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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
January 3, 2017**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on January 3, 2017 at 6:30pm.

Applicants / Members of Public Signed In

Dana Koller	Nataly Mijares	Eralio Molinar
Ted Montoya	Steve Amiot	Margie Amiot
Crystal Candelario		

***Others were present**

Staff Present

Ms. Janet Cunningham-Stephens, Planning and Zoning Director
Ms. Alana Lovato, Administrative Assistant

Call to Order

Chairperson Duran called the meeting to order at 6:30 PM, and led those attending in the Pledge of Allegiance.

Roll Call

Chairperson Juanita M. Duran	Present
Commissioner Mary Rose Abousleman	Present
Commissioner Sandra Candelario	Present
Commissioner Joyce Cordova	Present
Commissioner James Hooper	Present
Commissioner Joseph Moreno	Present
Commissioner Raul Montano	Present

A quorum was present

Approval of Agenda

Chairperson Duran entertained a motion to approve the agenda. Commissioner Hooper motioned to approve the agenda as presented. Commissioner Candelario seconded the motion. All Commissioners voted aye.

Motion Carried

52 **Approval of Minutes**

53
54 Chairperson Duran entertained a motion to approve the minutes of November 1, 2016.
55 Commissioner Montano motioned to approve the minutes of November 1, 2016 with the following
56 corrections:

- 57 • **Line 115: Add: “Commissioner Hooper seconded the motion”.**
- 58 • **Line 210: Correction: “Commissioner Cordova seconded the motion”.**

59
60 Commissioner Moreno seconded the motion. All Commissioners voted aye.

61
62 **Motion Carried**

63
64 Chairperson Duran entertained a motion to approve the minutes of December 6, 2016.
65 Commissioner Moreno motioned to approve the minutes of December 6, 2016 with the following
66 corrections:

- 67 • **Line 99: Correction: “Commissioner Moreno seconded the motion”.**
- 68 • **Line 210: Correction: “Meeting was adjourned at 7:44p.m.”**

69
70 Commissioner Hooper seconded the motion. All Commissioners voted aye.

71
72 **Motion Carried**

73
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75 **Swearing in of Witnesses**

76
77 All present witnesses were sworn in by Chairperson Duran.
78
79

80 **Public Hearing**

- 81
82 a) **EXT SumP 17-001 Extension – Summary Plat: Applicant – GJC Properties LLC, represented**
83 **by Tierra West LLC.**

84 Request for a 60 day extension of time to the approval and recording of the Summary Plat
85 previously approved by the Planning and Zoning Commission on October 4, 2016, creating Tracts
86 A-2-5-B2-A and A-2-5-B2-B, being a replat of Tract A-2-5-B2, Lands of Bill Blackwell, situate
87 within the Bernalillo Grant, projected Section 29, Township 13 North, Range 4 East, New Mexico
88 Principle Meridian, Town of Bernalillo, Sandoval County, New Mexico, containing a total of
89 2.6029 acres more or less, with access from US Highway 550 and Ronald Drive, zoned S-U
90 (Special Use). (Note: Per applicant, the plat has been recorded as of 12/27/2016).

91
92 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
93 request. Janet Cunningham-Stephens stated that after receiving a confirmation from the agent, the
94 applicant has withdrawn their request. The applicant has recorded the plat on December 27, 2016
95 and will no longer need an extension.

96
97 Chairperson Duran stated that no motion is needed.

98
99 **Item Withdrawn by the Applicant.**

100

101 **b) SumP 17-001 Summary Plat: Applicant – Eralio Molinar**

102 Request for approval of a Summary Plat, adjusting lot lines to create one (1) tract from two (2)
103 existing whole tracts, portions of two (2) existing tracts, and a portion of a vacated alley, and to
104 grant any easements shown thereon, to be identified as Lot 1-A, Block 8, Southern Addition,
105 Town of Bernalillo, Sandoval County, New Mexico, containing a total of 0.2330 acres with access
106 from Lucero Road, zoned M-1 (Light Industrial).

107
108 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
109 request. Mr. Eralio Molinar respectfully requests approval of a Summary Plat to adjust lot lines.
110 Mr. Molinar stated that he will remove the block wall to correct the right-of-way issue. Ms. Janet
111 Cunningham-Stephens, Planning and Zoning Director, stated that the public alley was either
112 vacated or removed at some previous time. Ms. Cunningham-Stephens spoke with Mr. Molinar’s
113 surveyor and requested some type of deed or citation to be added to the plat. The request is still
114 pending. A general discussion by the Commission ensued. No public comments.

