

MINUTES  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD NW  
**BOARD OF TRUSTEES REGULAR MEETING – 7:00 P.M.**  
**July 23, 2003**

**Present:**

John Hooker, Mayor  
David Siegel, Trustee  
Penny Rembe, Trustee/Mayor Pro Tem  
Don Lopez, Trustee  
Pablo Rael, Trustee

Hank Rosoff, Administrator  
David Mathews, Attorney  
Annabelle Silvas, Clerk  
Allen Leatherwood, Treasurer

**Absent:**

Cyndie Tidwell, Planner

**1. CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, July 23, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:05 p.m.

**A. APPROVAL OF AGENDA**

**Trustee Rembe** said there was one amendment to this agenda, being that the request by Caldwell (Item F) was being postponed until the next meeting.

**MOTION: Trustee Siegel** moved to approve the agenda. **Trustee Lopez** seconded the motion.

**VOTE:** The motion carried unanimously as amended.

**B. Mike Trujillo** was not present.

**C. Bob Wessley** gave a short report on the Water Assembly and the Water Resources Board.

**Trustee Lopez** asked about sending opinions via email.

**2. PUBLIC COMMENT PERIOD**

**Barbara Chavez** complained about the dogs being loose on the ditch and the open space. She asked if the Animal Control Officer could patrol in the early morning or evening if possible. She also asked that a notice be posted when they spray the ditch along the Griegos drain.

**3. CONSENT AGENDA**

**A. Approval of Minutes - Regular Meeting - June 25, 2003  
Special Meeting - June 28, 2003**

**B. Receive Department and Committee Reports**

1. Police
2. Fire
3. Animal Control
4. Court

**MOTION: Trustee Rembe** moved to approve the consent agenda items. **Trustee Siegel** seconded the motion.

**VOTE:** The motion carried unanimously.

**4. PUBLIC HEARINGS AND APPLICATIONS**

**Trustee Siegel** asked for a three minute time limit on all speakers and that only speakers at the podium or members of the Board be recognized and that the chair not recognize comments from the audience so that we can get through this.

**A. Discussion and Approval of Resolution No. 2003-7-1 - Sixty Day(60) Moratorium for Special Use Permits for Density Bonus Development.**

**MOTION: Trustee Lopez** moved approval of the resolution. **Trustee Rael** seconded the motion.

**Trustee Siegel** said he asked that this resolution be added to the agenda, because of some of the controversy surrounding two special use requests for density bonus.

**Mayor Hooker** asked if Trustee Siegel would accept amendments to the resolution.

**Trustee Rembe** said she thought it was a good proposal and what it will make them do is look at some of the zones.

**Trustee Lopez** asked if 60 days was long enough.

**Trustee Siegel** said he picked 60 days because a longer period of time might be unfair to potential developers who have money invested in their property. If it can't be done in 60 days it can certainly be extended.

**David Campbell** said the Los Ranchos Neighborhood Association is in support of this moratorium. They would concur that perhaps a 90 day moratorium would both be legally defensible. In a practical way, better since we are in the middle of summer. With peoples schedules having 90 days to get us into the fall would probably be an expeditious amount of time, and also would allow people that are gone on vacation and so on to participate in the process.

**Trustee Siegel** asked if this is just for the SU density bonus.

**Mayor Hooker** asked if this should apply Village wide or should be focused more on the Rio Grande Corridor.

**David Campbell** said that the moratorium would not be specific to territory.

**Trustee Siegel** said the wording of the SU section references that the project must be in keeping with the goals of the Master Plan which are certainly subjective, open to interpretation and can be very problematic. It does need to be Village wide.

**Trustee Rembe** said the rural nature is being taken away by some of these bigger developments, and certainly the agricultural acreage that's supposed to be preserved with the density bonus. She said there was a problem with that, and feels it needs to be tightened up a little.

**Administrator Rosoff** said from the standpoint of enacting a change to the ordinance the new language would have to be introduced for approval at the August 20<sup>th</sup> meeting in order to meet the 60 day moratorium.

