Grande Blvd NW
Los Ranchos, NM 87107
(Office) 505-344-6582
(Cell) 505-977-1764
dmolina@losranchosnm.gov



From: S.R. Cox <stephencox@comcast.net>
Sent: Tuesday, March 26, 2024 8:30 AM
To: Danielle Sedillo-Molina <dmolina@losranchosnm.gov>
Subject: V 24-01 and v 24-03 Comments

We have no objections to the variance requests made by Thomas and Mary McConnell and appreciate being solicited for the following comments:

The McConnells have been good neighbors ever since we moved to Los Ranchos more than twenty years ago. Over the years we have witnessed their care of the property cited in the variance requests, their improvements to it, and their consideration of other residents in the neighborhood.

The variance for an increase in size of a guest house is easily accommodated by the size (1.5 acres) and location of their property as is the variance requested for making it 15 feet from the irrigation ditch, instead of restricting it to be at least 25 feet away.

I've visited the McConnells' property and the part of their lot encompassing the variance requests is not bordered, proximity wise, by other home owners' structures or living spaces, i.e., in our opinion

the changes requested will not impede or lessen the aesthetics enjoyed by their surrounding neighbors and property owners.

Again, in our opinion, the zoning changes requested by the McConnells seems reasonable and unobtrusive to the overall village aesthetic.

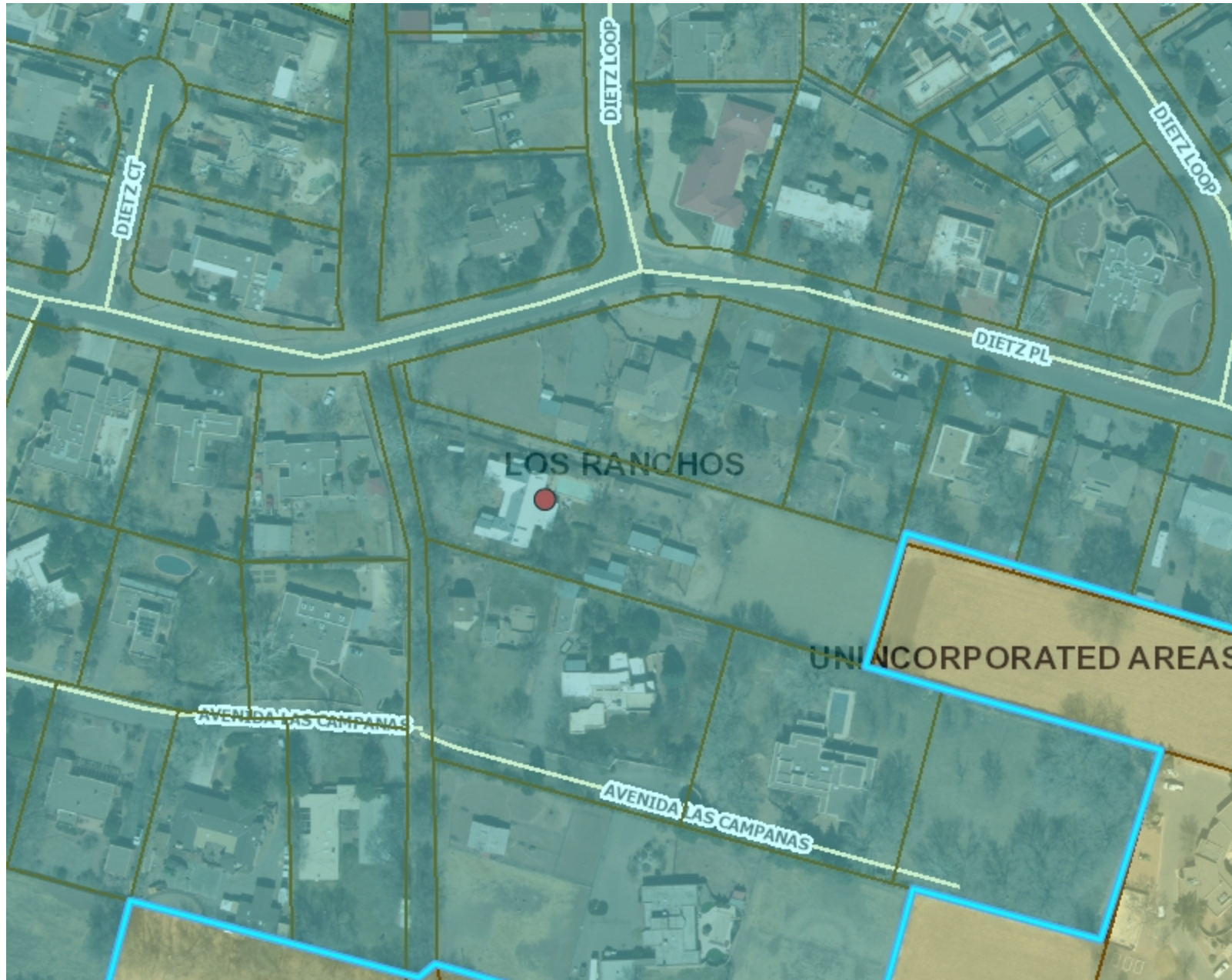
The only part of the request that would give us pause, and it wasn't addressed in the description, would be if expansion of the guest house included a second story.

Stephen R. Cox
Pamela K. Cox

1704 Dietz Place NW
Los Ranchos, NM 87107



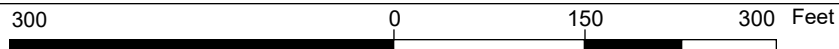
1742 Dietz Pl. NW



Legend

- Bernalillo County Parcels
- Primary Streets**
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- + BN and SF Railroad
- Other Streets**
 -
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

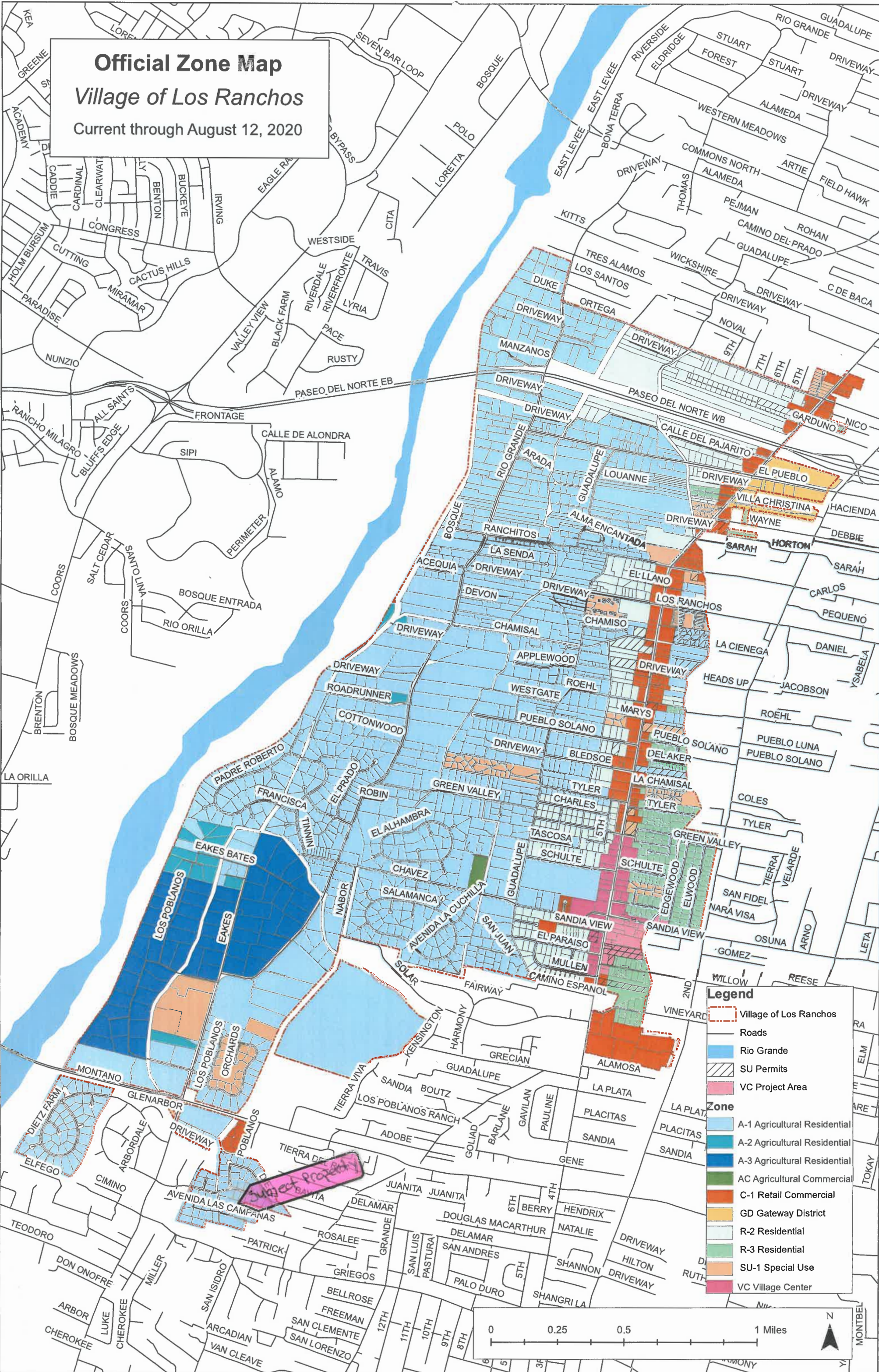
Notes



Official Zone Map

Village of Los Ranchos

Current through August 12, 2020



B. V 24-03; A request by Thomas & Mary McConnell for a variance from § 9.2.7(E)(2)(a)4. requiring a structure to be at least 25 feet from an irrigation ditch/drain to allow a guest house to be 15 feet from a ditch in the rear yard of the property. The property is located at 1742 Dietz Pl. NW, Los Ranchos, NM, 87107, and is legally described as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: March 29, 2024

REPORT NO. PZ-24-08

File: V-24-03

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Variance from §9.2.7(E)(2)(a)4. requiring a structure to be at least 25 feet from an irrigation ditch/drain to allow a guest house addition to be 15 feet from a ditch in the rear yard of the property. The property is zoned A-1 and is located within the South Rio Grande Character Area.

APPLICANT: Thomas & Mary McConnell

AGENT: Susan McConnell

LOCATION AND LEGAL:

The property is located at 1742 Dietz Pl. NW and is legally known as Tracts E-1 & E-2, Land Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or less.

PROJECT:

The owner is seeking a permit to construct a 2-story guest house addition to the existing home. The proposed addition will be 1,692 square foot in area and requires a variance of 692 square feet to the 1,000-sq. ft. guest house size requirements. A second variance is also required to allow the guest house addition to be located 15 feet from an irrigation ditch in the side yard of the property (25-foot setback required).

SURROUNDING LAND USES:

The properties to the north, south and west are zoned A-1, while the lot to the east is located within the unincorporated area of Bernalillo County and zoned R-1 Single-Family Residential. The parcels within the Village are located within the South Rio Grande Character Area.

RELEVANT CODE LANGUAGE

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(E) AREA REGULATIONS.

(2) Setback limits apply to all buildings and structures, including swimming pools.

(a) Except as provided in § 9.2.7(E)(3), (G)(4)(a) and (H) of this Section, the setbacks from the property line to the nearest structure shall be as follows:

1. Front setback shall be: twenty-five (25) feet.
2. Side setback shall be: fifteen (15) feet.
3. Rear setback shall be: twenty-five (25) feet.
4. For any property line bounded by an irrigation ditch or drain, the setback shall be twenty-five (25) feet.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS.

(7) Variance. This provision applies to applications for variances from the terms of this Chapter 9.

(a) A variance may be granted if:

1. The variance is in conformance with the goals and policies of the Village Master Plan;
and

2. It is not contrary to the public interest in protecting and fostering the character of the vicinity and the Village, and will not cause material adverse impacts on adjacent property, the neighborhood, or the community; and
 3. Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.
- (b) Unnecessary Hardship Criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if:
1. When compared with other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid; or
 2. When compared to other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted; or
 3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid; or
 4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance; or
 5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.
- (c) General principles applicable to all variances:
1. The requested variance shall not effectuate or be deemed to have authorized a zone change or in any manner affect the zoning of any property; and
 2. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property; and
 3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship; and
 4. The alleged hardship was not self-imposed by the property owner; and
 5. An application for a variance for the same property will not be considered if another application has been filed within six (6) months from the date of the final action on a prior application; and
 6. Each and every variance is unique to the circumstances of the property for which it was granted; the granting of one variance does not set precedence for later variances.

ANALYSIS:

§9.2.25(E)(7)(a)1., compliance with the Master Plan:

Under **2.1.2 Village Form Policies & Action Steps** in the Master Plan, **Policy A Action Steps** includes the provision to “Enforce Village zoning and Ordinance requirements.” This policy supports the implementation of, and adherence to, the 25-foot setback requirement along the ditch. *May not conform.*

Where ditches are concerned, the 2035 Village Master Plan focuses mainly on MRGCD facilities, for pedestrian use, irrigation, and the preservation of Village character. Promoting and supporting agricultural activities is endorsed in the Master Plan, and maintaining ditches, both private and public, furthers Village identity and sense of place, as cited below:

Village Form Goal

The goal is to preserve and enhance the historic and “valley” character of the Village while

recognizing, preserving, and enhancing the distinct character areas of the Village.

Policy C: Create and promote a sense of place based on the Village identity, particularly the unifying characteristics of agriculture and the natural environment—open space, ditches, and vistas.

The Master Plan includes the following language under “Ditches Goal”:

In recognition of the importance of the ditch irrigation system to the Village and of its uses, primarily for irrigation but also for multimodal recreation and greenery, the goal is to preserve and enhance the ditch irrigation system.

Policy A: Support the preservation and maintenance of the ditch system throughout the Village.

Policy B: Recognize the range of ditch ownership and balance the uses of the ditches with respect for adjacent property owner privacy and safety.

Policy C: Coordinate with appropriate agencies and landowners in preservation, maintenance, and educational efforts.

Previous Planning and Zoning Directors have interpreted the 25-foot ditch setback requirement in different ways, including the interpretation that the requirement only pertains to public ditch facilities. Current staff have been using a literal interpretation and have hoped to bring text amendments forward to clarify the language, particularly as it is not the same in every zone.

A 15-foot setback is not likely to cause issues in terms of use or maintenance of the private ditch turnout, particularly based on the fact that the existing dwelling unit is closer than 15 feet from the ditch in certain areas with no adverse impacts. Based on these factors, the Department recommends that the request *may conform* in terms of ditch preservation as discussed in the Master Plan.

§9.2.25(E)(7)(a)2., public interest and material adverse impacts on adjacent property, the neighborhood, or the community:

One facet of public interest is conformity with the adopted goals and policies of the Village Master Plan, as noted above. Adherence to setbacks helps maintain Village character. However, as noted above, this request may result in no or negligible material adverse impacts on the adjacent property and neighborhood. The Department received six letters in support of the project prior to the comment deadline. *May conform*.

§9.2.25(E)(7)(a)3., unnecessary hardship:

The applicant cites Hardship Criteria 5 in the justification letter:

5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

The applicant states, “In order to preserve the aesthetic for the whole property, the building design maintains the south wall of the original house as the south wall of the addition. As indicated, we intend to match the new addition to the original house in every way.”

The role of staff is to provide analysis based on the Village Master Plan and Zoning Code, and staff has a limited role in recommending approval based on Criteria 5, as it provides the Commission with flexibility for decision-making based on each individual request. Staff cannot find that aesthetic factors meet Hardship Criteria #5, however staff recommends that due to the uneven application of the ditch setback regulations over time and staff’s intention to bring forward text amendments for consideration to clarify this language, the Planning and Zoning Commission may find that this

Hardship Criterion is satisfied. *May conform.*

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval of V-24-03**, a request for a Variance from §9.2.7(E)(2)(a)4. requiring a structure to be at least 25 feet from an irrigation ditch/drain to allow a guest house addition to be 15 feet from a ditch in the side yard of the property, in the A-1 zone within the South Rio Grande Character Area, with the following Findings and Conditions:

Findings:

The Variance request (V-24-03) sufficiently meets the requirements of §9.2.7(E)(2)(a)4 **(a)1-3, (b) 1-5, and (c) 1-6:**

(a)(1) The Variance is in conformance with the goals and policies of the Village Master Plan. Policy A Action Steps states, “Enforce Village zoning and Ordinance requirements.” This is due to the fact that the application has met the Hardship Criteria requirements of the Village Code.

(a)(2) The Variance is not contrary to the public interest.

(a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria #5 is met.

(c) Subsections met: 1, 2, 3, 5, 6; Subsections not met: 4.

Conditions:

1. The variance is approved to allow the proposed guest house addition to be 15 feet from the irrigation ditch in the side yard of the property.
2. The second story of the proposed guest house must be modified to meet the “Enclosed Area” limitations (second floor cannot be more than 60% of the first floor enclosed area), as enumerated in §9.2.7(G)(2)(a) of the Zoning Code.
3. Approval of a Conditional Use Permit is necessary prior to building permit approval.

