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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
April 11, 2017**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on April 11, 2017 at 6:30pm.

Applicants / Members of Public Signed In

| | | |
|------------------------------|-----------------------|----------------------|
| Oscar Cano | Noe Cano | Abran Gurule |
| Ron Speigel | Karen Long | Felipe Silva |
| Art DelaCerde | Chuck Bulow | Lucas Bulow |
| Steve Amiot | Margie Amiot | Angel Harper |
| Jaime Jaramillo | James Strozier | Luis Andrade |
| Phillip Valvetone Sr. | Mike Moloney | Ted Montoya |
| G. Rinaldi | Dave Thompson | Rick Beltramo |

***Others were present**

Staff Present

Ms. Janet Cunningham-Stephens, Planning and Zoning Director
Ms. Alana Lovato, Administrative Assistant/GIS Technician
Mr. Joseph Benney, Certified Building Official, Certified Floodplain Manager

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 | Absent |
| Commissioner James Hooper | Present |
| Commissioner Joseph Moreno | Present |
| Commissioner Raul Montano | Present |

Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that Commissioner Joyce Cordova has moved back to Arizona.

A quorum was present

52 **Approval of Agenda**

53
54 Chairperson Duran entertained a motion to approve the agenda. Commissioner Hooper motioned
55 to approve the agenda as presented. Commissioner Montano seconded the motion. All
56 Commissioners voted aye.

57
58 **Motion Carried**

59
60
61 **Approval of Minutes**

62
63 Chairperson Duran entertained a motion to approve the minutes of March 7, 2017. Commissioner
64 Moreno motioned to approve the minutes of March 7, 2017. Commissioner Hooper seconded the
65 motion. All Commissioners voted aye.

66
67 **Motion Carried**

68
69
70 **Swearing in of Witnesses**

71
72 All present witnesses were sworn in by Chairperson Duran.

73
74
75 **Public Hearing**

- 76
77
78 a) **CUP 17-007 Conditional Use Permit: Applicant – Manufacturing Technologies Inc. (MTI).**
79 Request for approval of a Conditional Use Permit for the purpose of operating a precision
80 machining and manufacturing business, to be located at 1421 S. Camino del Pueblo, Town of
81 Bernalillo, Sandoval County, New Mexico, zoned M-1 (Light Industrial) and situated on a parcel
82 of approximately two (2) acres.

83
84 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
85 request. Mr. Lucas Bulow, Vice President of Operations, and Mr. Charles Bulow, President of
86 Manufacturing Technologies Inc., respectfully request approval of a Conditional Use Permit for
87 the precision machining and manufacturing business. Manufacturing Technologies has been in
88 business for more than 30 years. Parts are manufactured by using CNC and conventional
89 machines. Currently there are 15 employees. They employ people with skilled labor such as
90 welders, fabricators, machinists and office personnel.

91
92 Mr. Lucas Bulow stated that they currently own the building and property at 1421 Camino del
93 Pueblo. He also stated that they are moving their location out of Albuquerque and will have 2
94 operating businesses during the moving process, to keep up with productivity. A general
95 discussion by the Commission ensued.

96
97 Mr. Lucas Bulow stated that they will be hiring more employees in the future as the business
98 begins to grow. Hours of operation will be from 6 a.m. to 6 p.m. Monday through Friday. Mr.
99 Bulow also stated that about 80 to 90% of deliveries are from FedEx and UPS. There are
100 occasionally semi-truck deliveries made about 2 times a week. Semi-truck deliveries are usually
101 made in the mid-mornings. No public comments.