**MOTION: Trustee Siegel** moved to change the time to 90 days. **Trustee Rembe** seconded the motion.

**John Robb** said he was concerned about protecting the entire Rio Grande Corridor. He said he worries that the moratorium is too narrow, said it needs to be broader and say that all applications for subdivisions will be covered by the moratorium.

**Trustee Rael** asked if he was asking on holding back on any development or just development on Rio Grande.

There was a discussion of the zoning code and setbacks required on Rio Grande and in the A-1 Zone.

**Attorney Mathews** said he would like to comment on the need to understand about vested rights. There's one case that has addressed that in New Mexico which is Brazos vs. Rio Arriba Co. If someone comes in with an application for a subdivision on Rio Grande of one dwelling unit per acre during this pendency of the moratorium, you can ~~out-in enact~~ a new moratorium or ~~act on~~ ~~you can amend~~ this one. No one has a vested right to develop until they get preliminary plat approval.

**Trustee Siegel** said his concern is that they are not going to be able to tackle all these character zones and all these issues in a 90 day period of time.

**MOTION: Trustee Lopez** moved to expand the moratorium to include all subdivisions in residential areas.

**Jim Fanning** said he was in favor of the moratorium and extending it to A-1 Zoning.

**Attorney Mathews** said the moratorium could affect pending applications on the agenda.

**Administrator Rosoff** said a moratorium that is broad enough to say all subdivisions will have severe economic consequences for some of the ongoing commercial developments on 4<sup>th</sup> Street. All residential zones would be a much better way of putting it.

**Mayor Hooker** said there's a motion to amend to extend the moratorium to 90 days instead of 60 days.

**VOTE:** The motion carried unanimously.

**Mayor Hooker** said there was another motion to amend and expand the moratorium to include all residential zones.

**Trustee Rembe** seconded Trustee Lopez's motion.

**Paul Fish** said this would do to John Calvin's development is delay it by 90 days. The Planning & Zoning Commission has already given preliminary plat approval on this matter. All the existing contracts would be in jeopardy, and all damages will flow to the Village.

**Trustee Siegel** said he thought there was a difference between a two or three house subdivision and Los Poblanos Orchards. He thinks there is a qualitative and a quantitative difference. He wondered if they could place a size limitation on the development, a minimum for the moratorium.

**Trustee Rembe** requested a legal opinion if Calvin got plat approval.

**Attorney Mathews** said if he was heard and approved by the P&Z Commission, that approval was a recommendation, it wasn't a final action. The scope of this moratorium is for the Board to decide tonight, and you can determine the matters that are already on the agenda to be heard tonight, and would not be subject to the application. He thinks there is a legal issue that's unsettled about Mr. Calvin's subdivision and the more prudent course of action is to hear his subdivision application even though it was just a recommendation, it was approved.

There was a lengthy discussion on the process of approvals and constitutional issues.

**Trustee Rael** said if the P&Z Commission is authorizing or approving they don't have that authority, and he feels the moratorium should be done for all residential properties.

**Ray Barton** said he was in support of the resolution because it was strictly limited to the density bonuses.

**David Campbell** discussed the Calvin property and the moratorium. He felt that if you are going to have a moratorium then you should have it cover the entire A-1 Zone. The P&Z Commission doesn't have the legal authority to approve plats.

**Trustee Siegel** said he thought the moratorium would be better off being just for the special use density bonus. He said he was opposed to removing the right to develop the property for which it is zoned, so he would not be able to support expanding the moratorium.

**John Calvin** said he does see the issue of the SU and bonus area. He felt that if the moratorium was applied to something that has already been designated to a certain zoning, then you would be taking the rights of the property owner away.

**Richard Ransom** spoke against extending the moratorium because he didn't want to wait another 90 days.

**Douglas Brown** asked if the Board did not have the right as Trustees to vary from the way something is zoned, what are we doing here. As he understands it, you have the right to

agree to approve or not approve subdivisions. If all the one acre parcels in this village are developed fully to at least one house per acre and maybe more with bonus densities, the population will more than double.

**Paul Duncan** said he thought the moratorium should be strictly related to special use. He asked that everyone in the room that was opposed to subdivisions of A-1 property, go to their lawyer and make a deed restriction so that their three acre and twenty acre plots will never be subdivided. Take the initiative now while you have the emotion and do it.

