

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES CLOSED MEETING - 6:30 P.M.
February 12, 2003

Present:

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

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

On Wednesday, February 12, 2003, the Village of Los Ranchos Board of Trustees held a closed meeting at 6:30 p.m. The purpose of the Closed Meeting was for the discussion of pending litigation on the following: SANCHEZ vs VLR; GEMINI FIREWORKS; FIRE HAZARDS ON 4TH ST; UNLAWFUL HOME OCCUPATION; VLR vs WERSHAW; CHASE HARDWARE vs VLR. The only matters that were discussed in the Closed Meeting were those posted on the notice of closure.

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING – 7:00 p.m.
February 12, 2003

1. **CALL TO ORDER**

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, February 12, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

A. Approval of the Agenda.

Motion: Trustee Lopez moved approval of the agenda, with a recommendation to defer **Section 12 NC - Neighborhood Commercial Zone**, however, Public Comment will be taken and **Item 6.A. Approval to Cancel the February 26th, 2003 Regular Board of Trustees Meeting.**

Trustee Rembe seconded the motion.

Vote: The motion carried unanimously and the amended agenda was adopted.

Mayor Hooker said he would like to welcome Under-sheriff Sal Baragiola.

Under-sheriff Baragiola said he is very pleased to be Under-sheriff of Bernalillo County and pleased to be able to work with community groups. He said he would work to compile the crime data and timely reporting of it.

Discussion continued with regard to false burglar alarms being a problem and that this is best handled through education and crime prevention. Getting the community involved in crime prevention strategies, such as, Neighborhood Watch is helpful.

2. PUBLIC COMMENT PERIOD

Robert Tuttle, who lives on Vineyard Road N.W., said he is asking the Board of Trustees for help with regard to speeding on Vineyard Road. He said one-half of the street is in the Village and the other half is in the County. The County says it will install speed bumps if the Village will do the same.

Barbara Lowder, who also lives on Vineyard Road, said she has been trying to resolve the same issues since 1989. She said that two traffic studies have already been done by the County. She stated that she already has a petition that was done for the County and that the County has put in 25 mph signs and double no passing lines but it has not helped.

Discussion continued with various recommendations to correct the traffic problems on Vineyard and that counters would give them the information as to how many cars are on the road.

3. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting - February 12, 2003.

Motion: Trustee Siegel moved approval of the Consent Agenda with one change in the Minutes of the last meeting on page 7, line 26 and line 23 are inconsistent. He said line 23 is correct and would like to amend line 26 to reflect the same eliminating *every registered voter in the Village* to *every person in the Village who voted in one of the last five elections*. Other changes to the Minutes are as follows: Page 10, line 19 Mr. Pecheo's name is spelled *Pacheco*, Page 10, line 7 change *exist* to *exit*. *Dominimus is misspelled and should be Deminimis*.

Trustee Rael seconded the motion.

Vote: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

A. A request by Steve Maestas of SCM Property Company, LLC (Agent) for a site development plan including demolition and new construction at the property located at 6601 – 6609 4th St. NW and 6626 and 6634 4th St. NW and commonly known as the Northdale Shopping Center and the Northeast corner parcel of the intersection at 4th St. and Nara Visa and the parcel adjacent to the East and contiguous with Fourth St. and in the C-1 Zone. The Planning and Zoning Commission heard the applications for recommendations to the Board of Trustees at there Regular Meeting held on January 28, 2003. The property located at 6601-6609 4th St. NW and legally known as Tract A-1-A, NORTHDALE SHOPPING CENTER, UNIT 1, being a re plat of Tract A-1, within Sections 28 and 29, T.11N., R.3E, N.M.P.M., Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the office of the

Bernalillo County Clerk on June 29, 1998 in volume C3, Folio 183, together with Tract B-2, NORTHDALE SHOPPING CENTER, UNIT 2, as shown on the replat of NORTHDALE SHOPPING CENTER, UNIT 2, comprising Tracts B-1 and B-2 filed in the office of the Bernalillo County Clerk on August 31, 1978 in volume C13, folio 189. These parcels contain approximately 7.4 acres. The property located at 6626 and 6634 4th St. NW and legally known as Lots 2 and 2A, Block 1 of the Amended plat of FOURTH STREET GARDENS, Section 26, Township 11 North Range 3 East, Bernalillo County, New Mexico. These parcels contain approximately .67 of an acre.

Motion: Trustee Siegel moved approval with the listed conditions.

Steve Maestas said in general most of the conditions are acceptable, but there are a couple questions. He said the architect is here and he will go over the technical aspects as appropriate.

Mayor Hooker said he would like to add an amendment that the fee be paid as a condition of the approval.