103 Chairperson Duran called for a motion. Commissioner Hooper made a motion to approve the
104 Conditional Use Permit with the following conditions:

- 105 1. **A business registration application must be submitted and approved by the**
- 106 **Town prior to beginning operation.**
- 107 2. **If the structure is to be renovated, building plans must be reviewed by the**
- 108 **Planning and Zoning Department and approved prior to beginning any**
- 109 **construction.**
- 110 3. **If signs identifying the business will be installed, a permit must be approved by**
- 111 **the Town of Bernalillo and fees paid prior to installation.**
- 112 4. **A water budget will need to be prepared to determine if the applicant will be**
- 113 **required to purchase and transfer water rights to the Town. The fee to the**
- 114 **applicant is \$600.00 and the budget and/or any water rights transfer must be**
- 115 **completed before beginning operations at the site.**
- 116 5. **The building/use must meet all health and fire code requirements as determined**
- 117 **by appropriate state and local officials.**
- 118 6. **A copy of an approved NMDOT driveway permit must be provided for the file**
- 119 **prior to opening for business.**

120
121 Commissioner Abousleman seconded the motion. All Commissioners vote aye.

122
123 **Motion Carried – Item Approved with Conditions.**

124
125
126
127 **b) CUP 17-008 Conditional Use Permit: Applicant – South Western hydraulics Inc.**

128 Request for approval of a Conditional Use Permit for the purpose of providing mobile and on-site
129 hydraulic component repair services, to be located at 321 South Hill Road, Town of Bernalillo,
130 Sandoval County, New Mexico, zoned M-1 (Light Industrial) and situated on a parcel of
131 approximately seven (7) acres.

132
133 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
134 request. Mr. Luis Andrade Jr., owner of South Western Hydraulics Inc., respectfully requests
135 approval of a Conditional Use Permit for a mobile and on-site hydraulic component repair service.
136 Hours of operation will be Monday through Friday from 8 a.m. to 5 p.m. Mr. Andrade stated that
137 they do handle hazardous waste such as hydraulic oil. They will contract a qualified waste disposal
138 company to dispose of hazardous waste properly. There has already been two waste disposal tanks
139 set up on-site that will be picked up once every two weeks. A general discussion by the
140 Commission ensued.

141
142 Mr. Andrade stated that the deliveries made to the facility would be UPS, no freight deliveries will
143 be made. There will not be any loud noises as the facility will only be used for storage of tools.
144 Currently Mr. Andrade is the only employee, but if his business expands he plans to hire 2 more
145 employees. A general discussion by the Commission continued. No public comments.

146
147 Chairperson Duran called for a motion. Commissioner Moreno made a motion to approve the
148 Conditional Use Permit with the following conditions:

- 149 1. **A business registration application must be submitted and approved by the**
- 150 **Town prior to beginning operations.**
- 151 2. **If the existing structure will be renovated, building plans must be reviewed and**
- 152 **approved prior to beginning any construction.**
- 153 3. **If a sign advertising the business will be installed, a separate permit must be**
- 154 **reviewed and approved prior to installation.**

- 155 4. **Water lines must be installed and connected to the municipal water system by**
156 **the property owner within 90 days. The Public Works Director will need to be**
157 **contracted for installation information.**
158

159 Commissioner Candelario seconded the motion. All Commissioners voted aye.
160

161 **Motion Carried – Item Approved with Conditions.**
162

- 163
164 c) **CUP 17-009 Conditional Use Permit: Applicant – Automotive Repair and Consulting, LLC**
165 **dba ARC Automotive, represented by Oscar and Noe Cano.**

166 Request for approval of a Conditional Use Permit for the purpose of operating an automotive
167 repair facility, to be located at 1409 S. Camino del Pueblo (formerly addressed as 1410 Southern
168 Ct.), and having the following Legal Description: Southern Addition, Block 9, Lot 2A, Section 6,
169 Township 12 North, Range 4E, New Mexico Principal Meridian, Town of Bernalillo, Sandoval
170 County, New Mexico, zoned C-R (Commercial Residential) and situated on a parcel of
171 approximately 0.225 acres.
172

173 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
174 request. Mr. Abran Gurule, owner of the business, and Mr. Noe Cano, respectfully request
175 approval of a Conditional Use Permit for the operation of an automotive repair facility.
176 Mr. Gurule stated that he was a former teacher of 11 years at the Bernalillo High School. They
177 have been in business since 2014 in Rio Rancho and would like to move their business to
178 Bernalillo. Mr. Gurule stated that currently he and Mr. Noe Cano are the only employees. With the
179 expansion of the business in the future they plan to hire two to four employees. Mr. Gurule feels
180 that Bernalillo is the perfect location for his business and his business will improve the community
181 as well. Mr. Noe Cano stated that he is a former student of Mr. Gurule. A general discussion by
182 the Commission ensued.
183

184 Mr. Cano stated that they have disposal containers for hazardous waste which is picked up once a
185 month or as needed.