**George Aguires** explained the history of the property he owns and the ditches.

**JoAnn Rupert** said a moratorium would make sense in protecting the area.

**J.T. Michaelson** said he'd like the Board to consider how many large parcels of land were up for sale right now in the Village. He wanted them to consider what Rio Grande Blvd. would look like in the future.

**Eileen Harrison** said that in the last few years, through several administrations, there have been several changes. We don't have any more space in this Village for it to be rural. No one is farming like they used to. The lots shouldn't be allowed to go below 1 acre per home in this Village, she thinks bonus density is a mistake.

**Robert Kantor** said in regard to the moratorium, it would be a severe hardship and should be for new projects and not those that are already in progress. He said it would place him in a very critical financial hardship.

**Marsha Thom** said a moratorium expansion to include the A-1 properties would give time to reflect what is being done in the valley.

**Trustee Siegel** said people might be unaware for other options for preserving large acreage and also obtaining economic benefit, transfer of development rights has not been brought up.

**Trustee Lopez** said the reason for his amended motion to the moratorium is to give the Board the time to make this decision.

**Trustee Rembe** asked about some type of mediation on the Calvin item.

**Mayor Hooker said the motion was to expand the moratorium to include all subdivisions within residential zones.**

**VOTE:** Trustee Lopez, aye, Trustee Rael, aye. Trustee Siegel, no, Trustee Rembe, no. Mayor Hooker votes against the amendment with the understanding that they will deal with the cases before us on their own merits. The motion to amend fails, three to two.

**Mayor Hooker said we are back to the basic motion of the moratorium on special use permits and the density bonus for the next 90 days.**

**VOTE:** Trustee Lopez, aye, Trustee Siegel, aye, Trustee Rembe, aye, Trustee Rael, aye. The motion carried unanimously.

**The Mayor recessed the meeting for a break at 8:30 p.m., and reconvened the meeting at 8:45 p.m.**

**Mayor Hooker** asked that two critical items, 7 D, Final Budget and Item 6 A, the discussion and approval of Resolution 2003-7-2 need to be acted on tonight.

**MOTION: Trustee Siegel** moved approval to move Items 6-A and 7-D forward to be discussed. **Trustee Lopez** seconded the motion.

**VOTE:** The motion carried unanimously.

**Item 6-A - Discussion and Approval of Resolution No. 2003-7-2 - Adopting the Infrastructure Capital Improvements Program for 2004-2009.**

**MOTION: Trustee Siegel** moved approval of Resolution 2003-7-2. **Trustee Rael** seconded the motion.

**VOTE:** Trustee Lopez, aye, Trustee Siegel, aye, Trustee Rembe, aye, Trustee Rael, aye. The motion carried unanimously.

**Item 7-D - Discussion and Approval of Resolution No. 2003-7-3 - Adopting the Final Budget for the 2003/2004 Fiscal Year.**

**MOTION: Trustee Rembe** moved approval of Resolution No. 2003-7-3. **Trustee Rael** seconded the motion.

**Administrator Rosoff** stated that there were a few changes to the budget that the Board saw in May. The end of year estimates that were projected then, now show actual spending figures for the fiscal year, and shows the shortfalls. We budgeted this year with a deficit of \$300,000.00. We haven't yet received the \$105,000.00 grant from the purchase of the fire department vehicles.

**Trustee Siegel** asked about the APS billing of \$11,000.00, if it was for both parcels.

**Administrator Rosoff** said it was, APS just had not billed for the prior year. The very last paragraph about grant writing services was not in the budget when the Board saw it in May. We have an excellent proposal that has actually been amended so there is no upfront cost at all. He feels this is an excellent opportunity to receive some grant funds, which are not currently available to the Village, and that we don't have the knowledge to go after.

**Trustee Siegel** asked if a line item was created for the Contreras subdivision. (payment in lieu of open space)

**Administrator Rosoff** said no, and it was an oversight.

**Trustee Siegel** thanked Mr. Rosoff, Mr. Leatherwood and the Village staff for doing so well in managing the budget and deficit so well.

