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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
May 9, 2017**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on May 9, 2017 at 6:30pm.

Applicants / Members of Public Signed In

Pete A. Santistevan	Lucy M. Montoya	Jeanette M. Montoya
Jake Fuller	Jennifer Fuller	Gary Gritsko
Mark Jones	Lorraine Lucero	Fawn Dolan
Danny Jaramillo	John Bailey	Tom Hagan
Daniel Jaramillo	Nathaniel Jaramillo	Arturo E. Lopez
Evangeline L.	Rorick Ward	Diane Ward

***Others were present**

Staff Present

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

Election of Acting Chairperson

Ms. Janet Cunningham-Stephens, Planning and Zoning Director, informed the Commission that they must elect an acting Chairperson since Chairperson Duran and Vice Chairperson Moreno are both absent from the meeting.

Commissioner Abousleman respectfully nominated Commissioner James Hooper. Commissioner Montano seconded the nomination. All Commissioners voted aye.

Call to Order

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

Roll Call

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

A quorum was present

53 **Approval of Agenda**

54
55 Chairperson Hooper entertained a motion to approve the agenda. Commissioner Abousleman
56 motioned to approve the agenda as presented. Commissioner Candelario seconded the motion. All
57 Commissioners voted aye.

58
59 **Motion Carried**

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62 **Approval of Minutes**

63
64 Chairperson Hooper entertained a motion to approve the minutes of April 11, 2017. Commissioner
65 Montano motioned to approve the minutes of April 11, 2017. Commissioner Candelario seconded
66 the motion. All Commissioners voted aye.

67
68 **Motion Carried**

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71 **Swearing in of Witnesses**

72
73 All present witnesses were sworn in by Chairperson Hooper.

74
75
76 **Public Hearing**

77
78
79 a) **ETZ SumP Extraterritorial Zone – Summary Plat: Applicants – Greg and Candice**
80 **Williams, and Mark Jones, represented by Wayjohn Surveying Inc. (Agent).**

81 Request for approval of a Summary Plat within the Three-Mile Extraterritorial Zone (ETZ) of the
82 Town of Bernalillo, to adjust the interior lot line between Lot 3, Placitas Trails South II
83 Subdivision and Tract A, Roadrunner Trails Subdivision to eliminate an existing encroachment,
84 within the Town of Alameda Grant, Placitas, Sandoval County, New Mexico, situate in projected
85 Section 35, Township 13 North, Range 4 East, New Mexico Principal Meridian (NMPM), and
86 containing 12.6583 acres, more or less.

87
88 Chairperson Hooper introduced the item to the Commission, and asked the applicant to present the
89 request. Mr. Tim Johnson, a representative of Wayjohn Surveying Inc., respectfully requests
90 approval of a Summary Plat to adjust the lot line between Lot 3, Placitas Trails South II
91 Subdivision and Tract A. This will eliminate a current encroachment of some concrete and a pool
92 that exists from Lot 3 over to Tract A.

93 A general discussion by the Commission ensued. Mr. Johnson stated that there will be no changes
94 in the easements and will remain where they are. No public comments.

95
96 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that prior to reviewing the
97 case, a portion of Tract A-1 appeared to be annexed to the Town. There is a zone line separating
98 the part that is in the Town and a part that is still in the Sandoval County. Ms. Cunningham-
99 Stephens requested as a condition of approval that a plat documenting the annexation and zoning
100 of a portion of Tract A be submitted prior to the recording of the proposed plat. A brief discussion
101 by the Commission continued.

102
103 Chairperson Hooper called for a motion. Commissioner Abousleman made a motion to approve
104 the Summary Plat with the following conditions:

- 105 1. The plat must be recorded in the office of the Sandoval County Clerk and two
- 106 (2) copies as recorded and properly stamped by the Sandoval County Clerk
- 107 must be provided to the Town of Bernalillo. A disk containing a copy of the
- 108 recorded plat is also required.
- 109 2. The plat must be recorded within three months after the date of approval or the
- 110 final plat will become null and void.
- 111 3. Prior to the recordation of the proposed plat, a summary plat documenting the
- 112 annexation and zoning of a portion of Tract A into the Town must be approved
- 113 and recorded.