Motion: Trustee Siegel moved approval with amendment. **Trustee Rembe** seconded the motion.

George Rainhart said he is representing Mr. Maestas, and is requesting some adjustments. He said, Condition Number 9, refers to dedication to the right-of-way through Northdale and that he agrees. He said part of that arrangement is going to be a one-way treatment of Chavez Road that will result in some additional right-of-way to return back to the shopping center adjacent to Taco Bell. He requested that it be noted that this is exchanged for the right-of-way that is being given through the shopping center.

Mayor Hooker said if I understand, you are proposing that the Village swap the right-of-way for the north side of Chavez Road along the Taco Bell site for the right-of-way through the parking lot to the north of Taco Bell.

Mr. Rainhart said all we are asking is that if there is excess right-of-way, it should go back to the property owner and he would like it noted.

Attorney Mathews said if the Village vacates the road, the road goes back to the adjoining property owners.

Trustee Siegel asked how the traffic is going to go around Taco Bell, meaning the customers going to Taco Bell.

Discussion continued with Mr. Rainhart pointing to a map indicating how traffic would go around Taco Bell as projected by Wilson & Company. Re-stripping the parking was also discussed.

Mr. Rainhart said two large issues are the right-of-way and timing. He stated that they are asked to agree to submit plans for building permits within 60 days, which is very difficult as it is necessary to agree to a traffic study to determine if the right turn lane is justified or needs to be a bus stop. He said the problem is that traffic studies take 6 to 8 weeks and after the approval of the traffic study, the plans need to be approved by the Board of Trustees. He said the intention is to start on the building permit process as soon as approval by the Board is obtained. He said it might take 3 or 4 months before they can get the permit. He reiterated their intention is to submit for building permit as soon as they have plans together for the Board of Trustee's approval. In addition, the construction of the building is in the located where there is an existing bank and the bank has a lease through December 31, 2003. He said if the bank agrees to have the building torn down, then things would go faster. He said he assumes the requirement for the bond is for

the public infrastructure.

Mayor Hooker answered that the bond is for the public infrastructure.

Discussion continued with regard to construction time issues, the windows showing the back of cases. It was mentioned that softer lighting would be better for night vision. Further discussion continued regarding the widening of the entrance and that the entrance requires a 40' width so that the trucks are able to get in and out.

Trustee Siegel said he would accept 40' on condition #25 if the wording requiring the *raised pedestrian walkway at the west end of the small section* were added.

Administrator Rosoff said to delete the word "two" in #16 to read: between the buildings.

Mayor Hooker added that there would be no liquor sales proposed for this building.

Administrator Rosoff clarified the changes (to the Conditions as stated in the Planning Report) that were made as follows:

1. Condition Number 9: Add - If the Village vacates the excess right-of-way north of the centerline of Chavez Road that land can be aggregated to Northdale.
2. Condition Number 23: Change 60 to 180 days.
3. The bond deals with public utilities and infrastructure.
4. One Hundred and Eighty (180) days for submittal of the application for a building permit and Three Hundred (300) days after approval of the building permit to begin construction.
5. Again, to delete the word "two" from Condition Number 16 in the first sentence.
6. Condition Number 25 - change the width from 24' to 40'.
7. Add the Condition (Number 29) that all application fees shall be paid.

Mr. Rainhart said on Number 26, there is a note to re-stripe the parking lot at Taco Bell. He said it is a little premature to determine if that is the right thing to do.

Mayor Hooker said could we state that this can be clarified by stating, "Re-stripping the parking for Taco Bell Restaurant may be required by the traffic study. He said conceivably that any change to Chavez Road might be prior to any construction that we can initiate on the 4th Street project. He said, therefore, this might be done as stripping to start with. He said if all improvements are completed and the intersection fixed, stripping Chavez Road would be part of this endeavor.

Administrator Rosoff said if it is advantageous to Northdale that it be striped as on-street parking, the Village would want to do that. He said as soon as it is declared excess, it would become their property. He said the Village would like to change the traffic pattern as soon as we can.

Trustee Rembe requested that on the landscape revision plan, she would like the use of the lavender plant to be incorporated as it is being adopted all around the Village.

Mayor Hooker discussed using structural soil as a base. He explained it is a design that allows trees to be planted in planters in the sidewalk and allows the roots to be propagated underneath the sidewalk.

Administrator Rosoff said this is covered under Number 24.

David Montoya said he noted that a request for a variance to increase the signage in front of each shop by 10% was a little too much. He said although Planning and Zoning approved it, he was wondering if this should be reconsidered. He also said about vacating the easement, why would it vacate to Northdale when it usually goes back to the original owners who gave the land.