115
116 Chairperson Duran called for a motion, Commissioner Abousleman made a motion to approve the
117 Summary Plat with the following conditions:

- 118 **1. The plat must be recorded in the office of the Sandoval County Clerk and two**
- 119 **(2) copies as recorded and properly stamped by the Sandoval County Clerk**
- 120 **must be provided to the Town of Bernalillo. A disk containing a copy of the**
- 121 **recorded plat must be provided along with the paper copies.**
- 122 **2. The plat must be recorded within three months after the date of approval or the**
- 123 **final plat will become null and void.**
- 124 **3. The wall encroachment must be dealt with by the applicant in consultation with**
- 125 **the New Mexico Department of Transportation.**
- 126 **4. Information/documentation regarding the vacated public alley must be provided**
- 127 **for the record.**

128
129 Commissioner Cordova seconded the motion. All Commissioners voted aye.

130 **Motion Carried – Item Approved with Conditions.**

131
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134 **c) CUP 17-001 Conditional Use Permit: Applicant – Broadband Network of New Mexico.**

135 Request for approval of a Conditional Use Permit for the installation of a 75’-120’ data transport
136 utility pole in Town owned right-of-way, close to cross streets N. Hill Road and US 550 at latitude
137 35.317343 and longitude – 106.536649, and accessed from N. Hill Road. (NOTE: Franchise
138 Agreement required.)

139
140 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
141 request. Mr. Kevin Winner, representative of Broadband Network of New Mexico, respectfully
142 requests approval of a Conditional Use Permit for the purpose of installing a steel galvanized
143 utility pole similar to PNM’s transmission poles; which support microwave dishes and radios that
144 provide high speed connectivity to wireless internet. Mr. Winner stated that Bernalillo has been
145 identified as an area in need of wireless enhancement. The optimal location for the utility pole will
146 be near the off ramp of I-25 and US Highway 550, near the Burger King. A general discussion by
147 the Commission ensued.

148
149 Mr. Winner stated that this is the first utility pole that has been proposed to be located in the town.
150 The utility pole will not be camouflaged because the pole does not have a full ray of antennas and
151 the antennas measure out to 2 feet in diameter. Mr. Winner also stated that the pole will stand at 65
152 feet with the future expansion to 75 feet. A general discussion by the Commission continued.

153 Mr. Winner stated that currently he is working with Andy Edmondson, Public Works Director, on
154 the Franchise Agreement. There will be compensation going to the town.
155

156 There was a public comment made by Mr. Ted Montoya regarding the amount of copper that will
157 be inside of the utility pole. Mr. Winner stated that there will be a co-ax copper, which is not a
158 solid copper cable that is seen in an electric utility poles. The poles will not consist of a lot copper
159 and will be using Fiber optics that are made of glass. There were no other public comments made.
160

161 Commissioner Abousleman stated that she is not opposed to the installation of the utility pole but
162 is not comfortable with approving the request without a Franchise Agreement.

163 A brief discussion by the Commission ensued regarding this item going before the Town Council
164 or adding the Franchise Agreement to the conditions of approval.
165

166 Chairperson Duran called for a motion, Commissioner Abousleman made a motion to table the
167 item until the Franchise Agreement has been approved by the Town Council. Commissioner
168 Hooper seconded the motion. All Commissioners voted aye.
169

170 **Motion Carried – Item Tabled.**
171

172 **d) CUP 17-002 Conditional Use Permit: Applicant – Nataly Mijares.**

173 Request for approval of a Conditional Use Permit for an eating and drinking establishment (Snack
174 Lokko Mix, LLC) to be located at 115 West US Highway 550 having the legal description: Map 7,
175 Tract 119-A-1-B2, Section 29, Township 13 North, Range 4 East, New Mexico Principle Meridian
176 (NMPM), Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial)
177 and situated on approximately 0.480 acres.
178

179 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
180 request. Ms. Nataly Mijares respectfully requests approval of a Conditional Use Permit for a new
181 small food and beverage business. Her business will be selling snacks in a cup consisting of
182 assorted fruits, vegetables, chips, candy, gummies, and nuts from a buffet style snack bar. They
183 will be sold by the size of cups, not by weight. A general by the Commission ensued.
184

185 Ms. Mijares stated that this type of business is located in Mexico and is now becoming a new
186 trend. If the business is successful she plans to open other businesses in Rio Rancho and
187 Albuquerque. A general discussion by the Commission continued.
188

189 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that this lot is shared with
190 another business and there are more than enough parking spaces available. There are a total of 19
191 parking spaces and 3 handicap spaces.

192 Ms. Cunningham-Stephens also stated she will need to speak with the town's Consultant
193 Hydrologist regarding the water rights; to determine whether a water budget is needed since this is
194 a low water usage business. No public comments.
195

196 Chairperson Duran called for a motion, Commissioner Moreno made a motion to approve the
197 Conditional Use Permit with the following conditions:

- 198 **1. The building/use must meet all health and fire code requirements as determined**
- 199 **by appropriate state and local officials.**
- 200 **2. Trash pickup and other service needs must be accessible to service providers.**
- 201 **3. A copy of the existing/approved NMDOT driveway permit must be provided for**
- 202 **the file prior to opening for business.**
203

- 204 4. Water rights (if needed) must be secured by the applicant and transferred to the
205 Town prior to construction. The consultant’s fee for the preparation of the
206 water budget is \$600.00 payable by the applicant. Water rights are “in addition
207 to” the water budget fee.
208 5. A permit for signage must be submitted separately for administrative approval
209 unless a variance is required.
210 6. A business registration application must be submitted and approved prior to
211 opening for business.
212

213 Commissioner Candelario seconded the motion. All Commissioners voted aye.

214
215 **Motion Carried – Item Approved with Conditions.**
216

217 e) **ZMA 17-001 Zone Map Amendment: Applicant – Kaktus Brewing Company.**

218 Request for a recommendation of approval from the Planning and Zoning Commission for an
219 Amendment to the Existing Site Development Plan to allow beer distribution in addition to on-site
220 brewing and retail sales of beer in the S-U (Special Use) zone at the following location: 471 S. Hill
221 Road, Lands of Matthew J. Archbold, Lot A, Section 32 Township 13 North, Range 4 East, Town
222 of Bernalillo, Sandoval County, New Mexico, and containing approximately 2.28 acres.
223

224 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
225 request. Mr. Dana Koller, owner of Kaktus Brewing Company, respectfully requests a
226 recommendation of approval from the Planning and Zoning Commission for an amendment to the
227 Existing Site Development Plan to allow the ongoing successful business in Bernalillo to distribute
228 beer. Mr. Koller stated that the current size of the brewery on South Hill Road will not have
229 anything larger than a pickup truck entering and exiting the brewery. They will be distributing 38
230 kegs per month and would allow the brewery to distribute to local restaurants such as the Freight
231 House and The Range Café. A general discussion by the Commission ensued.
232

233 Mr. Koller stated that they are working on plans in the near future to address the concerns of the
234 excessive parking issues in the area. Currently they have built a strong relationship with
235 surrounding neighbors and have an agreement with MCT to help accommodate more parking, if
236 needed for special events. Mr. Koller has previously pulled permits for special events with the
237 town. A general discussion by the Commission continued.
238

239 Mr. Koller stated that kegs will be moved outside of normal business hours from 7 a.m. to 10 p.m.
240 earlier in the week. There were public comments made by John Johnson and Ted Montoya.
241

242 Mr. Johnson, a nearby resident on South Hill Road, addressed a question regarding future use of a
243 semi-truck to the transport the kegs and whether or not the business would need to come before the
244 Planning and Zoning Commission if semi-trucks will be used.

245 Chairperson Duran clarified that it will need to come before the Commission, if the use of a semi-
246 truck is needed.
247

248 Mr. Ted Montoya, a resident on Bobby Place, addressed concerns regarding the limitation of loud
249 music, parking issues for special events and on Tuesdays & Thursdays, marked parking spaces,
250 and whether or not they are ADA compliant.

251 Mr. Koller stated prior to opening the business it was required to have a turnaround for firetrucks
252 or other large trucks. Currently they do receive large deliveries by semi-trucks from MALT,
253 Sysco, and other delivery companies. The brewery has a total of 28 parking spaces including 1
254 handicap parking. They are ADA compliant. The hours of operation do not exceed past 10 p.m. on
255 the weekends and 9 p.m. throughout the week, with the exception of extended summer hours on

256 weekends to 10:30 p.m. A general discussion by the Commission ensued. No other public
257 comments were made.

