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

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

**Applicants / Members of Public Signed In**

<b>Mireya Navarrete</b>	<b>Daisy Armenta</b>	<b>Alma Armenta</b>
<b>Magaly Terres</b>	<b>Brian Kinder</b>	<b>Gabriel Jensen</b>
<b>Stephanie Romero</b>	<b>Ray Maestas</b>	<b>Ron Spiegel</b>
<b>Henry Molinar</b>	<b>Carol Gill</b>	<b>Jim Gill</b>
<b>Oscar L. George</b>	<b>Lynne Wienecke</b>	<b>Mike Moloney</b>
<b>Mary Jo Moloney</b>	<b>Gary Gritsko</b>	<b>Theresa Miller</b>

**\*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 6:33 PM, and led those attending in the Pledge of Allegiance.

**Roll Call**

Chairperson Juanita M. Duran	Present
Commissioner Mary Rose Abousleman	Absent
Commissioner Sandra Candelario	Present
Commissioner Joyce Cordova	Absent
Commissioner James Hooper	Absent
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 Moreno motioned to approve the agenda as presented. Commissioner Candelario seconded the motion. All Commissioners voted aye.

53 **Motion Carried**

54  
55  
56 **Approval of Minutes**

57  
58 Chairperson Duran entertained a motion to approve the minutes of February 7, 2017.  
59 Commissioner Moreno motioned to approve the minutes of February 7, 2017 with the following  
60 correction:

- 61 • **Line 192: Correction “Commissioner Cordova seconded the motion”.**
- 62 • **Line 206: Add the word “it” after about.**

63 Commissioner Montano seconded the motion. All Commissioners voted aye.

64  
65 **Motion Carried**

66  
67  
68 **Swearing in of Witnesses**

69  
70 All present witnesses were sworn in by Chairperson Duran.

71  
72  
73 **Public Hearing**

- 74  
75 a) **ETZ SumP 17-001 Summary Plat: Applicant – Curtis Mummau, represented by Alpha Pro**  
76 **Surveying LLC (Agent).**

77 Request for approval of a Summary Plat within the Three-Mile Extraterritorial Zone (ETZ) of the  
78 Town of Bernalillo, combining two (2) lots into one (1) new lot and vacating a portion of a private  
79 access and public utility easement, within the Felipe Gutierrez Grant, situate in projected Section  
80 28, Township 13 North, Range 4 East, New Mexico Principal Meridian (NMPM), Sandoval  
81 County, New Mexico, and containing 3.9021 acres.

82  
83 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
84 request. Mr. Gary Gritsko, a representative from Alpha Pro Surveying LLC (Agent), respectfully  
85 requests approval of a Summary Plat to combine 2 lots into one lot and vacating a portion of a 20  
86 foot wide private easement and utility easement. Mr. Gritsko stated that the easement is no longer  
87 needed and that all utility companies have signed the plat. No public comment.

88  
89 Chairperson Duran called for a motion, Commissioner Montano made a motion to approve the  
90 Summary Plat with the following conditions:

- 91 **1. The plat must be recorded in the office of the Sandoval County Clerk and two (2)**  
92 **copies as recorded and properly stamped by the Sandoval County Clerk must be**  
93 **provided to the Town of Bernalillo. A disk containing a copy of the recorded plat is**  
94 **also required.**
- 95 **2. The plat must be recorded within three months after the date of approval or the**  
96 **final plat will become null and void.**
- 97 **3. Signatures from Sandoval County are needed prior to sign-off by the Town of**  
98 **Bernalillo to ensure all county requirements have been met.**

99  
100 Commissioner Moreno seconded the motion. All Commissioners voted aye.

101  
102 **Motion Carried – Item Approved with Conditions.**

- 104 b) **CUP 17-003 Conditional Use Permit: Applicant – Mireya Navarrete.**  
105 Request for approval of a Conditional Use Permit for an eating and drinking establishment (La  
106 Michoacana Paletozon) to be located at 133 S. Camino del Pueblo, Bldg. A, having the legal  
107 description: Map 10, Tract 6E, Section 32, Township 13 North, Range 4 East, New Mexico  
108 Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico, zoned C-1  
109 (Retail Commercial) and situated on approximately 0.619 acres.