Attorney Mathews said he would review the original dedication. It can go back to the original owner or it can be split in the middle and go to each adjacent property owner.

Administrator Rosoff said if it were vacated back to the centerline, then it would not be adjoining the Chavez property.

Mr. Rainhart said with regard to the signage. The percentage has only to do with the shops. The shops are back two parking bays from the street. He said that relates to about 10% of the façade as a maximum and it is a customary allowance. He said it is not abusive and very important with multiple tenants; which we will not get that if we do not allow signage to be seen from the street.

Further discussion continued regarding signage.

Administrator Rosoff asked what the plans with regard to the existing Northdale sign are.

Mr. Rainhart said the traffic study would advise if the median needs to be removed and if it is removed, more than likely the sign would not be there.

Mayor Hooker said is it ok then to remove the Northdale sign and include the Northdale character in the new sign for Walgreens.

Mr. Rainhart said he believes that could be included or something like that.

Discussion continued that there are two tenants on the Northdale sign and the Village may not be able to take the sign down.

Attorney Mathews said there may have to be compensation paid to the leaseholder or approve a variance for a sign in a different location. He said he will need more information and will look into the matter.

Vote: The motion was approved unanimously with conditions.

4. B. A request by Steve Maestas of SCM Property Company, LLC for Steve Johnson of Northdale Plaza Partners for a Variance to the front yard setback to allow for 10 feet where 20 feet is allowed in the C-1 Zone. The property located at 6626 and 6634 4th St. NW and legally known as Lots 2 and 2A, Block 1 of the Amended plat of Fourth Street Gardens, Section 26, Township 11 North Range 3 East, Bernalillo County, New Mexico. These parcels contain approximately .67 of an acre.

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

Mayor Hooker asked if the Village was going to get a motor bank in this location and does the Board of

Trustees have to approve a four-lane drive-up as drawn.

Mr. Rainhart said it was the intent to place a branch bank there but at this point, he does not know what the tenant's plans are.

Mayor Hooker said within the 180 days given for a building permit application, that the Board of Trustee is to be advised who the tenant will be.

Administrator Rosoff said it would be appropriate to return to 4A to look at the conditions of approval for the bank site. He said the Northdale portion of 4A was discussed but not the part about the bank.

Motion: Trustee Siegel said he would like to move to consider an amendment that Northdale and the Bank is a single item with conditions listed.

Trustee Rael seconded the motion.

Mr. Rainhart said he is in complete agreement with the conditions that apply to the bank with the exception of Number 8 the companion twin to the timing issue. He said if Number 8 is changed to agree with the same working that was approved in the Northdale portion of the Westside of 4th Street, which would be 180 days, and 300 days, he agrees.

Trustee Siegel said he would accept that change.

Mayor Hooker said what would be the timing of the re-location of the PNM poles in front of that parcel.

Administrator Rosoff said he would have to do some research on that. He asked about the phasing of the construction, wouldn't the bank building be done before Walgreens and therefore the 300 days could be more like 180 days.

Trustee Siegel said he agreed to the time frame. He said what happens if the Bank of America does not want to move to that property.

Mr. Rainhart answered that he assumes that this is for a specific use and will come back to the Board for approval if it is not for a bank.

Mayor Hooker said is it clear in our Conditions of Approval list that it is a bank and any alternate use has to be approved by the Board of Trustees.

Administrator Rosoff said there is no mention of who the tenant is, but that it is a bank.

Mayor Hooker asked the Board to reconsider this as an amendment to 4B.

Motion: Trustee Siegel said he agreed to consider the Conditions of Approval as an amendment to 4B.

Vote: The amendment to the motion carried unanimously.

Mayor Hooker said the Board is now voting on the Conditions of Approval as amended, to the Variance to the 10' front yard set back from 4th Street and with these conditions of approval added.

Vote: The motion was adopted unanimously as amended.

Mr. Rainhart said he was thrilled about the opportunity to do something at Northdale and looks forward to having a successful project.

4. C. A request by Richard Saylor for Site Development Plan to allow for a school in the C-1, R-2, and A-1 Zones. The Planning and Zoning Commission heard this application for recommendations to the Board of Trustees at there Regular Meeting held on January 28, 2003. The property is located at 7939 4th Street NW and legally known as Tract 1, Alamo Acres Mobile Home Park, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico.

Motion: Trustee Lopez moved approval subject to discussions on the conditions. **Trustee Rael** seconded the motion.

Planner Tidwell said that the drainage and grading plans have been submitted and the Village Engineer will review them.

Trustee Rembe said she was concerned about the traffic plan.

