



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

MINUTES
April 9, 2024

Commission:

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

Staff:

Maida Rubin – Planning & Zoning Director
Michelle S. Austin – Administrative Assistant
Bill Chappell – Village Attorney
Kiko Jeantette – IT Specialist &
Streaming Moderator

Commissioner Bob Martinez – Excused Absent

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 6:10 p.m., April 9, 2024, at the Warren J. Gray Hall, by Chairman Mary Homan.

- a) Roll Call - A quorum was present.
 - 1. Commissioner Martinez – excused absent.
 - 2. Commissioner Barrow – running late.
- b) Approval of the Agenda – No changes to agenda.

Motion: Commissioner Baldwin moved to approve agenda.

Second: Commissioner Tagliapietra seconded the motion.

Vote: The motion carried unanimously (5 - 0) by roll call vote.

Commissioner Barrow – No Vote – Running late
Commissioner Edward – yea
Commissioner Baldwin – yea
Commissioner Tagliapietra – yea
Commissioner Heywood – yea
Commissioner Homan – yea

2. PUBLIC COMMENT

NONE

CONSENT AGENDA

- a) Approval of the Consent Agenda
 - 1. March 12, 2024, Regular Meeting Minutes

Motion: Commissioner Tagliapietra moved to approve the minutes of March 12, 2024.

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

2
3 **Vote: The motion carried (5- 0) by roll call vote.**

4
5 *Commissioner Barrow – No Vote – Running late*

6 *Commissioner Edward – yea*

7 *Commissioner Baldwin – yea*

8 *Commissioner Tagliapietra – yea*

9 *Commissioner Heywood – yea*

10 *Commissioner Homan – yea*

11
12 **3. PUBLIC HEARINGS & APPLICATIONS**

13
14 **A. V 24-01;** A request by Thomas & Mary McConnell for a variance from §
15 9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor
16 area to allow a 1,692-sq. ft. guest house. The property is located at 1742 Dietz Pl.
17 NW, Los Ranchos, NM, 87107, and is legally described as Tracts E-1 & E-2, Land
18 Division of a Portion of Tract 39, MRGCD Map No. 31 and the Westerly 14 Feet of
19 Lot 1, Block 3, Rio Grande Meadows. The property contains 1.513 acres, more or
20 less.

21
22 **Director Rubin** having been sworn in by Attorney Chappell gave the planning report with
23 recommendation of **denial of V-24-01**

24
25 **For the record: Commissioner Barrow arrived.**

- 26
27
 - Commissioners presented questions for Director Rubin
 - What are the covenants of the subdivision and are the neighbors aware of the covenants?
 - What is the Sq Ft of existing home?
 - Does the Village enforce covenants?
 - Director Rubin responded to questions.
 - The Village does not enforce covenants. That is a civil matter.
 - Application packet shows current home as 3090 Sq Ft.

28
29
30
31
32
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34
35
36 **Speakers for the Discussion:**

37 Shown in the order of presentation. All speakers in attendance were sworn in by Attorney
38 Chappell.

39
40 **SPEAKERS:**

41 Susan McConnell – 4008 Amy Kay Ct. ABQ 87107

42 Loretta Chavez – 536 Chavez Rd Los Ranchos

40 **POSITION:**

41 Applicant's Daughter

42 In favor

43
44 **Discussion:**

- 45
 - Applicant's daughter spoke to her parent's application.

1 ○ Ms. McConnell read a statement by her father: Their 1.5-acre property is part
2 of the old Pedroncelli Farm. The two variances are alongside the old Pedroncelli
3 ditch, now the McConnell's property. Building the guesthouse will allow their
4 daughter to move in and take better care of them and the property.
5

- 6 ● Commissioners presented questions for applicant.
 - 7 ○ In the application, it states your son stays with you when in town. Would there
 - 8 be space in your parent's home for him when he visits?
 - 9 ○ The application indicates the daughter has a non-profit organization. Is there
 - 10 room in the main house to store your work?
 - 11 ○ Is there currently a caregiver living with parents that help?
 - 12 ○ Can son stay with friends while visiting?
- 13 ● Applicant responded to comments heard.
 - 14 ○ Parent's home is only three-bedrooms and is not setup for visitors or extra
 - 15 storage. Son's visits can be up to four times a year for a week at a time.
 - 16 ○ Would like to keep parent's independence by allowing them their own space.
 - 17 ○ Daughter is the only caregiver and lives ½ block away (across the ditch).
- 18 ● Speaker(s).
 - 19 ○ Smaller lots, smaller homes, staying close to family is what the Master Plan
 - 20 states.
- 21 ● Floor was closed for comments.

22
23 **Commissioners' Discussion:**

- 24 ● Considerations. The main floor and main purpose for the application is to care for aging
25 parents. Second story is a permanent structure for temporary or intermittent uses and
26 that gives pause. The main house is a sizable home, and it may need to be reconfigured
27 to meet all their needs including a visiting grandson. Sometimes the asks are excessive
28 and should cause pause.
29

30 **Motion:** Commissioner Baldwin moved to **deny V-24-01** with staff findings.

31 **Second:** Commissioner Barrow seconded the motion.
32

33 **Discussion on motion:**

- 34 ● None.
35

36 **Vote: The motion carried (6 -0) by roll call vote:**

37
38 *Commissioner Barrow – nay*

39 *Commissioner Edward – yea*

40 *Commissioner Baldwin – yea*

41 *Commissioner Tagliapietra – yea*

42 *Commissioner Heywood – yea*

43 *Commissioner Homan – yea*
44

45 **Chairman Homan** stated that the public hearing on item **V 24-01** A request by Thomas &
46 Mary McConnell for a variance from § 9.2.7(C)(5)(a) limiting the size of a guest house to
47 1,000 square feet of heated floor area to allow a 1,692-sq. ft. guest house was formally closed.

1
2 **B. V 24-03;** A request by Thomas & Mary McConnell for a variance from §
3 9.2.7(E)(2)(a)4. requiring a structure to be at least 25 feet from an irrigation
4 ditch/drain to allow a guest house to be 15 feet from a ditch in the rear yard of the
5 property. The property is located at 1742 Dietz Pl. NW, Los Ranchos, NM, 87107,
6 and is legally described as Tracts E-1 & E-2, Land Division of a Portion of Tract 39,
7 MRGCD Map No. 31 and the Westerly 14 Feet of Lot 1, Block 3, Rio Grande
8 Meadows. The property contains 1.513 acres, more or less.
9

10 **Director Rubin** having been sworn in by Attorney Chappell gave the planning report with
11 recommendation of **approval of V-24-03**. Previous application V 24 -01 was denied, which is
12 part of same project. If a conditional use is submitted and approved for a 1,000 Sq Ft.
13 guesthouse, V24-03 applies.
14

- 15 • Commissioners presented questions for Director Rubin
 - 16 ○ Is the setback from edge of easement or the actual physical ditch?
 - 17 ○ Were the rules written for a public ditch and not a private ditch?
 - 18 ○ Does this ditch service only their property?
 - 19 • Director Rubin responded to questions.
 - 20 ○ Language states setbacks are from the ditch. The proposed construction will not
 - 21 be within an easement.
 - 22 ○ Rules refer to “ditches”. Text amendments are necessary to clarify rules.
 - 23 ○ Ditch irrigates only their property.
- 24

25 **Five-minute break due to technical difficulties.**
26

27 **Speakers for the Discussion:**

28 Shown in the order of presentation. All speakers in attendance were sworn in by Attorney
29 Chappell.
30

31 **SPEAKERS:**

32 Susan McConnell – 4008 Amy Kay Ct. ABQ 87107
33

POSITION:

Applicant’s Daughter

34 **Discussion:**

- 35 • Commissioners presented questions for applicant.
 - 36 ○ Was this a public ditch?
- 37 • Applicant responded to comments heard.
 - 38 ○ Doesn’t believe the ditch was ever public. It was used for the Pedroncelli Farm
 - 39 to irrigate the west side of the farm. In 1977 when the McConnell’s purchased
 - 40 the land, they commissioned someone to open both ditches to irrigate the
 - 41 pasture. This is a private ditch.
- 42 • Floor was closed for comments.
43

44 **Commissioners’ Discussion:**

45 None
46

47 **Motion:** Commissioner Barrow moved to approve V 24-03 with staff findings and conditions.

