

**MINUTES**  
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD NW  
**BOARD OF TRUSTEES REGULAR MEETING - 7:00 P.M.**  
**July 31, 2003**  
**THIS MEETING IS A CONTINUATION**  
**FROM JULY 23, 2003**

**Present:**

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

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

**1. CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Thursday, July 31, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

**A. Approval of Agenda**

**MOTION:** Trustee Lopez moved approval of the agenda. Trustee Rembe seconded the motion.  
**VOTE:** The motion carried unanimously.

**B. Report on Middle Rio Grande Water Assembly - Bob Wessely**

Bob Wessley reported on the regional water planning and the mission of water planning. Mr. Wessley also presented power points, on the importance of planning now for the future. In summary, he stated that there is a regional problem, and there is a need for a regional and balanced solution. He stated that the representatives for the Village were Don Lopez and Mayor Hooker.

**2. PUBLIC COMMENT PERIOD**

None.

**3. CONSENT AGENDA**

None.

**4. PUBLIC HEARINGS AND APPLICATIONS**

**A. 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.**

**Attorney Mathews** swore in the audience members that would be speaking under public hearings items A-C.

**Paul Gentry** said that he has an office at 7511 4<sup>th</sup> Street and previously had a long-term lease that ran out a year ago. He said he started about a year ago to re-lease the property and during the process he had a leasing agent. Some of the potential lessees were a Montessori School and a heating and cooling company, but when they saw the zoning they pulled out at the close of the offer. He said he now has a new contract with Marron & Associates for a five-year lease. He further stated that the reason he made the request now, and did not wait five years is, because he will forget about it and he will be back in the same position. He said he was in agreement with the Board of Trustees in expanding to coincide with the Master Plan and for the special use. The Planning and Zoning Commission recommended a landscaping buffer. He said he can comply with this, but it is not practical for the reason that one-third of that west boundary has fifty foot trees and the other third is a building that is about 15' x 40' wide.

**Trustee Lopez** stated that the site plan does not show anything. He asked if there were any plans for this.

**Mr. Gentry** stated that the Village could not find their site plan. The original plan had the storage in the back and the addition. It was expensed out to the corporation that he owned at the time. Since then he has sold that corporation and he has offered to have a new site plan drawn if the Village needs it.

**Trustee Lopez** stated that Mr. Gentry has a five year contract. He asked if he will turn around and do something else then what he is stating tonight.

**Mr. Gentry** stated that he has been there for 13 years and if he was going to do anything different he would have already done it.

**Steve Thurmond** stated that he wanted to support the notion of the maximum setback in the C-1 zone on 4<sup>th</sup> Street should be 300 feet.

**David Montoya** stated that what Mr. Gentry is trying to do is a blanket to get a C-1 out there, and this is going to set a precedent for the rest of 4<sup>th</sup> Street.. He said everybody wants to extend the 300 feet, because it is shown as the limit in the Master Plan. The Master Plan as good as it is, still is a work in process. He said this would be unfair to the neighbors that adjoin these properties. He asked that the Board consider what the plans for the future are.

**Mayor Hooker** stated that if the 300 foot request could be approved with a dedication of 7 feet for the 4<sup>th</sup> St. improvement projects in the future. We can offer a special use permit for the land in the back that is zoned R-2, which may be used for vehicle storage for up to five vehicles, also use it for parking, turnaround playground, accessory uses, light maintenance on vehicles, no painting, no welding, no body work, no fuel storage. Any permanent parking area must be finished with gravel or asphalt.

**MOTION: Trustee Siegel** moved that the application be resubmitted as an SU for the back portion that's currently zoned R-2 and that specific proposed uses be delineated and all the other uses not be allowed. We need a formal request for SU use for the rear portion.

**Trustee Lopez** said he agreed with Dr. Siegel and that we need to be careful and have it in writing.

**Trustee Lopez** seconded the motion.

**Administrator Rosoff** asked for clarification for the public notice, and when we would have to have the package in hand in order to put it on the agenda.