Bill French said he is the consultant working with Mr. Browning on running the schools and to answer the question regarding the buses, the bus lane is separate from the car lane and is on the inside. He said most of the children would be coming in the buses from undesignated areas. He said bus routing areas would be determined soon. He said more children will come in via buses, but at this point, the numbers are not finalized. He said they are full and the children are coming in from 95 different schools throughout the city.

Trustee Siegel said he is concerned about the traffic for a number of reasons. He said it looks like at this point there will be 400 students at this school and if they all came by car that represents quite a number of automobile trips at a very busy time of day. He said with another elementary school that will be starting at the same time of day at a close proximity, an intersection that is difficult to see due to the angulations and due to some fatal accidents in that area, he is not happy to approve this without the traffic plan in hand.

Richard Saylor said one of things that the school does encourage is car pooling and secondly they do not allow children to be dropped off before 8:00 am in the morning which is passed morning peak drive cycles which ends about 20 minutes prior to that. He said Terry Brown has been employed by the school to do a full traffic impact analysis on this site. He said the drop offs are staggered

Discussion continued on the traffic planning to eliminate traffic problems at the site.

Mr. French said they are providing three buses in the morning and each bus is capable of holding 60 children and makes two runs in the morning. He said therefore if the buses were full, that would accommodate 360 children.

Further discussion on the park and ride concept was discussed and will be ready prior to the school opening.

Mr. French said he is meeting with the Transportation Director of APS tomorrow and this is the start of our process to define where the bus stops will be. He said the main corridor for serving this school would be up and down 4th Street.

Trustee Rembe said the way it looks is that buses are coming in one way and the cars are on the other.

She said it is very unsafe the way it is currently designed.

Mr. French said please note that all traffic is going one way; a one way entry in and one way going out, and there will be crossing guards. He said they have provided for parking so parents are able to walk their children to the classroom.

Further discussion regarding the traffic flow continued and the Village was invited to visit the Isleta School to see how well it is working.

Trustee Siegel inquired about the distance between the proposed site from IC Mart.

Administrator Rosoff said it is about 500 feet.

Trustee Siegel said he personally observed that IC Liquors sells to intoxicated individuals and this is another safety concern. He said IC Mart still has not fixed their traffic flow problem. He said the concept of the school seems to be a good one but this particular location troubles him. He asked if there is a law regarding how close package liquor sales can be in conjunction to a school.

Administrator Rosoff said there is a law as to how close you can put liquor sales to a school but there is no law regarding how close a school can be located to a liquor store. He said APS did received notice regarding this site and no comments have been received. He said there is also a liquor license at Planet Fun.

Trustee Siegel said with regard to concerns and not seeing an actual flushed out traffic plan, he is troubled with this request.

Trustee Rembe asked how many restrooms are proposed for the school.

Mr. French said they exceed code for the number of restrooms. He said there are six restrooms located throughout the school and there will be a bathroom in the multi-purpose room for activities and events in that location. He said there are locker rooms but no showers as children at this age prefer not to shower in front of other children.

Trustee Siegel asked about the soccer field. He asked if public access is permitted.

Mr. French said during the school day, it will be used for school activities and general play and on the weekends, the soccer field can be used for others.

Trustee Rembe questioned the number of dumpsters and how they will enter and exit.

Mr. French illustrated on a map how this would be done.

Trustee Rembe said she would also like to see a traffic plan.

Mayor Hooker said the Board can make this a conditional approval subject to an approval of a traffic study and could be brought back to the Board of Trustees for approval or be dealt with on an administrative level.

Trustee Lopez said it was mentioned that the traffic study would be available in less than 30 days and asked if that is correct.

Mr. Saylor said Mr. Brown was contacting the State Highway to find out their requirements. He said having done the one on Coors and I-40, he felt comfortable that he would have a favorable recommendation especially due to the periods involved that eliminates peak traffic periods. He said if it takes 60 days to get a traffic study, it will probably kill the project and it would be moved into the city. He said one of the requirements for this is to be built and operational by early August and this is due to their funding requirements. The alternative sites are 2nd and Alameda and the other one is closer to I-25.

Mr. French said if we could not get started on this for an August start time we could come back and make this a school site subject to your approval for the following year. He said in their Charter that was granted by APS, they have the authority to open six schools in the boundaries of the Albuquerque School District.

Trustee Siegel asked who owns the property.

Mr. French said Mr. Saylor owns this property and we will be paying him rent. He said as soon as we can, we hope to purchase this property.

Discussion continued on the type of construction and that the campus will have a southwest design.

Trustee Lopez said he would like to include in his motion to that the person who is during the traffic analysis work closely with the Village Engineer.

Mayor Hooker said he would like to schedule a meeting as soon as possible.