Should the Planning and Zoning Commission find that granting V-24-03 is not warranted, staff recommends the following findings of fact:

Findings:

The Variance request does not adequately meet the requirements of §9.2.7(E)(2)(a)4 **(a)1-3, (b) 3 and 5, and (c) 1-6:**

(a)(1) The application is not in conformance with the Master Plan in the following sections:

**2.1.2 Village Form Policies & Action Steps,
Policy A Action Steps**
Enforce Village zoning and Ordinance requirements.

(a)(2) The Variance is contrary to the public interest, as it does not protect and foster the character of the vicinity and Village.

(a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will not result in unnecessary hardship.

(b) Unnecessary Hardship Criteria are not met: #1 through #5.

(c) Subsections met: 1, 2, 3, 5, 6; Subsections not met: 4.

Public notice requirements have been met by publication in the *Albuquerque Journal* on March 24, 2024. Public Notice was sent by mail to all neighbors within 400 feet of the property on March 21, 2024, and the Public Notice signs were posted on the property beginning March 25, 2024.



Maida Rubin, AICP, CFM
Director, Planning and Zoning Department

Date: 03/29/24

Attachments:

Application

Written Comments Received

Ortho Map

Zone Map

April 9

deadline March 11

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582

FOR OFFICIAL USE		
Zone _____	V # <u>24-03</u>	Date: _____
Related Cases _____	Receipt # <u>159646</u>	
Character Area _____	_____	

Application fee of \$150.00 due at submittal. Additional public notice fees will apply.
Complete application must be submitted with all required documents by the deadline for the next Planning & Zoning Commission meeting. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

VARIANCE APPLICATION

Address: 1742 Dietz Pl NW Zip: 87107
Los Ranchos de Albuquerque

Property Acreage 1.513 Nature of Variance Request: variance from irrigation ditch set back 9.2.7(E)(2)(a)4
Legal Description (Only if property has no formal address)

Subdivision _____ Block _____ Lot No. _____ Tract No. _____ MRGCD Map No. _____

PROPERTY OWNER

Name: Thomas and Mary McConnell

Mailing address: 1742 Dietz Pl NW Los Ranchos 87107
Street City Zip

Telephone: 505-280-1182 cell 505-344-4554 hm Email: tmcccon@unm.edu suzmcccon@aol.com

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.

Contact Name: Susan McConnell Title: Daughter

Business Name: _____

Mailing address: 4008 Amy Ray Ct NW Albuquerque 87107
Street City Zip

Telephone: 505-681-3776 Email: suzmcccon@aol.com

REQUIRED DOCUMENTS

*** Must be submitted with application form.** submitted w/ previous variance application

- Grant/warranty deed or other proof of ownership* (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)* (From <https://www.bernco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent – Nature of request and why requested, consisting of: attached
 - Section(s) of code requesting variance from – View at www.losranchosnm.gov/village-code
 - Hardship criteria – Must reference at least one. If no numerical hardship (1-5) identified, staff will recommend denial.
 - Site plan – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations – If applicable. To scale (include dimensions).
 - Photographs/diagrams – If applicable.

attached previously

In addition to the \$150.00 variance fee, the application will generate public notice fees for postings in the newspaper, a posted sign, and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.

The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that all statements herein are true and correct to the best of my knowledge.

John S. McConnell May 1. Mc Connell 3-11-24
Signature of Property Owner (or submit affidavit of agent) Date

Joselyn A. McConnell 3/9/24
Signature of Applicant (Contractor/Agent) (if applicable) Date

FOR OFFICIAL USE

Planning & Zoning Commission Application Hearing Date: _____

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____
Planning and Zoning Director Date

Letter with special conditions of approval or basis for denial specified in letter (notice of decision)
mailed on _____
Date

Date: March 9, 2024

To: Village of Los Ranchos
Planning and Zoning Commission

From: McConnell Family
1742 Dietz Pl NW
Los Ranchos de Albuquerque, NM 87107

Letter of Intent –

Please be informed that the McConnell family is requesting a variance from the Los Ranchos Village code to build an addition onto the existing home located at the above address.

Per the application, we are requesting a variance from Section 9.2.7(E)(2)(a)4 –

We respectfully seek a variance from the 25 ft setback from any irrigation ditch. The plan for our building does not meet the 25 ft setback but the irrigation ditch in question is our private ditch. Not a public ditch. We are claiming exception #5 “Other relevant factors ... substantially justifiable”. In order to preserve the aesthetic for the whole property, the building design maintains the south wall of the original house as the south wall of the addition. As indicated, we intend to match the new addition to the original house in every way. The south wall does meet the standard setback of 15 ft from the property line, but does not meet the setback “from any irrigation ditch” of 25 ft.

My name is Susan McConnell. My parents, Tom and Mary reside in their home at 1742 Dietz Pl NW and have lived there since they purchased the home in 1977. I graduated from high school in that house! They are now 89 and 87 respectively and have loved their time in the peaceful north valley.

The time has come that managing their property, small farm animals, irrigating, mowing, gardening, maintenance, and upkeep of their home, is getting more difficult. My father has some heart and blood pressure issues and last October had a small stroke (TIA). My mother suffers from muscle and heart disease and uses a walker. Regardless, as many folks can understand – they do not want to leave their home. My brother and I do help with chores, and this brings me to the point of our request. It would be much easier, for everyone involved, if I could live on the property.

We are proposing a 1700 sq foot addition, to include all the amenities for a person to live independently and yet still be accessible, just steps away, as needs arise.

In our first variance request (exceed allowed square footage) we meet all the requirements for building, including -

The square foot to acreage ratio.

Max height of buildings.

Procured letters of support.

Exterior of the addition will match the exterior and style of the original home.

Submitted all plans (that will exceed the max sq ft) for consideration with explanation of hardship and request.

Our request for variance from the irrigation setback includes the following considerations;

Our property has pre-1907 water rights and we use our irrigation system and Middle RG conservancy water routinely through the summer. Our family cleans the lateral ditch from the turn out on the Griegos Acequia

all the way to our property. The whole turn out ditch is maintained by three families that use their respective water rights. We are good stewards to our neighbors and within our immediate Village community.

The setback on the south end of our proposed building *does* meet the standard setback requirement of 15 ft from the property line. However, we do have a ditch along the south side of the building. The ditch in question is our private ditch from our turnout. It is not public; not utilized by anyone else for water, and has been there since the 1940's.

A little history regarding the ditch –

According to Herman Pedroncelli, as related to my father, our property was once part of Herman's father's approximately 8-10 acre family farm. As a child (in the 40's and 50's), Herman helped his father and brother irrigate from two ditches with multiple turn-outs, their main ditch on the eastern edge of this long, thin piece of land, and the "private" ditch in question on the western edge of this land. 1.5 acres of the original Pedroncelli farm was sold in about 1970 for a home and small pasture (said to be two 3/4 acre "lots".) We purchased this 1.5 acres and home in 1977. We chose to resurrect the "back" (east) pasture of this acreage, and to do so, we re-established one of the two original turn-outs, on the south side of our property, and began using the water once again for the back (eastern) part of our property. The man who helped us with this turn-out and ditch to the side and back was Clem Gutierrez, a long-time resident (several generations) of the north valley. Our ditch along the south side of our property is only used to water the back (side and eastern) part of our property for pasture, as well as our gardens and fruit trees.

In reviewing the Village of Los Ranchos Master Plan, we greatly appreciate the attention paid and reverence for the movement of water. It is essentially a lost art being maintained within the village as a historical and cultural element. Our water rights are a special attribute for our property; we use the food generated through our irrigation participation, and we maintain a pasture for our livestock. Our small pasture also acts as a haven for migratory waterfowl and other native creatures that need space to exist in this rural setting. We are asking for the setback to be waived for this particular, private ditch as we will continue to utilize it appropriately and honor the movement of water in the village.

Our proposed building project, specifically allowing the design to be a continuation of the south wall as it is on the original house; being on my parents' property, will afford me (and them) the convenience and also the necessity of being able to help them at will, while not being on top of each other; respecting their abilities and independence. And, at the same time - I will be able to help manage our farm animals, the swimming pool, gardens and grounds, as well as look after my folks personally, as needed.

Our hope is that you understand the quality of life that this provides for our whole family, while not infringing on the understandable goals of the Village, maintaining a culture of rural appeal and tranquility. We intend to honor that on all levels.

Attached, please find all pertinent documentation per the application.

Thank you so much for your consideration –
Respectfully submitted,

Susan McConnell
Tom and Mary McConnell

Attachments:

Site plan – building on the property

33' 1 13/16"

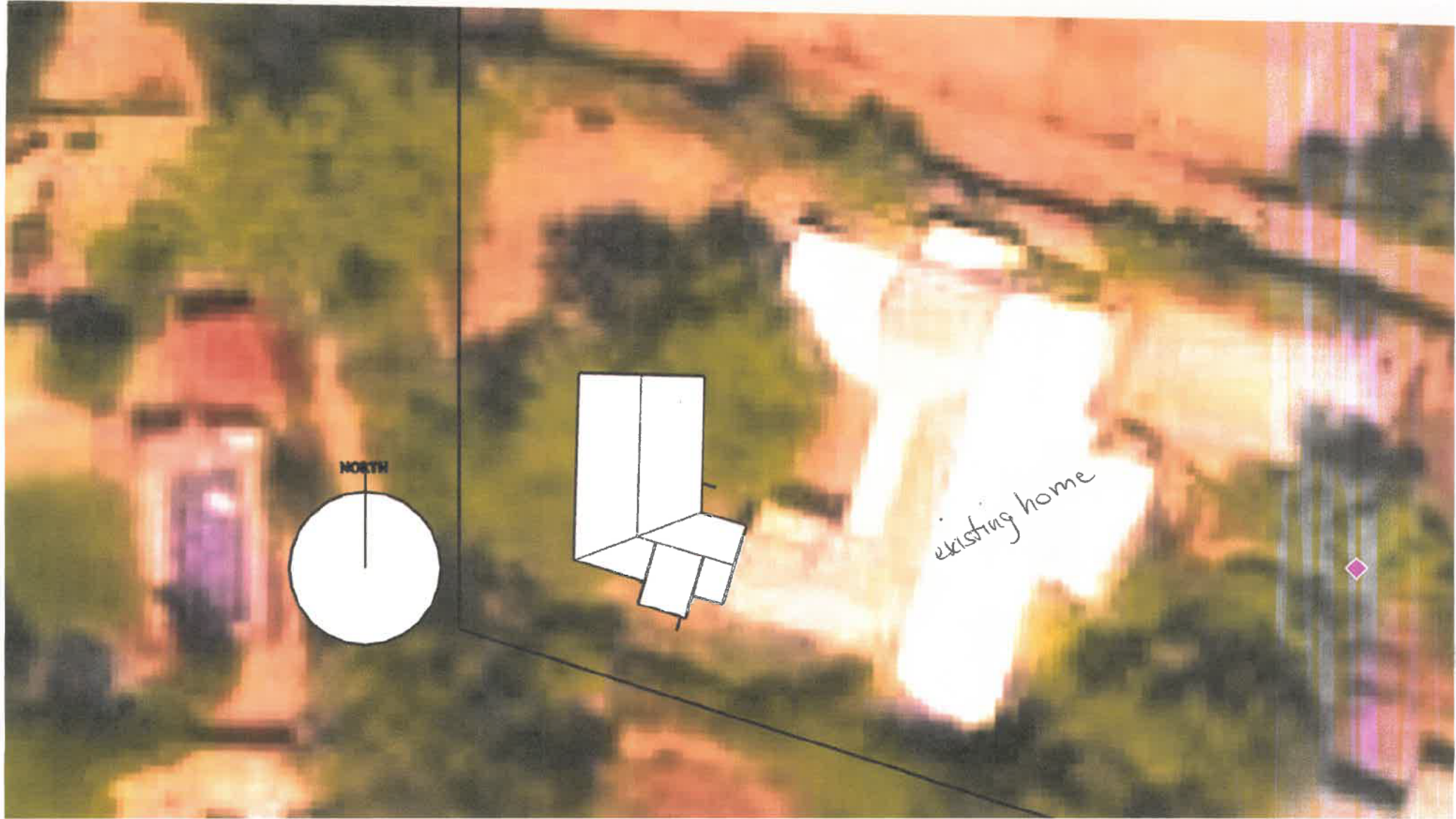


~ 25' 5 7/8"

15'

~ 10' 9 5/8"

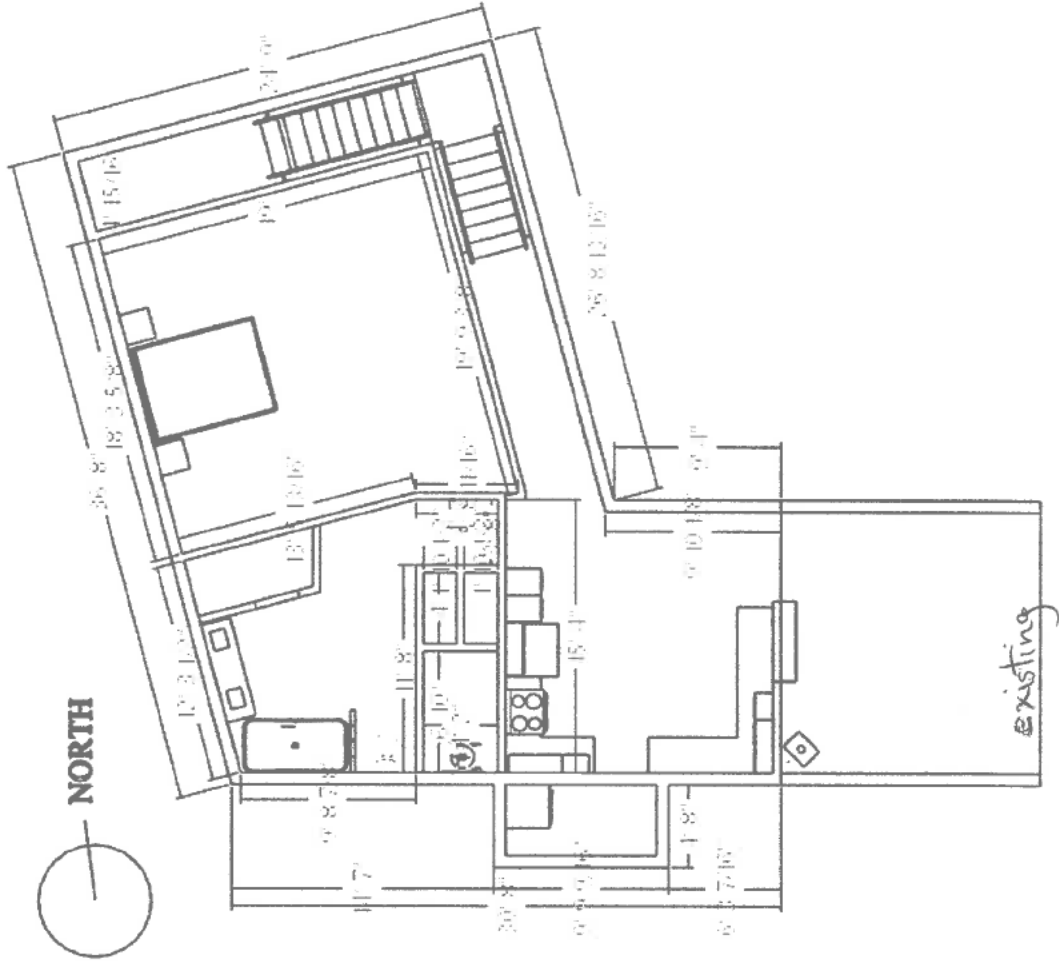




NORTH

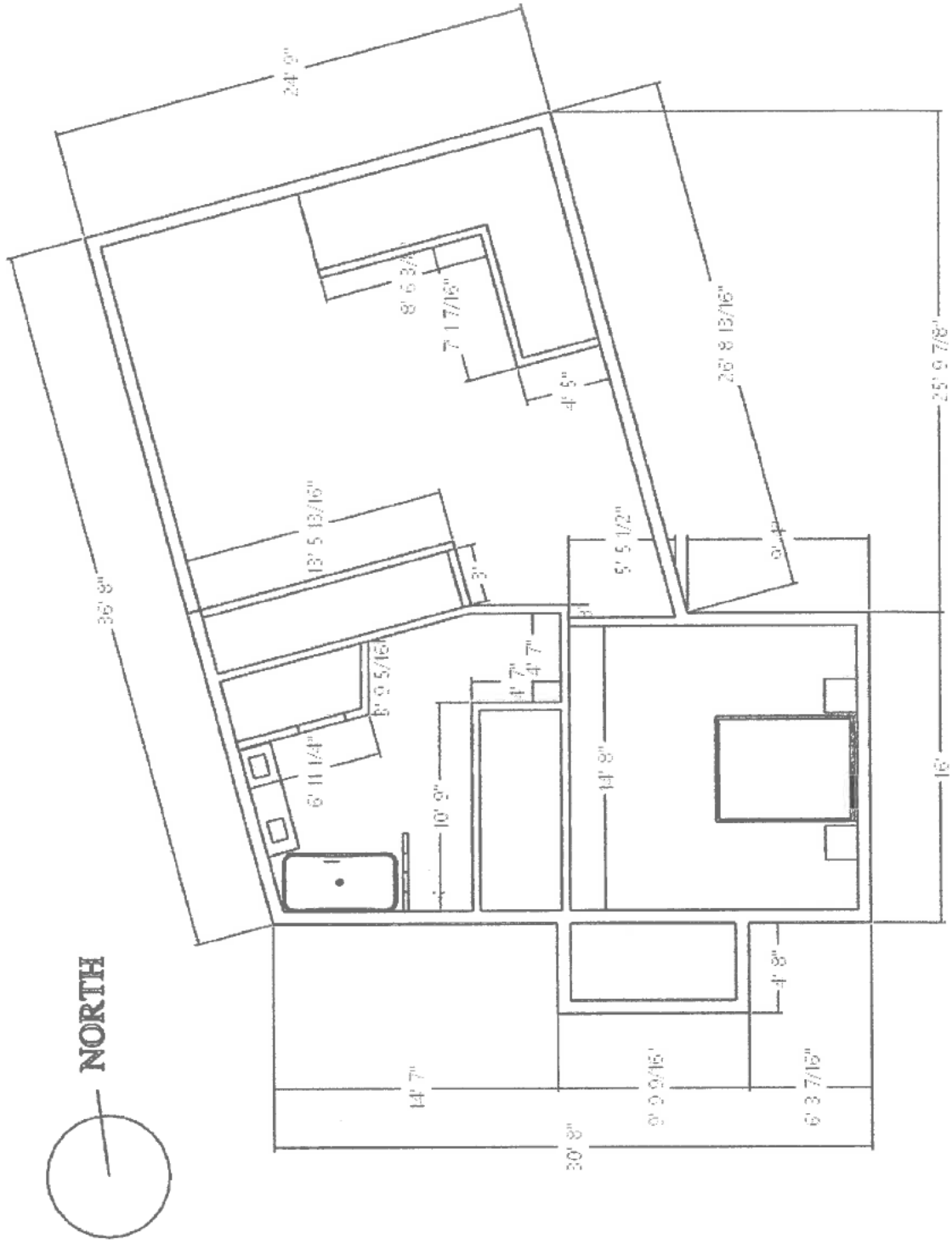
existing home

FLOOR 1.

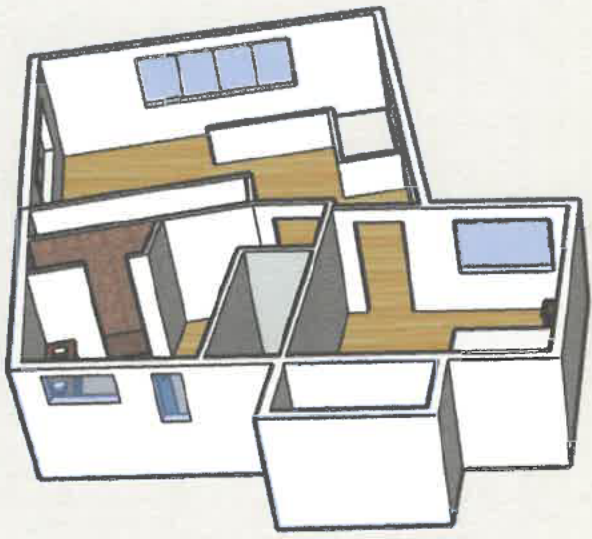


Top

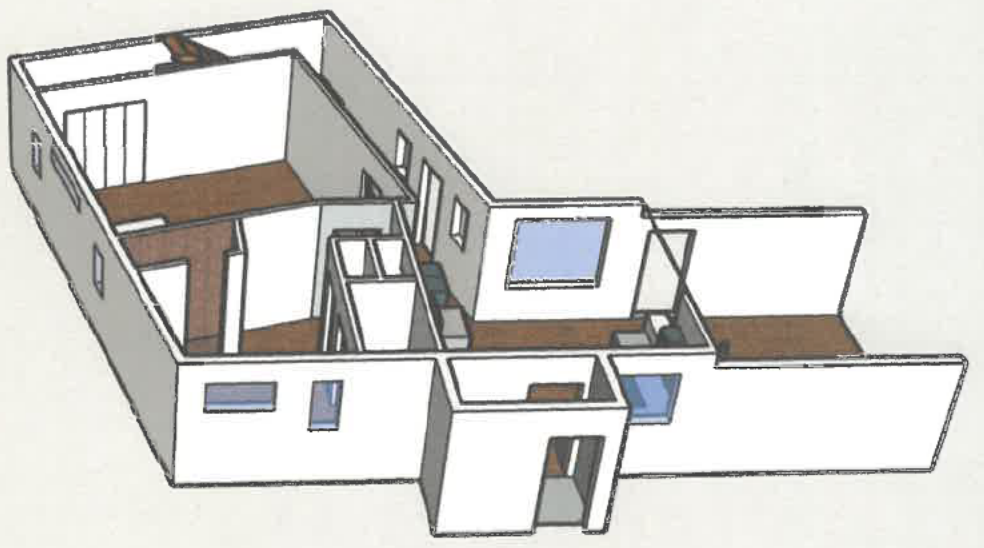
FLOOR 2



North
↑

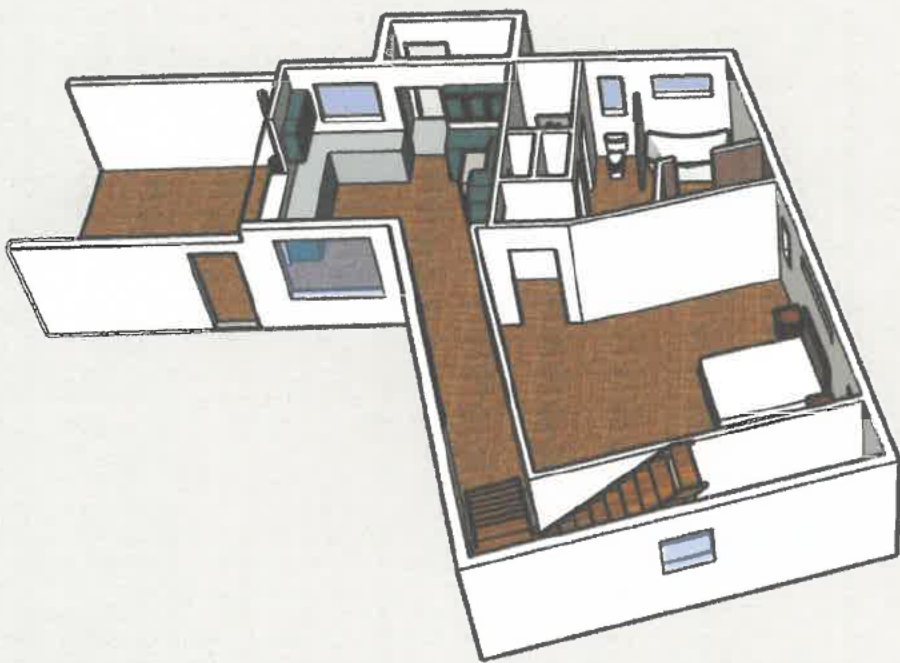


SECOND FLOOR

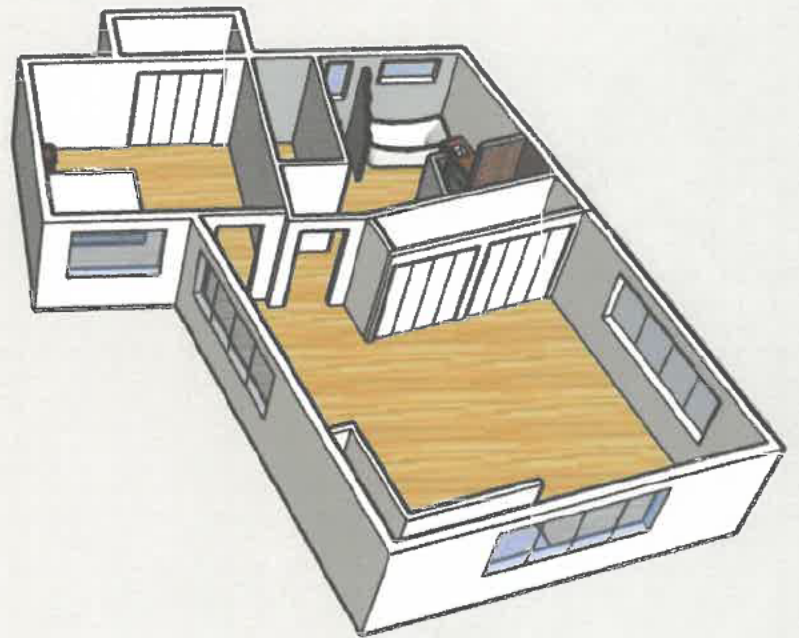


FIRST FLOOR.

looking from south



FIRST FLOOR

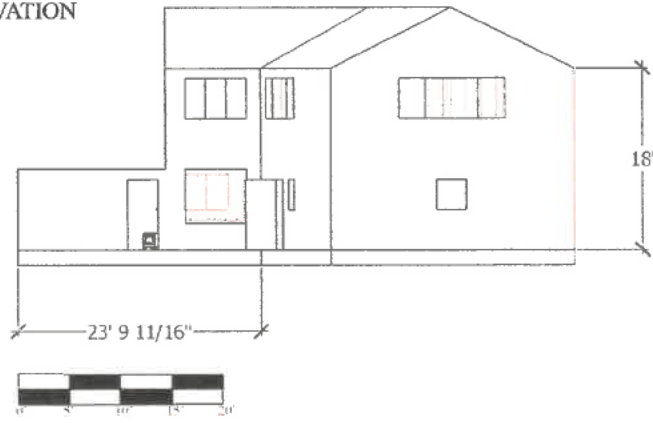


SECOND FLOOR.

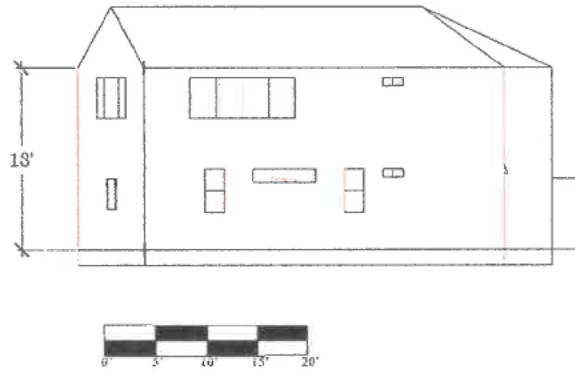
N

looking from the north

NORTH ELEVATION



WEST ELEVATION



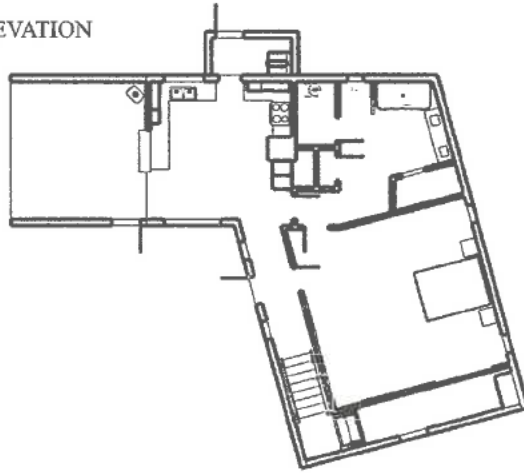
EAST ELEVATION



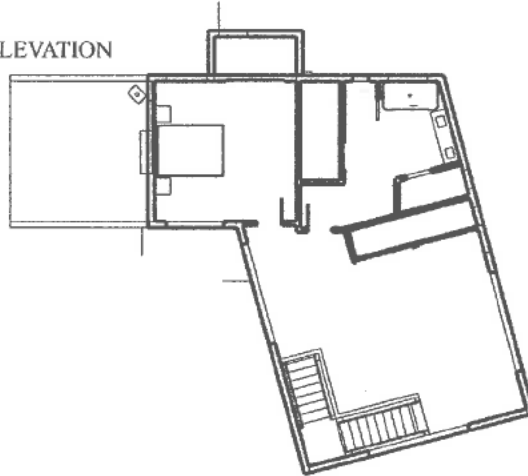
SOUTH ELEVATION



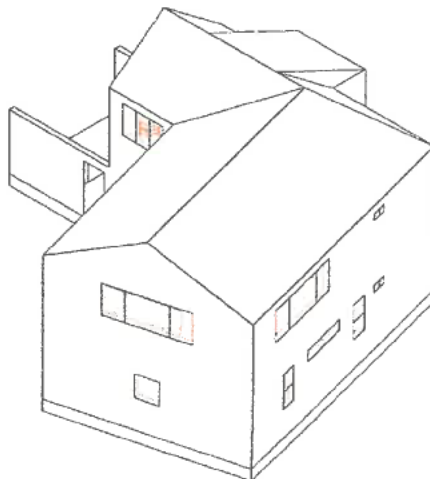
FIRST FLOOR ELEVATION

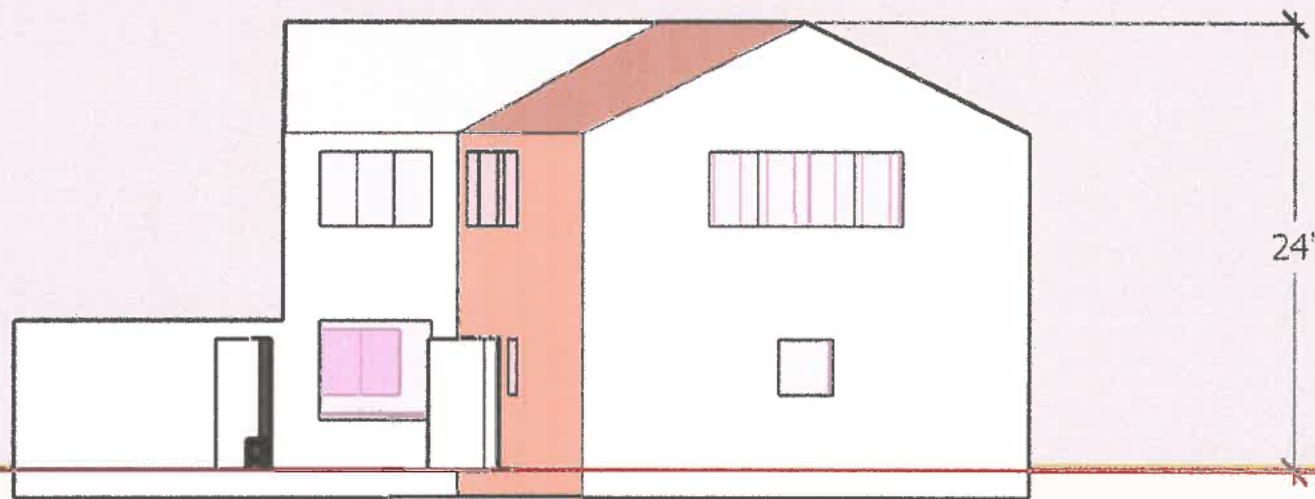


SECOND FLOOR ELEVATION



ISOMETRIC PLAN





24' foot max roof height measured at grade.
The foundation does not count in the maximum roof height allowed.

SPECIAL WARRANTY DEED

Dr. THOMAS S. McCONNELL and MARY L. McCONNELL, his wife, whose address is 1742 Dietz Place, N.W., Albuquerque, New Mexico, 87105-3215, for consideration paid, grant to THOMAS S. McCONNELL and MARY L. McCONNELL and their successors, Trustees of the McConnell Trust under agreement dated April 6, 1998, all of their interest in and to the following described real estate in Bernalillo County, New Mexico:

Tract E-1 and Tract E-2 of the Land Division Plat of Tract No. 39, Map 31, Middle Rio Grande Conservancy District, Bernalillo County, New Mexico, as the same is shown and designated on the said Plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 29, 1973 in Map Book B7, Folio 200. ALSO the following described real estate in Bernalillo County, New Mexico: A Tract of land being the Westerly Fourteen feet of Lot No. 1, Block No. 3 of RIO GRANDE MEADOWS, a Subdivision, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 29, 1965 in Map Book C6, Folio 74.

SUBJECT TO that certain mortgage, dated February 4, 1987, by and between Thomas S. McConnell and Mary L. McConnell, as mortgagors and Sandia Mortgage Corporation as mortgagee, and which mortgage was recorded in the Bernalillo County Real Estate Records on February 9, 1987, in Book MD860A, at Page 181, as Document No. 87012940. This mortgage was assigned to First Nationwide Mortgage on July 15, 1997, in Book 97-19, at Page 1019, as Document No. 97071904.

WITH WARRANTY COVENANTS OR WITH SPECIAL WARRANTY COVENANTS.

WITNESS our hands and seals this 6th day of April, 1998.

[Signature] (Seal) Mary L. McConnell (Seal)



1998042118
5821316
Page: 1 of 2
04/07/1998 04:02P
Bk-5888 Pg-588

1742 Dietz Pl.

HOW TO DETERMINE THE FLOOR AREA RATIO
FROM THE ADOPTED FAR TABLE

1. Find the two numbers on the chart the lot size falls between.

Actual lot size = 65,343 square feet (SF)
Falls between 1.492 and 1.515
65,000 66,000

2. Subtract lower lot size square footage from actual lot size square footage.

65,343 Actual net lot size square footage
- 65,000 Lower lot size square footage

0.343 square feet = THE PERCENTAGE FOR STEP #5 (3 decimal places)

3. Subtract the lower MAX FAR SF from the Table from the upper MAX FAR SF to get the Multiplicand

_____ FAR = 11,153 sf Upper MAX FAR SF
_____ FAR = 11,042 sf Lower MAX FAR SF

Multiplicand = 111 sf

4. 111 is the MULTIPLICAND

5. Use PERCENTAGE FROM STEP # 2 0.343

6. Multiply the MULTIPLICAND by the PERCENTAGE

111 x 0.343 = 38 square feet

7. Add results of # 6 to the Lower MAX FAR SF

11,042 + 38 = 11,080 (FAR for net lot size)

Existing:

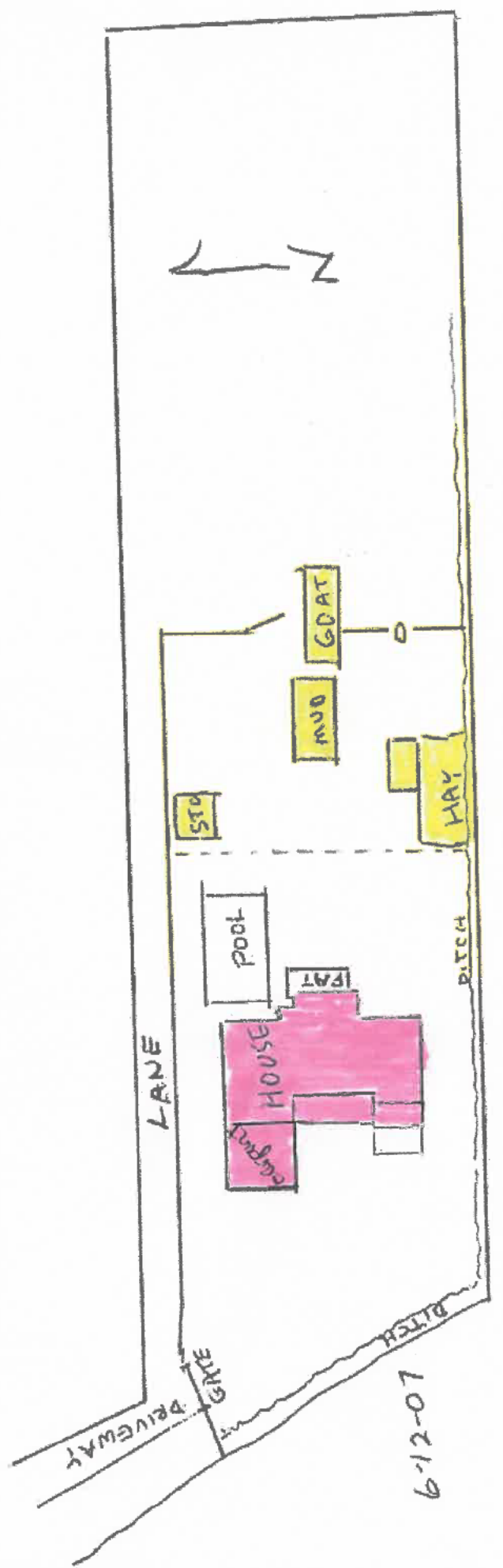
SF House _____

SF TACKRM 434

SF Carport 620.68

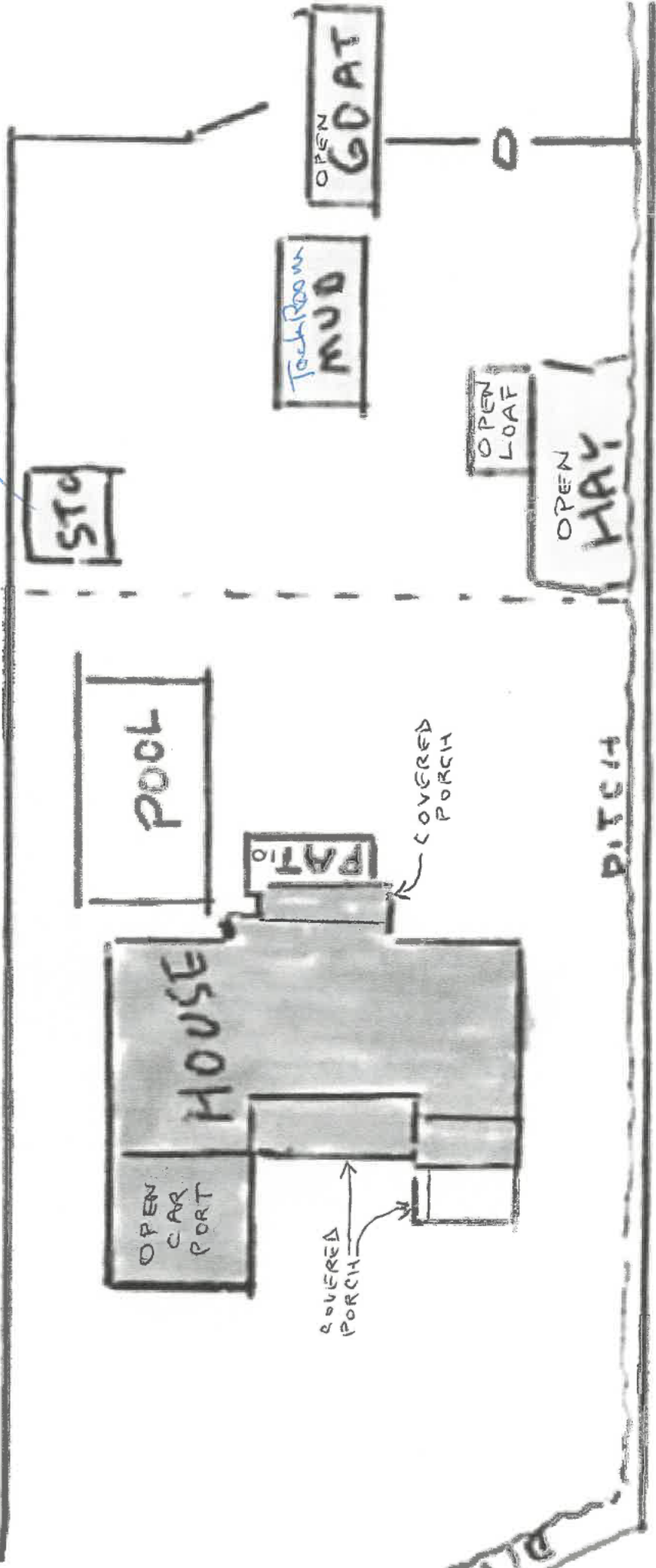
SF Storage _____

Proposed:



for animal
protection

LANE



STG

POOL

HOUSE

OPEN
CAR
PORT

COVERED
PORCH

PATIO

COVERED
PORCH

TOUCH ROOM
MUD

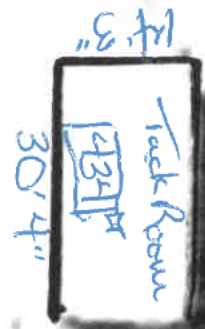
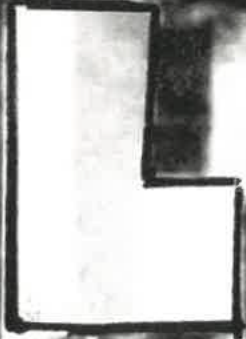
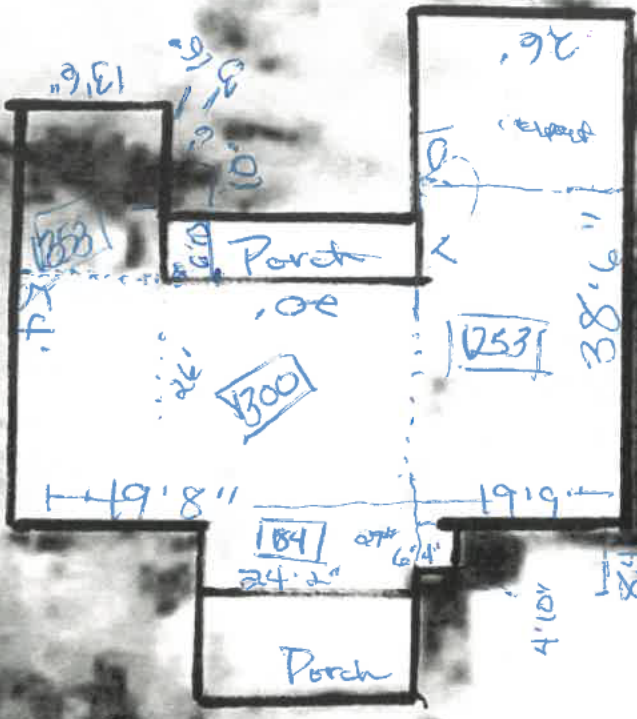
OPEN
LOAF

OPEN
HAY

OPEN
GOAT

PITCH

2.16 x 1.16
Product



3090 ✓
includes
car port
434 ✓
tack room

3524
1850

total 5374 ✓



Suze McConnell <mcconnellsuze@gmail.com>

Addition to Home Located at 1742 Dietz Pl

1 message

Patsy Jones <pajones830@comcast.net>
To: mcconnellsuze@gmail.com
Cc: Ron <rvjones53@comcast.net>

Wed, Jan 24, 2024 at 4:11 PM

Hi Susan,

We wholeheartedly support your plan for an addition to your parent's home. As your immediate neighbors to the south - we live at 1721 Avenida Las Campanas NW - we appreciate the time and effort it takes to keep up the property at 1742 Dietz Pl and caring for the animals living there. We agree that having additional personal space would make helping your parents easier. We also appreciate your thoughtfulness in matching the style of the addition to the existing home.

Regards,

Patsy and Ron Jones
Residents of 1721 Avenida Las Campanas NW
Los Ranchos, NM 87107
505-480-2816 (Patsy)

Christina Olaechea and Sean Armstrong
4101 Dietz Loop NW
Los Ranchos, NM 87107

January 27th, 2024

The Village of Los Ranchos de Albuquerque Zoning Department
6718 Rio Grande Blvd NW
Los Ranchos, NM 87107

To Whom it May Concern,

We are Tom McConnell's neighbors just across the street on Dietz loop NW. We have discussed the plan to build an addition to his home with Tom and his daughter Susan, and we fully and wholeheartedly support this project as it will make it much easier for them as a family to care for each other and their animals. We understand their need to expand the house to include additional living space, and we endorse this improvement and wish to share our thoughts and feelings on it to all interested parties.

Please feel free to reach out to either of us if there are any questions or concerns.

Thank you,



Christina Olaechea

505 450-5118



Sean Armstrong

505 440-8709

Feb 1st 2024

To whom it may concern

I do not oppose the building plans for the addition to my neighbors, the McCornells, home as long as there are no issues that would affect my property.

Leslie Krane

LESLIE KRANZ
1740 DIETZ PLACE NW
LOS RANCHOS NM 87107

505-250-3239

FROM THE DESK OF

THE MARTINEZ FAMILY

February 2, 2024

Anthony and Angela Martinez
1900 Dietz Pl NW
Los Ranchos De Albuquerque NM 87107

To the Village of Los Ranchos,

Our family is writing this letter in favor of our wonderful neighbors wanting to build an addition to their home located at 1742 Dietz Pl Nw. They have been such amazing neighbors and friends to not only our family but the entire Village. We are in complete support of this wonderful addition to the neighborhood.

Sincerely yours,

Anthony, Angela and the entire Martinez family

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal line extending to the right.

Danielle Sedillo-Molina
Village Clerk
6718 Rio Grande Blvd. NW
Village of Los Ranchos, NM 87107

Subject: V 24-01; A request by Dr. Thomas and Mary McConnell for a variance.

Dear Ms. Sedillo-Molina:

I am responding to your Public Notice for V 24-01; A request by Thomas & Mary McConnell for a variance from _ 9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area to allow a 1,800-sq. ft. guest house.

My property adjoins that of Tom and Mary McConnell. We have enjoyed their friendship for over forty years. Their property complements the rural and pastoral character of the Village of Los Ranchos.

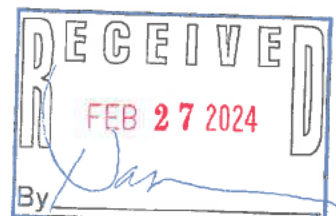
I have discussed the proposed addition on site with Tom McConnell and believe the proposed addition and requested variance will be compatible with the rural character and variable architectural styles of our neighborhood. The requested variance would not affect my property or visual aspects.

We support the proposed addition and requested variance and recommend the approval of the variance by the Village of Los Ranchos Planning and Zoning Commission.

Your consideration is appreciated.

Mark and Kathleen Sifuentes

Mark Sifuentes
Kathleen Sifuentes



Maida Rubin

From: Danielle Sedillo-Molina
Sent: Tuesday, March 26, 2024 9:49 AM
To: 'S.R. Cox'
Cc: Maida Rubin; Brennon Williams
Subject: RE: V 24-01 and v 24-03 Comments

Good Morning,

I am in receipt of your comments, thank you. I will forward to Maida Rubin, P & Z Director for her review and inclusion in the commission packet.

Sincerely,
Danielle Sedillo-Molina, CMC
Clerk/Chief Procurement Officer/HR
Village of Los Ranchos
6718 Rio Grande Blvd NW
Los Ranchos, NM 87107
(Office) 505-344-6582
(Cell) 505-977-1764
dmolina@losranchosnm.gov



From: S.R. Cox <stephencox@comcast.net>
Sent: Tuesday, March 26, 2024 8:30 AM
To: Danielle Sedillo-Molina <dmolina@losranchosnm.gov>
Subject: V 24-01 and v 24-03 Comments

We have no objections to the variance requests made by Thomas and Mary McConnell and appreciate being solicited for the following comments:

The McConnells have been good neighbors ever since we moved to Los Ranchos more than twenty years ago. Over the years we have witnessed their care of the property cited in the variance requests, their improvements to it, and their consideration of other residents in the neighborhood.

The variance for an increase in size of a guest house is easily accommodated by the size (1.5 acres) and location of their property as is the variance requested for making it 15 feet from the irrigation ditch, instead of restricting it to be at least 25 feet away.

I've visited the McConnells' property and the part of their lot encompassing the variance requests is not bordered, proximity wise, by other home owners' structures or living spaces, i.e., in our opinion

the changes requested will not impede or lessen the aesthetics enjoyed by their surrounding neighbors and property owners.

Again, in our opinion, the zoning changes requested by the McConnells seems reasonable and unobtrusive to the overall village aesthetic.

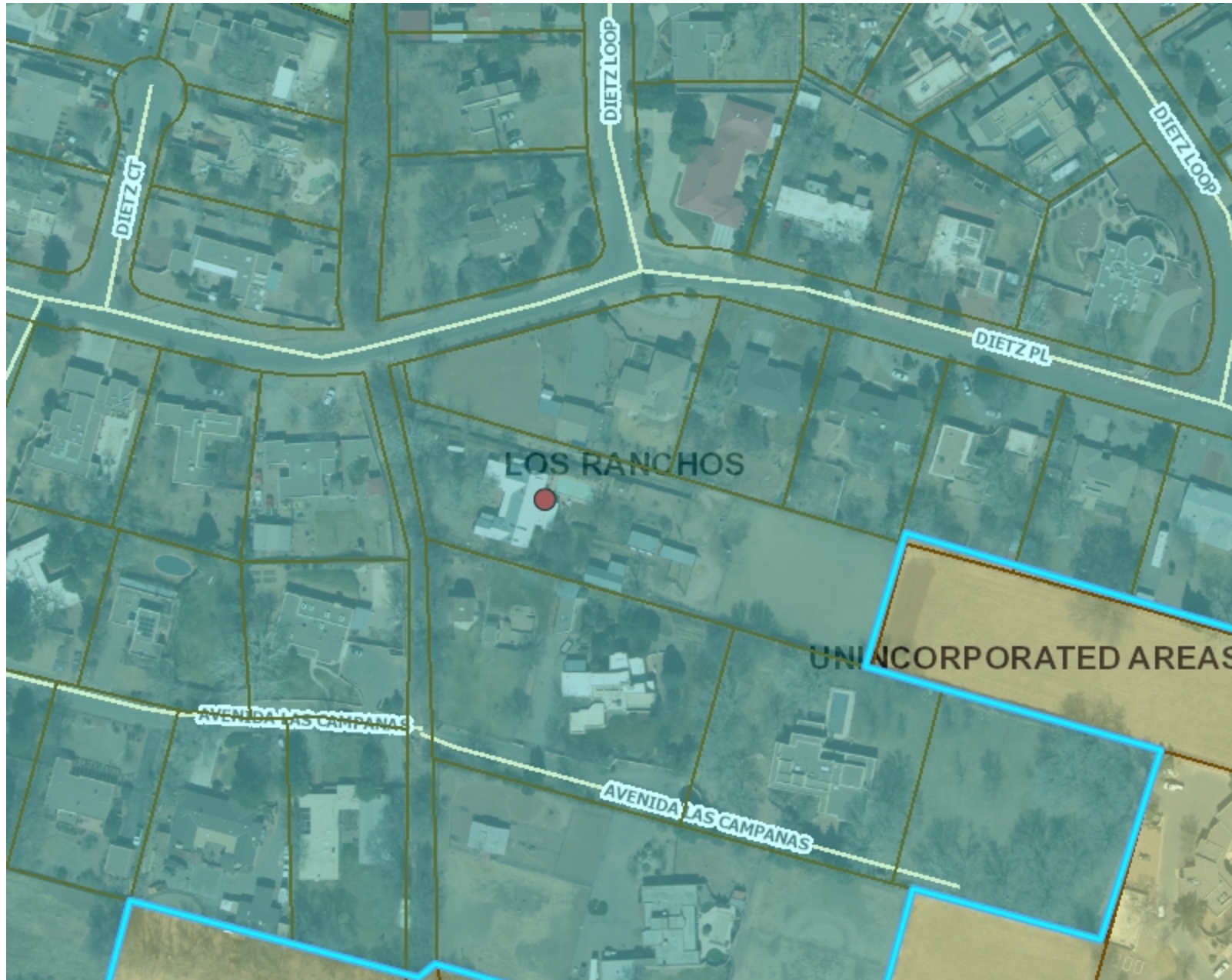
The only part of the request that would give us pause, and it wasn't addressed in the description, would be if expansion of the guest house included a second story.

Stephen R. Cox
Pamela K. Cox

1704 Dietz Place NW
Los Ranchos, NM 87107



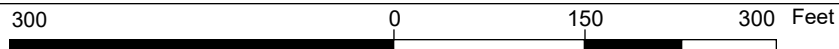
1742 Dietz Pl. NW



Legend

- Bernalillo County Parcels
- Primary Streets**
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- + BN and SF Railroad
- Other Streets**
 -
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

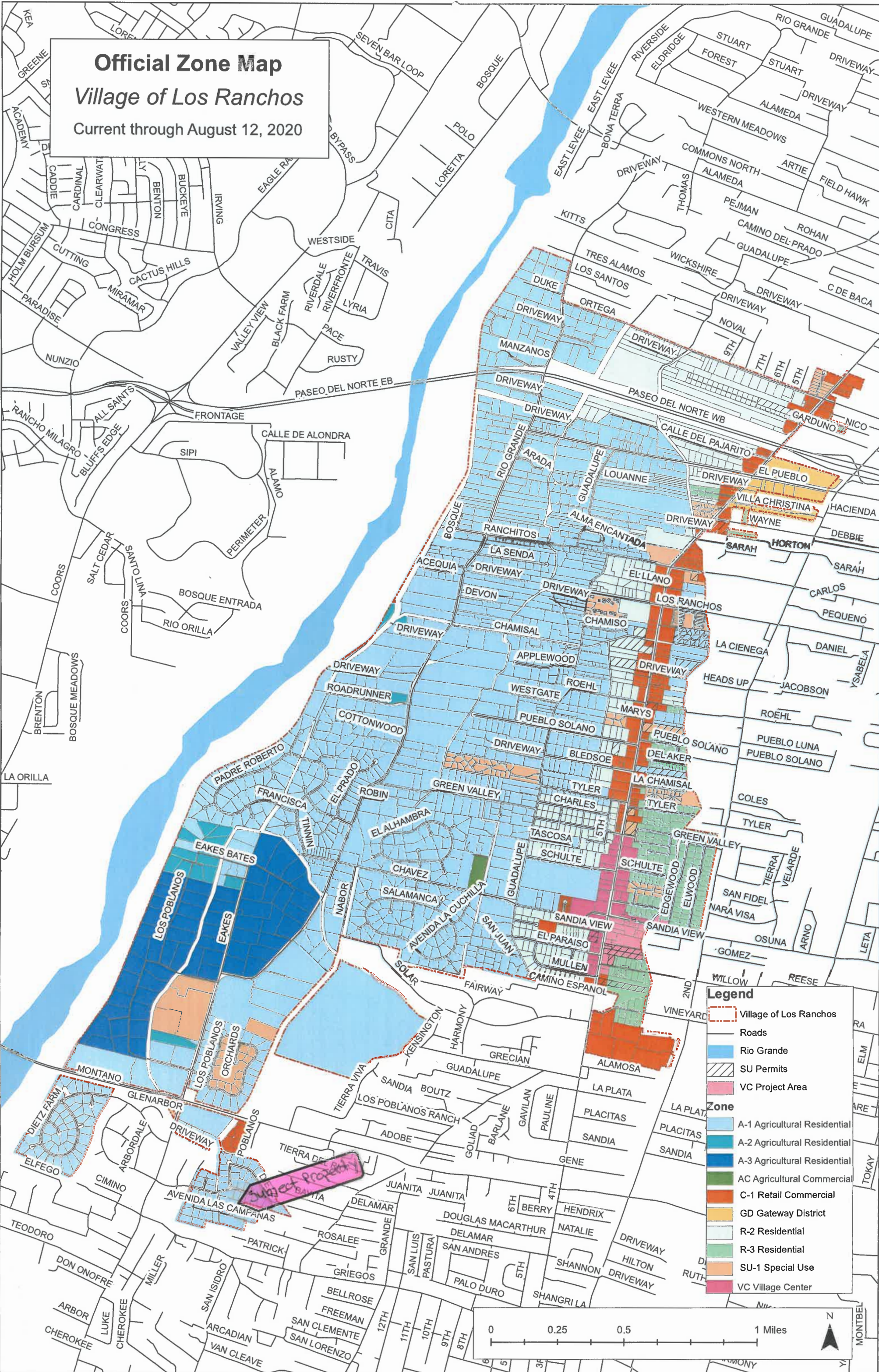
Notes



Official Zone Map

Village of Los Ranchos

Current through August 12, 2020



C. CU 24-02; A request by Pete Marquez & Sean Hollowwa, agents for 411 Equipment, LLC., for conditional use approval for auto sales as allowed by § 9.2.12(B). The property is located at 7324 4th St. NW, Los Ranchos NM, 87107, and is legally described as Tract B2A, Plat of Tracts B1A & B2A, Lands of Giant Industries. The property contains 1.6725 acres, more or less.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: March 29, 2024

REPORT NO. PZ-24-09

File: CU-24-02

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Conditional Use approval in accordance with §9.2.12(B) to allow auto sales. The property is zoned C-1 and A-1 Agricultural/Residential, and is located within the 4th Street Character Area.

APPLICANT: 411 Equipment, LLC

AGENT: Pete Marquez & Sean Hollowwa

LOCATION AND LEGAL:

The property is located at 7324 4th St. NW and is legally known as Tract B2A, Plat of Tracts B1A & B2A, Lands of Giant Industries. The C-1 portion of the parcel encompasses the width of the lot and approximately the first 300 linear feet in depth from 4th Street, with the remainder of the property zoned A-1. The property contains 1.6725 acres, more or less.

PROJECT:

The applicant is seeking conditional use approval for auto sales for municipal vehicles and equipment (fire trucks, street sweepers, sewer trucks, environmental equipment, fire equipment, litter equipment, and other municipal heavy equipment and apparatus). The customer base for the business is primarily government agencies. As shown on the provided site plan, vehicles and equipment will be stored outside to the north and west sides of the existing 10,700-square foot building.

SURROUNDING LAND USES:

The properties to the north and south are dual zoned C-1 and A-1, while the lot to the east is zoned A-1, and the property to the west across 4th Street is zoned C-1. All parcels are located within the 4th Street Character Area.

RELEVANT CODE LANGUAGE

§ 9.2.12 C-1 RETAIL COMMERCIAL ZONE

(B) USES. Properties within the C-1 Commercial Retail Zone are required to conform to the Use Table below. Uses designated as “Permissive” may be denied if the proposed use is deemed by the Village to be a nuisance or injurious to adjacent property, the neighborhood, or the Village of Los Ranchos.

Use Table	
Key:	
Permissive Uses	P
Conditional Uses	C
Prohibited Uses	X
All uses must comply with ordinances and regulations for permits and development as required by the Village Codified Ordinances.	

Auto-oriented Uses	
Auto sales	C
Auto parts and supplies, including service stations	P
Farm equipment, sales and service	P
Commercial car washes	P
Construction yards and commercial storage facilities	C
Establishments with drive-up facilities	C
Self-storage units	C
Trailer or recreational vehicle sales or service	C

Conditional Uses as referenced herein must be approved in accordance with Section 9.2.25(E) of the Village Codified Ordinances.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS.

(2) Conditional Use. When referred for action by recommendation of the Planning and Zoning Director, a conditional use shall be approved to allow conditional uses delineated in a zone if the following findings are made:

- (a) A conditional use shall be approved only if, in the circumstances of the particular case and under conditions imposed, the proposed use will be in conformance with the Master Plan and will not be injurious to adjacent property, the neighborhood, or the community.
- (b) Approval of a conditional use shall be made subject to specific conditions that are deemed necessary to protect the public safety, health, morals, or general welfare of the Village.
- (c) An application for a conditional use for the same property cannot be filed within six (6) months from the date of the final action on a prior application.

ANALYSIS:

§9.2.25(E)(2)(a), compliance with the Master Plan:

Under **9.1.2 Economic Development Policies & Action Steps** in the Master Plan, **Policy B** recommends strongly supporting “Village businesses, both current and potential.” This policy supports the establishment and undertaking of an auto sales business within the Village, as included in §9.2.12 (B) USES. *Conforms.*

Policy C includes the provision to “Enforce Village zoning and Ordinance requirements.” This policy also supports the establishment and operation of auto sales as a conditional use in the C-1 zone. *Conforms.*

Additionally, **Policy C** encourages commercial development that accomplishes the following:

- “Supports, anchors, and energizes the commercial and mixed-use areas in Los Ranchos
- Maintains and increases mixed uses;
- Acts as a catalyst in revitalization efforts of businesses, commercial and mixed-use property owners, and surrounding neighborhoods;
- Helps to build a sense of community that reinforces and serves the diverse character and needs of the Village; and
- Creates a dynamic commercial environment that reflects the character of the Village and integrates a variety of businesses and commercial activities.”

Conforms.

§9.2.25(E)(2)(b), subject to specific conditions:

Although conditional uses enumerated within the Zoning Code are expected, anticipated land uses and property activities in the Village, some aspects of these businesses may be unfavorable to the neighborhood or area at large (noise, odor, dust, vibration, etc.). Compliance with existing community standards helps maintain Village character. *May conform.*

§9.2.25(E)(2)(c), another application within six (6) months:

An application for a conditional use for the same property has not been filed within the previous six (6) months. *Conforms.*

DEPARTMENT RECOMMENDATION AND FINDINGS:

The Department recommends **approval of CU-24-02**, a request for a Conditional Use in accordance with §9.2.12(B) to allow auto sales in the C-1 zone for the subject parcel within the 4th Street Character Area with the following Findings and Conditions:

Findings:

The Conditional Use request adequately meets the requirements of **§9.2.25(E)(2)(a) – (c)**:

(a) The application is in conformance with the Master Plan in the following sections:

9.1.2 Village Form Policies & Action Steps

Policy B Action Steps

Strongly support Village businesses, both current and potential.

9.1.2 Village Form Policies & Action Steps

Policy C Action Steps

Enforce Village zoning and Ordinance requirements.

9.1.2 Village Form Policies & Action Steps

Policy C Action Steps

Encourage commercial development that accomplishes the following:

- Supports, anchors, and energizes the commercial and mixed-use areas in Los Ranchos
- Maintains and increases mixed uses;
- Acts as a catalyst in revitalization efforts of businesses, commercial and mixed-use property owners, and surrounding neighborhoods;
- Helps to build a sense of community that reinforces and serves the diverse character and needs of the Village; and
- Creates a dynamic commercial environment that reflects the character of the Village and integrates a variety of businesses and commercial activities.

(b) Approval of the application is made subject to specific conditions listed below. These conditions are deemed necessary to protect the public safety, health, morals, or general welfare of the Village.

(c) An application for a conditional use for the same property has not been filed within the previous six (6) months.

Conditions:

1. This Conditional Use request for auto sales is limited to the C-1 portion of the property, essentially the width of the lot and approximately the first 300 linear feet in depth from 4th Street.
2. All accessory uses associated with the approved auto sales operation, such as off-street parking, noise, signage, fencing, etc., shall be in conformance with the C-1 zone and shall not occur on the A-1 portion of the property.

Should the Planning and Zoning Commission find that denying the Conditional Use request is warranted, staff recommends the following findings of fact:

Findings:

The Conditional Use request does not sufficiently meet the requirements of **§9.2.25(E)(2)(a) – (b)**:

- (a) The proposed use will not be in conformance with the Master Plan and will be injurious to adjacent property, the neighborhood, and/or the community.
- (b) The Planning and Zoning Commission is unable to establish specific conditions to sufficiently protect the public safety, health, morals, or general welfare of the Village to ameliorate the negative affects of auto sales from the subject location.

Public notice requirements have been met by publication in the *Albuquerque Journal* on March 24, 2024. Public Notice was sent by mail to all neighbors within 400 feet of the property on March 21, 2024. The Public Notice sign was posted on the property by March 25, 2024.



Maida Rubin, AICP, CFM
Director, Planning and Zoning Department

Date: 03/29/24

Attachments:

Application
Ortho Map
Zone Map

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582

FOR OFFICIAL USE		
Zone _____	CU # _____	Date: _____
Related Cases _____	Receipt # _____	
Character Area _____		

Application fee of \$100.00 due at submittal. Additional public notice fees will apply.
Complete application must be submitted with all required documents. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

CONDITIONAL USE APPLICATION

Address: 7324 4th Street NW **Zip:** 87107
Los Ranchos de Albuquerque

Property Acreage 1.6730 **Nature of Request:** _____

Legal Description (Only if property has no formal address)

Subdivision Lands of Giant Industries **Block** _____ **Lot No.** _____ **Tract No.** B2AMRGCD **Map No.** _____

PROPERTY OWNER

Name: Giant Four Corners, Inc.

Mailing address: 19100 Ridgewood Pkwy San Antonio, Tx 78259
Street City Zip

Telephone: _____ **Email:** _____

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.

Contact Name: Pete Marquez/Sean Hollowwa **Title:** Manager/General Counsel

Business Name: 411 Equipment, LLC

Mailing address: P. O. Box 1307 Albuquerque, NM 87103
Street City Zip

Telephone: 505-243-3525 **Email:** shollowwa@shha.net

REQUIRED DOCUMENTS

*** Must be submitted with application form.**

- Grant/warranty deed or other proof of ownership*** (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)*** (From <https://www.bernco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent** – Nature of request, why requested, and how applicant will abide by conditions.
Narrative may be any length and may include visuals. Narrative may include but is not limited to:
 - Site plan** – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations** – If applicable. To scale (include dimensions).
 - Photographs/diagrams** – If applicable.

NOTE: If approved, conditional use permit will include conditions as stated in the Village Code. Applicant is advised to review said conditions prior to application. View at www.losranchosnm.gov/village-code.

In addition to the \$100.00 conditional use fee, the application will generate public notice fees for a posted sign and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.

The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

After the public comment period, applications without adverse comments may be approved by the Planning & Zoning Director. Adverse comments may forward the decision to the Planning & Zoning Commission. A public hearing will generate additional public notice fees, including a posting in the newspaper. Applicant may be required to provide additional information. Staff will provide further instructions.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that a prior application for a conditional use permit has not been filed for this property within the last six months and that all statements herein are true and correct to the best of my knowledge.

See attached letter dated February 29, 2024

Signature of Property Owner (or submit affidavit of agent) Date

Signature of Applicant (Contractor/Agent) (if applicable) Date

GUEST HOUSE REQUESTS: Guest house letter of intent may be limited to written statement confirming that applicant will abide by guest house conditions. View conditions for guest houses in Village Code [9.2.7\(C\)\(5\)](#). Guest house conditional use permits are not tied to building plans. Applicant may submit zone review permit application after conditional use approval.

FOR OFFICIAL USE

Public Comment Period: Start Date: _____ End Date: _____

Planning & Zoning Commission Application Hearing Date: _____

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____
Planning and Zoning Director Date

Letter with special conditions of approval or basis for denial specified in letter (notice of decision) mailed on _____
Date

See below for code excerpt on Guest Houses.

§9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

(C) CONDITIONAL USES. The following uses may be allowed when approval has been obtained as set forth in § 9.2.25(D)(2), § 9.2.25(E)(2):

(5) Guest house or additional dwelling.

(a) The guest house is limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen (microwave, coffee pot, etc.), sleeping and sanitation

(b) Guest houses may not have a garage.

(c) Occupants shall not be charged rent unless an explicit conditional use allowing rental has been approved by the Commission or rent is for only short-term rental as all or part of a permitted Bed and Breakfast Establishment.

(d) Guest houses shall not have a separate address.

(e) Upon lots with at least twice the minimum lot area, one (1) dwelling per minimum lot area, but limited to a maximum of three (3) dwellings per lot. One (1) dwelling shall be the principal single family dwelling and any additional dwelling shall be for use as a guest and/or caretaker's house limited to one thousand (1,000) square feet of heated floor area with facilities for cooking (not necessarily a full kitchen i.e. microwave, coffee pot, etc.), sleeping and sanitation and providing the structures have access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

1. Upon lots with a lot area less than twice the minimum lot area, one guest house may be approved providing it has access to public water and sewer or obtains a wastewater permit from the NMED stating the maximum flow rate on the lot.

2. The additional dwelling(s) shall meet the current building and zoning code requirements of the Village.

Village of Los Ranchos de Albuquerque Application Public Notice Requirements

1. Applications for Administrative Approval

Your application will be noticed for administrative approval in two ways: letters sent to all property owners within 300-400 feet from your property and a posted notice sign on the front of your property. The Village will handle the mailed notice and forward the cost to you as the applicant. You must post the sign per the below instructions. Failure to do so may constitute reason to defer or deny your application. If your application is not administratively approved, you will be charged for the Commission public hearing notice. Please contact the Planning & Zoning Department with any questions.

2. Applications for Approval by the Planning & Zoning Commission or Board of Trustees

Your application will be noticed as being on the Planning & Zoning Commission or Board of Trustees agenda in three ways: a notice in the Albuquerque Journal newspaper, letters sent to all property owners within 300-400 feet from your property, and a posted notice sign on the front of your property. The Village will handle the newspaper and mailed notice, and will forward the cost to you as the applicant. You must post the sign per the below instructions. Failure to do so may constitute reason to defer or deny your application. If your application will go before the Commission or Board multiple times, each meeting requires a new notice. You will be charged accordingly and be required to post a new meeting sign. Please contact the Planning & Zoning Department with any questions.

Public Notice Sign

As the applicant, you are responsible for posting and maintenance of a sign on the property that describes the application. The Village will contact you via phone or email to pick up the sign.

You are responsible for ensuring the sign remains posted throughout the designated period (dates and times) noted on the sign. Failure to maintain the sign during the entire period may be cause for deferral or denial of the application.

Location:

- The sign must be conspicuously located. It must be within twenty feet (20') of the edge of the front property line, and Village staff may indicate a specific location.
- The face of the sign must be parallel to the street, and the bottom of the sign must be two (2) to seven (7) feet from the ground.
- No barrier shall prevent a person from coming within five feet (5') of the sign in order to read the content.

Posting:

- The Village provides zip ties to attach the sign to a fence. Alternatively, nailing or stapling the sign to a heavy stake with two (2) crossbars or a full plywood backing works best to keep the sign in place, especially during high winds. In the event the sign is lost or damaged to the point

that it is unreadable prior to the meeting, inform Village staff to obtain a new sign as soon as possible.

Removal:

- Do not remove the sign before the hearing or administrative approval of the request.
- You must remove the sign no later than five (5) days after the Director, Commission, or Board issues its decision.

Public Notice Fees

You must pay the public notice fees when you pick up the public notice sign. The invoice will be comprised of the following:

- **Albuquerque Journal Notice:** Forwarded cost from the newspaper for the cost of the posting, divided by the number of applications on the agenda. Only applicable for public hearing items.
- **Mailed Letter Notice:** \$0.58 (cost of stamp) * number of letters sent
- **Public Notice Sign:** \$2

Maida Rubin
Planning and Zoning Director
Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd. NW
Los Ranchos de Albuquerque, NM 87107

Re: Letter of Intent – Conditional Use Permit – 7324 4th St. NW

Dear Ms. Rubin,

This conditional use permit is being sought by 411 Equipment, LLC, a local dealer and servicer of fire trucks, street sweepers, sewer trucks, environmental equipment, fire equipment, litter equipment, and other municipal heavy equipment and apparatus. As of the date of this application, 411 Equipment LLC is under contract to purchase 7324 4th St. NW (the “Property”) from its current legal owner, Giant Four Corners LLC, as set forth in the accompanying letter dated February 29, 2024 from Giant Four Corners LLC.

7324 4th St. NW (the “Property”) has a split zoning designation: C-1 Commercial Retail and A-1 Agricultural/Residential as set forth below in the following visual depiction:



This Conditional Use Permit application is specifically directed and requested for the C-1 Section, where all business activities will take place.

The majority of 411 Equipment’s business activities are presently considered permissible under the C-1 Commercial Retail zoning designation (outlined further below). This conditional use permit is being submitted to obtain authorization from The Village of Los Ranchos for 411 Equipment, LLC’s vehicle sales operations, as required by The Comprehensive Zoning Code of the Village, § 9.2.12(B).

Below are permissive uses within the C-1 Commercial Retail zoning designation which conform with 411 Equipment, LLC's business operations:

Auto parts and supplies, including service stations

In terms of general operating information, at its current location, 411 Equipment operates its business Monday through Friday from 7:00 AM to 5:00 PM. Occasionally, a vehicle or piece of equipment will be delivered after hours or on weekends but day-to-day activities are limited to Monday through Friday.

411 Equipment, LLC will sell (wholesale and retail) parts for fire trucks, street sweepers, sewer trucks, environmental equipment, fire equipment, litter equipment, and various other heavy equipment and apparatus on the property. 411 Equipment, LLC will also service fire trucks, street sweepers, sewer trucks, environmental equipment, fire equipment, litter equipment, and various heavy equipment and apparatus on the property. Service activities will include manufacturing and assembling wildland fire trucks, welding steel, stainless steel, aluminum, and poly. No commercial painting activities will occur on the Property.

Some automotive fluids will be stored on the property but will be housed in above ground containers and will be cared for and disposed of properly via third party companies.

Auto sales

In addition to providing the above services, 411 Equipment LLC also has a sales component to its business model, necessitating this application for a Conditional Use Permit.

411 Equipment, LLC will sell fire trucks, street sweepers, sewer trucks, environmental equipment, fire equipment, litter equipment, and various other heavy equipment and apparatus on the property. 411 Equipment, LLC currently holds a NM dealer's license and will conform to all state regulations on dealership activity. Because of the nature of 411 Equipment, LLC's customer base (98% government agencies), the company will not have a showroom floor and foot traffic is minimal. As part of its dealership operations, 411 Equipment, LLC will periodically perform demonstrations of the vehicles it sells and training on operating the vehicles it sells. On a daily basis, 411 Equipment LLC estimates that it has between 10-20 customers actually visit its physical location. 411 Equipment LLC's main automotive inventory is stored off-site in a warehouse location, prior to any pending contracts for purchase and sale.

As set forth in the attached Site Plan, which is depicted on the August 2014 Boundary Survey Plat of the tract in question, red hash marks have been added to the areas where the auto sales will occur. The requisite setbacks are already present on the southern and western boundaries due to pre-existing easements located thereon. 411 Equipment LLC will add a five foot (5') setback along the west ("front") boundary it shares with what is currently the A-X Propane property to the west and north of the proposed 411 Equipment LLC Property. The northern portion of the Property does not require a setback, as it is bordered by other C-1 property to the north on its "Side" boundary.

For additional information and reference, the western half of the 10,695.71 square foot building will serve as the office space for all dealership activities related to the purchase and sale of the auto sales.

Community Impact

411 Equipment LLC's presence on the Property will bring much needed life to this long vacant parcel of property along the 4th Street corridor in the Village of Los Ranchos. As the Village continues to look to

revitalize and revamp this original and historical US Route 66 corridor, 411 Equipment LLC's presence will serve to further the Village's goals, increasing the growing economic prosperity of the region. Although 411 Equipment LLC's current application is technically requesting the ability to sell vehicles, which can sometimes lead to the negative connotation of used cars lots, in reality, 411 Equipment LLC's business model could not be any further from the truth of that negative stereotype. 411 Equipment LLC sells vehicles the community is proud of and reliant upon, in the form of fire trucks, environmental equipment, street sweepers, and many others. 411 Equipment LLC also provides maintenance and repairs to these key community vehicles, an added service that would surely be welcome in and around the Village of Los Ranchos.

Conclusion

In sum, 411 Equipment LLC respectfully requests that the Village of Los Ranchos grant a conditional use permit for its operations to sell vehicles on the C-1 portion of the Property it is currently under contract to purchase.

More information on 411 Equipment, LLC can be found on the company's website:
<https://www.411equipment.com/>

Please feel free to reach out if you have any questions.

Sincerely,

SPANN HOLLOWWA ARTLEY

Sean K. Hollowwa

Sean K. Hollowwa

General Counsel to 411 Equipment LLC

WARRANTY DEED

Thriftway Marketing Corp., a New Mexico corporation

, for consideration paid, grants to

Giant Four Corners Inc., an Arizona Corporation

whose address is 23733 North Scottsdale Road, Scottsdale, Arizona 85255

the following described real estate in Bernalillo County, New Mexico:

Tract B-2-A of LAND OF GIANT INDUSTRIES, Situate within Projected Section 21 Township 11 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 2, 1998, in Plat Book 98C, folio 339.

Subject to: Reservations, restrictions and easements of record and taxes for the year 1999 and subsequent years.

with warranty covenants.

WITNESS my hand and seal this 22nd day of January, 1999.

_____(Seal)

_____(Seal)
Thriftway Marketing Corp.

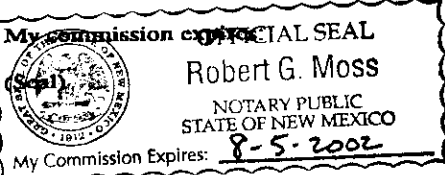
_____(Seal)

BY: R.J. Dalley (Seal)
R.J. DALLEY
VICE PRESIDENT

Representative Capacity:

State of New Mexico)
County of San Juan) SS.

This instrument was acknowledged before me on the 22ND day of January, 1999, by R.J. DALLEY as VICE PRESIDENT of Thriftway Marketing Corporation, a New Mexico Corporation, on behalf of said corporation.



Robert G. Moss
Notary Public

Individual Capacity:

State of New Mexico)
County of) SS.

This instrument was acknowledged before me on the _____ day of _____, by _____

My commission expires:

Notary Public

(Seal)



199909574
5169313
Page: 1 of 1
01/25/1999 02:46P
Bk-9901 Pg-9536

February 29, 2024

VIA UPS

Village of Los Ranchos De Albuquerque (the "Village")
Village Hall
6718 Rio Grande Blvd. NW
Los Ranchos, NM 87107

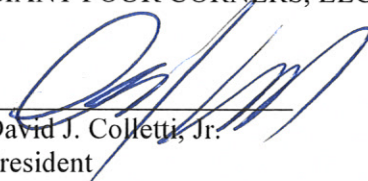
Re: Conditional Use Application for 411 Equipment LLC, a New Mexico limited liability company ("411 Equipment") in connection with 411 Equipment's purchase of the property located at 7324 4th Street NW, Los Ranchos, New Mexico (the "Property") from Giant Four Corners, LLC, a Delaware limited liability company ("Giant Four Corners") pursuant to that certain Purchase and Sale Agreement dated February 23, 2024 (the "Purchase Agreement")

Dear Village of Los Ranchos:

This letter serves to confirm that Giant Four Corners, the current owner of the Property referenced above, provides its consent and authorization for 411 Equipment to submit a Conditional Use Application for the Property to the Village for consideration, provided, however, as conditions to such consent and authorization, that (i) any permit or approval issued in response to the Conditional Use Application may not become effective until after the sale of the Property to 411 Equipment is completed, and (ii) if the Purchase Agreement is terminated at any time, the consent and authorization provided herein shall automatically terminate and 411 Equipment shall promptly withdraw the Conditional Use Application and terminate any rights or matters granted in response to the Conditional Use Application.

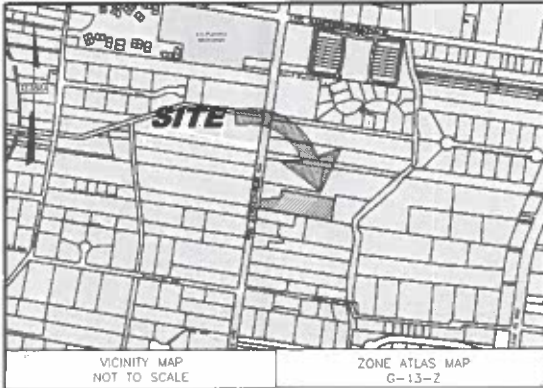
Very truly yours,

GIANT FOUR CORNERS, LLC



David J. Colletti, Jr.
President

cc: **Via Email**
Chelsea MacTaggart
Sean Hollowwa
Peter Marquez
Tyler Stradling



LEGAL DESCRIPTION

TRACT B-2-A OF LANDS OF GIANT INDUSTRIES SITUATE WITHIN SECTION 21, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS B-1-A, B-2-A, LANDS OF GIANT INDUSTRIES" FILED WITH THE BERNALILLO COUNTY CLERK'S OFFICE ON DECEMBER 2, 1998 IN BOOK 98C, PAGE 339 AS DOCUMENT NUMBER 1998155723. (CONTAINING 1.6730 ACRES MORE OR LESS)

**BOUNDARY SURVEY PLAT OF
TRACT B-2-A
LANDS OF GIANT INDUSTRIES
SITUATE WITHIN
SECTION 21, T. 11 N., R. 3 E., N.M.P.M.
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
AUGUST 2014**

EASEMENT LEGEND

- Ⓐ 10' 0" PUBLIC UTILITY EASEMENT FILED 12/3/97, BK. 97C, PG. 340
- Ⓑ 10' 0" PUBLIC UTILITY EASEMENT FILED 12/2/98, BK. 98C, PG. 339
- Ⓒ 20' 0" ACCESS & PUBLIC WATERLINE EASEMENT FILED 11/15/85, BK. C28, PG. 168
- Ⓓ 25' 0" PRIVATE ACCESS EASEMENT FILED 12/3/97, BK. 97C, PG. 340
- Ⓔ 10' 0" OF ADDITIONAL R/W TO BE DEDICATED TO THE GOVERNING AGENCY UPON REQUEST FILED 11/15/85, BK. C28, PG. 168

Proposed Vehicle Sales

LEGEND

- △ CONTROL MONUMENT (AS NOTED)
- FND. REBAR W/CAP (AS NOTED)
- SET 1/2" REBAR W/CAP (CA MEDINA PS 15702")
- CALCULATED POINT (NOT SET)
- ⊙ ELECTRIC METER
- ⊕ POWER POLE
- BOLLARD
- ⊕ PROPANE TANK
- FINISH FLOOR
- ⊙ MONITOR WELL
- ⊙ SAS CLEAN OUT
- ⊕ GATE
- CHAIN LINK FENCE
- OVERHEAD POWER LINE
- UNDERGROUND GAS LINE
- BLOCK WALL
- ▨ BLDG. HATCH
- ▩ CONC. HATCH

PURPOSE OF PLAT

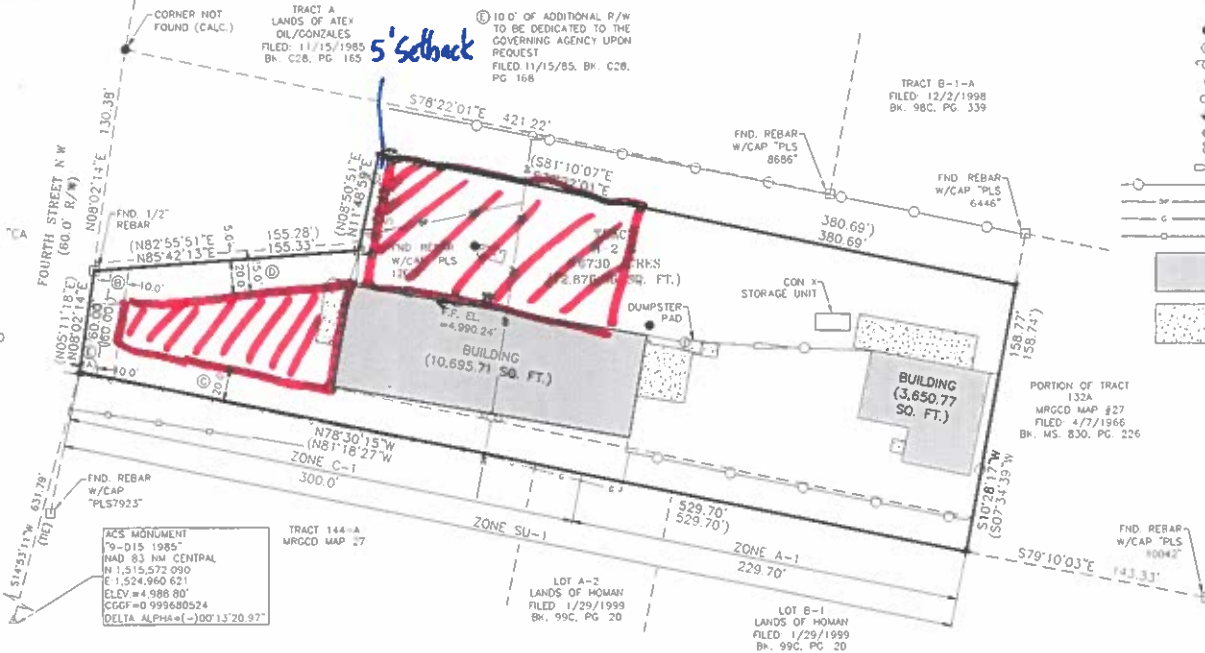
THE PURPOSE OF THIS PLAT IS TO DEPICT THE BOUNDARY AND IMPROVEMENTS OF TRACT B-2-A

NOTES:

- FIELD SURVEY PERFORMED IN AUGUST 2014
- ALL DISTANCES SHOWN ARE GROUND DISTANCES
- CORNERS IDENTIFIED AS "SET", ARE 1/2" REBAR WITH CAP STAMPED "CA MEDINA PS 15702", AND DEPICTED AS , UNLESS OTHERWISE INDICATED.
- BEARINGS AND DISTANCES SHOWN IN PARENTHESIS () ARE PER RECORDED PLAT REFERENCED IN DOCUMENTS USED.
- BASIS OF BEARING ARE NAD 83 NEW MEXICO CENTRAL ZONE DERIVED FROM THE ALBUQUERQUE GEODETIC REFERENCE SYSTEM (A.G.R.S.)

DOCUMENTS USED:

- PLAT ENTITLED "TRACTS B-1-A, B-2-A, LANDS OF GIANT INDUSTRIES (FORMERLY LANDS OF ATEX OIL)" FILED DEC. 2, 1998 IN BOOK 98C, PAGE 339 WITH THE BERNALILLO COUNTY CLERK'S OFFICE.
- PLAT ENTITLED "LANDS OF ATEX OIL" FILED DEC. 3, 1997 IN BOOK 97C, PAGE 340 WITH THE BERNALILLO COUNTY CLERK'S OFFICE
- PLAT ENTITLED "LANDS OF ATEX OIL" FILED NOV. 15, 1985 IN BOOK C28, PAGE 168 WITH THE BERNALILLO COUNTY CLERK'S OFFICE.
- PLAT ENTITLED "LANDS OF HOMAN" FILED JAN. 29, 1999 IN BOOK 99C, PAGE 20 WITH THE BERNALILLO COUNTY CLERK'S OFFICE.



SITE DATA:

- SUBJECT PROPERTY CURRENTLY HAS MULTIPLE ZONING DESIGNATIONS (INSURER DID NOT PROVIDE ANY DOCUMENTATION FOR ZONING CLASSIFICATION AND ZONING RESTRICTIONS INFORMATION SHOWN BELOW IS BASED ON SURVEYOR'S RESEARCH)
 - A. ZONE A-1: AGRICULTURAL/RESIDENTIAL (1 DWELLING/1 ACRE)
 - B. ZONE C-1: RETAIL COMMERCIAL ZONE (1 DWELLING UNIT/ONE THIRD ACRE RESIDENTIAL)
 - C. ZONE SU-1: SPECIAL USE ZONE (ZONES FORMERLY APPROVED WITHIN THE VILLAGE, BUT NO LONGER AVAILABLE TO BE GRANTED AS A ZONE)
2. AREA LIES WITHIN FLOOD ZONE X (OTHER FLOOD AREAS) AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD ACCORDING TO THE FLOOD INSURANCE RATE MAP PER FIRM MAP PANEL 117 OF 825, MAP NO. 35001C0117G, MAP REVISED DATE SEPTEMBER 26, 2009, BERNALILLO COUNTY, NEW MEXICO AND INCORPORATED AREAS.

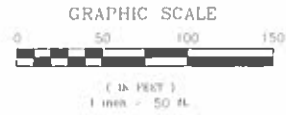
SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER A. MEDINA, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15702, DO HEREBY CERTIFY THAT THIS PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Christopher A. Medina
CHRISTOPHER A. MEDINA, NMPLS NO. 15702



AUGUST 27, 2014
DATE



TERRA LAND SURVEYS, LLC
P.O. BOX 2532 • CORRALES, NM 87048 • (505) 792-8513

D. Discussion and recommendation of **Ordinance No. 299**, amending Ordinance 284, rescinding the Pilot Project Program allowing for up to three conservation development projects in the Village of Los Ranchos, and establishing provisions for Conservation Developments; removing Pilot Project approval process from Planning & Zoning Commission Matrix, adding approval process for Conservation Developments, and correcting an omission; amending and removing definitions; amending a section on Conservation Development standards.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: March 29, 2024

REPORT NO. PZ-24-10

File: TA 24-01

ISSUED BY: Planning and Zoning Department

SUBJECT: A request by the Village of Los Ranchos for discussion and recommendation of **Ordinance No. 299**, amending Ordinance 284, rescinding the Pilot Project Program allowing for up to three conservation development projects in the Village of Los Ranchos, and establishing provisions for Conservation Developments; removing Pilot Project approval process from Planning & Zoning Commission Matrix, adding approval process for Conservation Developments, and correcting an omission; amending and removing definitions; amending a section on Conservation Development standards.

APPLICANT: Village of Los Ranchos

BACKGROUND: On March 9, 2022, the Board of Trustees approved a pilot project program for conservation developments that would allow the Village to test the small-scale implementation of certain land use concepts and further explore the concept of conservation development (cluster housing) without widespread adoption, thus allowing for revisions to the Village Code prior to Village-wide adoption (or not) of a conservation development standard under Ordinance 284.

In response to community input, on August 15, 2022, the Board of Trustees passed Resolution 2022-08-02 imposing a moratorium on Pilot Project and Conservation Development Standards Permit applications. On September 8, 2022, a public meeting was held to solicit public input pertaining to concerns about development governed by Ordinance 284, the Village Center (VC) Zone, and the Retail Commercial (C-1) Zone. The public called for more citizen participation and a reexamination of density regulations and related issues in these sections of the Village Code.

The moratorium on Pilot Project and Conservation Development Standards Permit applications was subsequently extended several times, the most recent of which expires on June 30, 2024. During the moratorium period, staff was directed to work with a Citizens Advisory Committee (CAC) appointed by Mayor Lopez to propose amendments to Ordinance 284 that would address citizen concerns regarding the ordinance regulations.

The CAC met approximately 20 times since March 2023 to work on proposed text amendments to Ordinance 284. Meeting notes and project updates were posted on the Village website so the public could keep apprised of the discussions. Residents, developers, and other development experts attended various meetings and provided input. Four public meetings were held (May 4 and November 15, 2023, and two meetings on February 1, 2024) to solicit public input and iteratively report back on the proposed changes.

Based on the public input received, guidance from the CAC, and planning best practices, staff respectfully brings forward Ordinance 299, amending Ordinance 284, for discussion and recommendation.

This report includes a summary of the proposed policy changes in §9.2.27 Conservation Development Standards Permit (CDP) in list form. A matrix of proposed changes broken out by

section, the “redline” document including all proposed edits to Ordinance 284, and a “clean” version with all track changes accepted for easier review are included as attachments to this report.

Summary of Proposed Revisions to §9.2.27 (not intended to be a complete list)

1. Remove “Pilot Program” throughout the ordinance, including definition section.
2. Conservation Development Subdivisions will be allowed in A-1, A-2, A-3, R-2 and R-3 zones.
3. Conservation Development Subdivisions will follow the Major Subdivision process, requiring:
 - a. Site Development Plan and Subdivision
 - b. Recommendation by the Planning Commission, and Final approval by the Board of Trustees
4. Conservation Area (CA) Revisions:
 - a. Conservation Area definition: Any area(s) within a proposed conservation subdivision to be designated as CA must be site appropriate and promote the history and culture of the village and historic permeable land uses This includes elements such as, small scale agriculture, habitat, animal husbandry, maintenance of culturally significant historic sites or structures, preservation and use of acequias, preservation of scenic aspects of the parcel and views, small scale horse activities, or similar uses of land in furtherance of the Village Master Plan.
 - b. Conservation Area will be identified on the plat as a separate lot or lots and shall remain designated in perpetuity.
 - c. All Conservation Development Subdivisions will designate 35 percent of the total parcel acreage as Conservation Area (Open Space).
 - d. Conservation Area Plan is required, which includes operation and maintenance, uses allowed in the Conservation Area, and who is responsible for the area, such as an HOA.
 - e. Allowed uses include agriculture, habitat, pedestrian and equestrian trails. Preservation of existing natural landscapes and features, such as cottonwood trees, native vegetation, and existing grades and slopes is encouraged.
 - f. Parks are an allowable use of the Conservation Area in the R Zones.
 - g. Prohibited uses include paved sports courts, golf driving ranges, impervious surfaces.
 - h. Existing or new structures are allowed for the purpose of maintaining Conservation Area or for support of uses in the Conservation Area Plan. Encourage the preservation of historic structures.
5. Ditch rights shall not be severed as part of the conservation subdivision.
6. To calculate allowed density (dwelling units and lots):
 - a. Developable Area is the property intended for residential development and do not include the Conservation Area.
 - b. Base Density. Establish the base density by applying the density allowed by the property’s zone to the original parcel.

- c. Developable Area Density. Divide the Developable Area's square footage by the square footage of the minimum lot size required by the property's zone.
 - d. Density bonus – The density bonus is derived by multiplying the developable area density by 0.5. Round this number down to nearest whole number for numbers less than 0.5 and up for numbers 0.5 or more.
 - e. Total Density. The Total Density is determined by adding the number of dwelling units of the Density Bonus and the Base Density. The Total Density provides the number of total dwelling units and lots for the Conservation Development.
 - f. Floor Area Ratio (FAR). The floor area ratio of structures shall be determined by the allowable floor area listed in the adopted 20% All Village FAR Table for net lot area, as applied to the Developable Area. Variation in home and/or lot size is encouraged.
7. Remove the minimum development size requirement. Parcels of any size can be eligible for the Conservation Development subdivision process if it meets the minimum lot size for that zone.

ANALYSIS:

Ordinance 284 was originally created to respond to various conditions identified in the Village in the 2035 Master Plan, including issues of affordability and the need for smaller homes to accommodate downsizing seniors and younger residents. As written, the Ordinance creates the opportunity for smaller homes by allowing more residential units than would otherwise be allowed by a property's zone. It also responds to the need to preserve Village character by preserving dedicated open space and not allowing a larger building footprint than would otherwise be allowed.

Resident concerns about unintended consequences of the language of the ordinance included elements such as the lack of a cap on the number of dwelling units that could be created, which can lead to an increase of traffic and uncertainty about the potential density in Village neighborhoods. These text amendments attempt to respond to this and other concerns by limiting the total number of dwelling units that could be developed in a Conservation Development but still allowing a modest density bonus to incentivize the required Conservation Area set-aside.

Another key change proposed by Ordinance 299 is to eliminate the Pilot Project program and make Conservation Developments available to residential properties that meet the minimum lot size requirement throughout the Village. This is being proposed in response to input that certain areas of the Village are unfairly singled out under Ordinance 284 to "test" this type of development, and due to the community involvement over the last year to vet the proposed changes as potentially viable beyond the Pilot program in the Village of Los Ranchos.

Staff recommends that Ordinance 299, amending Ordinance 284, is in alignment with the goals of the 2035 Master Plan's residential and Village character goals, as included below.

Village Master Plan

8.1 Residential Development Goal

The goal is to sustain the Village as a semi-rural multigenerational community through residential development in keeping with Village scale and character, in particular the agricultural, historic, and open expanses characteristics of the Village.

8.1.2 Policies & Action Steps

Policy B, Action Steps

- o Create a pilot project ordinance to authorize a limited number of alternative housing pilot

projects to determine feasibility and fit in the Village prior to code amendment for Village-wide or limited allowance

- Require pilot projects to conduct studies as necessary to determine infrastructure capacity and impact on surrounding area
- Require pilot project proposals to go through the permitting/site development plan process and present to the governing body for approval
- Require pilot projects to document and evaluate progress and provide documentation post-project for future planning efforts
 - o After feasibility and fit are determined, consider implementation of techniques to provide alternative forms of housing to provide more relatively affordable, rentable, and smaller options, including but not limited to the following:
 - Consider allowance of cluster housing in Village scale and character once deemed suitable for the Village through pilot project(s)
 - ◇ Amend code to allow higher density cluster development
 - ◇ Consider a density bonus incentive for cluster development in exchange for a predetermined provided amount of maintained agricultural land and/or open space
 - o For developments along Rio Grande Boulevard, the requirement for agricultural land and/or open space may include but not replace the 280-foot setback or front of nearest dwellings on either side setback requirements
 - o Encourage proposals which do not place agricultural or open space land inward in the development and are accessible by the public
 - ◇ Inform residents about all aspects of cluster development
 - ◇ Consider the application of cluster development to preserve and utilize historic and irregular lot patterns such as tripas

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends that the Planning and Zoning Commission **recommend approval of Ordinance 299 (TA 24-01)**, to the Board of Trustees with the following Findings of Fact:

Findings:

1. The proposed Ordinance 299, amending Ordinance 284, is consistent with the goals of the 2035 Master Plan.
2. The proposed Ordinance 299 is the result of input from the Citizens Advisory Committee, community input including five public meetings between September 2022 and February 2024, and staff input, and thus are consistent with and not contrary to the public interest.

Should the Commission find that the proposed Ordinance 299 (TA 24-01) does not merit a recommendation of approval, the following findings for a recommendation of denial are recommended:

Findings:

1. The proposed Ordinance 299, amending Ordinance 284, is inconsistent with the goals of the 2035 Master Plan.
2. The proposed Ordinance 299 is contrary to the public interest.

Public notice requirements have been met by publication in the Albuquerque Journal on March 24, 2024.



Date: 03/29/24

Maida Rubin, AICP, CFM
Director, Planning and Zoning Department

Attachments:

Matrix of proposed changes by section

Ordinance 299, amending Ordinance 284, "Redline" with track changes visible

Ordinance 299, amending Ordinance 284, "Clean" with track changes accepted

<p>(G) Height Regulations</p> <p>(1) Buildings & structures</p> <p>(2) Fences & walls</p>	<p>(1) As regulated in the A-1 Zone</p> <p>(2) As regulated in the A-1 Zone, dedicated land may not be divided by fences or walls.</p> <p>Fences and walls between dedicated land and private conservation development property allowed up to 6’ solid. Between dedicated land and abutting property up to 4” solid and additional 2’ open.</p>	<p>(1) No Changes</p> <p>(2) Conservation Area (CA) may not be divided by fences or walls, unless related to the CA.</p> <p>No Changes</p>
<p>(H) Existing Building</p>	<p>Demolition of existing must take place in 1 year</p>	<p>No Changes</p>
<p>(I) Acequia Irrigation</p>	<p>(1) Continuation of existing ditch or acequia irrigation requirement</p> <p>(2) Abandonment of irrigation rights is prohibited</p>	<p>No Changes (1&2)</p>
<p>(J) Dedicated Land</p>	<p>Dedicated Land</p> <p>(1) Amount – 30 percent of net dedicated land for agriculture, recreation, and/or conservation use Additional 10 percent may have an additional 5 percent in FAR (a) Dedicated land may form one or more areas</p> <p>(2) Uses</p>	<p>Section (J) is new section “Conservation Area” (CA)</p> <p>(1) Amount - 35 percent gross CA for agriculture, recreation, habitat, & other uses.</p> <p>Subsection (a) is now (2) “Configuration”</p> <p>(a) Properties abutting Rio Grande Blvd. setbacks may be used as CA</p> <p>(b) CA may be publicly assessable or limited to private access</p> <p>(3) “Uses, Allowed” (New)</p> <p>(4) Prohibited (New)</p>
<p>(K)</p>	<p>Sewer Systems section now (L)</p>	<p>New (K) “Conservation Area Management Plan”</p> <p>(1) Owner Information & update</p> <p>(2) Type of ownership – homeowners’ association, conservation association, individual(s) or other entity</p> <p>(3) Maintenance Plan, responsible parties and financial assurances</p> <p>(4) Sale of individual land, the documents shall include buyer’s responsibility to CA</p> <p>(5) Detailed explanation of proposed Uses of CA</p> <p>(6) Proof of water availability</p>

(L)	Other Regulations	New (L) Sewer System - No Changes
(M)	Application and Approval Process section now (N)	New (M) now "Other Regulations" No Changes (1), (2), (3) (1) Off-street parking (2) Dark Skies (3) Sign Regulations
(N)	Implementation, Enforcement and Penalties	Now (O) New (N) Application and Approval Process Follow Major Subdivision process, and Site Development Plan and Subdivision (1) Requirements of Section 9.1 a. CA Management Plan reviewed by P&Z Director, & P&Z Commission, approved by BOT b. Perpetual covenants c. Final Plat requirements 1. Vacation or alteration of easement or convenient prohibited 2. Further subdivision of lots requires BOT approval 3. Location of CA on final plat 4. CA on plat and a separate lot
(O)	Pilot Project	Deleted Pilot Project Section New O Implementation, Enforcement and Penalties Enforced with Section 9.2.24 (1) Prevent unlawful construction, etc. (2) Restrain, correct, or abate violation (3) Prevent occupancy of such structures (4) Prevent illegal act, conduct, etc. on premise (5) Conditions of Approval (a) Construction within 1 year filing of plat (b) Abandonment of CA prohibited

STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 299

AMENDING ORDINANCE 284, RESCINDING THE PILOT PROJECT PROGRAM ALLOWING FOR UP TO THREE CONSERVATION DEVELOPMENT PROJECTS IN THE VILLAGE OF LOS RANCHOS, AND ESTABLISHING PROVISIONS FOR CONSERVATION DEVELOPMENTS; REMOVING PILOT PROJECT APPROVAL PROCESS FROM PLANNING & ZONING COMMISSION MATRIX, ADDING APPROVAL PROCESS FOR CONSERVATION DEVELOPMENTS, AND CORRECTING AN OMISSION; AMENDING AND REMOVING DEFINITIONS; AMENDING A SECTION ON CONSERVATION DEVELOPMENT STANDARDS.

WHEREAS, alternative housing options such as conservation development (cluster housing) are supported in the 2035 Master Plan and Section 8.1.2 Residential Development Policy B Action Steps supports the creation of a pilot project ordinance to explore alternative housing options in a limited capacity; and

WHEREAS, conservation development (cluster housing) is an alternative that provides smaller building footprints to accommodate the needs of all generations, especially older generations who wish to downsize, while preserving more contiguous undeveloped land for agricultural or open space purposes, said purposes highly valued by the Village; and

WHEREAS, conservation development (cluster housing) has been allowed in the Village, as cluster housing and as open space developments, and there are several subdivisions in the Village which are cluster housing developments or have elements of cluster housing, the majority of which have retained the Village's values of agriculture and open space; and

WHEREAS, a density bonus allowing additional dwelling units beyond the standard number of dwelling units per acre as allowed by the property's zone, incentivizes a portion of the property being set aside as undeveloped Conservation Area; and

WHEREAS, the proposed uses of a conservation development (cluster housing) are the same as those allowed in the Village's residential zones, therefore the option is available as a set of design standards; and

WHEREAS, on March 9, 2022, the Board of Trustees approved a pilot project program for conservation developments would allow the Village to test the small-scale implementation of certain land use concepts and further explore the concept of conservation development (cluster housing) without widespread adoption, thus allowing for revisions to the Village Code prior to Village-wide adoption (or not) of a conservation development standard under Ordinance 284; and

WHEREAS, as noted in Ordinance No. 284, it is the desire of the Village of Los Ranchos to provide alternative housing options such as conservation development (cluster housing), as supported in the 2035 Master Plan in Section 8.1.2 Residential Development Policy B Action Steps; and

WHEREAS, the pilot project option set out in Ordinance No. 284 was intended to allow for testing and revision as necessary, and the Board has determined that revisions to §9.2.27 Conservation Development Standards Permit and related land use sections are necessary.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE:

SECTION 1. Chapter 9, Article 2 is hereby amended as follows:

ARTICLE 2.

ZONING AND ZONE MAP

SECTION 27. Conservation Development

SECTION 2. Chapter 9, Article 2, Section 2 is hereby amended as follows:

ACTION MATRIX (Code citation)	STAFF	COMMISSION	BOARD
R=Recommendation F=Final			
Amendment to Conditions of Approval Sec. 9-2-25(D)(1)	Director		
<u>Conservation Development</u> <u>(See Site Development Plans and Subdivision – Major)</u>			
Conservation Development – Deviations Sec. 9.2.27(N)(3)			F
Conditional Use Sec. 9-2-25(D)(2)	Director		
Conditional Use – adverse comments Sec. 9-2-25(E)(2)		F	
Sign Permit Sec. 9.2.22(D)	Director		
Site Development Plans – Sketch Plat Sec. 9-2-25(E)(4)(c)(1)		No action	
Site Development Plans – Preliminary Sec. 9-2-25(E)(4)(c)(2)		R	
Site Development Plans – Final Sec. 9-2-25(E)(4)(c)(6)			F
Special Use Permit Sec.9.2.17 and Sec. 9-2-25(E)(5)		R	F
Subdivision – Minor Sec. 9.1.7(B)	Director		
Subdivision - Major Sketch Plat Sec. 9.1.7(C)(2)		No action	
Subdivision - Major Preliminary Plat Sec. 9.1.7(C)(3)		R	F
Subdivision - Major Final Plat Sec. 9.1.8.(A)(4)		F	F**

**Final approval may come back to BOT if requested			
Variance Sec.9.2.15(E)(7)		F	
Village Center Project Area Economic Plan/Site Development Plan Sec. 9.2.14(C)		R	F
VC Final Development Plan Sec. 9.2.14(C)(1)(b)(3)			F
VC Economic/Site Development Plan Amendment Sec. 9.2.14(C)(1)(b)(4)		R	F
Zone Changes and Zone Map Amendment Sec. 9-2-25(E)(8)			
Bed and Breakfast Permits Sec. 9.2.25(E)(1)		F	
Business Registrations – new Sec 3.1.2.	Director		
Business Registrations – renewal Sec.3.1.3	Staff		
Home Occupation – License Sec. 9.2.25(D)(4)(a)	Director		
Home Occupation – Renewal Sec. 9.2.25(D)(4)(d)	Director		
Home Occupation Adverse Comment/Revocation Sec. 9.2.25(E)(3)		F	
Zone Review for Building Permits Sec. 9.5.1**	Staff		
Reconstruction/Temporary Permits Sec. 9.2.25(D)(7)&(10)	Director		
Sidewalk Café Sec. 9.2.25(D)(9)	Director		
Tract Real Estate Office Permits Sec. 9.2.25(D)(11)	Director		

** The Uniform Building Code establishes a building department for the Village. Because the Village has a joint powers agreement with Bernalillo County for building permits and inspections, the Village only does a Zone Review for building permits.

All Ordinances may be viewed at Village Hall, Planning and Zoning, or www.losranchosnm.gov.

SECTION 3. Chapter 9, Article 2, Section 3 is hereby amended as follows:

§9.2.3 DEFINITIONS

(B) SPECIFIC DEFINITIONS.

CONSERVATION DEVELOPMENT means a subdivision in which lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent Conservation Area(s) This development concentrates buildings in specific areas on a site to allow the remaining land to be used solely for open space conservation, agriculture, habitat, and/or recreation.

CONSERVATION AREA means land set aside and maintained in perpetuity for the purpose of agriculture, recreation open space, and/or conservation open space in a Conservation

Development. The Conservation Area is dedicated, designated, or reserved for public or private use.

DENSITY BONUS means the additional dwelling units allowed in a Conservation Development beyond the number allowed in the property's zone, the total square footage of said dwelling units meeting the requirements specified in §9.2.27(F).

SECTION 4. Chapter 9, Article 2, Section 27 is hereby amended as follows:

§9.2.27 CONSERVATION DEVELOPMENT

(A) PURPOSE AND INTENT. The purpose of this Section is to encourage residential development that provides an alternative means to preserve village character with particular emphasis on agricultural land and open space, while maintaining Village style, scale, and character in conformance with the Master Plan. It is the intent of this Section to allow a modest density bonus in addition to the designation of a Conservation Area that provides for agriculture, recreation preservation of habit, and/or other features important to the Village. Conservation development standards may be applied to any property or properties in the A-1, A-2, A-3, R-2, or R-3 zones that meet the minimum lot size. Where the provisions of these development standards conflict with the provisions of another section of this Zoning Code, the provisions of these development standards shall prevail.

(B) PERMISSIVE USES. A building or premises shall be used only for the following purposes:

(1) Any permissive use as allowed and regulated in §9.2.7 A-1 Zone.

(C) CONDITIONAL USES. The following uses may be allowed when approval has been obtained as set forth in §9.2.25(D)(2), §9.2.25(E)(2):

(1) Any conditional use as allowed and regulated in §9.2.7 A-1 Zone.

(D) ACCESSORY USES. Uses customary and incidental to the primary use of the lot that is in conformance with the zone.

(E) AREA REGULATIONS. These regulations apply to all Conservation Development projects in the Village.

(1) The minimum conservation development size shall be the minimum lot size for the property's zone.

(2) Structures shall not cross property lines unless an easement for maintenance and ownership is identified on the plat.

(3) Setback requirements shall apply to the Conservation Development as a whole, but not to dwellings or lots within the site. Setback limits apply to all buildings and structures, including swimming pools.

(a) The minimum setbacks from the property line to the nearest structure shall be the setbacks of the property's zone.

(F) DEVELOPABLE AREA. The Developable Area is the property intended for residential development and does not include the Conservation Area. To determine the number of total dwelling units and lots allowed in a Conservation Development, use the following steps.

(1) Base Density. Establish the base density by applying the density allowed by the property's zone to the original parcel.

(2) Developable Area Density. Divide the Developable Area's square footage by the square footage of the minimum lot size required by the property's zone.

(3) Density Bonus. The density bonus is derived by multiplying the developable area density by 0.5. Round this number down to the nearest whole number for numbers less than 0.5 and up for numbers 0.5 or more.

(4) Total Density. The Total Density is determined by adding the number of dwelling units of the Density Bonus and the Base Density. The Total Density provides the number of total dwelling units and lots for the Conservation Development.

(5) Floor Area Ratio (FAR). The floor area ratio of structures shall be determined by the allowable floor area listed in the adopted 20% All Village FAR TABLE for net lot area, as applied to the Developable Area. The FAR is a running total to be divided among the lots as proposed by the developer. Variation in home and/or lot size is encouraged.

(a) Barns and agricultural related buildings in the Conservation Area are excluded from FAR calculations.

(G) HEIGHT REGULATIONS.

(1) Buildings and structures. As regulated in the A-1 Zone.

(2) Fences and walls. As regulated in the A-1 Zone, with the following modifications: Conservation Area may not be divided by fences or walls, unless fences or walls are related to the implementation of the use of the Conservation Area and are approved by the Village. Fences and walls between the Conservation Area and the Developable Area may be up to six feet (6') solid. Fences and walls between the Conservation Area and abutting properties not within the Conservation Development are limited to four feet (4') solid and an additional two feet (2') open as defined in §9.2.3.

(H) EXISTING BUILDING.

(1) If an existing structure(s) is to be demolished, upon completion of a new dwelling on the same lot, the demolition must take place within one (1) year.

(I) ACEQUIA IRRIGATION.

(1) Continuation of any existing ditch or acequia irrigation is a requirement of the Conservation Development standards. Subject to Middle Rio Grande Conservancy District approval as may be necessary, existing ditch or acequia irrigation may be relocated within any Conservation Development provided that the water allocated to the Conservation Area shall not be reduced.

(2) Abandonment of irrigation rights by the landowner(s) is prohibited as a condition of approval.

(J) CONSERVATION AREA.

(1) Amount. Thirty-five percent (35%) of the gross Conservation Development area shall be designated as Conservation Area for the purposes of agriculture, recreation, habitat, and other conservation uses as defined in this section.

(2) Configuration. The Conservation Area may consist of one or more areas within the Conservation Development provided that at least one area is not interior to the conservation development.

(a) For properties abutting Rio Grande Boulevard, the setback areas as defined in §9.2.7(E)(3) may be used as Conservation Area.

(b) The Conservation Area may be publicly accessible or limited to private access subject to the approval of the Village.

(3) Uses, Allowed. Conservation Area shall be used for the following or some combination thereof:

(a) Agriculture. Agricultural uses shall be those identified in A-1 Permissive Uses §9.2.7(B)(2), (3), (4), and (9).

(b) Outdoor storage of materials must be screened, and landscaping may provide screening. Storage of materials or equipment not specifically related to the Conservation Area uses shall not be allowed in the Conservation Area.

(b) Habitat. Including habitat for migratory wildlife and wildlife from the river area.

(c) Pedestrian and equestrian trails.

(d) Existing or new structures for the purpose of maintaining the Conservation Area or for support of the uses in the Conservation Area. Permissible structures the Conservation Area do not count towards the FAR.

(e) Unenclosed structures for shade or picnic areas. Trees are encouraged in general and as an alternative to shade structures.

(f) Preservation of existing natural landscapes and features, such as cottonwood trees, native vegetation, acequias, and existing grades and slopes is encouraged.

(g) Parks with customary playground equipment are an allowable use in the R-2

and R-3 Zones only.

(4) Uses, Prohibited.

(a) Golf driving ranges.

(b) Paved sports courts.

(c) Impervious surfaces, excluding (3) d or e above.

(d) Bleachers or similar structures to provide seating for guests or invitees.

(e) Other recreational uses that do not further the goals of agriculture, habitat, or natural features or preserving the natural landscapes.

(K) CONSERVATION AREA MANAGEMENT PLAN. A Conservation Area Management Plan is mandatory and shall include the following:**(1)** Current ownership information and a plan to be updated as needed and to be kept on file at the Village Planning and Zoning Department.

(2) Identify the type of ownership of the Conservation Area, including, but not limited to, a homeowners' association, conservation association, individual(s) or entity In compliance with the regulations of this section and any applicable requirement of NMSA 1978 §§ 47-12-1 to 47-12-6 all of which must agree to comply with regulations of the Village.

(3) Identify the parties responsible for maintenance of the Conservation Area, and their contact information along with a detailed maintenance plan, including a performance bond or letter of credit in the amount of the estimated annual cost of maintaining the Conservation Area. Maintenance costs must be updated annually.

(4) Homeowners' association or other recorded documents shall require that the sale of individual dwelling units must also include any associated interest in dedicated land, shared or common lands, structures, or facilities and shall require the buyer's continued responsibility for its share of those responsibilities.

(5) Plan shall include a detailed explanation of the proposed uses of the Conservation Area, including existing structures and an explanation of how it complies with the Village Master Plan and uses allowed in this section.

(6) Provide proof of water availability.

(L) SEWER SYSTEMS.

(1) All Conservation Development under this section 9.2.27 shall connect to the public sanitary sewer, regardless of distance from the nearest public sanitary sewer connection point.

(M) OTHER REGULATIONS. The regulations below apply to Conservation Developments:

(1) OFF STREET PARKING REGULATIONS. As set forth in §9.2.18 Off Street Parking.

(2) DARK SKIES REGULATIONS. As set forth in §9.2.20 Dark Skies.

(3) SIGN REGULATIONS. As set forth in §9.2.22 Signs.

(N) APPLICATION AND APPROVAL PROCESS. All applications for Conservation Developments must apply for and follow the approval process of major subdivisions and site development plans, as set forth in §9.1 and §9.2.25(E)(4) regardless of number of lots created or acreage involved.

(1) In addition to the requirements of §9.1, the following are required:

(a) The Conservation Area Management Plan shall be reviewed by the Planning Director, reviewed by the Planning and Zoning Commission, and approved by the Board of Trustees as part of the Site Development Plan.

(b) Perpetual covenants (i) for purposes of preserving the Conservation Area for agricultural, recreational, or conservation open space; (ii) requiring future use and development of the Conservation Development to comply with the Site Plan as approved by the Village; (iii) stating that the covenants were required as a condition of approval of the Conservation Development; and (iv) giving the Village the right (but not the obligation) to enforce the covenants must be recorded in the Bernalillo County Clerk's Office.

(c) In addition to §9.1.8(B)(3) Contents of the Final Plat, the following are required on the final plat:

1. Note that vacation or alteration of the easement or restrictive covenant as identified in §9.2.27(J) is prohibited unless through approval by the Board of Trustees.

2. Note that further subdivision of lots which create additional lots, not to include lot line adjustments, shall require approval by the Board of Trustees.

3. Note indicating the location of the Conservation Area(s) shall be required on the final plat.

4. Conservation Area must be identified on a plat as a separate lot(s) or easement(s).

(2) The requirements of §9.2.25(E)(4) shall be met except as otherwise specified in this section:

(a) §9.2.25(E)(4)(n)(1): Compliance with Section 19 Landscaping shall be voluntary.

(3) Requests for deviations from area regulations, FAR, Conservation Area, or other requested authorization or approval, shall obtain approval from the Board of Trustees, prior to site development plan and subdivision review. The applicant shall submit a

preliminary site plan and identify each deviation with written justification for each requested deviation. The Variance fee shall apply.

(4) Approval by the Board of Trustees shall be required for any significant change to the Conservation Area.

(O) IMPLEMENTATION, ENFORCEMENT AND PENALTIES. This Section may be enforced in accordance with §9.2.24. In addition, if any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Section, the Village may institute any appropriate action or proceedings to:

(1) Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) Restrain, correct, or abate the violation;

(3) Prevent the occupancy of such building, structure, or land; or

(4) Prevent any illegal act, conduct, business or use in or about such premises.

(5) Conditions of Approval. Conservation Development conditions of approval shall include but are not limited to the following:

(a) Construction must commence within one (1) calendar year from date of filing of the subdivision plat.

(b) Abandonment or vacation of designated/dedicated Conservation Area is prohibited.

This ordinance shall become effective upon adoption by the Governing Body of the Village of Los Ranchos de Albuquerque.

PASSED, APPROVED, and ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2024.

{SEAL}

APPROVED:

Joe D. Craig, Mayor

ATTEST:

Danielle Sedillo-Molina, Clerk

5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

There is no New Business

7. REPORTS

A. Planning Department Report

DEPARTMENT REPORT – MARCH

Michelle Austin is processing day-to-day permit applications (parcel permits, commercial signs, solar, fences/walls, and zone review permits). She has also been assembling Commission meeting minutes, agendas, and meeting packets.

Brennon Williams has been processing public hearing applications, working with citizens on potential public hearing applications, responding to daily inquiries, reviewing building plans, and processing other administrative applications, including minor subdivisions and zoning certifications.

Maida Rubin has been processing public hearing applications, working with citizens on potential projects, responding to daily inquiries, and processing administrative applications.

At their March meeting, the Board of Trustees granted final approval to SDP 23-05, a final site development plan for a residential development at the south-west corner of Guadalupe Trail and Chavez Road. The Board also passed a resolution enacting a moratorium on new applications for development within the Village Center Zone, with some exceptions. The Moratorium will be in effect until October 31, 2024. During the moratorium period, staff will be working with residents and business owners to identify issues that are to be addressed via proposed text amendments to the VC Zone. Keep an eye out for updates and opportunities to provide input here: <https://www.losranchosnm.gov/village-center-zone-moratorium>

8. COMMISSIONERS' INFORMAL DISCUSSION

9. ADJOURNMENT