110  
111 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
112 request. Mrs. Alma Armenta translated for Ms. Mireya Navarrete. Ms. Navarrete, respectfully  
113 requests approval of a Conditional Use Permit for a drinking and eating establishment located at  
114 133 S. Camino del Pueblo. They will be serving food snacks, such as water, ice cream, fruits, corn,  
115 corn dogs, and other snacks. A general discussion by the Commission ensued.

116  
117 Ms. Navarrete stated that there will be 6 tables to seat 12 people. There will be adequate parking  
118 on the side and in the back of the building. The hours of operation will be from 10:00 a.m. to 8:00  
119 p.m. except for Sunday when the hours will be from 9:00 a.m. to 6 p.m. They will be closed on  
120 Tuesdays and will employ four part-time positions.

121  
122 There was a public comment made regarding the location of the business. Ms. Armenta stated that  
123 the location of the business is across the street from the Freight House on Camino del Pueblo.  
124 There were no other public comments.

125  
126 Chairperson Duran called for a motion, Commissioner Moreno made a motion to approve the  
127 Conditional Use Permit with the following conditions:

- 128 1. **The building/ use must meet all health and fire code requirements as determined by**  
129 **appropriate state and local officials**
- 130 2. **Trash pickup and other services needs must be accessible to service providers.**
- 131 3. **A copy of an approved NMDOT driveway permit must be provided for the file prior**  
132 **to opening for business.**
- 133 4. **Water rights (if needed) must be secured by the applicant and transferred to the**  
134 **Town prior to construction. The consultant’s fee for the preparation of the water**  
135 **budget is \$600.00 payable by the applicant. Water rights are “in addition to” the**  
136 **water budget fee.**
- 137 5. **A permit for signage must be submitted separately for administrative approval**  
138 **unless a variance is required.**
- 139 6. **A business registration application must be submitted and approved prior to opening**  
140 **for business.**

141  
142 Commissioner Montano seconded the motion. All Commissioners voted aye.

143  
144 **Motion Carried – Item Approved with Conditions.**

- 145  
146  
147 c) **CUP 17-004 Conditional Use Permit: Applicant – Victor Loya.**  
148 Request for approval of a Conditional Use Permit for a new and used tire shop to be located at 223  
149 W. US Highway 550 (former carwash), having the legal description: Lands of Public Service  
150 Land Company, Map 7, Tract 119 B2B1B, Town of Bernalillo, Sandoval County, New Mexico,  
151 zoned C-1 (Retail Commercial) and situated on a parcel of approximately 2.01 acres.

152  
153 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
154 request. Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that she spoke  
155 with the property owner and a lease agreement will not be forth coming.

157 Chairperson Duran called for a motion to table the item, Commissioner Montano made a motion to  
158 table the item. Commissioner Candelario seconded the motion. All Commissioners voted aye.

159  
160 **Motion Carried – Item Tabled.**

161  
162  
163 **d) CUP 17-005 Conditional Use Permit: Applicant – NMR LLC, represented by Modulus**  
164 **Architects (Agent).**

165 Request for approval of an Amended Conditional Use Permit for an eating and drinking  
166 establishment (Dunkin Donuts/Baskin Robbins Dual Brand Restaurant with drive-up service  
167 window) located at 195 E. US Highway 550), having the legal description: Lot 8, Lands of  
168 Jeanene Gross, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail  
169 Commercial) and situated on approximately 0.7309 acres.

170  
171 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
172 request. Ms. Angela Williamson, President of Modulus Architects and the representative agent,  
173 respectfully requests approval of a Conditional Use Permit for the drinking and eating  
174 establishment of Dunkin Donuts/Baskin Robbins Dual Brand Restaurant. Ms. Williamson stated  
175 that this was previously approved, but once the applicant reviewed how much grading and  
176 drainage was required they were not satisfied with the parking arrangement. Therefore additional  
177 land was purchased to the south of the property. The plat showing the additional lot was submitted  
178 and recorded last month in February. A general discussion by the Commission ensued.

179  
180 Ms. Williamson stated that they are requesting additional access and NMDOT driveway permit is  
181 already in place. The access point will be off of US-Highway 550 and thru KFC that is located off  
182 of US-Highway 550. The next property buyer next to Dunkin Donuts/Baskin Robbins would be  
183 responsible to install the road coming from the Railrunner thru Applebee's in the future. The  
184 drainage pond will be located between the Dunkin Donuts and Applebee's. Ms. Williamson also  
185 stated that there will be adequate parking of 23 spaces.