Administrator Rosoff said he would like to make some staff comments: He noted that Mr. French said at the Planning and Zoning hearing that there will be no night activities, there will be no lights on the soccer fields and no lights on the basketball courts. He said these should be added as conditions of approval.

Mayor Hooker said that would be Number 18 to add, no exterior field lighting. He said there would be parking lights for the parking area.

Administrator Rosoff said he would like a condition added that all fees shall be paid. He said Number 9 should read "*Perform, submit a Traffic Impact Analysis and Circulation Plan, and agree to construct improvements indicated in the TIA and circulation plan*".

Trustee Rembe said concerning Number 13, do we know what you are planning.

Marvin Martinez an architect with Masterworks Architect said he would like to present an 8' buffer with high-density shrubs.

Mayor Hooker said the Board of Trustees would like to review the architectural plans for Number 13 to be sure they meet the buffering requirements.

Trustee Rembe asked if there is a special drop off place for the day care center.

Mr. French said it would follow the same traffic pattern as the rest of the project. He said a requirement will be made that the parent/guardian must check the child in and check the child out.

Trustee Rembe asked how much space they had and about the shade available for the daycare.

Mr. French said he would see to it that the playground areas are shaded and the play area meets all codes and regulations.

Mayor Hooker asked what is being proposed to use as paving material. He said that the Village is considering a pavers for 4th St., a concrete block rather than asphalt.

Mr. French said that the budget they are working with now shows the cost as being for asphalt. He is not aware of the cost difference in those two items so he is hesitant to say if a change could be made. He said he would be amenable to creating the drive with pavers if their budget can handle it.

Discussion continued on how the Charter Schools are funded.

Mayor Hooker said focusing on the parking, he is proposing that parking lot have textured paving accents similar to what Northdale is proposing or pavers which are actually comparable in price to asphalt paving. He also asked that consideration be given to a raised sidewalk similar to what Northdale is providing to accentuate the pedestrian quality and calm the traffic between the shopping center and the school. He said he understands the funding constraints so try to keep it within the reasonable limits. He said he is looking to accentuate so that drivers are not driving through the shopping center parking lot or the school parking lot where there are many pedestrians and many conflicts. He said he wants to accentuate the safety features in an engineered way.

Discussion continued with regard to the gym being flip flopped to the other side closer to Planet Fun. It was also discussed the shrine on this property be kept there for the officer that was killed.

Mayor Hooker said that he thought perhaps a metal memorial with the name of the officer and recognizing her death there might be a more durable way of recognition rather than the makeshift elements that have come up.

Marvin Martinez said he would need to see what impacts it would bring to the site, but flipping it would not be devastating.

Mayor Hooker said that he thought the rendering suggests that there might be more green space than the site plan might offer.

Mr. French said the space was actually 38 feet and that it was hard to tell.

Trustee Rembe asked if we would see a shared access of parking agreement.

Several people stated that there is one.

Mayor Hooker said let us say that Condition Number 18 is the lighting conditions. He said Number 19 is the substitution of textured paving or pavers in the parking lot, crosswalks, raised crosswalks where possible. He said Number 20 would be flipping the site plan and creation of a shared trash and dumpster easement with the shopping center and relocating the taller building to the side by the shopping center and the shorter classrooms to the residential side of the site.

Director Tidwell said that to pick-up on the amendment that Trustee Rembe added to the Northdale site could we ask that lavender be included in the landscaping in the front. He said this is something that Main Street and the Business Association are getting excited about.

Mayor Hooker said we don't have a real detailed landscaping plan yet, and he doesn't know if the P&Z Commission touched on that or not, so Number 21 is a submission of a detailed landscape plan with the inclusion of lavender as a shrub and noting the landscape buffers in more detail with irrigation.

Jim Smith said he was very interested in the traffic studies because he lives right by the proposed school

Mr. French said that as soon as the traffic study is turned in to the staff that it would become public information.

Mayor Hooker asks that Mr. French notify Mr. Smith when the traffic study is completed. He said to notify the neighbors when the traffic study is complete in Item 9.

Darla Giersch said they are building at 8011 4th St., that she had made a request of Mr. Saylor to make the wall more environmentally friendly, and that instead of just putting up the gray masonry to use the brown, split block. It is more expensive, but it blends more with the earth and it looks more residential.

Mayor Hooker said that would add considerable cost to the project.

Darla Giersch asks Mr. French about the soccer fields were going to be used at various times and questioned what type of public control would there be for that? People are going to be going there littering and making noise.