114
115 Commissioner Montano seconded the motion. All Commissioners voted aye.

116
117 **Motion Carried – Item Approved with Conditions.**

118
119 **b) SumP 17-003 Summary Plat: Applicant – Jenn Fuller, represented by Alpha Pro Surveying**

120 **(Agent).**
121 Request for approval of a of a Summary Plat, dividing Tract B, Damiano Square, Unit 2 into Tracts
122 B-1 and B-2, and granting a private ingress/egress easement and a public utility easement, legally
123 described as the Felipe Gutierrez Grant, Projected Section 32, Township 13 North, Range 4 East,
124 New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, containing a
125 total of 1.5353 acres, zoned R-R (Rural Residential).

126
127 Chairperson Hooper introduced the item to the Commission, and asked the applicant to present the
128 request. Mr. Gary Gritsko, a representative of Alpha Pro Surveying, respectfully requests approval
129 of a Summary Plat to divide Tract B into two lots, granting a 25 foot private ingress/egress and a
130 public utility easement. The applicant and her son own the property jointly, but want to separate
131 their property interest. Mr. Gritsko stated that both houses that currently exist on the property are
132 both connected to one meter line. A general discussion by the Commission ensued.

133
134 There was a public comment made by Ms. Lorraine Lucero regarding the location of the property.
135 Mr. Gritsko clarified the location. No other public comments were made.

136
137 Chairperson Hooper called for motion. Commissioner Montano made a motion to approve the
138 Summary Plat with the following conditions:

- 139 1. The plat must be recorded in the office of the Sandoval County Clerk and
- 140 two (2) copies as recorded and properly stamped by the Sandoval County
- 141 Clerk must be provided to the Town of Bernalillo. A disk containing a copy
- 142 of the recorded plat must be provided along with the paper copies.
- 143 2. The plat must be recorded within three months after the date of approval
- 144 or the final plat will become null and void.
- 145 3. The structures on Tract B-1 and Tract B-2 must obtain separate meters
- 146 and tie-ins to the municipal water and sewer services. The Public Works
- 147 Department can be contacted at (505) 771-7124 for information.
- 148 4. Any further development affecting the nonconforming structures on Tract
- 149 B-1 and Tract B-2 will require the approval of a variance by the Planning
- 150 and Zoning Commission.

151
152 Commissioner Candelario seconded the motion. All Commissioners voted aye.

153
154 **Motion Carried – Item Approved with Conditions.**

156 c) **SumP 17-004 Summary Plat: Applicant – Pete Santistevan, represented by Alpha Pro**
157 **Surveying (Agent).**

158 Request for approval of a Summary Plat, adjusting lot lines to create three (3) tracts from four (4)
159 existing tracts, to be identified as Lots 3, 4 and 5, Lands of Santistevan, in the Felipe Gutierrez Grant,
160 MRGCD Map 10, Projected Section 31, Township 13 North, Range 4 East, New Mexico Principal
161 Meridian, Town of Bernalillo, Sandoval County, New Mexico, containing a total of 4.1010 acres,
162 zoned R-1 (Single-Family Residential).

163
164 Chairperson Hooper introduced the item to the Commission, and asked the applicant to present the
165 request. Mr. Gary Gritsko, a representative of Alpha Pro Surveying, respectfully requests approval
166 of a Summary Plat to adjust the lot lines creating three (3) lots from four (4) existing lots. Mr. Gritsko
167 stated that currently there are existing houses on Lots 3 and 5. There is also an existing garage on
168 Lot 4. Mr. Pete Santistevan stated that his home was connected to the Town's water. A general
169 discussion by the Commission ensued.

170
171 Mr. Santistevan stated that once the structure on Lot 3 is completed and a Certificate of Occupancy
172 is issued, the mobile home will be removed from the property.

173 There was a public comment made by Mr. Pete Santistevan. Mr. Santistevan addressed concerns
174 regarding the closure of 20th Street. That is has become an issue. Mr. Santistevan stated that due to
175 this closure of this road, it has given drivers the option of cutting thru this property and damaging
176 his fences.

177 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, advised Mr. Santistevan to speak
178 with Andy Edmonson, Public Works Director, regarding his concerns and issues. A brief discussion
179 by the staff ensued.

180
181 Chairperson Hooper called for a motion. Commissioner Abousleman made a motion to approve the
182 Summary Plat with the following conditions:

- 183 1. **The plat must be recorded in the Office of the Sandoval County Clerk and two**
184 **(2) copies as recorded and properly stamped by the Sandoval County Clerk must**
185 **be provided to the Town of Bernalillo. A disk containing a copy of the recorded**
186 **plat must be provided along with the paper copies.**
- 187 2. **The plat must be recorded within three months after the date of approval or the**
188 **final plat will become null and void.**
- 189 3. **Regarding Lot 3, the mobile home will need to be removed as soon as the**
190 **Residence (under construction) has been issued a Certificate of Occupancy in**
191 **order to meet current zoning requirements.**

192
193 Commissioner Candelario seconded the motion. All Commissioners voted aye.

194
195 **Motion Carried – Item Approved with Conditions.**

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198 *Meeting recessed at 7:24 p.m.*

199
200 *Meeting reconvened a 7:32 p.m.*

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202
203 d) **ZMA 17-004 Zone Map Amendment: Applicant – Rorick and Diane Ward.**

204 Request for a recommendation of approval from the Planning and Zoning Commission for a Zone
205 Map Amendment from C-1 (Retail Commercial) to M-1 (Light Industrial) at the following location:
206 1248 S. Camino del Pueblo, within the Town of Bernalillo, described as Map 11, Tract 203, Section
207 4, Township 12 North, Range 4 East, Sandia Pueblo Grant, Sandoval County, New Mexico,
208 containing approximately 0.688 acre/s.

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Chairperson Hooper introduced the item to the Commission, and asked the applicant to present the request.

Mr. and Mrs. Rorick Ward, respectfully request a recommendation of approval from the Planning and Zoning Commission for a Zone Map Amendment from C-1 (Retail Commercial) to M-1 (Light Industrial). Mr. Ward stated that they will be restoring classic cars with the usage of a dustless sand blaster. Mrs. Ward gave a brief explanation on the process and procedure of using a dustless sand blaster. Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturdays from 8:00 a.m. to noon, depending on the productivity of the business. A general discussion by the Commission ensued.

Mr. Ward stated that the noise level at the business will not be extremely loud. Any loud noises coming from the business would be from an air compressor.

There was a public comment made by Antonio Gutierrez, Lorraine Lucero, Daniel Jaramillo and Danny Jaramillo.

Mr. Gutierrez stated that he is opposed to the business, due to the amount of noise that may be coming from the facility.

Ms. Lucero requested clarification as to which building would be used for the business. Ms. Lucero also asked if there was any type of ventilation inspections to be done or any OSHA inspections that would need to take place for the safety of the surrounding residence.

Mr. Ward stated that the dustless sand blaster does not go past 15 feet of where the blasting takes place. This type of sand blaster system has been around since 1963. Mr. Ward gave a brief explanation on how the sand blaster works. He is also open to give any demonstrations in the future to see how it work. A general discussion by the Commission ensued.

Ms. Lucero made an additional comment regarding the on-site caretaker. Mrs. Ward stated that in order to reduce vandalism and theft to property, an on-site caretaker would be the best solution.

Mr. Jaramillo, owner of Marian’s Daycare, strongly stated that he is in favor of the proposed request due to the high crime rate and drug use in that area of the Town. He wants to see that building progress in a positive way for the community. Mr. Jaramillo also stated that he has seen the sand blasting in use and that it’s a clean process, which is not a hazardous threat.

Mr. Danny Jaramillo strongly stated that he is in favor of the business. He also addressed concerns regarding the high crime rate and the usage of drugs in the area. Mr. Jaramillo stated that with the business coming into the town that the gross receipt taxes would also benefit the town as well. A general discussion by the Commission continued.

Chairperson Hooper called for a motion. Commissioner Candelario made a motion to approve the recommendation to Town Council with the following condition:

- 1. The Conditional Use Permit is viable only if the Zone Map Amendment is approved and all conditions of the permit are fulfilled.**

Commissioner Montano seconded the motion. All Commissioners voted aye.

Motion Carried – Item Approved for recommendation to Town Council.

e) CUP 17-010 Conditional Use Permit: Applicants – Rorick and Diane Ward.

Request for approval of a Conditional Use Permit for the purpose of operating an auto restoration, RV storage, and retail sales business to include an on-site caretaker, to be located at 1248 S. Camino del Pueblo, and having the following Legal Description: Map 11, Tract 203, Section 4, Township 12 North, Range 4 East, Sandia Pueblo Grant, Town of Bernalillo, Sandoval County,

261 New Mexico, zoned C-1 (Retail Commercial) and situated on a parcel of approximately 0.688
262 acres.

263
264 Chairperson Hooper introduced the item to the Commission, and asked the applicant to present the
265 request. Mr. and Mrs. Rorick Ward, respectfully request approval of a Conditional Use Permit to
266 operate an auto restoration, RV Storage and retail sales business to include an on-site caretaker.
267 Mrs. Ward stated that they plan on having about four or five RVs parked for storage. The on-site
268 caretaker will be very beneficial to the business to decrease any vandalism and help secure the
269 property as well. A brief discussion by the Commission ensued. No public comments.

270
271 Chairperson Hooper called for a motion. Commissioner Montano made a motion to approve the
272 Conditional Use Permit with the following conditions:

- 273 **1. The proposed Zone Map Amendment (ZMA 17-004) must be approved**
- 274 **by the Town Council before the Conditional Use Permit will be viable.**
- 275 **2. A business registration application must be submitted and approved by**
- 276 **the Town prior to beginning operations.**
- 277 **3. If the structure is to be renovated, building plans must be reviewed by the**
- 278 **Planning and Zoning Department and approved prior to beginning any**
- 279 **construction.**
- 280 **4. If signs identifying the business will be installed, a permit must be**
- 281 **approved by the Town of Bernalillo and fees paid prior to installation.**
- 282 **5. A water budget will need to be prepared to determine if the applicant will**
- 283 **be required to purchase and transfer water rights to the Town. The fee to**
- 284 **the applicant is \$600.00 and the budget and/or any water rights transfer**
- 285 **must be completed before beginning operation at the site.**
- 286 **6. The building/use must meet all health and fire code requirements as**
- 287 **determined by appropriate state and local officers.**

288
289 Commissioner Abousleman seconded the motion. All Commissioners voted aye.

290
291 **Motion Carried – Item Approved with Conditions.**

292
293 **f) CUP 17-011 Conditional Use Permit: Applicant – Eduardo Martinez.**
294 Request for approval of a Conditional Use Permit for the purpose of holding weekly religious group
295 gatherings at the premises located at 405 Swann Loop, having the legal description: Section 32,
296 Township 13 North, Range 4 East, Mountain View Estates, Block I, Lot 4, Town of Bernalillo,
297 Sandoval County, New Mexico, zoned R-1A (Mixed Single-Family Residential), and containing
298 0.230 acres.

299
300 Chairperson Hooper introduced the item to Commission, and asked the applicant to present the
301 request. Mr. Eduardo Martinez, respectfully requests approval of a Conditional Use Permit for the
302 purpose of holding a religious group gathering at his home. Hours of operation will be on Sundays
303 from 11:00 a.m. to 12:00 p.m., Saturdays from 6:30 p.m. to 7:30 p.m., and on Tuesday evenings
304 from 7:00 p.m. to 8:00 p.m. Mr. Martinez stated that there is sufficient parking. There is space for
305 parking on the north side for up to 3 to 4 cars, 2 car parking when chain link fence is moved, also
306 another additional parking for 4 cars on the west side. Mr. Martinez also stated that his sister Eva
307 and another nearby resident gave Mr. Martinez permission to use their property for parking as well
308 up to 4 spaces. There will also be one designated handicap parking in front of the home. A general
309 discussion by the Commission ensued.

310
311 There was a public comment made by Lorrain Lucero, Evangeline Lopez, and John Bailey.
312 Ms. Lucero asked about whether there would be public restroom available. Mr. Martinez stated that
313 there will be three restrooms available for use.

314 Ms. Evangeline Lopez stated that she has no problems or concerns with the church and is in favor
315 of it.
316 Mrs. John Bailey stated that he strongly recommends the church to anyone. Mr. Bailey also stated
317 that he had received a miraculous healing through the religious groups.
318 There were no other public comments made.
319 Mr. Martinez hope to expand his religious group gathering in the future.
320

321 Chairperson Hooper called for a motion. Commissioner Aoulosleman made a motion to approve the
322 Conditional Use Permit with the following conditions:

- 323 **1. Should attendance at the regularly scheduled Sunday services exceed**
324 **thirty attendees and/or twelve vehicles on a sustained basis (3-month time**
325 **period), the applicant must cease operation and move the membership to**
326 **a location that meets off-street parking and other zoning requirements.**
- 327 **2. However; if the membership has not reached 30 attendees (See Condition**
328 **1) within 18 months, the Conditional Use Permit may be reviewed by the**
329 **Planning and Zoning Commission to determine if there has been a**
330 **significant change in the physical extent, operations, or character that have**
331 **caused impacts on the neighborhood.**
332

333 Commissioner Montano seconded the motion. All Commissioners voted aye.
334

335 **Motion Carried – Item Approved with Conditions.**
336
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338 **Commission Business**

339 a) Department Updates:

- 340 • A Planning and Zoning Commissioner Training Workshop
341 was offered by the Mid-Region Council of Governments on
342 April 28th at the MRCOG office in Albuquerque. Three
343 commissioners and the Planning and Zoning Director
344 attended the workshop.
345

346 b) Project/ Work Update:

- 347 • Alana Lovato, GIS Tech, will be attending GIS classes
348 beginning May 16th at CNM (summer session).
- 349 • Jerry Lujan, Code Compliance Officer, attended the New
350 Mexico League of Zoning Officials (NMLZO) Semi-Annual
351 Meeting/Workshop May 3rd-5th in Albuquerque.
- 352 • Joe Benney, Building Official, was given the “Floodplain
353 Manager of the Year” award by the New Mexico Floodplain
354 Managers Association (NMFA).
355

356 c) General Discussion

- 357 • The Planning and Zoning Department issued ten permits for
358 the following: new construction (residential/commercial),
359 solar system installations, a residential addition, a reroof, and
360 a garage between April 1, 2017 and May 1, 2017 for total
361 fees of **\$12,300.94**.
- 362 • Code Compliance: **April 2017**
363
364

365 The Department is continuing to respond to telephone calls,
366 emails, written complaints, and walk-in complaints about
367 overgrown weeds, trash, and substandard buildings. Each
368 complaint is verified and documented. Substandard
369 buildings are boarded up and the property owners advised
370 they need to bring the property up to code requirements.
371 Staff also monitor the substandard properties and board them
372 up as needed when entry violations occur.
373

374 d) Home-based Business Report:

375 *April* - None
376

377 e) Next Meeting: Regular Meeting – **June 13, 2017 (2nd Tuesday of**
378 **the Month).**
379

380 **ADJOURNMENT**

381
382 Chairperson Hooper introduced a motion to adjourn. Commissioner Abousleman made the motion
383 to adjourn with a second by Commissioner Candelario. All Commissioners voted aye.
384

385
386 **Meeting was adjourned at 8:16p.m.**