258
259 Chairperson Duran state to the applicant that a solution to directing patrons to designated parking
260 areas is highly needed for safety purposes and for the access of emergency vehicles.

261
262 Chairperson Duran called for a motion, Commissioner Abousleman made a motion to recommend
263 approval to Town Council. Commissioner Montano seconded the motion. All Commissioners
264 voted aye.

265
266 **Motion Carried – Item Recommended to Town Council for Approval.**

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268
269 f) **VAR 17-001 Variance: Applicant – Billy Torres.**

270 Request for approval of a Variance to Rear Yard Setback Requirements in the R-1A (Mixed
271 Single-Family Residential) Zone, to construct additional storage space adjacent to the existing
272 alleyway, located at 1113 Calle San Lorenzo, and having a legal description as follows: Lot 3,
273 Block 4 of the Central Addition Subdivision, Section 6, Township 12 North, Range 4 East, Town
274 of Bernalillo, Sandoval County, New Mexico, containing a total of 0.090 acres.

275
276 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
277 request. Mr. Billy Torres respectfully requests approval of a Variance to the Rear Yard Setback
278 Requirements to the existing storage space that he had started to build without a permit. Mr. Torres
279 stated that he thought he didn't need a building permit, since the storage is only going to be 8 X 12
280 feet. Once Mr. Torres was notified by Joseph Benney, Certified Building Inspector that a building
281 permit was required, he immediately stopped and met with the Planning and Zoning Staff. A
282 general discussion by the Commission ensued.

283
284 Mr. Torres stated that the storage is more than ¾ completed. Ms. Janet Cunningham-Stephens,
285 Planning and Zoning Director, stated that no building permit has been issued. A general discussion
286 by the Commission continued regarding the 20 feet public alley way behind the backyard wall.

287
288 There was a public comment made by Roberta Gabldon regarding concerns of the type of
289 business that will be at the property and the hours of operation because she gets up early to go to
290 work. Mr. Torres stated that he is not running a business out of his home and is only doing
291 mechanical work on his own projects. He starts his work in the garage late in the daytime.
292 A general discussion by the Commission ensued. There were no other public comments made.

293
294 Chairperson Duran called for a motion, Commissioner Hooper made a motion to approve the
295 Variance due to the 20 feet alley way that runs behind the dwelling, allows separation of structures
296 and with the following condition:

297 **1. A building permit must be obtained from the Town of Bernalillo.**

298
299 Commissioner Candelario seconded the motion. All Commissioners voted aye.

300
301 **Motion Carried – Item Approved with Conditions.**

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304 **Commission Business**

305
306 a) Department Updates:
307 • ZAP 16-001/VAR 16-008 (Maria Sanchez – Applicant) was
308 heard by the Town Council on November 14th and Tabled for

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further discussion until December 27th. **Town Council voted to AFFIRM the decision of the Planning and Zoning Commission.**

b) Project/ Work Update:

- iWorQ Systems Building Permit and Code Compliance software is being configured for the Town with a target date for use beginning the first week of January.

c) General Discussion

- The Planning and Zoning Department issued eleven permits for the following: new construction (commercial and residential), solar system installations, a pool, demolition work, a storage shed, and remodeling work between November 29th and December 22nd, 2016 for totals fees of **\$10,723.60.**
- Code Compliance: 12/01 – 12/21
40 contacts – RE: weeds, trash, substandard housing (lack of utilities), RV/s hooked up to utilities.
- A Small Farm Animal Ordinance is still under consideration. A draft Ordinance will be brought to the Planning and Zoning Commission in March for discussion.

d) Home-based Business Report:

December –

- Eugene Gonzales, Bulldoggie Trucking LLC, 1239 Fig Springs Dr., zoning R-1, independent trucking contractor for Vulcan Industries.

e) Next Meeting: Regular Meeting – February 7, 2017

ADJOURNMENT

Chairperson Duran introduced a motion to adjourn. Commissioner Hooper made the motion to adjourn with a second by Commissioner Moreno. All Commissioners voted aye.

Meeting was adjourned at 7:49p.m.