Mr. French said the facility would be locked at all times unless the school has arranged with someone to use the field. This wrought iron fence across the front will be locked during the evening hours when we are not in the building and then there is a fence all the rest of the way around. It will be a secure, locked facility unless arrangements are made for it to be used by someone.

Mayor Hooker asks about the six-foot high, opaque wall.

Mr. French said in the original plan the wall was going to come from one corner to the other. That was going to be a six-foot block fence as described earlier. As far as getting color in the block or painting it, I think that is something that could be done. As a condition of the staff and administration, that wall has now been continued all the way around the field. The purpose of that is this is all A-1 Zoning all the way around here, so anywhere where it would touch A-1; we are going to have the opaque fence. This additional wall more than doubled the cost of our original estimate on wall cost.

Trustee Siegel said he would add that to condition 12.

Mayor Hooker said the wall would be brown, but not split-face block.

Darla Giersch said with regard to the traffic analysis, was that for the daycare facility.

Mr. French said it does not include the daycare center.

Trustee Rembe asked where the staff would park.

Mr. French said the staff would park in the designated staff parking area and there is more than enough parking based on the elementary school requirements.

Director Tidwell said the daycare center is a Conditional Use in the C-1 Zone; it is not permissive or

conditional in the residential zone. The applicant will need to apply for commercial zoning for whatever portion of the front 300 feet of this property that they choose, and then they may apply for a Conditional Use for a daycare center.

Mayor Hooker asks if that would be the time to negotiate the shared parking between the daycare center and the shopping center, but it is moving over to the north side of the site. He asked if he needs to make that a condition of approval, that they have a shared parking agreement with the shopping center.

Mr. Saylor said there is already a shared parking access easement agreement.

Administrator Rosoff said the traffic impact and analysis and the circulation and parking plan just needs to show if parking for the teachers is planned at the shopping center and that it needs to be taken into consideration in that circulation plan.

Mr. French said our plan is that our daycare center will only be for the parents that are coming to our school. He said the traffic for that would probably happen at the time that they drop off the children for school anyway.

Trustee Siegel said pickups are later in the day though, that is why you have the daycare.

Mr. French said you are right. He said our after school care program starts at 3:30 and it actually runs until 6:00 so there will be pickups between 3:30 and 6:00.

David Montoya said that he just wondered if all the drainage was going to go to the west.

Marvin Martinez said that according to the grading and drainage plan, the field is going to be dropped a few feet, all the water is going to come to the edges of the landscape buffers and then run down.

Discussion continued regarding the lighting in the area and if it will be on during the evening. It was mentioned that some lighting would be preferred to discourage individuals from doing things that they should not be doing. It was mentioned that the lighting would be from the buildings pointing down. It also was mentioned that one strategy would be that the lighting would be on motion detectors. In addition to the previous discussion, it was mentioned that the large cottonwood would remain.

Further discussion continued about dropping the speed limit on 4th Street and speed limits do not necessarily slow traffic.

Mayor Hooker said the three lanes would help slow the traffic down.

Trustee Lopez said if a round about was put in at Ranchitos that creates a physical change, and would slow the traffic.

Mr. Saylor said a round about in his opinion would be a disaster at that location.

Administrator Rosoff said he would like to review again the changes that were made of the recommended Conditions of Approval:

1. Adding to Number 9 - Perform and submit a Traffic Impact Analysis *and circulation and parking plan* and agree to construct improvements indicated in the TIA *and circulation and parking plan and make a copy available to the neighbors.*

2. Number 12 - Construct a solid *earth toned* solid wall.
3. Number 13 - Install and maintain an 8-foot *visual and oral separation landscape buffer* along the north and west property boundaries.
4. Number 18 - No exterior field lighting
5. Number 19 - Raised sidewalks, textured pavements and accents or pavers
6. Number 20 - Relocation of the multi-purpose building on the site to a different location further from the north property line and shared collection of the dumpsters would be Ranchitos Shopping Center and a shared easement shall be obtained.
7. Number 21 - Include a detailed landscape plan including lavender.
8. Number 22 - All the lighting would comply with the dark skies and there would be motion activated lighting on the interior of the site.
9. Number 23 - All fees shall be paid.

Trustee Rembe asked about the shared parking.

Attorney Mathews said he feels it is adequate as it is a permanent access and parking easement.

Mayor Hooker said that he can see the access agreement on the shopping center site, but how do we know that the shopping center tenants are happy with the parking use by the school, and the school is happy with their access to that parking.

Attorney Mathews said that he would need more detail about the needs of Mr. Saylor's tenants for parking, and apparently the greatest need would be with the Laundromat. He said he does not think he has enough details to be able to do it.

Mr. Saylor stated that the only time that the parking lot is full is when Planet Fun is operating Saturday's and Sunday's and that is when the school is closed.

