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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
February 7, 2017**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on February 7, 2017 at 6:30pm.

Applicants / Members of Public Signed In

Carol Gill	Jim Gill	Rick Garcia
Gary Davis	Nancy Davis	

***Others were present**

Staff Present

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

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	Absent

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 Moreno seconded the motion. All Commissioners voted aye.

Motion Carried

51 **Approval of Minutes**

52
53 Chairperson Duran entertained a motion to approve the minutes of January 3, 2017. Commissioner
54 Moreno motioned to approve the minutes of January 3, 2017 with the following correction:

- 55 • **Line 157: Correct spelling from “co-ox to co-ax”.**

56
57 Commissioner Candelario seconded the motion. All Commissioners voted aye.

58
59 **Motion Carried**

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62 **Swearing in of Witnesses**

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64 All present witnesses were sworn in by Chairperson Duran.

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66
67 **Public Hearing**

- 68
69 a) **SumP 17-002 Summary Plat: Applicant – 144 Commercial Development LLC, represented by**
70 **Surv-Tek Inc.**

71 Request for approval of a Summary Plat, adjusting the existing rear lot line for Lots 8 and 9,
72 vacating an existing public waterline and public utility easement, granting new private and public
73 easements, and showing the New Mexico Department of Transportation (NMDOT) parcel
74 exceptions taken from Lots 5 -10, situate within the Felipe Gutierrez Grant in Projected Section
75 32, Township 13 North, Range 4 East, New Mexico Principal Meridian (NMPM), Town of
76 Bernalillo, Sandoval County, New Mexico, containing a total of 6.9932 acres, zoned C-1 (Retail
77 Commercial).

78
79 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
80 request. Mr. Rick Garcia, a representative from Surv-Tek Inc., respectfully requests approval of a
81 Summary Plat to adjust the lot lines, vacating an existing public waterline and public utility
82 easements. Mr. Garcia stated that the NMDOT properties on the perimeter are designated on the
83 plat as well. A general discussion by the Commission ensued.

84
85 Mr. Garcia stated that they are cleaning out the sewer easement running through the property,
86 which will be a public easement. Ms. Janet Cunningham-Stephens, Planning and Zoning Director,
87 shared comments forwarded from Public Works stating that Mr. Garcia has responded to some
88 questions asked by Andy Edmondson, Public Works Director. The sewer line has been extended to
89 Rail Runner Road and the private easement has been designated a public easement. Item H
90 referencing a pond will be still need to be added to the plat. A general discussion by the
91 Commission continued. No Public comments.

92
93 Chairperson Duran called for a motion, Commissioner Abousleman made a motion to approve the
94 Summary Plat with the following conditions:

- 95 **1. The plat must be recorded in the office of the Sandoval County Clerk and two**
96 **(2) copies as recorded and properly stamped by the Sandoval County Clerk**
97 **must be provided to the Town of Bernalillo. A disk containing a copy of the**
98 **recorded plat must be provided along with the paper copies.**
- 99 **2. The plat must be recorded within three months after the date of approval or the**
100 **final plat will become null and void.**
- 101 **3. The reference to Note (H) must be added to the plat prior to signature by the**
102 **Public Works Director.**

103 Commissioner Cordova seconded the motion. All Commissioners voted aye.

104
105 **Motion Carried – Item Approved with Conditions.**
106

107
108 **b) VAR 16-009 Variance: Applicant – Nanci and Gary Davis.**

109 Request for approval of a Variance to the ten (10) foot rear-yard setback requirement for the
110 purpose of building a swimming pool in the back yard at 905 Palo Alto Court, zoned R-1 (Single-
111 Family Residential Zone), and having the following Legal description: The Orchards 2, Lot 129,
112 Town of Bernalillo, Sandoval County, New Mexico. (TABLED at September 7, 2016 hearing)
113

114 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
115 request. Mr. & Mrs. Gary Davis are requesting the approval of a rear-yard setback to construct a
116 swimming pool in the back yard. Ms. Davis stated that after being tabled from the September
117 meeting they hired a structural engineer, which was requested by their HOA. Randall Structural
118 Engineering has meet with the swimming pool contractor and making sure that they would not be
119 jeopardizing the integrity of the wall in the backyard. Ms. Davis also stated that the HOA also has
120 approved the plans with stipulations of approval from the Town of Bernalillo. A letter from the
121 structural engineer and HOA has been submitted for documentation.

