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

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

Call to Order

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

Upon Roll call the following members were found present:

PRESENT:

Chairperson Juanita M. Duran
Commissioner Mary Rose Abousleman
Commissioner James Hooper
Commissioner Joseph Moreno
Commissioner Sandra Candelario

ALSO PRESENT:

Donna & Leroy Blea
Vincent Montoya
Robert Chavez
Rick Garcia
Lynnne Wienecke
Justin Mason
Mike Kloeppel, Director of Econ. & Community
Development
Janet Cunningham-Stephens, Planning and Zoning Director
Alana Lovato, Administrative Assistant/GIS Technician

ABSENT:

Commissioner Joseph O. Quintana
Commissioner Raul Montano

Others Present Not Identified

A quorum was present

WELCOME TO NEW COMMISSIONER: 3a) – Joseph Quintana

Commissioner Joseph Quintana was absent from the meeting. Welcoming postponed to August 8, 2017 Planning and Zoning Hearing.

APPROVAL OF AGENDA: 4a)

Commissioner Hooper motioned to approve the agenda as presented. The motion was seconded by Commissioner Candelario and carried unanimously.

Motion Carried

APPROVAL OF MINUTES: 5a)

Commissioner Candelario made a motion to approve the minutes of May 9, 2017 with the following modifications:

- *Line 226: Change “opposed of “ to “opposed to”.*
- *Line 229: Change “inspects” to “inspections”.*

- *Line 303: Correct “12:00 a.m.” to “12:00 p.m.”.*
- *Line 307: Delete the word “have”.*

Commissioner Hooper seconded the motion and carried unanimously.

Motion Carried

SWEARING IN OF WITNESSES: 6a)

All present witnesses were sworn in by Chairperson Duran.

PUBLIC HEARING: 7a) Sump 17-005 Summary Plat: Applicant – MB Ventures, Ltd., represented by Surv-Tek, Inc. (Agent).

Request for approval of a Summary Plat, platting two (2) unplatted deeded parcels into two (2) new lots (Lots 1 and 2 at Rio North), and granting public and private easements, within Section 30, Township 13 North, Range 4 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, containing a total of 5.2756 acres, zoned C-1 (Retail Commercial), located north of US 550, south of Coronado State Park, east of Kuaua Road, and west of the Rio Grande River.

Mr. Rick Garcia, a representative from Surv-Tek, respectfully requests approval to plat two unplatted deeded parcel (lots) and to grant public/private easements. He is not aware of any future plans that may take place around the lots. There will be access to the property off of US 550. There were no public comments.

Commissioner Hooper made a motion to approve ETZ SumP 17-005, a request by Surv Tek, Inc., (Agent), for approval of a Summary Plat, platting two (2) unplatted deeded parcels into two (2) new lots (Lots 1 and 2 at Rio North), and granting public and private easements, zoned C-1 (Retail Commercial), containing 5.2756 acres, subject to the following conditions:

1. *The plat must be recorded in the office of the Sandoval County Clerk and two (2) copies as recorded and properly stamped by the Sandoval County Clerk must be provided to the Town of Bernalillo. A disk containing a copy of the recorded plat is also required.*
2. *The plat must be recorded within three months after the date of approval or the final plat will become null and void.*

The motion was seconded by Commissioner Moreno and carried unanimously.

Motion Carried – Item Approved with Conditions.

PUBLIC HEARING: 7b) CUP 17-013 Conditional Use Permit: Applicant – Service Master of Albuquerque and the West Mesa.

Request approval of a Conditional Use Permit for the purpose of adding Budget Truck Rentals to site operations, to be located at 850 S. Hill Road, described as Lot 1, Block 5, Sierra Hermosa Unit No. 2, Town of Bernalillo, Sandoval County, New Mexico, and situated on approximately 2.0579 acres.

Mr. Justin Mason, General Manager at Service Master, respectfully requests approval of a Conditional Use Permit to add a Budget Truck Rentals operation to the business site. Hours of operation are Monday through Friday from 8 a.m. to 5 p. m and Saturdays from 8 a.m. to 12 p.m. There are security cameras on site and fences around the property. Currently there are a little more than 30 parking spots, 20 of which are on the southeast side where they plan to park the Budget trucks. The average number of Budget trucks is about 3 to 9. The owner was previously approved for RV storage use and currently there are about 4 to 5 people renting those spaces. There were no public comments.