Mayor Hooker asked if he was confident that staff can negotiate that and it will be recorded.

Administrator Rosoff stated that it may be that condition # 9 may result in a different exhibit for exhibit A.

Mayor Hooker stated that the school may need a different exhibit for their purposes.

Trustee Rembe stated that she thinks that Planet Fun may always be there and need to be sure that there is enough space for the school and this needs to be clear.

Attorney Mathews stated that in the future, Mr. Saylor's tenants might be somewhat limited, because you may not be able to put a restaurant in that facility for lack of parking, but that is just a possibility.

Mayor Hooker asked the Board if they were comfortable with the amended conditions and asked if they accept these as part of the motion.

The Board acknowledged that they did.

Mayor Hooker stated that the motion to approve is with the conditions stated, and the conditions of the P & Z commission.

Vote: The motion carried with Trustee Siegel voting no.

The Mayor recessed the meeting at 10:30 p.m and reconvened the meeting at 10:39pm.

D. Nomination and Approval of Planning and Zoning Commissioners

Mayor Hooker presented the nomination of Samuel Gollis and stated the he would be replacing Commissioner Leo Harris. He also re-appointed Mary Homan, Karl Koenig and Glenn Fellows as Planning and Zoning Commissioners.

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

Vote: The motion carried unanimously.

4. OLD BUSINESS

A. Discussion and Authority to Advertise an Ordinance Amendment to Chapter 3 of the Codified Ordinance—Animal Welfare Ordinance - DEFERRED FROM THE JANUARY 29, 2003 PUBLIC HEARING

Motion: **Trustee Siegel** moved to table discussion on the Animal Welfare Ordinance to the March 12, 2003 Board Meeting. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

B. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001)

A. Section 12 - NC - Neighborhood Commercial Zone

This item was deferred under item 1.A. to the March 12th Board meeting.

C. Section 23 - Application and Approval Process - DEFERRED FROM THE JANUARY 29, 2003 PUBLIC HEARING

Administrator Rosoff stated that at the previous meeting the staff was given direction to include the Home Occupation in this section, and it is now subsection 5, page 3, line 18, which includes the current home occupation ordinance with the exception that it would allow no more than two additional employees may be employed by a business. Under the current ordinance, on page 4, line 21-23 it now states that "no additional employees" can be employed by a business.

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There was a discussion among the Board on what they consider a "home occupation".

Mayor Hooker suggested that under a home occupation permit registration you could have employees, but if you have employees you need a conditional use permit.

Planner Tidwell stated that currently if someone wants to have an employee or two they have to ask for a variance.

Mayor Hooker asked planner Tidwell what her recommendation was.

Planner Tidwell stated that she would go with a variance because with a variance you have to justify why you need an employee, you don't want to create a separate zone.

Attorney Mathews stated that would be spot zoning and is not allowed.

Planner Tidwell stated that you could go the conditional route also just for that person and business.

Mayor Hooker asked if the variance does the same thing.

Planner Tidwell stated that with a Home Occupation it is to a specific individual person, and if the person leaves or moves away that business registration goes away from that address.

Mayor Hooker stated that it is a variance to the home occupation permit under the zoning code.

Planner Tidwell said that a conditional use permit would have the same level of scrutiny, but without the hardship criteria versus the variance is rigid in that you have to demonstrate that there is a hardship.

Trustee Siegel stated that looking at all the complaints now and you liberalize home occupations, it is only going to get worse. He feels the current system works okay and at least it gives us something to go back on.

Mayor Hooker asked Trustee Siegel if his proposal is to delete any permissive.

Trustee Siegel stated that his proposal is no permissive employees. He said he would not be adverse to a conditional use permit.

Mayor Hooker stated that what he is hearing is a consensus from the Board that it is okay to include the home occupation rules in the zoning ordinance, but any employees have to be considered with a variance.

Trustee Siegel stated that he could go with conditional use--not necessarily have to show a hardship, but he would like to see that the criteria of the conditional use is something that holds the goals of the Master Plan and will not have any adverse effect in the residential area.

Mayor Hooker asked if there was a motion to accept this draft subject to those changes.

Trustee Rael stated that on page 1, there was a discussion of changing from "N" to "T" and it is still showing up as "N".

Mayor Hooker stated that this would be discussed next month.

Trustee Rael stated that on page 4, a three-quarter ton is standard and that the language of "no diesel trucks permitted" should be more specific to larger diesel trucks. He said that it should be greater than one ton, because there are many three-quarter and one ton regular pickups.

Planner Tidwell stated that the restriction does not pertain to personal vehicles. This is only for vehicles

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used in the conduct of business.