186 Commissioner Moreno made a comment suggesting a possibility of developing a shadow program
187 with the highschool's auto mechanic program in the future. Mr. Gurule strongly agreed and would
188 love to develop a shadow program, but it's something he has to pursue with the city and school
189 due to liability purposes. No public comments.
190

191 Chairperson Duran strongly suggests to Mr. Gurule and Mr. Cano to go back to the highschool and
192 talk about their success story as a former student and teacher, whom have joined a business
193 together. The Commission also strongly agrees and believes it will be very empowering to our
194 children in the community to hear.
195

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

- 198 1. **A business registration application, must be submitted and approved by the**
199 **Town prior to beginning operations.**
- 200 2. **If the structure is to be renovated, building plans must be reviewed by the**
201 **Planning and Zoning Department and approved prior to beginning any**
202 **construction.**
- 203 3. **If signs identifying the business will be installed, a permit must be approved by**
204 **the Town of Bernalillo and fees paid prior to installation.**
- 205 4. **A water budget may need to be prepared to determine if the applicant will be**
206 **required to purchase and transfer water rights to the Town. The fee to the**

- 207 applicant is \$600.00 and the budget and/or any water rights transfer must be
208 completed before beginning operations at the site.
209 5. The building/use must meet all health and fire code requirements as determined
210 by appropriate state and local officials.
211 6. If an updated driveway permit is required by the NMDOT, a copy of the revised
212 approved permit must be provided for the file.
213

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

215
216 **Motion Carried – Item Approved with Conditions.**
217

218
219 **d) VAR 17-003 Variance: Applicant – Tom Faurot**

220 Request for approval of a Variance to the Rear Yard Setback Requirement in the R-1 (Single-
221 Family Residential) Zone, to construct a gas fireplace approximately 5 feet from the perimeter
222 wall/property line, located at 1006 Prairie Zinnia Drive, and having a legal description as follows:
223 The Orchards 3, Lot 330, Town of Bernalillo, Sandoval County, New Mexico, containing a total of
224 0.143 acres.
225

226 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
227 request. Mrs. Angel Gomez-Harper (Agent) representing Tom Faurot, respectfully requests
228 approval of a Variance to a Rear Yard Setback Requirement for an existing gas fireplace. Mrs.
229 Gomez-Harper stated that the home owner was informed of the permit process by Mr. Joseph
230 Benney, Certified Building Official, Certified Floodplain Manager. However, Mr. Faurot
231 proceeded and finished constructing the fireplace without a building permit. A general discussion
232 by the Commission ensued.
233

234 Mr. Joseph Benney stated that the applicant submitted a building permit but was informed he
235 needed to submit a Variance request. After submission of a Variance application and before the
236 case was heard before the Commission, Mr. Benney was informed by a neighbor that the applicant
237 had completed the fireplace. Mr. Benney also stated that there was no utility inspection done.
238

239 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that the gas fireplace is a
240 concern whether or not it is safe since there has been no inspections done. There are neighbors on
241 each side of the property and the fireplace is 5 feet from the Bosque. Ms. Cunningham-Stephens
242 also stated that since this was constructed before a building permit was approved the fees will be
243 doubled. A general discussion by the Commission continued.
244

245 Mrs. Gomez-Harper stated that she will reinform the applicant and other property owners of the
246 importance of meeting all required regulations that the Town has set forth when it comes to
247 constructing additions to properties. No public comments.
248

249 Chairperson Duran called a motion. Commissioner Abousleman made a motion to approve the
250 Variance with the following conditions:

