

# MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE  
6718 RIO GRANDE BOULEVARD N.W.

## BOARD OF TRUSTEES REGULAR MEETING

**June 18, 2008 -7:00 p.m.**

### **Present:**

Larry P. Abraham, Mayor

Donald T. Lopez, Trustee/Mayor Pro-Tem

Tim McDonough, Trustee

Pablo R. Rael, Trustee

Rosemary Hall, Exec. Secretary

Kelly S. Ward, Administrator

Linda Seebach, Interim P&Z Director

Nancy Haines, Treasurer

Martha King, Attorney

Greg Perez, Fire Chief

### **Absent:**

Mary Homan, Trustee

Annabelle Silvas, Clerk

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## **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Village of Los Ranchos' Governing Body held its Regular Meeting on Wednesday, June 18, 2008 in the Warren J. Gray Hall. The Mayor called the meeting to order at 7:03 p.m.

**Mayor Abraham** stated that a closed meeting was held at 6:00 p.m. on June 18 and only those items stated on the posted notice for the closed meeting were discussed.

**MOTION:** Trustee Lopez moved approval of the Mayor's closed meeting statement. Trustee Rael seconded the motion.

**VOTE:** The motion carried unanimously, 3-0.

**Mayor Abraham** noted that Trustee Homan had an excused absence.

### **A. APPROVAL OF AGENDA**

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

**VOTE:** The motion carried unanimously, 3-0.

## **2. PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]**

**Mark Caruso**, 5001 Rio Grande Lane, said he thought they would be on the agenda to discuss movie filming at their home, but has been told they are not. He then distributed a packet of information to the Board. He said over the past 2-3 years they received permits to film at their home and last year a business license was issued by the Village to allow

filming at their home. He said that 2 weeks ago their request for an event approval form to film at their home was denied by Mayor Abraham. He said a follow up meeting was held and the Village was offered \$5,000 as a fee to use however they saw fit, but the Mayor again refused. He said they initially had problems with the neighbors and as a result created an agreement for the film company to sign that included restrictions on parking, etc. He said the Mayor said filming was not a permissive use of the property and it was a commercial venture. He said they don't make filming on their property a business, but when they get called, they open their house to the film industry.

**Mayor Abraham** asked that the petition with 15 signatures from the Los Poblanos Neighborhood who are opposed to movie making in their neighborhood be entered into the record.

**Doreene Kelm**, 7807 Guadalupe Trail, said she lives between Los Ranchos and Ranchitos on the "S" turn. She said she believes there should be a stop sign at Los Ranchos and Guadalupe Trail for the safety of pedestrians. She said she understands her neighbors have previously tried to bring this up but with no success.

**Wade Whitman**, 1909 Apple Court, Albuquerque, said he is a location manager in the film industry. He said he is not sure what the points are that are causing an issue with filming in the Village. He said they are always willing to work with those residents who are impacted by their filming. He said if there is a consensus to ban filming, that is a shame. He said he would be happy to volunteer his time to come up with a positive resolution to the issues.

**Judy Caruso**, 5001 Rio Grande Lane, said she wants the Board of Trustees to consider a special hearing because she thought they would be on this agenda regarding filming at her home. She said she sent a letter to Zoning with a check for \$100 to appeal the zoning decision. She said they are asking for a special hearing because they are going on vacation and will be gone on July 9, which is the date of the next Board meeting..

**Mayor Abraham** said he based his decision on the Village's Zoning Ordinances. He said if she wants to be on the agenda for the next meeting, they can do that. He said they have determined that filming is a commercial activity and commercial activities are prohibited in A-1, R-1, A-2 and A-3 Zones.

**Trustee Lopez** suggested that the Village Attorney provide recommendations to the Board.

### **3. CONSENT AGENDA**

#### **A. MINUTES – May 14, 2008**

#### **B. DEPARTMENT AND COMMITTEE REPORTS**

1. LAW ENFORCEMENT/BCSD
2. FIRE
3. ANIMAL CONTROL

**MOTION:** Trustee Lopez moved approval of the Consent Agenda. Trustee McDonough seconded the motion.

**VOTE:** The motion carried unanimously, 3-0.

#### **4. REPORTS**

##### **A. MAYOR'S REPORT**

**Mayor Abraham** reported that:

- The 5<sup>th</sup> Annual Lavender in the Village Festival will be held on July 11, 12 and 13 which includes the first-ever Barn Dance.
- The Village Vision is being produced in-house using a full color format.
- He is working with the Post Office to try to correct the Los Ranchos vs. Albuquerque address problem.
- Work has begun to install the fire sprinkler system in the barn.
- The process to order a new motorcycle for Sheriff's Deputy Scott Meeks has begun.

##### **B. ADMINISTRATOR'S REPORT**

**Administrator Ward** reported that:

- Arturo Andujo will be out for surgery starting July 1 for two weeks.
- We are in line to finish the Fiscal Year quite strongly in terms of revenue and within budget.
- Linda Seebach has been appointed as the Interim Director of Planning & Zoning.
- The Area I & J Sewer Project is moving at a steady pace northward on Rio Grande Blvd.; they are trying to hold off on the final mat of paving on Rio Grande Blvd. until the end of the project.
- New trees are going in at Taft Field and they are waiting for a response from the contractor on whether the sod will be replaced.
- The AMAFCA Agreement is awaiting the County's approval—hopefully next week—regarding Garduño Road.
- There are a few additional tickets available for the Barn Dance being held on July 11.

**Trustee McDonough** said there is an issue with the trees along the north side of Paseo del Norte—they seem to be suffering from the heat.

**Administrator Ward** responded that for the last two weeks staff has been watering the trees by hand in an effort to save them. He said there are approximately 20 more trees that will be pulled out and replaced by the contractor.

### **C. PLANNER'S REPORT**

**Planner Seebach** reported that:

- Despite the setback in building construction nationwide and in New Mexico, the Village is doing quite well.
- Keen Heinzelman is doing an excellent job following up on code enforcement issues and has assumed additional responsibilities since Planner Nighbert's retirement.
- Marcy Bissell continues to follow gross receipts and parcel permits in addition to taking over the minute-taking for the Planning & Zoning Commission.
- Of the 42 entities required by EPA to apply for MS-4 status, only two passed the review to be posted to the EPA's website and the Village was one of the two.
- Several ordinance revisions are in process and will be presented to the P&Z Commission and/or the Board as appropriate.

### **D. LEGAL REPORT**

**Attorney King** reported that:

- She has been working with the Interim P&Z Director.
- She has represented the Village in various appeals.
- She has been attending the Planning & Zoning Commission meetings.

### **E. FIRE DEPT. REPORT**

**Chief Perez** reported that:

- They had 95 calls during the month of May.
- They participated in the Rio Grande River Race.
- They have been wetting down the children in the park.
- They received word from the ISO Auditor that the department will remain a 5 rating due in part to inadequate staffing under the NFPA guidelines.
- Awaiting final verdict on purchasing a rescue unit.
- Continuing to discuss issues on new fire station.
- The 4<sup>th</sup> of July event will be held again this year; residents are invited to bring their fireworks to be set off in a safe location.

**Trustee Lopez** asked if the sprinkler system in the barn has been tested and ready for the Lavender Festival.

**Chief Perez** said the system has not yet been installed; they plan to do it on June 23<sup>rd</sup>. He said Don Kaufman from Kaufman Fire Protection is donating his time and others have donated materials. He said it should be ready to go by July 1<sup>st</sup>. He said right now they are running the water lines from the main to the barn and the riser has been installed.

**5. FINANCIAL BUSINESS**

A. CASH REPORT – MAY

**Treasurer Haines** reported the cash balance as of May 31, 2008, was \$7,278,744.68 which is an increase of \$60,007.55 from the prior month. She said the cash balance without the bond and open space money is \$3,084,155.09.

**MOTION:** Trustee Lopez moved approval of the Cash Report. Trustee McDonough seconded the motion.

**VOTE:** The motion carried unanimously, 3-0.

**6. PUBLIC HEARINGS AND APPLICATIONS**

A. A REQUEST BY M2 BUILDERS, LLC FOR A SPECIAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT FOR A MAJOR THIRTEEN (13) LOT SUBDIVISION IN THE R-3 ZONE OF THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 8312 4TH STREET NW AND LEGALLY KNOWN AS TRACT LETTERED "B" OF LANDS OF JOHN AND AGNES MCDONNELL, 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 OCTOBER 30, 2006, IN VOLUME 2006C, FOLIO 327. THE PROPERTY CONTAINS 3.4449 ACRES MORE OR LESS. THE 2ND PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS. SUP-07-06. [DEFERRED FROM THE MAY 14, 2008 BOARD MEETING]. ***THIS ITEM HAS BEEN WITHDRAWN BY APPLICANT.***

*Attorney King swore in everyone who wished to speak on Items 6.A. and 6.B.*

**Trustee Lopez** pointed out that Item 6.A. was being withdrawn and they would only be acting on Item 6.B., Request for Preliminary Plat Approval.

**Planner Seebach** noted that a letter was submitted by Seth Markham, Agent for M Squared Builders, withdrawing their application for a special use permit for the proposed subdivision known as Paraiso Escondido.

B. A REQUEST BY M2 BUILDERS, LLC FOR PRELIMINARY PLAT APPROVAL FOR A MAJOR THIRTEEN (13) LOT SUBDIVISION IN THE R-3 ZONE OF THE PASEO CHARACTER AREA. THE PROPERTY IS LOCATED AT 8312 4TH STREET NW AND LEGALLY KNOWN AS TRACT LETTERED "B" OF LANDS OF JOHN AND AGNES MCDONNELL, 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 OCTOBER 30, 2006, IN VOLUME 2006C, FOLIO 327. THE PROPERTY CONTAINS 3.4449 ACRES MORE OR LESS. THE 2ND PROPERTY IS LOCATED AT 8409 2ND STREET AND IS LEGALLY KNOWN AS A CERTAIN TRACT OF LAND SITUATED IN ALAMEDA, WITHIN SECTION 16, T11N, R3E, N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, BEING KNOWN AS TRACT 149-B, AND A PORTION OF TRACT 146-A2, M.R.G.C.D. MAP 24, THE PROPERTY CONTAINS 1.31 ACRES, MORE OR LESS. [DEFERRED FROM THE MAY 14, 2008 BOARD MEETING]**

**Planner Seebach** said the applicant has submitted a 12-lot, R-3 subdivision for final preliminary plat approval as is allowed under Ordinance 182, Section 8 (D)(3), which indicates a subdivider may be required to submit to the Board an amended preliminary plat for the purpose of complying with any order of the Commission or Board. She said at the May 14, 2008 meeting, staff and administration were directed by the Board to explore alternatives to resolve the issues from the last meeting and that was accomplished by the submission of a 12-lot, R-3 compliant subdivision. She said there are conditions listed which are specific to this subdivision and the Department has recommended that the Board entertain a differential setback in order to avoid a row house look along the long tripa lot. She said a 10, 15 and 20 foot differential might be considered to give it a curving look. She said the subdivider included two conditions, the first being one-story houses and the other a certain style of house. She said the Department recommends approval.

**David Campbell**, Attorney representing M Squared, said they have withdrawn the request for a Special Use Permit and are here only regarding approval of the plat. He said the Planning & Zoning Commission recommended approval with 17 conditions and 5 findings. He said when this was brought to the Board a month ago, there were some problems and they have since met with staff and legal and have worked out the problems. He said now they are not asking for any special use at all and they are totally compliant with the R-3 Zone. He said there are 12 lots and no lot is any smaller than one-third of an acre. He said they do not disagree with any of the conditions being requested of them.

**Sharon Harrington**, 329 Rancho Road, said she is pleased to hear the development is meeting the requirements of the Village.

**MOTION:** Trustee Lopez moved to approve the preliminary plat application S-07-14, a major 12 lot subdivision in the R-3 Zone of the Paseo Character Area with the following conditions: 1) setbacks for 6 houses shall be 20 feet front, 6 houses shall be 15 feet front; all shall have minimum 15 feet rear and 10 feet side; although the southern end of the subdivision abuts the Alameda Main Canal, there is an MRGCD maintenance road for the canal separating the subdivision from the canal; therefore, it will not be necessary to require a 25 foot setback for Lot 9 abutting the canal. 2) Houses shall be one story in height, not to exceed 17 feet from existing grade to top of parapet or pitch. 3) Total square footage of buildings per lot shall be limited to the adopted 20% table for the R-3 FAR for net lot area per Ordinance 216. Outdoor non-enclosed living spaces approved by the homeowners association are allowed. 4) Buildings shall follow the style guidelines as illustrated submitted for the allowable style of housing in the development. 5) The subdivision shall be allowed to be gated. 6) The Village retains the right to have

final approval of the covenants, conditions and restrictions which are to be filed at the time the final plat is filed. 7) Any further subdivision rights which create less than 14,520 square feet of net lot area retire with this subdivision and this statement shall be noted on the subdivision plat as a requirement for recording. 8) The final plat shall contain all of the required language to be placed on the plat; i.e., data notes, vicinity map, public utility easement statements, restrictions, legend and certifications, etc. 9) All utility systems shall be underground. 10) The grading and drainage plan has been reviewed by the Village designated engineer. Construction pursuant to the grading and drainage plan must be strictly enforced. 11) All development shall be carried out in accordance with the applicable state laws and Village ordinances. 12) All the requirements of the Albuquerque Bernalillo County Water Utility Authority shall be met in the installation of the utilities. 13) The Fire Department will approve the location of the fire hydrants. 14) The Fire Department will approve any driveway turnarounds through the building permit process. 15) A subdivision improvement agreement shall be executed prior to the recording of the final plat. 16) A financial guarantee instrument must be submitted with the subdivision improvement agreement for any infrastructure that is required for the subdivision. 17) The statement shall be noted on the subdivision plat as a requirement for recording. Homeowners in the development retain all rights granted in the Village Master Plan and in the Village Zoning Ordinance for the R-3 Zone. The following findings shall be applied to this set of conditions: 1) The subdivision meets the requirements of Ordinance 183, Section 9, as amended for R-3 subdivisions. 2) The subdivision meets the requirements of Ordinance 182, the subdivision ordinance. 3) The found monument survey conducted by Precision Surveys, Inc., certifies the true acreage of plat of Tracts A, B and Lots 1-12 of Paraiso Escondido is 5.14 acres. 4) The 2010 Master Plan 4.6.2.2, Policy A, enforced zoning densities and design requirements in residential areas. 5) Ordinance 183, Section 1(c), it is the purpose of this ordinance to require development and redevelopment of land in the Village in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural and esthetic values and the overall quality of life within the community.

**Trustee McDonough** said it sounded like Planner Seebach was suggesting alternating 20, 15 and 10 foot setbacks.

**Planner Seebach** said because it is such a long, narrow tripa lot, if they could give the subdivider more leeway in placing the houses, it would make a more pleasing subdivision. She suggested 10, 15 and 20 on a 4, 4 and 4 basis in an alternating pattern.

**AMENDMENT TO MOTION:** Trustee Lopez said he would accept Trustee McDonough's amendment to the motion regarding setbacks in an alternating pattern.

Trustee McDonough seconded the motion.

**Seth Markham**, 3101 Charity Road, Rio Rancho, said he is one of the owners of the land at 8412 4<sup>th</sup> Street and he asked for clarification on placement of the houses.

**Trustee McDonough** said he believes it would be 4 at 10, 4 at 15, and 4 at 20 foot setbacks and they would alternate to break up the pattern.

**Chuck Gara**, 10514 City Lights Drive NE, said one of the difficulties they have is that the lots closest to 4<sup>th</sup> Street are narrower and they can't do the 20 foot setback there. He said they could do a 10 and 15. He said rather than prescribing that it be mandatory alternating 10, 15 and 20, they would like to have the ability to alternate 10 and 15, 10 and 15, and then a 20 if the lot layout so designates.

**David Campbell** said the applicant agrees with the conditions as they have been explained.

**VOTE:** The motion carried unanimously, 3-0.

**C. APPROVAL FOR SUP-04-03 A SPECIAL USE PERMIT FOR A MUSEUM AND ACCESSORY USES IN "UNIT A" AND ADMINISTRATIVE OFFICES AND ACCESSORY USES IN "UNIT B", TRACT 2-B, TO ELIMINATE UNIT A AND UNIT B FROM THE SCOPE OF THE AFORE-MENTIONED PERMIT. THE PROPERTY IS LOCATED AT 1776 MONTAÑO ROAD NW AND LEGALLY KNOWN AS LOT 2-B OF PLAT OF LOTS 2-A AND 2-B, RACING MUSEUM SUBDIVISION, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, FEBRUARY 2007. THE PROPERTY CONTAINS 2.6546 ACRES, MORE OR LESS.**

*Attorney King swore in those persons wishing to speak on Item 6.C.*

**Planner Seebach** said Montano Land Company is requesting an Amendment to Conditions of Approval for SUP-04-03. She said with the amendment to conditions of approval and elimination of Unit A and B from SUP-04-03, the subject property reverts to A-1 Zoning. She said the Planning & Zoning Commission approved a Conditional Use Permit for Lot 2-B, Building 2 for use as a charter, public or private school, educational facility or learning center on June 3, 2008, conditional upon approval of the Amendment to Conditions of Approval by the Board of Trustees.

**Susan Unser**, 7625 Central NW, said she is representing Montaña Land Company in an effort to remove Units A and B on Tract 2 from the scope of Special Use Permit 04-03 and seeks approval for a Special Use Permit to allow for a public or private school, educational facility or learning center which meets the requirements of Ordinance 183. She said the following people were available for questions: Mr. Slagle, Architect; Terry Brown, Civil/Transportation Engineer; Dr. Chad Redwing, Director of the Cottonwood Classical Preparatory School; Linn Barr, one of the co-founders of the school; Keith Hartnett and Roger Lawson, members of the governing council of the school; and various teachers and parents. She said her and Al's vision extends to having an educational facility on the Museum grounds which will allow for parents who wish to have another choice for their child's education. She said the current enrollment for the Cottonwood School is 128 students. She said the Planning & Zoning Commission recommended several conditions, all of which they have agreed to or have already done. She then discussed the photos of the property she had on display.

**Joe Slagle**, 1600 Rio Grande, NW, discussed the site plan and noted that all the work they are doing on Building 2 is interior remodeling. He said there is no bus service for

the school; it will be parent drop-off . He said the building will be fully sprinklered except for archive storage.

**Trustee Rael** said he has a question regarding the placement of the dumpster since there was a lot of controversy from the neighbors.

**Joe Slagle** said the dumpster will be relocated to the south portion of the site which is in response to comments from the neighbors.

**Chad Redwing, Ph.D.**, 9921 Bellvue Street NW, Albuquerque, Director of Cottonwood School, said the school will provide an educational choice for students in Grades 6-9. He said the student ratio to instructor will be about 15-17 to 1. He said the school will be a small community of avid learners both instructors and teachers alike. He said the inaugural date for the school will be August 18, 2008 and they have 128 prospective students, with a wait list of 120. He said the theme of the school is 3-pronged: emphasis on core and classical text, then the way they are discussed is through group discussion, and then application of learning through projects and public service.

**Terry Brown**, Post Office Box 92051, Albuquerque, said he has worked extensively with the City of Albuquerque concerning entrance and egress on to Montañño. He said based on ITE trip generation data, this site will generate 100 entering trips in the a.m. and about 82 exiting trips. He said the entering trips should not be a problem, but the exiting trips could have long delays and some queing on the property. He said when he analyzed the delays, he came up with a 2 minute delay on the side streets for left turn only.

**Chad Redwing, Ph.D.** said school begins at 8:15 a.m., Monday through Thursday, and ends at 3:45 p.m. He said on Friday, it begins at 8:15 a.m. and ends at 2:30 p.m. He said they set those hours intentionally to hit the ½ hour in the morning when traffic drops off and in the afternoon to miss that rush.

**In Favor:**

**Keith Hartnett**, 214 Tornisall Lane, Albuquerque, said he is a member of the Governing Council for the school. He said they are being conscious of the needs of the community and they met with the neighbors to specifically talk about the school, its curriculum, how it was going to operate and to, in effect, be a good neighbor. He said he believes they have done all their due diligence for being a positive presence in this location.

**Opposed:**

**Dan Mayfield**, 5515 Los Poblanos Court, said he had comments about the letter to Susan Unser dated June 4, 2008 from Planner Seebach concerning the Conditional Use Permit to allow a charter school. He said he had a concern about Condition #3 that says no other uses, amendments, etc. to said Building 2 shall be allowed without an amendment to this Conditional Use and then Condition #10 said that should the property be used or developed in a manner inconsistent with the terms stated, then the Conditional Use Permit may be terminated in its entirety. He said he would recommend that it say “shall” be terminated rather than “may” be terminated. He said Item #11 also says “may” be terminated and he thinks it should say “shall” be terminated. He said Item #12 says

students that are “driven” to the campus should be picked up and dropped off on campus. He said they thought all students would be driven in. He said in the Minutes there was discussion of shrubs being planted on the east and south side of the property. He said he would prefer that if anything is being planted against the wall that the neighbors be contacted so that nothing would undermine the wall. He requested that no heavy equipment be used for the grading and drainage. He said there is one remaining issue with the dumpster and that is they recommend that the old enclosure be removed completely.

**Ruth Deeman**, 5527 Los Poblanos Court, said she sees traffic on Montañó 24 hours a day . She said she has not heard anything about the speeding, the accidents on the road and the enforcement of traffic laws.

**Teresa Garcia Mayfield** said she is a life-long resident of Albuquerque in the North Valley. She said in the past the Unser's were difficult to deal with and she hopes that in the future they can be more accommodating to the residents. She said the residents are there 24-7 and see all the traffic and she disagrees with Mr. Brown's assessment of the traffic. She said she thinks the parents will have a lot of difficulty getting out of the school on to Montañó. She said her concern is that parents will try to drop off their kids on her street or try to block the residents from getting out in the morning. She would like the dumpster enclosure to be removed so the Unser's cannot put equipment there.

**Rebuttal:**

**Susan Unser** said the third condition was that this was supposed to be an educational facility. She said she doesn't think she has given anyone cause to think that they would do anything that would develop the property in a manner inconsistent with the terms. She said their standards have been very high and they intend to keep them high. She said she believes they have worked diligently to meet all of the neighbors' needs and will continue to do so.

**Trustee McDonough** said the issue of storm water is troubling because there is no grading and drainage plan for the site right now and there very much needs to be for everyone's protection. He asked how that issue will be resolved.

**Administrator Ward** said the Village jointly with Montañó Land will hire an engineer and jointly pay for that and then share in the cost of implementation as well.

**Susan Unser** said they have had this discussion with staff and have contracted with Advanced Engineering to do a storm and drainage study.

**MOTION:** Trustee Lopez moved to approve the request by Montañó Land Company for an amendment to conditions of approval for SUP-04-03, a Special Use Permit for a museum and accessory uses in Unit A and administrative offices and accessory uses in Unit B, Tract 2-B to eliminate Unit A and Unit B from the scope of the aforementioned permit with the following findings: the amendment removes Units A and B on Tract 2-B from the scope of special use permit SUP-04-03; the land then reverts to A-1 zoning so a conditional use permit can be issued for the applicant to use as a public or private school, educational facility or learning center. Reducing the scope of the special use permit

SUP-04-03 is in the best interest of the Village so the lot can be used for a public or private school, educational facility or learning center. With the approval of this amendment to conditions of approval by the Board of Trustees, CU-08-05 for the conditional use permit for a charter school in Unit 2, Lot 2-B, Unser Racing Museum Subdivision is approved subject to the conditions set by the Planning & Zoning Commission on June 3, 2008 and subject to the conditions of approval of Item 6.D. that will be done in a few moments. Trustee McDonough seconded the motion.

**Mayor Abraham** noted that Trustee Rael must recuse himself because his grandson was admitted to the school.

**VOTE:** The motion carried, 2-0, with Trustee Rael recusing himself.

**D. A REQUEST BY MONTAÑO LAND COMPANY FOR PRELIMINARY SITE DEVELOPMENT PLAN FOR UNIT 2, A CHARTER/PRIVATE (COTTONWOOD PREPARATORY) SCHOOL. THE PROPERTY IS LOCATED AT 1776 MONTANO ROAD AND IS LEGALLY KNOWN AS LOT 2-B OF PLAT OF LOTS 2-A AND 2-B, RACING MUSEUM SUBDIVISION, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, FEBRUARY 2007. THE PROPERTY CONTAINS 2.6546 ACRES, MORE OR LESS.**

**MOTION:** Trustee McDonough moved to approve the Unser Site Development Plan for a charter school as presented with the conditions as identified by the Planning and Zoning recommendations with the modification of Item 7, that a landscape buffer not be planted on the east border without coordination and inspection with the property owners and with an additional condition that equipment may not be stored along the east property line other than small garden type equipment, non-vehicular that can fit into a covered enclosure that exists now as the old garbage enclosure and that that enclosure not be used for any garbage or as a dumpster. In addition, the following findings: the Site Development Plan meets the requirements of Ordinance 183, Section 24(E)(1); satisfactory provisions have been made addressing accessibility, pedestrian safety, traffic control, and emergency access in case of fire, flood, and catastrophe; satisfactory provisions have been made for off-street parking, and loading areas; satisfactory provisions have been made for water and liquid waste facilities; satisfactory provisions have been made for on-site drainage and storm water runoff; satisfactory provisions have been made to address economic, noise, glare, odor and other effects of the proposed use on adjoining properties; and finally satisfactory provisions have been made for the overall health and safety of the community. Trustee Lopez seconded the motion.

**VOTE:** The motion carried, 2-0, with Trustee Rael recusing himself.

(Mayor Abraham called for a break at 8:55 p.m.; reconvened at 9:03 p.m.)

## **7. OLD BUSINESS**

**A. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING ORDINANCE NO. 173 OF THE ANIMAL WELFARE**

**ORDINANCE, SECTION 6. LICENSING AND VACCINATION REQUIREMENTS FOR DOGS AND CATS, SECTION 10, SPECIALLY PERMITTED ACTIVITIES INVOLVING ANIMALS, (A)(5), SECTION 11, (D), PROVISIONS RELATING TO LIVESTOCK AND ADDING A NEW SUBSECTION (D, E and G) TO SECTION 11**

**Administrator Ward** said this amendment was brought forth for advertisement at the last meeting and they have received no public comment. He said the action would adopt the amendment as published.

**Trustee Rael** said on Page 4 of 6, where E was added, he asked if the intent was to have a shelter for each individual animal. He said he does not see a need to have a requirement that every animal has to have a shelter.

**Administrator Ward** responded that he agrees you would not want a 10-foot long shelter for each animal.

**Mayor Abraham** said he has a problem with the shelter requirement. He said he believes the ordinance should be pointed directly at the welfare of the animal.

**Trustee Rael** said under Item D., it seems rather vague as to how you are going to manage the animal waste. He said he thinks it needs more specifics. He also noted in Item F., he would like to see language that would delineate what happens when the intended purpose is not accomplished. He also referred to Item G. and asked if it meant that the licensed stables do not have to maintain the 10,000 square feet of open lot area for one large animal or 2,000 square feet of open lot area for small livestock.

**Administrator Ward** responded that Item G. was designed to handle an incident that took place last year in which a resident brought in a large number of animals to graze a field and then removed the animals in a short period of time. He said there were a number of complaints about too many animals on a small lot and therefore the Village decided it needed to be addressed by having the individual notify the Village and obtain a permit.

**Trustee Rael** asked how the licensed stables are handled because he thinks they should adhere to the 10,000 and 2,000 square feet of open lot area as well. He said as long as you have animals, you should be required to have the same amount of space.

**Planner Seebach** said licensed stables are monitored by the Animal Control Officer and are not subject to the square footage restrictions.

**MOTION:** Trustee Rael moved to defer this item to the next Board meeting. Trustee McDonough seconded the motion.

**VOTE:** The motion carried unanimously, 3-0.

**B. DISCUSSION AND APPROVAL TO ADOPT AN ORDINANCE AMENDING CHAPTER 11 OF THE CODIFIED ORDINANCES, ORDINANCE 169, FLOOD DAMAGE PREVENTION, SECTION 5, DEFINITIONS, SECTION**

**6, GENERAL PROVISIONS, SECTION 7, ADMINISTRATION AND ORDINANCE 185**

**Planner Seebach** said at the last meeting the ordinance was introduced for discussion, advertised and posted as necessary. She said this is a mandatory adoption of the new FIRMS maps from FEMA for September 2008. She said the maps have still not arrived.

**MOTION:** Trustee McDonough moved to approve Ordinance No. 219 amending Chapter 11 of the Codified Ordinances, Ordinance 169, Flood Damage Prevention, Section 5, Definitions, Section 6, General Provisions, Section 7, Administration and Ordinance 185. Trustee Rael seconded the motion.

**ROLL CALL VOTE:** Trustee McDonough, yes; Trustee Lopez, yes; Trustee Rael, yes. The motion carried unanimously, 3-0.

**8. NEW BUSINESS**

None

**9. TRUSTEES INFORMAL DISCUSSION**

**Trustee Rael** said he believes there should be some kind of wording in the Animal Control Ordinance that addresses vicious animals.

**Mayor Abraham** said one table at the Lavender Barn Dance was being reserved for the Board of Trustees.

**10. ADJOURNMENT**

**MOTION:** Trustee Lopez moved to adjourn at 9:23 p.m. Trustee McDonough 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 \_\_\_\_\_, 2008.

**ATTEST:**

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