

1 **MINUTES OF A REGULAR MEETING**
2 **OF THE PLANNING & ZONING COMMISSION**
3 **OF THE TOWN OF BERNALILLO**
4 **HELD AT THE TOWN HALL**
5 **January 16, 2018**
6
7

8 The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and
9 rules of the Town on January 16, 2018 at 6:30pm.

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11 **Call to Order**

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

15
16 Upon Roll call the following members were found present:

17
18 **PRESENT:**

19 Chairperson Juanita M. Duran
20 Commissioner Joseph O. Quintana
21 Commissioner Joseph Moreno
22 Commissioner Sandra Candelario
23 Commissioner Raul Montano

18 **ALSO PRESENT:**

Janet Cunningham-Stephens, Planning and Zoning Director
Alana Lovato, Admin/ GIS Technician
Mike Kloeppel, Director of Econ. & Community Dev.
Gerald Martinez
Chris Martinez
Junko Boat
Jim Whitehead
Mathew Spangler
Silvia Sierra

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28 **ABSENT:**

29 Commissioner Mary Rose Abousleman
30 Commissioner James Hooper

31
32 **A quorum was present**

33
34 **APPROVAL OF AGENDA: 3a)**

35 Commissioner Quintana motioned to approve the agenda as presented. The motion was seconded by
36 Commissioner Moreno and carried unanimously.

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38 **Motion Carried**

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41 **APPROVAL OF MINUTES: 4a)**

42 Commissioner Montano made a motion to approve the minutes of December 12, 2017 with the following
43 modifications:

- 44 • Line 157: Motion was made by Commissioner Abousleman.
- 45 • Line 263:..Motion was made by Commissioner Montano.
- 46 • Line 360: Include sentence: "The town will install a residential sign and a child at play signage".

47
48 Commissioner Candelario seconded the motion and carried unanimously.

49 **Motion Carried**

50 **SWEARING IN OF WITNESSESS: 5a)**

51 All present witnesses were sworn in by Chairperson Duran.
52

PUBLIC HEARING: 6a) VAR 17-014 Variance: Applicant – Silvia Sierra, represented by

Aaron Torres (Agent).

Request for approval of a Variance to Area and/or Setback Requirements in the R-1A (Mixed Single-Family Residential) Zone, to allow the construction of a carport (as completed) at 1231 Calle San Lorenzo, and having a legal description as follows: Lot 6, Block 5, Central Addition, Section 6, Township 12 North, Range 4 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, containing a total of 0.090 acres.

Ms. Silvia Sierra respectfully requests approval for a Variance for an existing carport and the lot size. Ms. Sierra stated that there will be no changes or additions to the carport if it does get approved by the Commission.

Ms. Janet Cunningham-Stephens, Director of Planning & Zoning, stated that Mr. Joseph Benney, Building Official/Floodplain Manager, visited the property and verified that the carport is structurally adequate. The carport does meet the setbacks. The only issue is the lot size which is about 3,900 square feet. The nearby neighbor is concerned about the setbacks because of the location of his home.

There was a public comment made by Chris Martinez.

Mr. Martinez stated concern regarding the setbacks because of the location of his home and if a public easement can be granted. His property line is the exterior of one of his house walls. He stated that he needs a public easement for that area of the property line, so that he has authority to step foot onto her property for any home improvement projects he will be doing in the future. Mr. Martinez also stated that a previous owner removed a chain link fence, which indicated the property line.

Ms. Janet Cunningham-Stephens stated that when the Building Official went to inspect the property that Mr. Martinez's chain fence was constructed over the property line on the west side and may be the reason it was removed. Ms. Cunningham also stated that an easement will not affect the setbacks of the car port. Setbacks are based on where the property lines are located.

Chairperson Duran stated that it is not up to the Commission to grant any type of easements and suggested that the property owners need to get an accurate survey of their properties to determine the property lines.

Ms. Silvia Sierra stated that she has no problem with Mr. Martinez coming on to her property to make any home improvements to his home.

Commissioner Moreno made a motion to approve VAR 17-014, a request by Silvia Sierra, represented by Aaron Torres (Agent), for approval of a Variance to Area and/or Setback Requirements in the R-1A (Mixed Single-Family Residential) Zone, to allow the construction of a carport (which had been completed) at 1231 Calle San Lorenzo, containing a total of 0.090 acres be approved, subject to the following conditions:

1. *The front, side and rear yard setbacks of the carport must be in compliance with Comprehensive Zoning Ordinance requirements.*
2. *Sandoval County records indicate the lot is 0.090 acres (3,920.4 square feet).*
3. *An Improvement Location Report dated October 28, 2016 shows lot dimensions of 40 feet by 120.00 feet (4,800 square feet). Improvement Location Reports are not legal survey documents.*
4. *An accurate boundary survey to determine property lines given the discrepancy between the Sandoval County records and the ILR may be advisable and is at the discretion of the affected property owners.*
5. *The applicant shall not do any other additional construction to the carport.*

The motion was seconded by Commissioner Montano and carried unanimously.

107 **Motion Carried – Item Approved with Conditions.**
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110 **PUBLIC HEARING: 6b) ZMA 17-014: Applicant – Western Hills Real Estate and Development,**
111 **Inc., represented by Lastrapes, Spangler and Pacheco, P.A. (Agent).**

112 Request for a recommendation of approval from the Planning and Zoning Commission for a Zone Map
113 Amendment from R-R (Rural Residential) to C-1 (Retail Commercial) at the following location: Lot 3 of
114 Summary Plat for Venada Plaza Park, being comprised of Tract A, Middle Venada Arroyo Property, and
115 Tract labeled “Arroyo Easement” Lots 7-A and 6-B1, La Bona Tierra, Town of Bernalillo, Sandoval
116 County, New Mexico, containing 3.0379 acres.