- 251 **1. The Building Inspector must inspect and approve the installation of the gas**
252 **fireplace. If the Building Inspector is not able to approve the structure, the**
253 **structure must be taken down.**
- 254 **2. A copy of the approval letter from the Alegria Subdivision Architectural Control**
255 **Committee must be provided for the file prior to issuance of the Building Permit.**
- 256 **3. A building Permit is required to be issued prior to beginning construction of the**
257 **proposed improvements.**
258

259 Commissioner Hooper seconded the motion. All Commissioners voted aye.

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

261
262
263 e) **VAR 17-004 Variance: Applicant – Professional Contracting Builders, LLC.**

264 Request for approval of a Variance to the allowed size of the business sign (40 square feet) for
265 increased visibility, consistency with existing signs along US 550, and dimensional sizing based
266 on the parapet space, located at 501 W. US 550, having the legal description: Lot B, Regent
267 Pharmacy Addition, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail
268 Commercial) and situated on approximately 0.608 acres.

269
270 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
271 request. Mr. Art DeLaCerde, Manager and Owner of Professional Contracting Builders LLC., and
272 Mr. Felix Silva, respectfully request approval of a Variance to signage allowing a 8 X 20 sign. Mr.
273 Silva gave a brief history of the business. They have another business in Belen and plan to expand
274 to Bernalillo. Mr. DelaCerde stated the purpose of the request is because the building sits back
275 about 100 feet from the curb and with a smaller sign it will be hard to see their large company
276 name. As their business expands in Bernalillo they plan to hire more people in the future. A
277 general discussion by the Commission ensued regarding the different size variations. No public
278 comments.

279
280 Chairperson Duran called for a motion. Commissioner Abousleman made a motion to approve the
281 Variance of signage to 100 square feet with the following conditions:

- 282 **1. A sign application form must be submitted along with a diagram of the**
283 **proposed, approved signage and all applicable fees paid.**

284
285 Commissioner Candelario seconded the motion. All Commissioners voted aye.

286
287 **Motion Carried – Item Approved with Conditions.**

288
289
290 f) **ZMA 17-002 Zone Map Amendment: Applicant – William Carpenter, represented by**
291 **Consensus Planning, Inc.**

292 Request for a recommendation of approval from the Planning and Zoning Commission for an
293 Amendment to the Existing Piedra Lisa Master Development Plan to change the development to
294 less intense housing (21 single-family lots from 32 townhome lots), legally described as: Tract B
295 and Lots 1 through 32, Piedras Lisa Subdivision, Town of Bernalillo, Sandoval County, New
296 Mexico, zoned S-U Special Use and containing approximately 4.6 acres.

297
298 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
299 request. Ms. Jaime Jaramillo, representative from Consensus Planning Inc., along with Jim
300 Strozier, Rick Beltramo, Dave Thompson, and Twilight Home Builders, respectfully requests a
301 recommendation of approval from the Planning and Zoning Commission for an amendment to the
302 existing Piedra Lisa Development Plan to change the development to less intense housing of 21
303 single-family lots from 32 townhome lots. The new proposed plan will have 21 single-family
304 homes on approximately 4, 870 square foot lots. The Piedra Lisa Subdivision is within walking
305 distance from the US-550 Rail Runner Station making this area a prime location for Transit
306 Oriented Development (TOD), which was stated in the 2007 Town of Bernalillo Community
307 Vision for Transit Oriented Development. A general discussion by the Commission ensued.

308
309 Ms. Jaramillo stated that the actual residential acreage is 2. 5. Mr. Rick Beltramo stated that they
310 are expanding these homes to 45 foot wide lots, 108 foot in depth and with 2 car garages. Ms.
311 Jaramillo stated that the price ranges for the homes will be entry level.

313 There were comments made by Karen Long, Margie Amiot, Ted Montoya, Steve Amiot, and Mike
314 Moloney.

315
316 Karen Long, resident on Calle Evangeline, requested clarification on the location of the proposed
317 development. Ms. Long also stated concerns regarding traffic congestion in the area, possible
318 overflow of parking coming from the rail runner commuters, and whether or not the trees will be
319 destroyed.