Mayor Hooker stated that the way it is written needs to be clarified that it is greater than one ton.

Trustee Rael stated that on page 5, line 48 the word "deminis" is misspelled and should be "deminimis."

Trustee Rael stated that on Page 11, line 38 needs clarification. He asked if the attorney has to leave because with the language "but shall not include the village attorney"

Attorney Mathews stated that any attorney that appears does not have to be sworn in because they are given an oath when you become an attorney.

Trustee Rael stated that on page 12, line 14, some of these were appealed to the Village municipal judge.

Attorney Mathews stated that the municipal court does not hear any appeals these go directly to district court.

Mayor Hooker called the question on this section as amended.

Motion: **Trustee Siegel** moved approval with the changes. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

D. Discussion and Approval of a Motion Directing Staff to Revise Fonzi Request for 4th Street Corridor

Trustee Lopez stated that the motion is well written and based upon earlier discussions the motion is correct.

Motion: **Trustee Lopez** moved approval of the motion directing staff to revise Fonsi request on 4th Street. **Trustee Siegel** seconded the motion.

Trustee Siegel clarified that the current phase 2 is temporary striping of the street in order to test the traffic-engineering pattern. He also referred to a letter of Leo Bartolucci that was sent to the newspaper claiming that two to four thousand cars a day would be lost and would add up to \$80,000 business loss. He said that there is no scientifically validated way that statement is true or not. The real way to find out who is right, is to try it.

Mariann Woodard provided a lengthy explanation of her recollection of the history of the 4th Street project.

Vote: The motion carried unanimously.

5. NEW BUSINESS

A. Approval to Cancel the February 26, 2003 Regular Board Meeting

Motion: **Trustee Lopez** moved approval to cancel the February 26, Board meeting. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

6. FINANCIAL BUSINESS

There was no Financial Business.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that he met with Tom Krivitzky who is with the State Environment Department. He reported that there was a TV report on Channel 4 that cited bacteria contamination's on restaurants that have playgrounds around town. He also said several McDonalds were tested, and Planet Fun and that Planet Fun had the highest number of bacteria count. He said he was contacted by a resident on this and he explained that the Village relies on the State for inspection.

Trustee Lopez reported on the Water Board Meeting he attended. He said that in his direction a revised goals and objectives were presented. He said a special sub-committee was set up and worked through all the language, and after doing that the City of Albuquerque and Rio Puerco still had more comments. He said that the goals and objectives are now done and now the Board could be going forward with the details of the plan. He also said the sites of Los Poblanos Fields, Candelaria Farms have been selected for potential on Farm Conservation Efficiency Status.

B. Administrator's Report

Administrator Rosoff reported that he submitted a reimbursement request for the Coop Program and expect to receive \$58,000 for expenses. He said that next month a Resolution on the current year Coop program to construct two traffic lights on 4th Street at Los Ranchos and Schulte Road, and a project scope for the following year coop is being prepared. He said that he reported at the last meeting that there was minor damage to a fire truck from a man hole that was broken and the City of Albuquerque has agreed that they have to pay for that damage. He also said that based on the motion that the Board passed directing staff we would still try to get the Fonsi back to FHWA by the end of this month based on the new information. He said he met with AMAFCA regarding the drainage funds for the project and we are on the agenda for the next Board meeting to talk about increased contribution to the drainage 4th Street project. He said that there will be ARC View GIS Training for six members of Village staff. He said he spoke with staff members of both Heather Wilsons office and Senator Domenici's office regarding the TTSP grant, but does not know how that came out yet.

C. Legal Report

Attorney Mathews stated that he had no report.

D. Planner's Report

Planner Tidwell reported that she attended the New Mexico Mainstreet Conference and will give a written report in the Boards next packet.

Mayor Hooker stated that volunteer of the year was Eileen Harrison, and Z-Coil shoes was the Mainstreet Business of the year.

E. Fire Dept. Report

Administrator Rosoff reported that a report has been provided from the Public Safety Committee and the report recommends after much study of manpower in the Sheriff's and Fire Department. The consensus of the committee was to consider two additional fire fighters, per shift for nighttime patrol. The committee suggested looking into two funding mechanisms with a real estate transfer tax and one mill Village property tax. In addition, put significant details about this proposal into the newsletter this month with a mail in survey.

F. Engineer Report

There was no engineering report.

9. TRUSTEES INFORMAL DISCUSSION

There was no informal discussion.

10. ADJOURNMENT

Motion: **Trustee Siegel** moved to adjourn at 11:45. Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

10. ADJOURNMENT

APPROVED by the Board of Trustees of the Village of Los Ranchos this _____ day of _____, 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk

