

Paradise Hills Special Zoning District Commission

Meeting Minutes | November 9, 2023

(Meeting held over Zoom)

Commissioners:

Elizabeth Haley, Chair
Abel Cardenas
Kimberley Fleck (Commissioner Elect)
Pete Reser

Commissioners Dopslaf and Vaughn are absent.

Public Participants:

Donna and Randy Turner, residents (6009 Buena Vista)
Amanda Geilenfeldt, resident (5047 Justin Dr)

1. Call to Order, Roll Call by the Commissioners to establish a quorum. Vote by the Commissioners to approve the agenda.
 - a. The meeting was called to order at 6:37 PM. Roll call was taken, and a quorum was established.
 - b. Commissioner Haley moved to amend the agenda to include Kimberley Fleck as a temporary commissioner for the purposes of voting during this meeting. Commissioner Reser seconded the motion. All were in favor. Commissioner Haley moved to amend the agenda to move the Turner's permit application discussion to the top of the agenda. Commissioner Reser seconded the motion, and all were in favor. The amended agenda was approved. As a result, the numbering of the items will not match the agenda.
2. Commission reviewer Elizabeth Haley sent a Summary Report for a revoked permit (6009 Buena Vista N.W.) to the property owners. The incomplete site plan and inserted sketchy floor plan appeared to the Commission reviewer to be a dog run and shed. The Agent submitted additional site drawings that needed completion and conformance to the present Ordinance (2009) or Pending Proposed Revised Ordinance (December 2023). The Commission reviewer, Elizabeth Haley, found a Utility Easement at the rear property line. The proposed structure location was within the easement. Elizabeth Haley, acting as Commission reviewer, requested the Agent or Property Owner locate the utility positions via 811 locator services and relocate the structure outside of the easement. A quorum of the voting Commission (Elizabeth

Haley, Commissioner, voluntarily recused from voting) determined if a variance could be granted based on the line location or if the Commission should reject the project as non-conforming. The voting Commissioners present voted to allow A the ten-foot REAR SETBACK, SIX FOOT SIDE SETBACK AND WAIVING THE REQUIREMENTS FOR A connecting BREEZEWAY re: the 2009 Ordinance, SECTION R-1 SINGLE FAMILY RESIDENTIAL and SECTION 16 **SUPPLEMENTARY HEIGHT AND AREA REGULATIONS, 2,d.** "Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard provided such accessory building does not occupy more than 30% of the area of the required rear yard and provided is no closer than ten feet (10') to the rear or the side lot line. The Contractor sent a new Site Plan. The proposed garage footprint location is ten feet off the rear property line and at a slight angle following the angle of the rear property line, and the utility easement location is seven feet (7') within the rear property boundary. The side yard setback is ten feet, eight inches (10' 8") proximal to the rear property boundary and 6 feet (6') near the entrance to the garage's alignment to the proposed drive. Property Owners Mr. and Mrs. Turner and their Contractor, Robert Tryer, received Zoom Meeting links and an invitation to attend the meeting.

- a. Commissioner Haley brought up the revised site plan for the Turner project at 6009 Buena Vista, which now shows the 10' setback accounted for with the garage skewed so that it's perpendicular to the back wall as suggested in the previous meeting. Commissioner Reser moved to approve the permit with a variance, and it was seconded by Commissioner Cardenas. A vote was taken from all present Commissioners, including Commissioner Elect Fleck, but not including Commissioner Haley who has recused herself from this vote due to her work on the review of this project. Commissioner Haley let the Turners know that the variance being added to the permit means additional fees are due to the County and she will let them know the details of that as soon as she determines the amount.

2. Public Comments

- a. Ms. Geilenfeldt was in attendance to discuss the property on Justin near hers that is a fire hazard and to see if there were any updates. She also asked who was responsible for the north side of Paradise Blvd between Golf Course and Unser, to which Commissioner Haley responded that she thought it was the city of Albuquerque who was responsible for that side, while Bernalillo County was responsible for the more aesthetically pleasing south side of the street. Commissioner Haley said she would investigate that to get a more concrete answer.
- b. Commissioner Haley updated Ms. Geilenfeldt on her complaint, informing her that the Commission met with Sheriff John Allen who let the Commission know

that if there is someone occupying a vacant building, they need to call the County and they will dispatch a deputy. We will collect evidence and can speak to the Civil Division of the Sheriff's department for assistance in dealing with the situation.

- c. Ms. Geilenfeldt expressed an interest in helping the Commission and Commissioner Haley said she would reach out to discuss.
3. Vote to approve any completed Minutes.
 - a. No Minutes were available for approval.
4. Treasurer's Report
 - a. No report.
5. The Bernalillo County Commission passed (Commissioner Benson voting against) a Resolution Opposing a Liquid Natural Gas Plant in District 1 on October 25, 2023. An intervener report summary by New Energy New Mexico is attached. A draft resolution is proposed for adoption by the Commission (Haley).
 - a. All commissioners in attendance agree with sending a resolution. Commissioner Haley will provide us with a draft for review.
6. The Bernalillo County Planning Commission has proposed recognizing the 2017 Albuquerque Comprehensive Plan (Discussion). The Commission Chair will send the Notification (sent to PHCA) concerning the Bernalillo County Comprehensive Plan (to be distributed after the meeting).
 - a. No updates.
7. Status Report on "OPT-IN" The Commission is collecting signatures to opt into notifications by email for zoning issues.
 - a. Residents are opting in and Commissioner Haley asked if she could reach out to those people who have opted in to encourage them to engage with the PRC regarding the LNG project. Permission was given.
8. PHSZD zoning permits applications in the 2023 backlog—the percentage of non-conforming, incomplete applications and the number of manual corrections. The Commission received a verbal recommendation from a Solar Company Manager. Their company, Solar World, has issued procedures for when there are two or more solar applications to the same permitting entity for the same address but differing companies.

The company requires the property owner to send certified letters to the vendor and the district, giving authorization to proceed with the project.

- a. Discussion around solar permits and the agency form, which she thinks should be notarized and the rest of the commissioners agreed.
9. Revisions to the PHSZD Ordinance Published in September 2023. The Paradise Hills Special Zoning District Commission revised the Paradise Hills Special Zoning District Comprehensive Zoning Ordinance, edited in 2009. The Commission posted the draft Ordinance updates on September 21, 2023. The annotated changes were also posted through the Commission website (Sections 1 through 22). Comments or questions for the record are accepted through November 30, 2023. The Paradise Hills Special Zoning District Commission will post the Comprehensive Ordinance 2023 Final Version on Thursday, November 30, 2023. The Commission will schedule the Legislative Hearing to vote on the proposed amendments in Early December.
- a. The ordinances still need to be revised, in particular R1 and R2 zoning and on-street parking. Commissioner Haley has drafted some changes, and they are uploaded to the PHSZD website for review. We had hoped to have them done by now, but we will push out to November 30 for final review (with a vote in December to approve the changes) and table the rest of the changes for next year. It is required that we post the changes to the ordinances and also place a legal notice in the paper (general publication) and then 15 days later, we can have the meeting to approve.
10. Review of posted ordinance revisions as of Thursday November 9, 2023.
- a. Minor discussion around ordinance changes like the current 20' backyard setback took place. Haley suggested 10' might be more reasonable. Nothing was decided, we will table the review of the ordinances for another time.
11. Adjourn to next scheduled meeting.
- a. The meeting was adjourned at 7:42 PM.

Transcribed from recorded meeting on 4.1.2024.
By Kimberley Fleck, Secretary

Approved on 4.16.2024.