**VOTE:** Trustee Lopez, aye, Trustee Siegel, aye, Trustee Rembe, aye, Trustee Rael, aye. The motion carried unanimously.

**B. Discussion and Approval of Winegrower's and Wholesalers License - Anderson Valley Vineyards 4920 Rio Grande Blvd NW - Patty Anderson**

**MOTION: Trustee Siegel** moved approval with the stipulation that the applicant apply for AC Zoning. **Trustee Rembe** seconded the motion.

**Michael Anderson** explained that there have not been any changes, they are just getting everything back in their name.

**Trustee Siegel** said AC Zoning would give them a little more protection.

**Trustee Lopez** asked Attorney Mathews if the hearing was just for approval of the license.

**Attorney Mathews** said it is just for approval of the license, but that the Board can add conditions. He explained the benefits of AC Zoning.

**Administrator Rosoff** said Special Uses could be subject to fees where an AC Zone would not.

**Trustee Rembe** said SU property is supposed to do yearly reports and that's never happened.

**Patty Anderson** asked for the zoning language to look at.

**Trustee Siegel withdrew the stipulation about AC Zoning from his motion**, but encouraged them to change zoning. **Trustee Rembe** withdrew her second.

**Mayor Hooker** asked Mr. Mathews for the purposes of the vote if it was appropriate to amend the zoning to a Special Use Permit as part of this approval, or is that a second action?

**Attorney Mathews** said he was a little reluctant to do this because of the way the agenda is set, it's just a discussion and approval of winegrowers and wholesalers license. I'd rather stick to it the way it's set forth on the agenda, and with the commitment by the Anderson's that they are going to come back and look at the AC Zone.

**MOTION: Trustee Rael** moved to approve the liquor license. **Trustee Lopez** seconded the motion.

**VOTE:** The motion carried unanimously.

**C. A request by Celia Tomlinson of Rhombus, P.A. for John Calvin (property agent) for Joseph H. Rivera (property owner), for preliminary plat approval of a major subdivision in the A-1 Zone. The property is located at 5409 Eakes Road NW and legally known as Lot numbered One (1) of the Plat of Division of Tracts 2, 3-a-1, 3-a-2, and 3 a-3 on Middle Rio Grande Conservancy District Property Map No. 30, 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 December 14, 1978, in Volume B15, Folio 163. This parcel contains approximately 3.568 acres. This application has been forwarded with a recommendation to approve by the Planning and Zoning Commission at their Regular Meeting held on June 24, 2003.**

**Celia Tomlinson** explained the conditions and compromises suggested by the P&Z Commission.

**Trustee Lopez** asked if Mr. Calvin had met with the neighbors.

**Trustee Siegel** asked if the conditions that the P&Z Commission applied were acceptable. He also asked about fire hydrants.

**Trustee Rembe** asked about sewer availability.

**Administrator Rosoff** said Area J is several years away, however because of the capacity of the vacuum station Eakes Road and this property was amended into Area K which is 100% designed and funded and is awaiting advertising for bid, and will be constructed in about a year. Sewer non-availability is a very short-term issue for this property.

**Trustee Siegel** expressed concern about the one lot that was over an acre being able to be subdivided in the future.

**Trustee Lopez** questioned that no home drawings were shown.

**Trustee Rembe** asked about fencing.

**John Calvin** said that none of the neighbors have come forward to talk to him. He explained that the layout of the property was the way it was to accommodate the landscape plan. He explained the landscaping plan.

**Richard Ransom** said that he won't sign a contract until he sees the footprints of these buildings.

**David Campbell** talked about the differences between building in Albuquerque and Los Ranchos, and maintaining village character. He refers to the proposed Calvin development as infill building and said that not all A-1 property needs to be divided into as small of a parcel as possible. He said A-1 means one dwelling unit per lot of record, not one dwelling unit per acre.

**Jim Fanning** said that since 1985 the land had been used to grow hay or for other agricultural uses.

Long discussion about zoning of A-1, A-2, A-3 and it being voluntary at one point. Transfer of development rights and voluntary rezoning to A-3 was also discussed.

**Marsha Thom** said this wasn't about John Calvin, but was about the subdivision. She worries about the devaluation of the land with all the subdivision.

**Paul Fish** said the sewer project on this property was scheduled to be completed in early 2004, construction contracts should be awarded by early 2003.

**Administrator Rosoff** said the construction project is a month or so behind schedule.

**Ed Garett** said that he would like to see one house on the property, not three.

**Sara Brown** talked about the existing house on the property and the effects on the neighborhood of building the new homes and how people were concerned about losing their privacy and

increased traffic.

**John Calvin** responded to some of the comments, also stating that he would be willing to wait for 60 days for a building permit to give him and the neighbors time for discussion.

**Mayor Hooker** said there is no motion yet. He said his understanding of the law is that zoning gives the property owner the right to subdivide. He listed the options for motions.

**MOTION: Trustee Lopez** moved approval to defer for one week. **Trustee Rael** seconded the motion.

**VOTE:** Trustees Lopez and Rael voted aye, Trustees Siegel and Rembe voted no. The Mayor voted no. The motion died.

**MOTION: Trustee Siegel** moved to approve with the following conditions, as suggested by the Planning & Zoning Commission (see Planner's Report for full detail)

1. That pedestrian and equestrian access to the ditch be afforded to all three lots and irrigation access be provided to all three lots.
2. First floor, heated area have a maximum of 5000 square feet, the middle and east building have a maximum height of 18 feet and the west building have a maximum height of 26 feet and no more than 20% of the heated area be allowed on the second floor of the westernmost building. (Reference point for height shall be the centerline of Eakes Road at the centerline of the property frontage on Eakes Road.)

Additional conditions from Trustee Siegel;

3. No guest houses can be constructed on any of the properties.
4. No more than three houses be built in this subdivision.
5. The houses be required to hook up to the sanitary sewer and no septic system be placed.
6. The developer will abide by the 40 foot wide, no-construction zones as a buffer to the middle lot as shown on the attached sketch.

**Trustee Rembe** seconded the motion.

**David Montoya** asked if there must be an acre, does that acre exclude the road?

**VOTE:** Trustees Siegel and Rembe, aye. Trustees Lopez and Rael, no. Mayor votes aye. Motion carries, 3 to 2, in favor of the subdivision with the conditions of approval.

**Mayor Hooker** stated his reasons for voting in favor, these being that it was permitted by the zoning code and he felt it supports the goals of the Master Plan within the constraints of the zoning code.

**D. A request by Bernie S. and Juanita G. Sanchez for a Zone Map Amendment to allow VC Zoning in the Core Area of the Village Center District where the property is currently zoned C-1 and R-3. The property is located at 333 Osuna NW and legally known as Lots 3 and 4 of the OSUNA ADDITION, a subdivision of a tract of land in precinct number four (4), Bernalillo County, New Mexico, as the same is shown and designated on the plat of said subdivision filed in the office of the county clerk of Bernalillo County, New Mexico on June**

17, 1947; and The southerly sixty (60) and 25/100 feet (60.25) of the westerly fifty three 70/100 feet (53.70') of lot three (3) in block numbered two (2) of FOURTH STREET GARDENS, an addition to the City of Albuquerque, New Mexico as the same is shown and designated on the map of said addition filed in the office of the county clerk of Bernalillo County, New Mexico on March 25, 1950; Now combined and known as Lot "A" OSUNA ADDITION, as the same is shown and designated on the plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 15, 1984, Book C-24, Page 161. This parcel contains approximately .33 of an acre. This application has been forwarded with a recommendation to approve by the Planning and Zoning Commission at their Regular Meeting held on June 24, 2003.

**MOTION:** Trustee Siegel moved approval. Trustee Rael seconded the motion

**VOTE:** The motion carried unanimously.

**D.** A request by Paul Denny Gentry for a Zone Map Amendment to C-1 Zoning where the property is currently zoned C-1 and R-2. The property is located at 7511 4<sup>th</sup> St. NW and legally known as A certain parcel of land situate in Section 21, Township 11 North, Range 3 East, N.M.P.M. , Bernalillo County, New Mexico, said parcel being identified as Tract 103-B on Middle Rio Grande Conservancy District Property Map No. 27... This parcel contains approximately 1.945 acres. This application has been forwarded with a recommendation to approve with Conditions of Approval by the Planning and Zoning Commission at their Regular Meeting held on June 24, 2003.