48 **Discussion on motion:**

- 1 • Commissioner Baldwin asked to add an amendment to the conditions on the motion:
2 The 2nd condition references the second story and that should be struck.
3

4 **Amended Motion:** Commissioner Barrow accepted the amendment and moved to approve V
5 24-03 with staff findings with conditions 1 and 3 only.
6

7 **Second:** Commissioner Baldwin seconded the motion as amended.
8

9 **Vote: The motion carried (6-0) by roll call vote:**
10

11 *Commissioner Barrow – yea*

12 *Commissioner Edward – yea*

13 *Commissioner Baldwin – yea*

14 *Commissioner Tagliapietra – yea*

15 *Commissioner Heywood – yea*

16 *Commissioner Homan – yea*
17

18 **Chairman Homan** stated that the public hearing on item **V 24-03** A request by Thomas &
19 Mary McConnell for a variance from § 9.2.7(E)(2)(a)4. requiring a structure to be at least 25
20 feet from an irrigation ditch/drain to allow a guest house to be 15 feet from a ditch in the rear
21 yard of the property was formally closed.
22

23 **C. CU 24-02;** A request by Pete Marquez & Sean Hollowwa, agents for 411 Equipment,
24 LLC., for conditional use approval for auto sales as allowed by § 9.2.12(B). The
25 property is located at 7324 4th St. NW, Los Ranchos NM, 87107, and is legally
26 described as Tract B2A, Plat of Tracts B1A & B2A, Lands of Giant Industries. The
27 property contains 1.6725 acres, more or less.
28

29 **Director Rubin** having been sworn in by Attorney Chappell gave the planning report with
30 recommendation of **approval of CU-24-02.**
31

- 32 • Commissioners presented questions for Director Rubin
33 ○ Not clear on basis for denial.
34 ○ Map provided is not clear.
35 ○ What are the historical uses of the building?
36 • Director Rubin responded to questions.
37 ○ One of the reasons an application can be denied or approved is based on whether
38 factors that might harm the surrounding properties could be mitigated through
39 conditions. If factors such as noise, dust, and odor, can be mitigated with
40 conditions, the use would warrant an approval.
41 ○ Map includes entire property. The activity would occur in the C-1 Zone and
42 front of property, approximately 300', which includes the building.
43 ○ Property was annexed into the village with special use permit. Originally
44 approved by the county before annexation for use of a gas station, butane tanks
45 and mobile homes.
46

47 **Speakers for the Discussion:**

1 Shown in the order of presentation. All speakers in attendance were sworn in by Attorney
2 Chappell.

3
4 **SPEAKERS:**

POSITION:

