

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING – 7:00 P.M.
August 20, 2003

Present:

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

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

Absent:

Penny Rembe, Trustee/Mayor Pro Tem

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, August 20, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:05 p.m.

A. Approval of Agenda

There was a request to defer Item 4-B until the meeting after the expiration date of the moratorium.

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

VOTE: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

John McDowell asked if the moratorium would apply to the current applications.

A. Progress report on Fourth Street project by Larkin NM.

Ray Macy with the Larkin Group explained the project on 4th Street.

The landscaping was discussed, along with project themes, benches, banners, planters, storm drainage systems, trash receptacles, bike rack, street lighting, sidewalks, planting options, bus shelters, signs, planters and plant materials. The project schedule was also discussed.

There were several questions from the audience without the microphone being used or the person being identified.

3. CONSENT AGENDA

- A. Approval of Minutes - Regular Meeting - July 23, 2003
Regular Meeting - July 31, 2002 -Continuation of
7/23rd
Special Meeting - July 31, 2003**
- B. Receive Department and Committee Reports**
1. Police
 2. Fire
 3. Animal Control
 4. Court

The following corrections were made to the minutes:

July 23, Page 3, Line 30 it should read “you can enact a new moratorium or act on this one.”

July 31st, Page 5, Line 30, motion is not unanimous. It was 3 to 1, one was an abstention.

MOTION: Trustee Lopez moved to approve the Consent Agenda with the corrections stated to the minutes. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

Trustee Lopez asked if the moratorium applies to the items on the agenda now, and is it improper that the Board heard their applications at the last meeting.

Attorney Mathews explained how the law applies on moratoriums.

MOTION: Trustee Lopez said he believed the moratorium applied to the entire village, and he moved to apply the moratorium to the entire village so that people know right away that that’s our intent.

Trustee Siegel said he was abstaining from the whole thing.

The motion by Trustee Lopez died for lack of a second.

- A. A request by W. Mark Snapp Design, Inc., for Robert Kantor and John Harlan (property owners of 7103 4th St. NW); and Saburo and Mary Matsubara (property owners of 7017 4th 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 4th 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 21st 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 4TH 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 the updated project that it was five lots on 2.5 acres and that it requires no variance.

Trustee Lopez asked Ms. Tidwell if she had an opportunity to review this new plan.

Planner Tidwell said she had and it met all the regulations.

Bob Keers said he had opposed the project before but is in support of the new plan.

David Montoya said he has a problem with the plan because they are including the road in the plan.

Bob Anderson said he liked this plan a lot better, but still complains about the location of the dumpster.

Gilbert Benavidez said he likes the 5 house plan better, but what bothers him is the proposed 6' block wall.

Joe Dietrich said he had no problem with the new plan.

Beatriz Gronert said she felt that property values will decrease and there will be an increase in traffic because of the new apartments, the new schools and the fact that the Village is allowing more building on 4th Street.

Judy Dopson said she was concerned about commercial encroachment.

Tom Montoya questioned the public notice and said he disagreed with the planning report and Mr. Kantor stating that the residential portion complies with the Village ordinances. He said the R-2 zoning indicates that the lot area shall be reduced to one-half of an acre.

Planner Tidwell said this apparently is an inconsistency with the adopted subdivision ordinance which is Chapter 26, which allows private roads to be considered as part of the lot.

David Siegel said he spoke in favor of the project before and is still in favor of it. He is asking for an extension of the commercial depth, so you are giving him some economic benefit. He said he believes we do need to do what is consistent with the ordinances regarding the inclusion of the road.

Attorney Mathews said the density issue comes under the subdivision ordinance.

Trustee Lopez asked if it was Mr. Mathews interpretation also that the roadway can be included?

Attorney Mathews said yes, that the road can be included and Ms. Tidwell was correct in saying there was an inconsistency.

David Siegel said you have to be consistent and you have to limit how much of the road you can use in a lot. I really think you should not be counting roadways that you drive on as part of the lot.

Bob Kantor said he had no objections to some of the conditions that were proposed last time. He addressed some concerns raised by the audience members.

Trustee Lopez asked if this project was going to drag out for years.

Buffers between the commercial and residential areas were discussed away from the microphone.

Trustee Lopez said existing irrigations easements should be shown on the plans to protect existing irrigation rights.

Meeting recessed at 8:30 p.m. and reconvened at 8:49 p.m.