**Mayor Hooker** said this item will be first under public hearings at the September 10<sup>th</sup> meeting.

**VOTE:** The motion carried unanimously.

**B. 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 request and the changes that he had made. He said they came up with the standard that was suggested and reworked this for Board approval.

**Trustee Lopez** asked if the residential property was 2.4 acres total.

A lengthy discussion took place about the acreage, calculation of the open space and what the applicants came up with.

**Steve Thurmond** asked if a SU permit is issued he hoped the open space would be along the ditch and that no solid wall would keep it from being seen by the people that walk along the ditch. There has been a suggestion to make up the difference in open space that transfer of development rights could be used. He noticed in the code that receiving properties for TDR's be C Zone or VC Zone so the R-2 Zone wouldn't

be qualified.

**Ellen Trick** requested that they have an opportunity to review the changes in the plans.

**Beulah Moses** said she had no problem with the development and she thought it could be an asset to the community.

**Eileen Harrison** said in reviewing the plans she felt most people wanted a rural atmosphere. She disagrees with the open space percentage change and wondered what would be done to adjacent properties. She was worried that a precedent would be set if the Board approved a reduction in open space.

**Trustee Siegel** said there are many lots like this and they could each have 2 homes per acre placed on them at any time.

**Joseph Mullen** asked how the public utility easement along the south side would be dealt with, if the ownership of the open space would be deeded to the Village, and about the elevation of the buildings.

**Robert Kantor** explained that the homes are single story adobes and the open space will be owned by the home owner association.

A discussion was held concerning the utility easements (both at and away from the microphone)

**Steve Derwilis and Lisa Newbury** both spoke in favor of the project. Mr. Derwilis suggested that Trustee Siegel recuse himself from this matter.

**Trustee Siegel** recused himself at the public request.

**Tom Montoya** spoke against this application stating that it was inconsistent with the Master Plan. He spoke about density bonuses and variances.

**Dr. David Siegel** read from the Master Plan, in several spots it mentioned that there would be increased density of housing along 4<sup>th</sup> St., there shall be pedestrian friendly, mixed-use projects, it even says in Section 3.2 for realizing commercial goals there shall be a 100 foot bonus for commercial depth beyond 300 feet for down zoning. Mr. Kantor is giving something back to the Village for increasing commercial depth. I do think it is too dense with seven houses, I'd be more comfortable with six. This is a good development, I would rather see it open.

**Kim Arthun** spoke in favor of the project.

**Mr. Hansen** said he wasn't against residential development, but questioned why the Board would pass this when his request to subdivide had been denied.

**Dave Hartman** said anyone abutting this property would benefit from this development.

**Chere Hartman, Helen Sterling and Ross Dimas** spoke in favor of this project.

**John McDowell** said he was worried that it would be setting a precedent on the open space issue.

**Robert Kantor** talked more about what kind of businesses would be located on his property. He said there

would be no walls on the lot lines, and the project will be very open.

**Trustee Lopez** asked what the rear width of the property was.

**Trustee Rael** asked if there had been any discussion with the neighbors to address their concerns.

**Trustee Rembe** said she thought it would improve business on 4<sup>th</sup> St., but was concerned about the maintenance of the open space and felt they should stick to the 30%.

**Trustee Lopez** spoke about the land dedicated for roadways, driveways, parking areas can not be calculated in the open space. He said there is a flaw in his calculations. He feels that if the zoning ordinance says 30% we should stick to 30%.

**Mayor Hooker** explained that one way would be to approve the entire project as a Special Use Permit.

**Trustee Rael** said that the 30% open space should stand also.

**Attorney Mathews** said not to go with deed restrictions but to use conditions, deed restrictions are too hard to enforce.

**MOTION: Trustee Lopez** moved approval to defer until the August 20 meeting, with the reason being to give the applicant time to redraw the plan in order to achieve the 30% open space. He said he would also like to recommend to the applicant to consider zoning the entire property SU.

**Trustee Rembe** seconded the motion.

**Robert Kantor** said they had addressed the Master Plan, had meetings with planning, came to all meetings and tried to adapt the plan to suit everybody. He said they have addressed a number of issues and they are only 3% short on open space. He said he was amazed at the opposition.