105 Commissioner Moreno made a motion to approve CUP 17-013, a request by ServiceMaster of
106 Albuquerque and the West Mesa, represented by Todd Russell (Agent), for approval of a Conditional Use
107 Permit for the purpose of adding Budget Truck Rentals, located at 850 S. Hill Road, containing 2.0579
108 acres, subject to the following conditions:

- 109 *1. A sign application, if additional signage is requested, must be submitted for review and*
110 *administrative approval, unless a Variance will be needed.*
- 111 *2. Sufficient parking must be available for staff and customers, as well as the Budget*
112 *rental trucks, RVs and RV trailers.*

113
114 The motion was seconded by Commissioner Candelario and carried unanimously.
115

116 **Motion Carried – Item Approved with Conditions.**
117
118

119 **PUBLIC HEARING: 7c) VAR 17-005 Variance: Applicants – Vincent Montoya.**

120 Request for approval of a Variance to the lot area and lot width requirements of the R-1A (Mixed Single-
121 Family Residential) Zone, as it pertains to existing Lots 2, 3, and 4 of the Southern Addition, Block 1,
122 Town of Bernalillo, Sandoval County, New Mexico, containing a total of 0.230 acres, and located east of
123 S. Oak Street and north of Lucero Road.
124

125 Mr. Vincent Montoya respectfully requests approval of a Variance to the lot area and lot width
126 requirements. The lots were purchased over three years ago. Their plans with the property are to clean and
127 rent out the properties. The lot sizes adjacent to the property are about the same sizes as his properties.
128 All structures on the properties have been removed. Lots 1 and 5 are currently occupied with mobile
129 homes. Mr. Montoya plans to limit the size of mobile homes to be placed on properties similar to other
130 adjacent lots. There is also a need for housing in Bernalillo and these properties will help subsidize single
131 families as well.
132

133 The Commissioners discussed the lot sizes not meeting the current standards under the Zoning Ordinance,
134 which is 6,000 square feet and a width of 60 feet.
135

136 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that whether Mr. Montoya
137 chooses to combine the 3 lots to create 2 lots or 1 lot, the set-back requirements will still need to be met.
138 There may be enough room for a single wide home on a 3,340 square foot lot but setbacks would still
139 require a variance. There were no public comments.
140

141 Chairperson Duran referred to the *Town of Bernalillo Comprehensive Zoning Ordinance – Section 20: CI*
142 *Variances: **DEFINITION: Variance from the strict application of area, height dimension, distance,***
143 *parking, or setback requirements of this Ordinance may be allowed in the case of exceptionally*
144 *irregular, narrow, shallow, or steep lots, or other exceptional physical condition where the strict*
145 *application of the requirements of this Ordinance would result in a practical difficulty or unnecessary*
146 *hardship that would deprive the owner of the reasonable use of his land or building. Practical difficulty*
147 *or unnecessary hardship cannot be found when financial gain, loss, or monetary savings is the basis*
148 *for the claim of hardship.*
149

150 Chairperson Duran stated that after reviewing the Zoning Ordinance the variance request is found to be a
151 monetary gain rather than a hardship. Due to previous denials on similar cases the Zoning Ordinance has
152 to be enforced.

153 Mr. Montoya's preference would be to appeal a possibility of a denial to Town Council, then based on the
154 decision of the appeal he will determine if he will combine the lots to make 1 conforming lot.
155

156 There was no motion made to approve the Variance. The request was denied. The applicant was advised
157 that he may file an appeal to Town Council.

158
159 **Item Denied.**

160
161
162 **PUBLIC HEARING: 7d) VAR 17-006 Variance: Applicants – Donna and Leroy Blea.**

163 Request for approval of a Variance to front and side-yard setbacks, and lot area and lot width
164 requirements of the R-2 (Multiple-Family Residential) Zone, for the installation of a non-permanent steel
165 carport at 1025 Sawmill Road, legally described as Section 6, Township 12 North, Range 4 East, the Old
166 Sawmill Addition, Block 1, Tract 33, Town of Bernalillo, Sandoval County, New Mexico, containing a
167 total of 0.080 acres.

168
169 Mr. and Mrs. Leroy Blea, respectfully request approval of a Variance for the installation of a steel carport
170 in the driveway area. The carport is a non-permanent structure and will be anchored down. Mr. Blea is
171 disabled and has some health hardships with his back and cannot shovel snow in the winter time. The
172 structure will not interfere with the neighbor's house. None of the neighbors had problem and showed Mr.
173 & Ms. Blea full support.

174
175 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that Mr. Joseph Benny, Certified
176 Building Inspector, did not see any problems with the structure from a building perspective. There were
177 no public comments.

178
179 Commissioner Abousleman made a motion to approve VAR 17-006, a request by Leroy and Donna Blea,
180 for approval of a Variance to front and side-yard setbacks, and lot area and lot width requirements of the
181 R-2 (Multiple-Family Residential) Zone, for the installation of a non-permanent steel carport at 1025
182 Sawmill Road, Containing 0.080 acres, subject to the following condition:

183 ***1. A building permit must be approved by the Town and all appropriate fees paid by the***
184 ***Applicant prior to installation of the carport.***

185
186 The motion was seconded by Commissioner Candelario and carried unanimously.

187
188 **Motion Carried – Item Approved with Conditions.**

189
190 **PUBLIC HEARING: 7e) VAR 17-007 Variance: Applicants – Robert J. Chavez.**

191 Request approval of a Variance to rear and side-yard setbacks, and lot area and lot width requirements of
192 the R-1A (Mixed Single-Family Residential) Zone, for the purpose of reroofing a structure known as San
193 Lorenzo's Workshop, at 1161 Calle San Lorenzo, legally described as Section 6, Township 12 North,
194 Range 4 East, the Central Addition, Block 4, Tract 11, Town of Bernalillo, Sandoval County, New
195 Mexico, containing a total of 0.090 acres.

196
197 Mr. Robert J. Chavez, respectfully requests approval of a Variance to reroof an existing structure, which
198 was built around 1960. The garage is a dedicated workshop that stores all his tools and is not used for
199 cars. The workshop is not a business, but is used to fabricate articles of display made of lumber for the
200 San Lorenzo Fiestas. This is a tradition of work passed on by his late father. During the roof leak he had
201 to move his workshop elsewhere. The reroofing structure will be made of metal and there will be no
202 reconstruction of the building. There were no public comments.

203
204 Commissioner Candelario made a motion to approve VAR 17-007, a request by Robert J. Chavez for
205 approval of a Variance to rear and side-yard setbacks, and lot area and lot width requirements of the R-1A
206 (Mixed Single-Family Residential) Zone, for the purpose of reroofing a structure known as San Lorenzo
207 Workshop, at 1161 Calle San Lorenzo, containing 0.090 acres, subject to the following condition:

208 ***1. A reroofing permit must be approved by the Town and all appropriate fees paid by***
209 ***the Applicant prior to beginning work.***

210

211 The motion was seconded by Commissioner Hooper with *Commissioner Moreno abstaining from the*
212 *vote.* Motion carried with approval.

213
214 **Motion Carried – Item Approved with Conditions.**

215
216
217 **COMMISSION BUSINESS: 8a) Department Updates:**

- 218 1. Jerry Lujan, former Code Compliance Officer, has transferred to the Public Works Department
219 and is the new Water Supervisor.
220
221 2. Joseph Benney, Building Official, is out of the office the week of July 3rd -7th. The City of
222 Rio Rancho will perform any necessary inspections during his absence.
223
224 3. Alana Lovato, Administrative Assistant/GIS Tech, has successfully passed her mid-term exam
225 at CNM (GIS training).

226
227 **COMMISSION BUSINESS: 8b) Project/Work Update:**

- 228 1. The initial review of the grading and drainage plan for MCT Building #6 has been performed.
229 Modifications by the design engineer are needed in order to obtain approval from the on-call
230 consultant engineer. Construction cannot occur until the engineering review is complete and
231 all issues have been resolved.
232 2. The Piedra Lisa Appeal case is scheduled to be heard at Town Council on July 10th.
233 3. Dunkin Donuts construction is underway.
234 4. The second residence of the Beehive Homes enclave is almost complete and has an Open
235 House scheduled the first week of July.

236
237 **COMMISSION BUSINESS: 8c) General Discussion:**

- 238 1. The Planning and Zoning Department issued fourteen (14) permits for the following: new
239 construction (residential/commercial), solar system installations, a remodel, reroofing work, a
240 retaining wall, carports, and a swimming pool between June 1, 2017 and June 30, 2017 for
241 total fees of \$11,432.92.
242 2. **Code Compliance: June 2017:** Code compliance staff worked with approximately a dozen
243 property owners to resolve issues including: substandard homes (no water/sewer service),
244 weeds, inoperative vehicle/s, and a neighbor complaint about foul odor.

245
246 **COMMISSION BUSINESS: 8d) Home-based Business Report:**

247 **June** - Aaron Garcia, Garcia Mechanical LLC, 290 Calle Don Vicente, zoning R-1A, home office for
248 heating and cooling business.

249
250 **COMMISSION BUSINESS: 8e) Next Meeting:**

251 Regular Meeting – **August 8, 2017 (2nd Tuesday of the Month)**

252
253 **ADJOURNMENT: 9a)**

254 There being no further business, Commissioner Hooper made the motion to adjourn the meeting at 7:46
255 P.M. The motion was seconded by Commissioner Moreno and carried unanimously.

256