

STATE OF NEW MEXICO

TOWN OF BERNALILLO

Resolution No. 10-30-07

**A Resolution of the Governing Body of the Town of Bernalillo
Concerning the Adoption of the Proposed Bernalillo TOD (Transit Oriented
Development) Plan as a Supplement to the Town of Bernalillo Comprehensive
Land Use Plan, and Terminating the Moratorium Prohibiting Acceptance of
Planning & Zoning and/or Building Permit Applications for properties within the
TOD areas**

WHEREAS, at its regular meeting of September 11, 2006, the Governing Body of the Town of Bernalillo adopted Resolution No. 09-11-06 which established a moratorium for the acceptance or approval of any planning & zoning and/or building permit applications for areas near the Rail Runner commuter rail stations located within the Town of Bernalillo until such reasonable time that the Town could consider appropriate new development policies and/or regulations for such transit oriented areas; *and*

WHEREAS, since that date, the Town has participated in a regional process facilitated by the Mid-Region Council of Governments (MR-COG) in order to consider design and development policies and/or regulations for all transit-oriented areas from Belen to Bernalillo along the Rail Runner line; *and*

WHEREAS, during this process, the Town and its regional partners have held numerous open meetings and hearings in order to solicit professional advice and to encourage public review and comment for said design and development policies and regulations, and that these suggestions and comments have been included in a proposed Bernalillo TOD (Transit Oriented Development) Plan, being a proposed supplement to the existing Comprehensive Land Use Plan for the Town of Bernalillo, which was duly adopted by the Governing Body of the Town at its regular meeting of December 13, 2004; *and*

WHEREAS, the proposed Bernalillo TOD Plan does not have the force of law, and therefore can not change any existing laws, ordinances, or regulations of the Town, including those related to zoning, subdivision, or development; *and*

WHEREAS, the proposed Bernalillo TOD Plan shall be considered a “work-in-progress” and a “living document” which shall be continually reviewed and revised as appropriate with public input and participation; *and*

WHEREAS, the proposed Bernalillo TOD Plan shall be used as a supplement to the existing Comprehensive Land Use Plan in order to guide land use and public improvement decisions only in the defined TOD Station Areas as specifically illustrated in Exhibit B Bernalillo TOD Plan Station Areas Map; which are *located generally in the area bounded by the following major streets:*

Downtown Station Area

- *Camino del Pueblo on the west,*
- *The Bernalillo Acequia on the east,*
- *Calle Presidente and Richardson on the north and*
- *Camino Don Francisco and East Avenida Bernalillo on the south*

93 *Sandoval County/ 550 Station Area*

- 94 • *US550 & the Bernalillo Acequia to the north,*
- 95 • *Calle Evangeline to the south,*
- 96 • *Interstate 25 to the east, and*
- 97 • *Camino del Pueblo to the west.*

98 *;and*

99

100 **WHEREAS**, the proposed Bernalillo TOD Plan shall be used to guide decisions pertaining to the
101 transportation and circulation network, including new streets, pedestrian paths, bicycle routes and railroad
102 crossings within a ½ mile radius of the commuter rail stations as illustrated on the Bernalillo TOD Plan
103 Circulation Network Map; *and*

104

105 **WHEREAS**, the proposed Bernalillo TOD Plan shall provide for traditional village center densities in the
106 defined TOD Station Areas as described in attachment A to be incorporated in the Plan Document; *and*

107

108 **WHEREAS**, the implementation of the proposed Bernalillo TOD Plan as a guide for land use and public
109 improvements decisions shall provide for affordable housing in mixed-income, mixed-use neighborhoods;
110 *and*

111

112 **WHEREAS**, the implementation of the proposed Bernalillo TOD Plan as a guiding document shall not
113 strengthen or weaken the Town of Bernalillo’s eminent domain powers authorized by state law which states
114 that private property shall not be taken by any public entity for use by a private commercial enterprise, for
115 economic development or for any private use, except with the consent of the property owner; *and*

116

117 **WHEREAS**, the following exhibits are attachments to this Resolution and shall be incorporated into the Plan
118 Document as described in each exhibit:

119

- 120 • A. Changes to Language Referring to Density,
- 121 • B. Bernalillo TOD Plan Station Areas Map,
- 122 • C. Glossary,
- 123 • D. Public Comments from the October 18th 2007 Public Input Meeting,
- 124 • E. Existing Density Analysis
- 125 • F. Additional Public Outreach Material

126 *;and*

127

128 **WHEREAS**, after due consideration, the Governing Body of the Town is convinced that the proposed
129 Bernalillo TOD Plan is beneficial for the Town, its residents, and its regional planning partners, and that the
130 Bernalillo TOD Plan is consistent with the Statutory purpose of supplement to a Comprehensive Plan, to wit:
131 “The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and
132 harmonious development of the municipality which will, in accordance with existing and future needs, best
133 promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and
134 economy in the process of development.”;

135

136 **THEREFORE**, *be it resolved by the Governing Body of the Town of Bernalillo that:*

137

138 *The Town of Bernalillo Comprehensive Plan be hereby supplemented with the proposed Bernalillo*
139 *TOD Plan (attached hereto); and that the moratorium prohibiting planning & zoning and/or*
140 *building permit applications for areas within the transit-oriented areas, as such areas were defined*
141 *in the Exhibits to Resolution No. 09-11-06, shall be hereby terminated.*
142

143 Mayor Chávez wanted to recap the planning process;

- 144 • September of 2006 the Council placed a moratorium prohibiting planning and zoning and
- 145 or building permit application at the radius of the Downtown Station and the 550 Station.
- 146 To assess what type of development the Town wanted around the rail stations.
- 147 • November 2006 MRCOG was brought on board to assist the Town in the planning efforts
- 148 to assist the Town with type of development.
- 149 • March 2006 UNM, HDR and MRGOG gathered data on the impact on development in
- 150 the community.
- 151 • April 2007 Resolution was passed to approve the planning of the MRCOG, HDR and
- 152 Town Staff.
- 153 • April 19, 2007 team meeting of Town Planners, HDR, MRCOG and other Town staff.
- 154 • May 08, 2007 advisory group meeting at Town Hall along with MRCOG and HDR.
- 155 • May 15, 2007 internal concept plan development workshop, Elected Officials, MRCOG,
- 156 HDR and Town Staff.
- 157 • May 23, 2007 Community Open House at Town Hall published and open to the public.
- 158 • May 29, 2007 Governing Body presentation opens to the public.
- 159 • May 30, 2007 Advisory Group Meeting along with Town Planner, HDR and MRGOG.
- 160 • June 4-7, 2007, series of workshops held at the Social Center at the Our Lady of Sorrows
- 161 and open to the public and published. To solicit and gather public input on the proposed
- 162 development.
- 163 • June 8, 2007 Town Meeting with Sandoval County Planners, HDR, MRGOG and Town
- 164 Planners.
- 165 • June 25, 2007 Presentation of the plan to the Governing Body open to the public.
- 166 • June 28, 2007 Team meeting town staff, MRCOG and HDR.
- 167 • July 9, 2007 Another Presentation to the Governing Body open to the public.
- 168 Each time it was presented to the Governing Body the Moratorium was extended to
- 169 address the concern brought before the Governing Body by the public.
- 170 • August 14, 2007 Governing Body Workshop on the TOD Plan open to the public.
- 171 • August 20, 2007 Governing Body Workshop to discuss the TOD Plan open to the public.
- 172 • October 5, 2007 Members of the Governing Body and MRCOG toured development
- 173 along the Rail Stations in Albuquerque.
- 174 • October 18, 2007 Public Input meeting on TOD Plan.
- 175 • October 22, 2007 TOD Plan Resolution presented tabled action until workshop was done
- 176 to go over additional information on the plan.
- 177 • October 26, 2007 Governing Body Workshop considers various revisions to the TOD
- 178 Plan to address issues brought forth by the public. Density and Eminent Domain. This

179 Governing Body has made it clear it is not the intent of this planning document. The intent
180 is to provide the Town with a road map with a vision that we can use to best manage the
181 growth in the Town of Bernalillo. The Community is 5 miles square. The responsibility on
182 the Governing Body is to manage the best of their ability the growth that is going on. The
183 Resolution provides clarity to Eminent Domain, elimination to density numbers, identifies
184 the boundaries clearly, identifies that this plan is only to guide decision pertaining to
185 transportation and the circulation network and improvement around the Rail Station
186 Downtown and 550.