**VOTE:** The motion carried ~~unanimously~~ 3-1 with one abstention.

**C. 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.**

**Sylvain Segal** introduced himself as the Beverley's attorney, said there were omissions in the P&Z minutes, and name was spelled wrong. (He failed to sign in. Without people signing in legibly spelling of names have to be guessed at) He felt the P&Z Commission acted in an arbitrary manner trying to redesign what the Beverley's wanted to do. The planning director recommended approval. All the neighbors are for this project except the Stebleton's.

**Attorney Mathews** said this is not new evidence; it is a petition from the neighbors.

**Sylvain Segal** said no one would be harmed if this variance was granted. He explained about the previous shed and existing foundation and that there was no place else on the property to locate this without messing up the property. He said the Beverley's would agree to downsize the garage structure to only require a 20 foot setback instead of fifteen to reach a compromise, and allow a decision with a condition that the shed be allowed to remain where it is.

**Trustee Siegel** asked about the Fish & Wildlife Dept. and how much of the property is affected by this.

**Attorney Mathews** said the agreement also does run with the land.

**Charles Beverley** explained the flight paths of the birds and why he purchased the property.

**Cyndie Tidwell** explained what is given and required when an applicant applies for a variance.

**Trustee Siegel** asked Mr. Beverley how long he owned the property and why he hadn't built the garage earlier.

**Brad Stebleton** said the P&Z Commission did a good job at the first hearing. There is no hardship in this case. He requested that the variance request be denied.

**Lawrence Stebleton** said the pond is only about 50 by 70 feet and he proceeded to talk about the flight path of the birds.

**Sylvain Segal** said the variance sections are in the ordinance, and you are complying with the variance if you decide to grant the variance. He said if you aren't going to grant variances then he suggests that the variance portion from the ordinance.

**Mayor Hooker** said the specific items that are being appealed are the setback to the garage and the shed.

**MOTION: Trustee Siegel** moved to deny the appeal on the setback variance for the shed. **Trustee Rembe** seconded the motion.

**Charles Beverley** said he felt that since a shed had been there it was alright to put one in the same place. He understood that a 120 square foot shed did not need a permit.

**Trustee Rael** questioned why a shed is needed if you have a big garage.

**Planner Tidwell** said she relied on the opinion of Manuel Facio, who was the building inspector at the time.

**VOTE:** The vote was unanimous, the appeal on the shed setback was denied.

**Charles Beverley** explained why he couldn't move the garage within the twenty-five foot setback. He stated old growth trees, turning radius of the motor home, the well, etc.

**MOTION: Trustee Rael** moved to approve the setback variance requested. (20 foot setback where 25 is allowed) **Trustee Lopez** seconded the motion.

**Trustee Siegel** said he thinks the decisions should be consistent.

**Trustee Rembe** asked what removing another five feet from his garage would do to him.

**VOTE:** The motion carried with Trustee Siegel voting no.

**5. OLD BUSINESS**

None

**6. NEW BUSINESS**

**A. 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.**

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

**VOTE:** The motion carried unanimously.

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

Trustee Lopez said he was quite pleased with A.S.C.G.

Administrator Rosoff said he was pleased as well and A.S.C.G. was doing a good job.

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

**VOTE:** The motion carried unanimously.

**7. FINANCIAL BUSINESS**

A. Cash Report - May and June

**MOTION:** Trustee Siegel moved to approve the May and June cash reports, and to pay all the bills. Trustee Rembe seconded the motion.

B. Fourth Quarterly Report

**No action was taken on this.**

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

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

**VOTE:** The motion carried unanimously.

**8. REPORTS**

A. Mayor's Report

B. Administrator's Report

C. Legal Report

- D. Planner's Report
- E. Fire Dept. Report
- F. Engineer Report

These reports were discussed in the Special Meeting scheduled after this meeting.

**9. TRUSTEES INFORMAL DISCUSSION**

None

**10. ADJOURNMENT**

**MOTION: Trustee Lopez** moved to adjourn at 9:50 p.m. **Trustee Rael** 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