320 A plat was presented to the residents and public to get clarification of the exact location and where
321 the future access will be.

322 Mr. Jim Strozier stated that the access to the development will be off of US-550, the houses will
323 face the north, there will be 4 parking spaces per home (2 in the garage and 2 off street parking),
324 and changing from townhomes to single-family homes is to meet market needs.

325
326 Margie Amiot requested information about a Grading and Drainage Plan and who is responsible to
327 maintain the pond sited on the plans.

328 Ms. Cunningham-Stephens stated that a Grading and Drainage Plan is provided upon building plan
329 review. Currently there is no Grading and Drainage Plan for review. If there is a Homeowners'
330 Association they are responsible for the maintenance of the pond. If not, the Town may accept the
331 pond maintenance responsibilities.

332
333 Ted Montoya also addressed concerns regarding the Drainage Plan to the development site and
334 other ponds that have been abandoned.

335 Ms. Cunningham-Stephens stated that the Code Compliance Officer has been contacting private
336 developments to notify them of any issues such as weeds that need to be cleaned and cut.

337
338 Steve Amiot addressed concerns regarding the undersized lot sizes, number of homes to be
339 developed and the Drainage Plan that has not yet been provided for review. Mr. Amiot strongly
340 disagrees with the zone change to S-U (Special Use) and stated that they should conform to the
341 regulations.

342 Mike Moloney stated that in the past years when this development was first proposed it was
343 recommended to the Town Council that it be turned down. Mr. Moloney shared with the
344 Commission past correspondence of the Piedra Lisa Development. Mr. Moloney states the
345 improvement to 21 homes from 32 townhome is not good enough for this type of zoning. The right
346 zoning would be to rezone back to R-1 and meet the minimal requirement of 6,000 square feet.

347 Mr. Jim Strozier stated that this is not the type of product or property that Twilight Homes wants
348 to purchase. The property owner does not have any interest in rezoning the site to R-1 or meeting
349 R-1 requirements. A general discussion by the Commission ensued.

350
351 Commissioner Abousleman stated that a decision has to be made on what is being proposed before
352 the Commission today and not what has been proposed or decided upon in the past.

353
354 Chairperson Duran called for a motion. No Commissioner made a motion to recommend approval
355 to Town Council. The request was denied. The representatives were advised that the applicant may
356 file an appeal to Town Council.

357
358 **Item Denied.**

359
360 **Commission Business**

- 361
362 a) Department Updates:
- 363 • A Planning and Zoning Commissioner Training Workshop is
 - 364 being offered by the Mid-Region Council of Governments
 - 365 on April 28th at the MRCOG office in Albuquerque. If any

commissioners are interested in attending, an RSVP needs to be called in to the COG at (505) 247-1750.

b) Project/ Work Update:

- Alana Lovato, GIS Tech, has been meeting with state and county GIS staff to coordinate data and GIS software versions. She will also be attending further GIS training beginning in May.
- Jerry Lujan, Code Compliance Officer, will be attending the New Mexico League of Zoning Officials (NMLZO) Semi-Annual Meeting/Workshop scheduled for May 3-5th in Albuquerque.

c) General Discussion

- The Planning and Zoning Department issued nineteen permits for the following: new construction (residential), solar system installations, a swimming pool, a residential addition, a remodel, several reroofs, a portal, garages, a carport, and a barn between February 17, 2017 and March 30, 2017 for total fees of \$10,480.38.
- Code Compliance: March 2017
The Department is continuing to respond to telephone calls, emails, written complaints, and walk-in complaints about overgrown weeds, trash, and substandard buildings. Each complaint is verified and documented. According to ordinance, housing is substandard if it is lacking proper utility service. Several owners of substandard housing have been cited into court and houses have been boarded up as necessary. Other compliance efforts involve approximately 10 residential properties with overgrown weeds and trash.

d) Home-based Business Report:

March - None

e) Next Meeting: Regular Meeting – **May 9, 2017 (2nd Tuesday of the Month)**

ADJOURNMENT

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

Meeting was adjourned at 8:56 p.m.