187

188 Mayor Chávez asked if the Governing Body had any questions.

189

190 Council Sisneros questions Kelly Moe about second page first paragraph whether it was a half
191 mile radius or a quarter mile radius.

192

193 Kelly stated that the primary plan is to show connection that tie the area in existing
194 neighborhood. Many of these paths and streets already exists, and in having that one small
195 paragraph was to acknowledge that these pedestrian path, streets and bike routes and commuter
196 rail itself, cut across Town. The paragraph was to acknowledge that the plan it about building
197 cohesive neighbor by linking by streets, bike paths, and walkways with the commuter rail to a
198 certain extent. Which is not the primary focus of the plan, the primary focus of the plan is
199 improvement related to the rail station itself and to make sure the developments are tied into the
200 Town of Bernalillo.

201

202 Council Jaramillo asked about density and emanate domain, referring to the glossary however it
203 reads tradition village center density refer to the density found in several neighborhood
204 associated with the Town and there is a reference, when looking at the density of the Town some
205 of them being up 14DU to 15DU per acre. One of the intents, according to my notes, that we
206 were going to stay with eight as a density, and that we were going to stay with the
207 Comprehensive Land Use ordinance 4.1A single family mixed and that density would be eight.

208

209 Kelly answered the focus were not on the specific number per acre, looking at various
210 neighborhoods, the area acreage varies. Again, the Plan is only to guide for a decision not to
211 determine them. The lists were design not to restrict what you do, just to provide and document
212 the types of neighborhoods that are current in the valley bottom of the Town.

213

214 Councilor Jaramillo responded by reference to a denser subdivision or one not listed, and that the
215 definition Tradition Village Center Density. This would give the impression of keeping the
216 density to a medium.

217

218 Mayor Chávez responds the discussion at the workshop about the Tradition Village Center
219 Density was not to excluded the opportunity, which is driven by the development and zoning
220 in place.

221
222 Kelly responded that under the Town's current zoning regulations someone could request very
223 high density. Even if the resolution passed they could still propose that density, it is still up to
224 the Governing Body.

225
226 Mayor Chávez asked about commercial and the R1 and the opportunity for special use petition,
227 which is on a case by case basis.

228
229 Kelly stated that R1 is a single family residential that does not allow mobile home units. R1A
230 would allow mobile homes.

231
232 Councils asked how many do you use per unit on R1A

233
234 Kelly answered the same as R1 effectively six to nine depending on the street pattern.

235
236 Councilor Montoya move to approve the adoption of Resolution 10/30/07 A Resolution of the
237 Governing Body of the Town of Bernalillo Concerning the Adoption of the Proposed Bernalillo
238 TOD (Transit Oriented Development) Plan as a Supplement to the Town of Bernalillo
239 Comprehensive Land Use Plan, and Terminating the Moratorium Prohibiting Acceptance of
240 Planning & Zoning and/or Building Permit Applications for properties within the TOD areas.
241 The motion was seconded by Councilor Torres.

242
243 Roll Call Vote

244	Councilor Torres	Yea
245	Councilor Montoya	Yea
246	Councilor Sisneros	Yea
247	Councilor Jaramillo	Nea

248
249 There being no further business the meeting was adjourned at 6:12 P.M.

250
251 Done this 30th^{day} of October 2007.

252
253 ATTEST:

254
255 _____
256 Ida Fierro, Town Clerk
257 (seal)

255 _____
256 Patricia A. Chávez, Mayor