186  
187 There was a public comment made by Mr. Ron Spiegel regarding clarification on the entrance to  
188 the business. Ms. Williamson showed Mr. Spiegel the plat to clarify and explain the entrance  
189 locations to the business. There were no other public comments made.

190  
191 Chairperson Duran called for a motion, Commissioner Montano made a motion to approve the  
192 Conditional Use Permit with the following conditions:

- 193 **1. The building/use must meet all health and fire code requirements as determined by**  
194 **appropriate state and local officials.**
  - 195 **2. Trash pickup and other services needs must be accessible to service providers.**
  - 196 **3. Utility services (water, sewer, electricity, and gas service) must be designed based on**  
197 **engineering standards, practice and policies.**
  - 198 **4. A copy of the approved NMDOT driveway permit must be provided for the file prior**  
199 **to construction.**
  - 200 **5. Water rights (if needed) must be secured by the applicant and transferred to the**  
201 **Town prior to construction. The consultant's fee for the preparation of the water**  
202 **budget is \$600.00 payable by the applicant. Water rights are "in addition to" the**  
203 **water budget fee.**
  - 204 **6. A permit for signage must be submitted separately for administrative approval**  
205 **unless a variance is required.**
  - 206 **7. A grading and drainage plan must be submitted for review which will be forwarded**  
207 **by the Town to an on-call engineer for review. The applicant will be responsible for**  
208 **payment of the consultant's engineering review fees.**
- 209

210 Commissioner Moreno seconded the motion. All Commissioners voted aye.

211  
212 **Motion Carried – Item Tabled.**  
213

214  
215 e) **VAR 17-002 Variance: Applicant – NMR LLC, represented by Modulus Architects (Agent).**

216 Request for approval of a Variance to the number and size of signs allowed for the Dunkin  
217 Donuts/Baskin Robbins Dual Brand Restaurant with drive-up service window, located at 195 E.  
218 US Highway 550), having the legal description: Lot 8, Lands of Jeanene Gross, Town of  
219 Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial) and situated on  
220 approximately 0.7309 acres.  
221

222 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
223 request. Ms. Angela Williamson, President of Modulus Architects and the representative agent,  
224 respectfully requests approval of a Variance for an additional sign. The additional sign will be  
225 47.33 square feet in area. The Dunkin Donut sign will be the smallest sign of the dimensions. Ms.  
226 Williamson clarified the request from what was stated in the staff report. Since the building will  
227 occupy 2 users, the town attorney and Ms. Janet Cunningham-Stephens, Planning and Zoning  
228 Director, have agreed upon allowing 2 signs for the business on June 29<sup>th</sup> 2016. A general  
229 discussion by the Commission ensued.  
230

231 Ms. Williamson stated that there is no request needed for the cup and spoon because it is a painted  
232 graphic on the building, like a sticker. The cup and spoon will not be lit up. A general discussion  
233 by the Commission continued.  
234

235 Ms. Williamson stated that the pole sign will be 40 square feet, 6 feet tall, and will be illuminated  
236 with florescent lights. They can also adjust the sign to meet town codes. The signs on the face of  
237 the building will be backlit, which are not the same as the illuminated pylon signs.  
238

239 There was a public comment made by Mr. Ron Spiegel regarding whether or not sign on the pole  
240 will be spinning or if it was stationary. Mr. Williamson stated that the sign will be stationary.  
241 There were no other public comments made.  
242

243 Chairperson Duran called for a motion, Commissioner Moreno made a motion to approve  
244 Variance with the following conditions:

- 245 1. **The signs must be constructed as per the drawings submitted for review.**
- 246 2. **A permit application for signage must be submitted separately for review and to**  
247 **determine the amount of fees due.**
- 248 3. **Installation of the signs shall be in compliance with all relevant building and**  
249 **electrical codes as determined by appropriate inspectors from the Town of Bernalillo**  
250 **(building) and the City of Rio Rancho (electrical).**  
251

252 Commissioner Candelario seconded the motion. All Commissioners voted aye.  
253

254 **Motion Carried – Item Approved with Conditions.**  
255

256  
257 f) **CUP 17-006 Conditional Use Permit: Applicant – Bosque Brewing.**

258 Request for approval of an Eating and Drinking Establishment (microbrewery) at 834 W. Highway  
259 550, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 Retail Commercial Zone.  
260

261 **NOTE:** CUP 16-002 was approved on January 5, 2016 and has expired as per the Comprehensive  
262 Zoning Ordinance, Section 20.B.4.c.