122 A general discussion ensued by the Commission.

123 Ms. Davis stated that a 3 feet retaining wall will be constructed with the use of stacked stones.
124

125 There was a public comment made by Mr. Tom Greenwald, a representative of the HOA, he stated
126 that approval was granted to Mr. & Mrs. Davis by the HOA.
127

128 Chairperson Duran called for a motion, Commissioner Hooper made a motion to approve the
129 Variance with the analysis of the existing and proposed retaining walls by Jeremy F. Randall, P.E.,
130 S.E., and a conditional approval by the Augustine Homeowners' Association.

131 Commissioner Moreno seconded the motion. All Commissioners voted aye.
132
133

134 **Motion Carried – Item Approved.**
135

136 **Commission Business**
137

138 **a) Department Updates:**

- 139 • A Planning and Zoning Commissioner Training Workshop
140 will be held in February. The Mid-Region Council of
141 Governments will provide staff for the workshop. MRCOG
142 provides training for agency members annually in April as
143 well as other times throughout the year.
144

145 **b) Project/ Work Update:**

- 146 • Several projects are under construction and will be/have
147 been completed. These include Pfeifer Studios,
148 ServiceMaster, and a canopy at WalMart for their new pick-
149 up service.
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151 **c) General Discussion**

- 152 • The Planning and Zoning Department issues six permits for
153 the following: new construction (residential), a solar system
154 installation manufacturing, a storage shed and a canopy

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between December 23, 2016 and January 24, 2017 for total fees of **\$4,473.70**.

- Code Compliance: January 2017
Staff have been dealing with substandard housing units located at 1291 Calle San Ysidro, 1300 Old Highway 85 and 392 Calle El Oso Negro. According to ordinance, housing is substandard if it is lacking proper utility service. Other compliance efforts involve 30 residential properties with overgrown weeds and trash, and 5 commercial properties with trash and debris. Department staff also assisted the Fore Marshal in the inspections of the Super 8 Motel and Holiday Inn to verify compliance with building/zoning/fire codes.
- 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:

January –

- Steven Milner, Media Magic, 201 Calle Damiano, zoning C-1 (R-1 use), digital photo scanning and archiving.

e) Next Meeting: Regular Meeting – **March 7, 2017**

ADJOURNMENT

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

Meeting was adjourned at 6:56p.m.

Call to Reopen

Chairperson Duran called for a motion to reopen the meeting due to a public comment. Commissioner Hooper made a motion to reopen the meeting. Commissioner Cordova seconded the motion.

There was a public comment made by Mr. & Mrs. Gill regarding their ongoing concerns of the adjacent neighbor's parking. Mr. Gill stated that this was brought to the attention of the board on September 7, 2016. The neighbor parks multiple cars and trailers consistently, on the average of 6 vehicles per 24 hour period. Mr. Gill stated that Janet Cunningham-Stephens, Planning and Zoning Director, was to meet with the town attorney, but has not received a response from the attorney. Mr. & Mrs. Gill addressed high concerns on their neighbor's inappropriate parking habits, and also why nothing has been done about it. A general discussion by the Commission ensued.

Janet Cunningham-Stephens stated that Joseph Benny, Certified Building Inspector, and Jerry Lujan, Code Compliance Officer, have spoken with a resident from the home regarding the parking concerns. Being that the street is a public right-of-way and not a private street there is not much that can be done about it. If it was a private street then there would be more that could be done because there would be a Homeowners Association to enforce overflow parking.

208 Janet Cunningham-Stephens stated that she will ask Andy Edmondson, Public Works Director, if
209 there is any way to limit the parking being that it's a narrow street, and also because of the
210 concern of emergency vehicle access. A general discussion by the Commission continued.

211
212 Janet Cunningham-Stephens stated that she will also have Joe and Jerry to talk with the neighbor
213 to see if they can cover the old truck that sits outside the home. There were no other comments.
214

215 **ADJOURNMENT**

216
217 Chairperson Duran introduced a motion to adjourn. Commissioner Hooper made the motion to
218 adjourn with a second by Commissioner Abousleman. All Commissioners voted aye.
219

220 **Meeting was adjourned at 7:12p.m.**

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