5 Pete Marquez – 200 16th Street, ABQ 87104

Applicant

6 Sean Hollowwa – 1304 Central SW, ABQ 87102

Applicant's Attorney

7 Tracy Hunter – 320 Nuevo Hacienda Ln., Los Ranchos

Opposition

8 Marsha Adams – 1008 Acequia Tr., Los Ranchos

Opposition

9 Lesa Newbery – 7315 4th St., Los Ranchos

Opposition

10 Lori Duboise – 332 Nuevo Hacienda Ln., Los Ranchos

Opposition

11
12 **Discussion:**

- 13 • Applicant(s) spoke to their application.
- 14 ○ Business sells and services municipal vehicles. Vehicles will be stored at
 - 15 location while being serviced. Vehicles range in height from 8' to 11' and 20'
 - 16 to 50' in length and widths ranging from 25' to 30'. Approximately 80 trucks
 - 17 are sold in a year.
 - 18 ○ Plans to improve property with landscaping, screening, new drainage, and
 - 19 driveway. Will request permits for interior remodel to accommodate
 - 20 administrative space, vehicle, and equipment storage.
 - 21 ○ Willing to work with the 4th Street Improvement Project to ensure proper access
 - 22 and egress.
 - 23 ○ Gas station in front is owned by the propane company to the north.
 - 24 ○ Customer parking will not be on 4th Street but this cannot be controlled.
- 25 • Commissioners presented questions for Agent:
- 26 ○ Will the old gas station be part of your business?
 - 27 ○ How will you access the property and accommodate the turn radius into
 - 28 property?
 - 29 ○ Concerns of large municipal vehicles on 4th Street and how it will affect traffic.
 - 30 ○ A warehouse is mentioned in application. What is that use?
 - 31 ○ Concerns with sound and diesel emissions.
- 32 • Agent responded to comments heard.
- 33 ○ Plans to prevent flooding by installing proper grading and drainage. Install
 - 34 proper signage to help direct entrance and parking.
 - 35 ○ Current warehouse in Albuquerque is closing and will move to new location
 - 36 here in Los Ranchos once improvements are made. It will house administrative
 - 37 space, lifts for trucks, trailer to move equipment, tools, and vehicles while they
 - 38 are being serviced.
 - 39 ○ Heavy equipment is stored in the yard (municipal vehicles).
 - 40 ○ Municipal vehicles (firetrucks) have a large turning radius and will not be an
 - 41 issue entering/exiting property.
 - 42 ○ All trucks from 2010 on have EGR systems and Diesel Particulate Filters, which
 - 43 are important emission control systems in the heavy-duty trucks. A filtration
 - 44 system will be installed. 90% of the work is electrical and hydraulics, diesel is
 - 45 a small minority of what the company does.
- 46 • Comments in opposition.

- 1 ○ This does not seem to be a part of the beautification of the North Section of Los
- 2 Ranchos.
- 3 ○ Trying keep the rural feel of 4th Street revitalization and this business does not
- 4 appear to be consistent with the Master Plan.
- 5 ○ This type of business should be on 2nd Street or Edith, not on a walkable
- 6 corridor.
- 7 ○ Concerns on what roads the heavy equipment will us to enter the Village.
- 8 ○ Be aware on how a business like this will affect our neighborhood.
- 9 ● Comments in support.
- 10 ○ Not a car lot, therefore, traffic will be light. Business hours 7am to 5pm Monday
- 11 – Friday. Business during the week and not on weekends. Owners are true to
- 12 their word. They are beautifying aesthetically and functionally by improving
- 13 the G&D and landscaping.
- 14 ● Floor was closed for comments.

15
16 **Commissioners' Discussion:**

- 17 ● This business will negatively affect the neighboring properties and neighborhood with
- 18 4th Street narrowed and sidewalks installed.
- 19 ● There is one use that is conditional and one use that is permissive, which makes this
- 20 challenging. Permissive does not come before the P&Z Commission for review and
- 21 Conditional use needs P&Z approval.

22
23 **Motion:** Commissioner Baldwin moved to **approve CU-24-02** with staff findings with
24 amended conditions:

- 25 1) CU request limited to municipal auto sales in the C-1 portion of the property.
- 26 2) Screening on 4th and the North end must occur with natural life habitat with light
- 27 signals on 4th Street that are non-audible to alert pedestrians.
- 28 3) Parking, training or testing must be in the existing building.
- 29 4) All additional accessories associated with the approved sales operation shall be in
- 30 conformance with the C-1 Zone portion of property and not on the A-1 Zone.

31 **Discussion on motion:**

- 32 ● Change municipal auto sales to governmental auto sales.
- 33 ● Can training be off site?
- 34 ● Is it necessary to have a visual signal on 4th Street?

35 **Revised Amended Motion:**

- 36 1. The approved Conditional Use for auto sales is limited to the sale of government
- 37 equipment in the C-1 portion of the property, essentially the width of the lot and
- 38 approximately the first 300 linear feet in depth from 4th Street.
- 39 2. Live screening is required along the north, south, and east ends of the site.
- 40 3. All accessory uses associated with the approved auto sales operation, such as off-street
- 41 parking, noise, signage, fencing, etc., shall be in conformance with the C-1 zone and
- 42 shall not occur on the A-1 portion of the property.
- 43 4. A pedestrian-friendly landscape environment shall be provided on the Fourth Street
- 44 edge of the property.