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Chairperson Duran introduced the item to the Commission, and asked the applicant to present the request. Mr. Gabe Jensen, Managing Director of Bosque Brewing, and Ms. Angela Williamson, President of Modulus Architects, respectfully requests re-approval of a Conditional Use Permit of a eating and drinking establishment on 834 W. Highway 550. This location will also have a taproom and a kitchen.

They are also requesting to modify the hours of operation to midnight, rather than 10 p.m. There is currently demolition taking place inside of the building and they will soon be submitting a building permit. Ms. Williamson stated that the reason why the permit had expired was because of the waiting period for CADD files with NMDOT realignments, in order to get the driveway and access permits. Currently they have received their permits with NMDOT and the access is shown on the site plan. A general discussion by the Commission ensued.

Ms. Williamson stated that a PDF file can be send to staff to better explain NMDOT plans for access and entrance to the facility. Mr. Jensen stated that the brewery will have a kitchen on their parcel. The front portion of the establishment will have the kitchen and the back will be the manufacturing. A general discussion by the Commission continued.

There was a public comment made by Ron Spiegel regarding traffic control. Ms. Williamson stated that NMDOT is in control of the plans and traffic management on US-550 as far as the access to the business. There were no other public comments made.

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

1. **The building/use must meet all fire code requirements as determined by fire code officials.**
2. **Parking must meet the required number of spaces on-site, and design criteria for standard and handicapped designated spaces.**
3. **Trash pickup and other service needs must be accessible to services providers.**
4. **Utility services (water, sewer, electricity, and gas service) must be designed based on engineering standards, practice, and policies.**
5. **If the applicant is required to purchase and transfer water rights to the Town, this action must be complete prior to the issuance of the Certificate of Occupancy.**
6. **A business license must be approved prior to the opening of the business.**
7. **A copy of the NMDOT driveway permit must be provided for the file.**
8. **Treatment to mitigate effects if the brewing operation prior to discharge into the Town’s treatment system must be to the satisfaction of the Town’s Public Works Director.**

Commissioner Montano seconded the motion. All Commissioners voted aye.

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

**Discussion**

- a) **Small Farm Animal Ordinance** – Draft – Preliminary document review and public comment.

Chairperson Duran opened the discussion, and stated that there will be a time limit of 5 minutes per person to speak. Ms. Janet Cunningham-Stephens, Planning and Zoning Director, announced the locations of where this discussion was advertised. The locations were US Bank, T & T Supermarket, Town Hall, US Eagle Federal Credit Union, US Post Office in Bernalillo, Town of Bernalillo Website, monthly newsletter, and on previous Planning and Zoning Hearing Agendas. Chairperson Duran called upon individuals who wanted to make a comment.

316 Mr. Brian Pinder, resident at 213 Calle Damiano, thanked the staff for their efforts on this  
317 discussion. Mr. Pinder stated that he is in favor of this Ordinance, the lack of people present in  
318 favor should not affect any decisions and he also suggests that fees for violation be raised to avoid  
319 repeat violators.

320  
321 Ms. Stephanie Romero, a resident from Bernalillo, stated that she is in favor of it and grew up with  
322 small animals. She also stated that this is what Bernalillo is about, raising animals.

323  
324 Mr. Ray Maestas stated that he is for it and believes it will be good for the town.

325  
326 Mr. Ron Spiegel requested clarification regarding what types of animals were going to be allowed,  
327 zone areas, the size of properties needed to accommodate certain animals, and whether or not  
328 enforcement will be addressed. Mr. Spiegel stated that he is not for it.

329  
330 Mrs. Carol Gill, a resident at 311 Riesling Rd., stated that she has a neighbor who has a rooster in  
331 the R-1 zoning and she is not in favor of the Ordinance due to the health concerns of animal feces.

332  
333 Mr. Jim Gill, husband of Mrs. Carol Gill, stated he is not in favor due to fact of health concerns,  
334 disturbance, and future decrease of property value. Mr. Gill also mentioned the rooster that lives  
335 two doors down from his home on Riesling Road.

336  
337 Mr. Oscar George expressed his concern of why this still remains as a discussion, when there is no  
338 continuance of people in favor. Mr. George stated that he is against it.

339  
340 Ms. Lynne Wienecke stated that she is against having small animals in the R-1 zone, but is happy  
341 to hear from individuals who are in favor of it.

342  
343 Mr. Mike Moloney, a resident at 209 Calle Damiano, stated that he is against the Ordinance. Mr.  
344 Moloney addressed concerns regarding the lot sizes stated in the draft Ordinance.

345  
346 Mrs. Mary Jo Moloney stated that she is also against the Ordinance.

347  
348 Ms. Teresa Miller, a resident at 202 Riesling Road, stated that she is against it and she had  
349 concerns regarding small lot sizes with animals. She also stated that their neighbor near Mr. &  
350 Mrs. Gill do have roosters, which is restricted for the zone. Mr. Miller strongly suggested that  
351 stricter enforcement needs to take place.

352  
353 Chairperson Duran encouraged residents to outreach to the community to get more people  
354 involved with the meeting or to put it in writing and send to staff. She stated that this is only a  
355 discussion and that it is not an action item.

356  
357 Chairperson Duran suggested that the next draft Ordinance needs to be more delineated as to what  
358 is being stated and a small violation fee needs to be added to the ordinance where fines will go up,  
359 as residents continue to violate. She also stated concerns of enforcement; whether there be  
360 adequate staffing, how enforcement will take place if there is an ordinance thru animal control,  
361 what the grandfathering clause would be and what animals would it affect.

362  
363  
364 Chairperson Duran concluded the discussion and thanked the public for attending.

365

366 b) **Public meeting date** – Discussion regarding day and week of the hearing (proposal to move to the  
367 second week of the month).  
368

369 Ms. Janet Cunningham-Stephens opened the discussion to the Commission. All Commissioners  
370 present agreed to change the monthly hearing to the second Tuesday of every month. The other  
371 Commissioners will be notified of the change.  
372

### 373 **Commission Business**

374  
375 a) Department Updates:

376 • A Planning and Zoning Commissioner Training Workshop  
377 was held on February 22nd. The Mid-Region Council of  
378 Governments provided staff for the workshop. MRCOG  
379 provides training for agency members annually in April as  
380 well as other times throughout the year. The next annual  
381 training for local governments is on April 28th at the MRCOG  
382 office in Albuquerque.  
383

384 b) Project/ Work Update:

385 • Alana Lovato, GIS Tech, is continuing to scan plats and  
386 plans into the PDS Laserfiche electronic filing system for  
387 record retrieval purposes.  
388 • Joe Benney and Jerry Lujan will be attending the Certified  
389 Erosion, Sediment and StormWater Inspector (CESSWI)  
390 class in Albuquerque on Tuesday, February 28. The class is  
391 being offered by Envirocert International and is related to the  
392 Town’s Stormwater Management Program (SWMP).  
393

394 c) General Discussion

395 • The Planning and Zoning Department issued twelve permits  
396 for the following: new construction (residential), a solar  
397 system installation, a swimming pool, a residential addition,  
398 a remodel, a reroof, and two portals between January 26,  
399 2017 and February 16, 2017 for total fees of **\$8,717.92**.

400 • Code Compliance: February 2017  
401 1248 Calle Placitas and 1149 Calle Placitas were taken to  
402 municipal court for trash, litter and inoperative vehicles.  
403 Staff have been dealing with substandard housing units  
404 located at 1291 Calle San Ysidro, 455 Michelle Circle, 1429  
405 Calle Baack, and 538 Michelle Circle. According to  
406 ordinance, housing is substandard if it is lacking proper  
407 utility service. Other compliance efforts involve 20  
408 residential properties with overgrown weeds and trash in  
409 addition to the above-noted properties.  
410

411  
412 d) Home-based Business Report:

413 *February* –

414 • Victoria Mauldin, Victoria Mauldin Art, 842 Vista Patron,  
415 zoning R-1, artist.  
416 • Carol Tepper, Visions Realty Plus, 1009 Prairie Zinnia,  
417 zoning R-1, realtor.



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e) Next Meeting: Regular Meeting – **April 4, 2017**

**ADJOURNMENT**

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

**Meeting was adjourned at 8:45p.m.**