117
118 Mr. Mathew Spangler, a representative of Lastrapes, Spangler and Pacheco, P.A. (Agent), respectfully
119 requests a recommendation of approval for a Zone Map Amendment from R-R (Rural Residential) to C-1
120 (Retail Commercial) for Lot 3 of Venada Plaza. The purpose of the request is to conform Lot 3 with the
121 similar zoning to the east of the property. The owner does not have any committed uses for the property
122 but possible uses would be for professional business offices or an assisted living facility.

123 The zone change request will promote the economic development goals and objectives in the town’s
124 comprehensive plans by provide more local employees opportunities and increase the town’s gross
125 receipts.
126

127 The applicant presented additional documents to the Commission to better show the access easement to
128 the property.

129 The only access easement to the property is from the east side and is where all the traffic would be
130 coming from. There will be not traffic coming from the west, which is where the residential areas are
131 located. Mr. Spangler also stated that in the future there maybe future access easement as development
132 begins.
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134
135 There was a public comment made by Jim Whitehead.

136 Mr. Whitehead, a resident at 1388 Calle La Bona Tierra, requested clarification on the location of Lot 3
137 and also questioned the utility uses on the property. Mr. Whitehead also stated concerns about his
138 property value being impacted. Mr. Whitehead is opposed to the proposed request.
139

140 Mr. Spangler presented a map document to Mr. Whitehead to clarify the location. Mr. Spangler stated that
141 they can also put up a wall to minimize neighborhood disturbance of the nearby residential area.

142 Ms. Janet Cunningham-Stephens, Director of Planning & Zoning, stated that currently there are no
143 utilities on the property, but can have utility uses in the future. Any future sewer lines would come from
144 under NM 528.
145

146 Commissioner Quintana made a motion for a recommendation of approval from the Planning and Zoning
147 Commission for a Zone Map Amendment from R-R (Rural Residential) to C-1 (Retail Commercial) at the
148 following location: Lot 3 of Summary Plat for Venada Plaza Park, being comprised of Tract A, Middle
149 Venada Arroyo Property, and Tract labeled “Arroyo Easement” Lots 7-A and 6-B1, La Bona Tierra,
150 Town of Bernalillo, Sandoval County, New Mexico, containing 3.0379 acres, subject to the following
151 conditions:

- 152 ***1. Disturbance of the site will require mitigation of stormwater runoff according to federal***
153 ***standards.***
- 154 ***2. The types of uses that will be built and operated on-site must be defined by the applicant***
155 ***in order to determine the impacts on the surrounding neighborhood.***
- 156 ***3. Future development must comply with all Town ordinances and procedures regarding***
157 ***grading and drainage plan review/approval prior to construction, building plan review,***
158 ***installation of water and sewer service, addressing and all other requirements that are***
159 ***relevant to the site.***

160 **4. A wall will be built by the applicant to separate the residential neighborhood from the**
161 **commercial area.**

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163 The motion was seconded by Commissioner Montano. Chairperson Duran voted *No*. All other
164 Commissioners voted yes.

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166 Chairperson Duran stated that she has heard a lot of concerns from the neighborhood in the area regarding
167 the noise control, increase of traffic, lighting from the businesses, and keeping that area residential.
168 Chairperson Duran also stated her understanding that the commercial business will bring in business for
169 the town, but there is the ability to use Lots 1 and 2 for those purposes.

170
171 **Motion Carried – Item recommend to Town Council for Approval.**

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173 **COMMISSION BUSINESS: 7a) Department Updates: December 2017**

- 174 1. Staff are continuing to respond to verbal, walk-in and electronic complaints.
175
176 2. Mapping for Christmas festivities was completed and route maps were used for distribution
177 purposes.

178
179 **COMMISSION BUSINESS: 7b) Project/Work Update:**

- 180 1. The grading and drainage plan for the MCT Bldg #6 has been approved.
181
182 2. Mister Car Wash construction is nearing completion and the business is targeting mid-late
183 February for opening.

184
185 **COMMISSION BUSINESS: 7c) General Discussion:**

- 186 1. The Planning and Zoning Department issued fourteen (14) permits for the following: grading,
187 new construction residential and commercial, solar system installations, a pool, and re-roofing
188 jobs between December 1, 2017 and December 31, 2017 for total fees of **\$12,159.73**.
189
190 2. **Code Compliance: January 2018:** The Code Compliance Officer made 47 re-inspections of
191 properties, closed 10 cases, received 22 responses to certified letters regarding weeds, trash
192 and inoperative vehicles and coordinated with Animal Control staff regarding a report of
193 livestock in a C-1 zone. She also investigated 2 inoperative vehicles, an occupied recreational
194 vehicle, a deteriorated/non-secured mobile home, and 4 signs that were not in compliance with
195 code.
196
197 3. **2018 SCHEDULE – FINAL- See attached.**

198
199 **COMMISSION BUSINESS: 7d) Home-based Business Report:**

200 **December** - none

201
202 **COMMISSION BUSINESS: 7e) Next Meeting:**

203 Regular Meeting – **February 13, 2018 (2nd Tuesday of the Month)**

204
205 **ADJOURNMENT: 8a)**

206 There being no further business, Commissioner Quintana made the motion to adjourn the meeting at 7:17
207 P.M. The motion was seconded by Commissioner Moreno and carried unanimously.

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