**MOTION:** Trustee Siegel moved that this item, Item 4-E, be deferred until the next meeting on July 31.

**It was decided to go on with this item.**

**Sylvan Segal** asked that Item H (Beverly Appeal) be deferred until the next meeting.

**Paul Gentry** explained the layout of his lot and how it's been used in the past.

**Trustee Siegel** asked where the property line was for the C-1 lot. He also questioned if it would be better to grant a conditional use for parking rather than zone the whole lot C-1.

**Mayor Hooker** asked if the bus company was zoned the same as the applicant's property.

**MOTION:** Trustee Siegel moved to defer until July 31 meeting, to allow time for alternative ideas or plans to occur without changing the zoning. Trustee Lopez seconded the motion.

**VOTE:** The motion carried unanimously.

**F.** A request by Theresa Cardenas of TC Building & Development for Judy Caldwell (property owner) for a Zone Map Amendment to SU-1 Zoning to allow for a major subdivision with special density bonus and Preliminary Plat for a Major Subdivision for recommendation for the Board of Trustees consideration. The property is currently zoned A-1. The property is located at 7100 Rio Grande Boulevard NW and legally known as A tract of land in School District No. 4, Bernalillo County, New Mexico, within the Elena

**Gallegos Grant, which is bounded; On the North by land now or formerly of J.A. McDonough; On the South by land of R.L. Harrison; On the East by the Easterly line of the Chamisal Acequia; and On the West by the Easterly line of Rio Grande Boulevard; and which is described by Survey made by R.S. Harris in January, 1948, as follows... Said tract is shown and designated as Tract 139-B-1 on Map 27 of the Survey of the Middle Rio Grande Conservancy District. This parcel contains approximately 13 acres. These applications have been forwarded with a recommendation to deny, without citing the code, by the Planning and Zoning Commission at their Regular Meeting held on June 24, 2003. [THE APPLICANT HAS REQUESTED POSTPONING THIS ITEM TO THE AUGUST 20<sup>TH</sup> MEETING]**

**This item was deferred**

**G. A request by W. Mark Snapp Design, Inc., for Robert Kantor and John Harlan (property owners of 7103 4<sup>th</sup> St. NW); and Saburo and Mary Matsubara (property owners of 7017 4<sup>th</sup> St. NW) for a Site Development Plan and Preliminary Plat for a Major Subdivision and Zone Map Amendment to allow for C-1 and SU-1 Zoning with density bonus and a Variance to allow reduction of the open space requirement from 30% to 25; the parcels are currently zoned C-1 and R-2. The property is located at 7017 4<sup>th</sup> St. NW and legally known as A tract of land in School District No. 4, Bernalillo County, New Mexico, within the Elena Gallegos Grant, which is Bounded, On the North by land now or formerly of H.E. Kerr; On the South by the Pueblo Solano Subdivision; On the East by the Westerly line of Fourth Street (US Highway 85); and On the West by the Westerly line of the Rice Lateral; and which is described by Survey as follows, to-wit: BEGINNING at the Southeast Corner which is the Northeast corner of Pueblo Solano Subdivision as shown and designated on the Plat of said Pueblo Solano filed in the Office of the County Clerk of Bernalillo County, New Mexico, on the 21<sup>st</sup> day of November, 1934, whence the corner common to Section 20, 21, 28, and 29, Township 11 North, Range 3 East, N.M.P.M. as shown on Bernalillo County Survey Sheet No. 16... Said tract is shown and designated as Tract 167-A-2 on Amended Map No. 27 of the Survey of the Middle Rio Grande Conservancy District; AND PROPERTY LOCATED AT 7103 4<sup>TH</sup> St. NW and legally known as A tract of Land situate in Bernalillo County, New Mexico, being and comprising Tract 167-B-2 as the same is shown and designated on the Middle Rio Grande Conservancy District Property Map No. 27. These parcels contain approximately 4.230 acres. These applications have been forwarded with recommendations to approve the said applications for the commercial portion and the residential portion of the said applications was postponed, without citing the code, by the Planning and Zoning Commission at their Regular Meeting held on June 24, 2003.**

**Robert Kantor** explained his site plan as shown to the P&Z Commission the previous month and some of what was said at the meeting.