Mary Ann Woodard spoke in favor of procedural regularity and said the applicants should follow procedures in presenting their plans. She said details need to be resolved as far as fencing and ditches, etc.

David Montoya asked that the C-1 not be accepted as a blanket C-1, because it creates a precedent in the Village.

Tom Montoya spoke about the conflict in ordinances. He asked that the legal problem of conflicting ordinances be resolved.

Attorney Mathews said that both ordinances are specific. He spoke about the conflict in the statute and a court case from last year. When the court looks at how you interpret your ordinances the court is going to look at how you have done it in the past under the same ordinance. I believe that the density set forth in the subdivision ordinance controls.

There was a discussion on how many motions were needed and what order to do them in.

Zone Map Amendment Motion.

MOTION: Trustee Rael moved approval to accept the zone map amendment and extend the commercial portion of the property to 280 feet with the conditions that there will be no building larger than 3000 square feet of heated area, no gas stations, no car sales or repairs, no drive-thrus, no food

wastes stored, provide landscape buffers along the south boundary, that an existing irrigations easements be honored. **Trustee Lopez** seconded the motion.

VOTE: The motion carried 2 – 0. Trustees Lopez and Rael for, and Trustee Siegel abstained.

Site Development Plan Motion

MOTION: Trustee Lopez moved approval of the site development plan in accordance with our current subdivision ordinance. Also as a condition if restaurant comes into the complex that they have their own dumpster that is not located next to a residential area. **Trustee Rael** seconded the motion.

David Siegel said density was a big issue for some people. He thought maybe restrictions on guesthouses and a maximum square footage should be considered.

(There were certain parts that were inaudible on the tape)

AMENDED MOTION: Trustee Lopez amended his motion to include a 5 foot irrigation easement on all lots. **Trustee Rael** seconded the motion.

Gil Benavidez asked about the setback requirements in the residential area, he asked if they could be 25 feet.

Trustees Rael and Lopez said they feel the setbacks are okay.

VOTE: The motion carried, 2 – 0.

Motion for Preliminary Plat Approval

Trustee Rael moved to approve the preliminary plat. **Trustee Lopez** seconded the motion.

VOTE: The motion carried, 2 – 0.

B. 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. [THIS REQUEST WAS DEFERRED FROM THE JULY 23 PUBLIC HEARING AT THE APPLICANTS REQUEST.]

MOTION: Trustee Siegel moved to defer the Cardenas application for 60 days, until the October 8th

meeting. **Trustee Lopez** seconded the motion.

VOTE: The motion carried 3 – 0.

C. A request by Jeffrey and Patricia VanDerMey, a Zone Map Amendment to allow for C-1 Zoning where a certain portion (approximately 10,800 square feet) of a dually zoned lot (C-1 and A-1) is zoned A-1. The property is located at (328 Ranchitos) 7820 4th NW and legally known as A certain tract of land being and comprising of Tract numbered Thirty-nine (39) of the Middle Rio Grande Conservancy District Property Map Numbered Twenty-Seven (27) within projected Section 21, T11N, R3E, N.M.P.M., Bernalillo County, New Mexico. This parcel contains approximately 1.870 acres. This application is forwarded with a recommendation of approval with conditions by the Planning and Zoning Commission as heard July 29, 2003.

Jeff VanDerMey presented his request.

There was a lot of discussion about something, nothing audible carried over onto the tape.

MOTION: Trustee Siegel moved to deny this request.

Trustee Siegel said the property is abutted by A-1 all the way around, it's currently A-1, there's nothing that's going to keep the other two lots next to it from asking for C-1 Zoning if we grant this. He said he could get a conditional use or a special use permit to park there.

David Montoya said he spoke to the Harrington's and they wanted to keep this property agricultural, not commercial.

Sharon Harrington said as far as the property being used for parking only with special buffers she wouldn't have a problem with. She said she would like the special use better than the C-1 zoning.

AMENDED MOTION: Trustee Siegel moved to amend his motion to have the applicant apply for SU Zoning for parking and whatever intended uses he has in mind for the parcels and that there be a site plan presented with that with buffer and drainage indicated. **Trustee Rael** seconded the motion.

VOTE: The motion carried, 3 – 0.