45 **Second:** Commissioner Heywood seconded the motion with amended conditions.

46

1 **Vote: The motion carried (4-2) by roll call vote:**

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

10 **Chairman Homan** stated that the public hearing on item **CU 24-02 A** request by Pete Marquez
11 & Sean Hollowwa, agents for 411 Equipment, LLC., for conditional use approval for auto sales
12 as allowed by § 9.2.12(B) was formally closed.
13

- 14 **D.** Discussion and recommendation of **Ordinance No. 299**, amending Ordinance 284,
15 rescinding the Pilot Project Program allowing for up to three conservation
16 development projects in the Village of Los Ranchos, and establishing provisions for
17 Conservation Developments; removing Pilot Project approval process from Planning
18 & Zoning Commission Matrix, adding approval process for Conservation
19 Developments, and correcting an omission; amending and removing definitions;
20 amending a section on Conservation Development standards.
21

22
23 **Director Rubin** having been sworn in by Attorney Chappell gave a summary with
24 recommendation to forward Ordinance 299 (TA 24-01) to the Board of Trustees for approval.
25

26 **Sandy Gaiser, AICP** – Planning Consultant for the project put together a Power Point
27 presentation which is included in the packet. Power Point goes through the proposed changes
28 with the current ordinance. Had to go through some reorganization, added some new sections,
29 and deleted some others. Purpose of this ordinance is to have the ability to cluster homes and
30 preserve open space.
31

32 **Proposed changes:**

- 33 • Section 9.2.27
34 ○ (A) Purpose & Intent - Eligibility: No pilot projects
35 ○ (A) Purpose & Intent - Location: Allowed in A-1, A-2, A-3, R-2 & R-3
36 ○ (E) Area Regulations
37 ■ (1) Min. lot size: Parcels of any size can be eligible for the conservation
38 Development subdivision process, if it meets the min. lot size for that
39 zone.
40 ■ (4) Permeable surfaces: No min. % permeable surface requirement.
41 ○ (F) FAR: Section (F) is new “Developable Area”. Intended for residential
42 development & does not include the Conservation Area.
43 ■ Subdivision comparison for 3.5-acre parcel: Conservation subdivision
44 for four (4) dwelling units. 4,800 sq. ft. buildable area per lot. 35%
45 Conservation Area.
46 ○ (G) Height Regulations
47 ■ (2) Fences & walls: Conservation Area may not be divided by fences
48 or wall, unless related the Conservation Area.

- (J) Dedicated Land – Section (J) is new section: “Conservation Area”.
 - (J) (1) Amount – 35% gross Conservation Area for agriculture, recreation, habitat, & other uses.
 - Subsection (a) is now (2) “Configuration.”
 - (a) Properties abutting Rio Grande Blvd. setbacks may be used as Conservation Area
 - (b) Conservation Area may be publicly assessable or limited to private access
 - (3) “Uses, Allowed” (New)
 - (4) Prohibited (New)
- (K) Sewer Systems section: Now (L)
- (M) Application & Approval Process: Now (N)
- (M) Other Regulations: New (M)
- (N) Application & Approval Process
- (O) Pilot Project Deleted - New: (O) Implementation, Enforcement and Penalties.

- **Commissioners Discussion:**

- Permeable surfaces changed from 60% to 0%, is this adequate to maintain “open space.”
- FAR is defined with current codes limiting sq ft per lot size.
- Keep the internal FAR calculations.
- Changes include cap per sq ft in lot size.
- Walls interfere with the line of sight hindering the view/open space of the Village.
- External setbacks apply, but not internal setbacks.
- Performance Bond runs with landowner to cover maintenance.

- **Director Rubin and Sandy Gaiser’s responses:**

- With proposed smaller lot sizes, the permeable surface is reduced to conserve open space in these developments. 35% will be open space.
- No setback regulations internal to the development as long as they meet Fire Code requirements.
- The FAR that is allowable to develop in this area is very defined and is in alignment with our current standards.
- There are two components of developments under this ordinance: the “Developable Area” and the “Conservation Area”.
- The idea is to give assurances to the community there is a cap on density based on Zoning and based on the size of the parcel.
- The FAR caps the square footage that can be built.
- Casitas are a conditional use and process will remain the same. Casitas would have to be within the allowable FAR.
- Conservation Area can be public or private, as determined in the approval process. Village cannot enforce covenant rules.
- A lot of time was spent discussing with the Citizens Advisory Committee (CAC) regarding walls in Conservation Areas. Proposed change in (G) (2): Conservation Area may not be divided by fences or walls, unless related the Conservation Area.

1 **Speakers for the Discussion:**

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

4
5 **SPEAKERS:**

6 **POSITION:**

6 Marcia Smiley – 623 El Paraiso Rd., Los Ranchos	In opposition
7 Robert Chavez – 324 Enchanted Valley Pl., Los Ranchos	In favor
8 Henry A. Kelly – 6900 Rio Grande Blvd., Los Ranchos	In favor
9 Jeff Phillips – 605 Schulte Rd. Los Ranchos	In favor

10
11 **Discussion:**

- 12 • The Chavez/Guadalupe Development, which sits on nine acres, currently has one house
13 and four casitas. Under this new ordinance, only seven houses can be developed. Not
14 a total of 12 homes.
- 15 • The CAC held 22 meeting plus 4 public meetings for their input.
- 16 • Gained input from developers.
- 17 • This is good start, but there is a long road ahead.

18
19 Floor was closed for comments.

20
21 **Motion:** Commissioner Baldwin moved to forward **Ordinance 299 (TA 24-01)** to the Board
22 of Trustees with staff findings and following additional recommendations:

23
24 **Additional Recommendations to the Board:**

- 25 1. Section 9.2.27(G)(2) to revise the language in the first sentence to read:
26 “...Conservation Area may not be divided by fences or walls within the area unless
27 fences or walls are related to the implementation of the use of the Conservation Area
28 and are approved by the Village.”
- 29 2. The Village shall develop template language for all Conservation Area Covenants that
30 ensures they are established in perpetuity and are filed with the plat.
- 31 3. The Village shall provide calculations and examples of sample developments with the
32 applications.
- 33 4. Chapter 9 Article 2 Section 2: Action matrix shall be revised so that all Conservation
34 Area applications including deviations and variances come before the Commission for
35 recommendation to the Board for final decisions by the Board.
- 36 5. We recommend the Board of Trustees establish reasonable and appropriate financial
37 assurances for the performance of this ordinance.

38
39 **Second:** Commissioner Barrow seconded as amended.

40
41 **Vote: The motion carried (6 -0) by roll call vote:**

- 42
- 43 *Commissioner Barrow – yea*
- 44 *Commissioner Edward – yea*
- 45 *Commissioner Baldwin – yea*
- 46 *Commissioner Tagliapietra – yea*
- 47 *Commissioner Heywood – yea*

1 *Commissioner Homan – yea*

2
3 **Chairman Homan** stated that the recommendation to forward **Ordinance No. 299** to the
4 Board of Trustees was formally closed.

5
6 **1) OLD BUSINESS**

7 *There was no Old Business*

8
9 **2) NEW BUSINESS**

10 *There was no New Business*

11
12 **REPORTS**

13 A. Planning & Zoning Department Report.

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

16
17 **3) COMMISSIONERS' INFORMAL DISCUSSION**

- 18 • Thanked Director Rubin for her dedication and hard work and wished her luck in her
19 next chapter.
20 • Would like to see Vara Winery's property cleaned up.

21
22 **4) ADJOURNMENT**

23 **Motion:** Commissioner Edwards moved to adjourn the meeting.

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

25
26 **Chairman Homan adjourned the meeting at 11:13pm**

27
28 **Approval of the April 9, 2024, Minutes**

29
30 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
31 Village of Los Ranchos de Albuquerque this _____ day of _____, 2024.

32
33 _____
34 Gwenn Baldwin, Secretary
35 Planning & Zoning Commission