Payment in lieu of open space was discussed.

**John McDowell** talked about the trees being cut down and fences being moved.

**Ross Dimas** asked that this development plan be approved.

**Dave Hartman, Chere Hartman, Charlie Matshubara and Helen Sterling** spoke in favor of the development.

**David Montoya** said he was against this development and it was a bad idea. He said no one asked them as neighbors what they thought about the project. He said what they are asking for in the C-1 Zoning was unjust enrichment.

**Steve Thurmond** said that the P&Z Commission requested that a new residential plan be submitted and asked if that was available for public view because he hadn't had the opportunity to see it. He spoke about the requirements for Special Use.

**Gil Benavidez** said he borders the property in question to the west. He spoke about the open space and housing density and also about where the line was drawn between commercial and residential.

**Trustee Siegel** said this was the first density bonus issue to come to the Board and they were requesting a reduction of the open space required. He thinks the revision is not in keeping with the current ordinance.

**MOTION: Trustee Siegel** moved to defer this project until the expiration of the moratorium.  
**Motion died for lack of a second.**

**MOTION: Trustee Rembe** moved to defer until July 31, 2003. **Trustee Rael** seconded the motion.

**VOTE: The motion carried unanimously.**

**H. The following application was denied by the Planning and Zoning Commission at their Regular Meeting held on May 27, 2003. The applicant has appealed the decision. A request by Charles and Barrie Beverley for a Variance to the rear yard setback to allow 15 feet where 25 feet is permitted (proposed garage) and for a Variance to the rear yard setback to allow for 3 feet where 25 feet is permitted (existing shed) in the A-1 Zone. The property is located at 8809-3 Rio Grande Boulevard NW and legally known as Lot numbered Three (3) of the Plat of Lots 1, 2, 3 and 4, Land of Evelyn Huthsing, 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 19, 1986, in Plat Book C30, Page 152. This parcel contains approximately 1 acre.**

**This item was deferred to the July 31<sup>st</sup> meeting per the request of Beverly's attorney Sylvain Segal.**

## **5. OLD BUSINESS**

None

## **6. NEW BUSINESS**

**A. Discussion and Approval of Resolution No. 2003-7-2 - Adopting the Infrastructure Capital Improvements Program for 2004-2009**

This item was discussed on page 6, after item 4.A

**B. Approval of License Agreement between Middle Rio Grande Conservancy District and Village of Los Ranchos - Extending and Maintaining the Existing Rio Grande Crossing at the Griegos Lateral, for the Area K Sewer Project**

This item was deferred to the July 31<sup>st</sup> meeting.

**C. Discussion and Approval to renew Engineering Contract with ASCG until July 31, 2004**

This item was deferred to the July 31<sup>st</sup> meeting.

**7. FINANCIAL BUSINESS**

**A. Cash Report - May and June**

This item was deferred to the July 31<sup>st</sup> meeting.

**B. Fourth Quarterly Report**

This item was deferred to the July 31<sup>st</sup> meeting.

**D. Approval of Audit Services Contract for 2003-2004 between the Village of Los Ranchos and Hinkle & Landers, PC**

This item was deferred to the July 31<sup>st</sup> meeting.

**E. Discussion and Approval of Resolution No. 2003-7-3 - Adopting the Final Budget for the 2003/2004 Fiscal Year**

This item was discussed on page 6, after item 6.A.

**8. REPORTS**

- A. Mayor's Report
- B. Administrator's Report
- C. Legal Report
- D. Planner's Report
- E. Fire Dept. Report
- F. Engineer Report

There were no reports.

**9. TRUSTEES INFORMAL DISCUSSION**

There was no informal discussion.

**10. ADJOURNMENT**

**MOTION:** Trustee Siegel moved to adjourn at 12:00 a.m. Trustee Rembe seconded the motion.

**VOTE:** The motion carried unanimously.

**APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

ATTEST:

\_\_\_\_\_  
Annabelle Silvas, CMC  
Village Clerk