D. A request by Paul Davis Restoration for site development plan approval; the property is currently zoned C-1 and A-1. The property is located at 7820 4th and legally known as A certain tract of land being and comprising of Tract numbered Thirty-nine (39) of the Middle Rio Grande Conservancy District Property Map Numbered Twenty-Seven (27) within projected Section 21, T11N, R3E, N.M.P.M., Bernalillo County, New Mexico. This parcel contains approximately 1.870 acres. This application is forwarded with a recommendation of approval with conditions by the Planning and Zoning Commission as heard July 29, 2003.

Kim Briggs said he was co-owner of the franchise and was acting as agent. He explained the project.

Questions were asked by the Board and Mayor about zoning, parking and if the application meets the goals of the Master Plan. Questions about building style and the entire building being stuccoed were also discussed.

MOTION: Trustee Siegel moved approval with the conditions that were specified by the Planning and Zoning Director. **Trustee Rael** seconded the motion.

VOTE: The motion carried, 3 – 0.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Discussion and Approval to advertise in summary amendments to the Alarm Ordinance

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

VOTE: The motion carried, 3 – 0.

B. Discussion and Approval to advertise in summary an amendment to the Cell Phone Tower Ordinance

Trustee Siegel asked if the Federal Act allows restrictions. (Was away from microphone, mostly inaudible)

Attorney Mathews said it was right, you can't restrict them from the municipality but you can restrict them from zones within the municipality.

MOTION: Trustee Siegel moved approval to advertise the Cell Tower Ordinance amendment. **Trustee Rael** seconded the motion.

VOTE: The motion carried, 3 – 0.

7. FINANCIAL BUSINESS

A. Fourth Quarter Financial Report

Alan Leatherwood explained the quarterly report.

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

VOTE: The motion carried, 3 – 0.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that the MRCOG annual meeting was a success. Concerns were highlighted in the area about the state possibly taking away our GRT in the medical area. He spoke about the water board and the plans they have. He said Mayor Chavez was concerned about air quality. He had a meeting with Edna Fowler and visitors from 4 foreign countries. He said he will attend the NMML conference, and will do the ribbon cutting for the opening of the Joiner school. He also submitted a 2025 metropolitan plan.

B. Administrator's Report

Administrator Rosoff said he was pleased with the Larkin presentation they made and that we are receiving good quality work from them. The teeter-totter for the playground has been delivered and would like to thank Trustee Lopez for his help in acquiring that. We distributed a draft in your packets of a booklet called "How to do business in Los Ranchos" and if you have any comments or suggestions we would like to publish that in a couple weeks. We have issued notice to proceed on the traffic signal that was approved at the last meeting.

Attorney Mathews added that the Andersons came in today to a meeting about the AC Zone.

C. Legal Report

Attorney Mathews reported that he received a motion to dismiss the appeal in the Heartlane matter and has fifteen days to respond to that. On Monday is the Municipal Boundary Commission hearing. Hank and I have been talking about the issue of Rio Grande setbacks that disappeared in 1996, and if we decide to re-impose those setbacks we have some concerns about whether it would constitute a taking, so we are going to have to look at the property carefully, and he has suggested that we put in a separate variance procedure for those setbacks on Rio Grande and tailor it to those properties. He said David Campbell is representing a lot of the horse stables in Los Ranchos and is trying to get a lot of them onboard with the AC Zone. He also explained some of the details for reopening Valley Bowl.

D. Planner's Report

None.

E. Fire Dept. Report

None.

F. Engineer Report

Karen Jacobsen reported on the Parks and Trails Committee meeting and said that currently meetings will be held every other Tuesday evening. She said she felt that for a first meeting everything went well. She also spoke about a meeting with Dr. Stormat at UNM and getting

some of his senior students to help with the committee and also the traffic calming measures on Rio Grande.

9. TRUSTEES INFORMAL DISCUSSION

There was a discussion about what the Village will do if the City moves forward with the plans to expand the Montañño Bridge widening. Mayor Hooker asked if this should be discussed as a closed session at the September meeting. Attorney Mathews said he thought a quiet, more reasoned approach is the way to start out against the bridge. Every comment by them does not require a response. We need to get more information. Trustee Rael asked about the limits of the annexation. Administrator Rosoff said it was about fourteen properties and they are not marked on the map in the lobby.

10. ADJOURNMENT

MOTION: Trustee Lopez moved to adjourn at **10:52** p.m. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously, 3 – 0.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____ 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk