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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
September 12, 2017**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on September 12, 2017 at 6:32pm.

Call to Order

Chairperson Duran called the meeting to order at 6:32 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 James Hooper
Commissioner Sandra Candelario
Commissioner Raul Montano
Commissioner Joseph O. Quintana

ALSO PRESENT:

Murad Fazal
Andrew Howe
Brenda Pankey
James Pankey
Karen Vallo
Tom Wilson
James Whitehead
Ann Nelson
Christine “Kryisia” Baron
Janet Cunningham-Stephens, Planning and Zoning Director
Alana Lovato, Administrative Assistant/GIS Technician

ABSENT:

Commissioner Mary Rose Abousleman

Others Present Not Identified

A quorum was present

APPROVAL OF AGENDA: 3a)

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

Motion Carried

APPROVAL OF MINUTES: 4a) July 11, 2017

Commissioner Montano motioned to approve the minutes of July 11, 2017, with the following modifications:

- *Line 97: Change “Jason” to “Justin”.*
- *Line 98: Delete the word “Average”.*
- *Line 211: Commissioner “Hooper” seconded the motion.*

The motion was seconded by Commissioner Candelario and carried unanimously.

53 **Motion Carried.**

54

55 **APPROVAL OF MINUTES: 4b) August 8, 2017**

56 Commissioner Quintana motioned to approve the minutes of August 8, 2017, with the following
57 modifications:

- 58 • *Line 9 & 13: Change meeting time to “6:35 p.m.”*
- 59 • *Line 176: Correct abbreviation of “SSAFCA” to SSCAFCA”.*
- 60 • *Line 194: Change “whom works” to “worked”, and change “monuments” to “documents”*
- 61 • *Line 197 & 198: Delete the phrase “and are accurate, by a”. Replace it with an” a”.*
- 62 • *Line 212 & 239: Delete the phrase “For approval of Summary Plat”.*
- 63 • *Line 266: Replace the word “will” to “would”.*
- 64 • *Line 267: Replace the word “home” to “house”.*
- 65 • *Line 269: Delete the word “also”.*
- 66 • *Line 271 & 293: Correct “Gayle Barber” to “Gail Garber”.*
- 67 • *Line 280: Correct “anout” to “about”.*
- 68 • *Line 282: Correct last name to “Vallo”, and Delete the word “does”.*
- 69 • *Line 285: Change name to Christine “Kryisia” Baron.*
- 70 • *Line 364: Change “through the Association” to “from the Homeowners Association”, and*
71 *Delete the word “with”.*
- 72 • *Line 368: Rephrase “..have approved Variances that he needs to build” to “..has agreed to the*
73 *changes of the building plans”. Also replace the word “will” to “would”.*

74 The motion was seconded by Commissioner Hooper and carried unanimously.

75

76 **Motion Carried.**

77

78 **SWEARING IN IF WITNESSESS: 5a)**

79 All present witnesses were sworn in by Chairperson Duran.

80

81 **PUBLIC HEARING: 6a) ZMA 17-005 Zone Map Amendment: Applicant – Garza Western**
82 **Venada Plaza, LLC represented by Julian Garza (Agent).**

83 Request for a recommendation of approval from the Planning and Zoning Commission for a Zone Map
84 Amendment from R-R (Rural Residential) to C-1 (Retail Commercial) at the following location: 623 NM
85 528, within the Town of Bernalillo, described as being comprised of Tract A, Middle Venada Arroyo
86 Property, and Tract Labeled “Arroyo Easement”, Lots 7-A and 6-B1, La Bona Tierra, Section 36,
87 Township 13 North, Range 3 East, Sandoval County, New Mexico, containing 19.8059 acres.

88

89 Mr. Julian Garza, on the behalf of Garza Western Venada Plaza, LLC, respectfully requests a
90 recommendation of approval for a Zone Map Amendment from a R-R (Rural Residential) to C-1 (Retail
91 Commercial) for only Lots 1 and 2. The reason for the rezone is for the future use of commercial retail
92 businesses with the possibility of an organic grocery store, restaurants, or a shopping plaza. The future
93 businesses would be beneficial to the Town as far as gross receipt taxes and bringing more employment
94 opportunities to the community. The properties are located on the westside of 528, across the street from
95 Dion’s and Firestone and directly south of the Chili’s Restaurant.

96

97 **PUBLIC COMMENT:**

- 98 1. Tom Wilson requested to see a map of where the property is located and asked if there was going
99 to be any development occurring west of the arroyo. He also requested clarification as to why the
100 lot numbers on the plat have changed. Mr. Wilson also presented restricted covenant documents
101 for review. Mr. Wilson’s main concern is that the development stay on the east side of the arroyo.

102

103 Mr. Garza clarified to Mr. Wilson the location of the property. Due to a previous re-plat Lot 6-B1
104 changed to Lot 1 and Lot 7-A changed to Lot 2 because it became the property of SSCAFCA.

105 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that the covenants had been
106 reviewed. The two lots are part of the subdivision and the lots were always meant to be commercial. The
107 covenants does list various uses that will be acceptable.
108

109 2. Ann Nelson, a resident south of the arroyo easement, addressed concerns with the property
110 becoming commercial, the hydrology impact to the arroyo, loss of privacy, noise problems,
111 possible odors coming from the property, traffic problems, impact on property values, and light
112 pollution. Ms. Nelson requested that they use lower lighting, no bright lights, and that the lighting
113 not be broadcasted up or off of the property. Ms. Nelson is also concerned about an easement that
114 was deleted from the plat.
115 Her overall concern is the impact that the future development will have on her property. Ms.
116 Nelson questioned where the egress route will be for the property.
117

118 Chairperson Duran stated that the egress route would be determined by the NMDOT. The Commission
119 had a brief discussion regarding the location of Ms. Nelson’s property and how much of an impact her
120 property will have.

121 Ms. Nelson stated that from her understanding she thought that her property and the U-Haul property
122 were the only properties that were allowed to be commercial.
123

124 Mr. Julian Garza stated that SSCAFCA now owns the Arroyo, therefore there will be no development
125 there. The City of Rio Rancho currently owns the lift station as sited on the plat. Everything north of that
126 is where the development will take place.
127

128 3. Brenda Panky, a resident of Bona Tierra, addressed concerns regarding the impact it may have on
129 their property values, intruding on the quality of life, traffic increase, crime rate increase, noise
130 levels, the buffer zone will be impacted, the type of presence the area will have, and the lack of
131 concrete planning that was provided. Currently there is no right turn lane off of 528 to Calle Bona
132 Tierra: because that there is no turning lane this makes it dangerous for southbound commuters.
133 Ms. Panky also stated that the nearby residents shouldn’t take any losses while Mr. Garza profits.

134 4. Christine “Kryisia” Baron, a resident of Bona Tierra, addressed similar concerns with the lighting,
135 traffic increase, noise problems it may cause, vandalism increase, and the crime rate will increase
136 in the area. Currently the lights coming from the Venada Plaza directly shine into her bedroom
137 window. Having any new development in the proposed location will only increase her current
138 lighting problem.

139 5. Karen Vallo, a resident of Bona Tierra, addressed her main concern regarding the traffic. Currently
140 to make a right turn off of 528 southbound, it is extremely dangerous. If any more development is
141 to take place at the proposed location, the roads need to be improved by NMDOT for safety
142 purposes.
143

143 There were no other public comments made.
144

145 Chairperson Duran stated that the NMDOT is responsible for any ingress/egress or traffic control on 528.
146 Chairperson Duran also highly suggested to Mr. Garza that he work with the nearby residents for any
147 future development that will take place at the proposed location.
148

149 Commissioner Quintana made a motion for a recommendation of approval from the Planning and Zoning
150 Commission for a Zone Map Amendment from R-R (Rural Residential) to C-1 (Retail Commercial) at the
151 following location: 623 NM 528 (Lots 1 & 2), containing approximately 8.50 acre/s, subject to the
152 following conditions:

153 1. ***Future development must comply with all Town ordinance and procedures regarding***
154 ***grading and drainage plan review/approval prior to construction, building plan review,***
155 ***installation of water and sewer service, addressing, and all other requirements that are***
156 ***relevant to the site.***

157 The motion was seconded by Commissioner Hooper and carried unanimously.

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Motion Carried – Item Approved

PUBLIC HEARING: 6b) CUP 17-015 Conditional Use Permit: Applicant – NMR, LLC, represented by Modulus Architects (Agent).

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

Ms. Angela Williamson, a representative of Modulus Architects (Agent), respectfully requests approval of an Amended Conditional Use Permit to extend the road south of the Dunkin Donuts/Baskin Robbins to the Piedra Lisa Road. There are already a reciprocal ingress, egress, shared access, parking, utility easements, and drainage easements that have been recorded for Lots 5-A to 10-A. The purpose for the request is for the expansion of the road that was not previously approved on the site plan.

Ms. Williamson stated that Mr. Joseph Benney, Floodplain Manager, has reviewed and approved their request. It has been determined that there is no significant impact to either properties or any other properties within that easement.

Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that Mr. Joseph Benney did review and state that there is no issues. There was no public comment.

Commissioner Montano made a motion to approve CUP 17-005, a request by NMR, LLC, for approval of an Amended Conditional Use Permit for an eating and drinking establishment (Dunkin Donuts/Baskin Robbins Dual Brand Restaurant with drive-up service window) located at 195 E. US Highway 550, zoned C-1 (Retail Commercial) and situated on approximately 0.7309 acres, represented by Modulus Architects (Agent), subject to the following conditions:

- 1. The proposed roadway extension will be constructed by Dunkin Donuts/ Baskin Robbins and completed as part of the site construction currently permitted and underway.***

The motion was seconded by Commissioner Moreno and carried unanimously.

Motion Carried – Item Approved with Conditions.

PUBLIC HEARING: 6c) VAR 17-009 Variance: Applicant – NMR, LLC, represented by Modulus Architects (Agent).

Request for approval of a Variance to “sign standard Type C – Business Signs” to increase the size of the sign face of the pylon sign for the Dunkin Donuts/Baskin Robbins Dual Brand Restaurant with drive-up service window, located at 195 E. US Highway 550), having the legal description: Lot 8, Lands of Jeanene Gross, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial) and situated on approximately 0.7309 acers. NOTE: The request was postponed on August 8th to receive additional information.

Ms. Angela Williamson, a representative of Modulus Architects (Agent), respectfully requests approval of a Variance to increase the sign face of the pylon sign, to an 85 square foot sign and a secondary sign. Ms. Williamson has stated that Dunkin Donuts/Baskin Robbins Dual Brand Restaurant does not want to be in a position where they are not given the same approval opportunities as other surrounding business such as Applebee’ s and KFC (Kentucky Fried Chicken). The KFC signage is 104 square feet and Applebee’s was recently approved for a 183 square feet. The proposed signage does meet all the Night Sky Ordinances and will meet all sign permit requirements.

Chairperson Juanita Duran clarified that the KFC signage was not approved by the current Commission and was there before the Sign Ordinance. The only approval that was made was for the Applebee’s.

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Ms. Janet Cunningham-Stephens, Planning and Zoning Director, clarified that Applebee’s did request a 183 square feet sign. Applebee’s was approved for a pylon sign of 35 feet in height, no taller than the Taco Bell sign. A sign face of 105 square feet with a tenant cabinet of an additional 90 square feet was approved.

PUBLIC COMMENTS:

1. Unidentified person, presented to the Planning & Zoning Staff and the Commission that the current dimensions of the Applebee’s signage is larger than what was approved by the Commission. A measurement of 183 square feet for the Applebee’s was taken two (2) weeks ago.

Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that she had sent a Notice of Decision to Applebee’s stating all conditions. Planning and Zoning Staff will be do a follow up on the Applebee’s sign. There were no other public comments.

Commissioner Moreno made a motion to approve VAR 17-009, a request by NMR, LLC, for approval of a Variance to “sign standard Type C – Business Signs” to increase the size of the sign face of the pylon sign for the Dunkin Donuts/Baskin Robbins Dual Restaurant, represented by Modulus Architects (Agent), subject to the following conditions:

1. *An application for a sign permit must be submitted and approved and fees paid prior to the installation of the new sign.*
2. *The maximum height of the pylon sign is 26 feet (ground surface to top of sign).*
3. *Two signs are allowed on the pylon structure with a total square footage of no more than 102 square feet.*

The motion was seconded by Commissioner Candelario and carried unanimously.

Motion Carried – Item Approved with Conditions.

PUBLIC HEARING: 6d) VAR 17-010 Variance: Applicant – KOA, represented by Electrical Products Co. (EPNM, Inc.).

Request for approval of a Variance to “sign standard Type C – Business Signs” to increase the height of the KOA’s pylon sign and to increase the size of the sign face, located at 555 S. Hill Road, having the legal description: Map 10 (1-IN), tract 32N, Plat 2991-A, Tract 1B5, Tract 1A5, Section 5, Township 12 North, Range 4 East, Town of Bernalillo, Sandoval County, New Mexico, zoned S-U (Special Use) and situated on approximately 8.904 acres.

Mr. Steve Rieger, a representative of KOA, respectfully requests approval of a Variance to install a sign of 30 feet in height and sign face of 96 square feet in size. This improvement will upgrade the outdated sign that currently exists on the property and will attract more visitors to the campground. The sign will be internally illuminated with led lights. “KOA” will be the only text displayed on the sign.

Ms. Janet Cunningham-Stephens requested that the existing sign be removed. There was no public comment.

Commissioner Hooper made a motion to approve VAR 17-010, a request by KOA Campgrounds, for approval of a Variance to “sign standard Type C – Business Signs” to increase the height of the KOA’s pylon sign and to increase the size of the sign face, located at 555 S. Hill Road, zoned S-U (Special Use) and situated on approximately 8.904 acres, represented by June Ortiz (Agent), subject to the following conditions:

1. *An application for a sign permit must be submitted and approved and fees paid prior to the installation of the new sign.*
2. *The existing sign must be removed from the premises as stated in the letter dated July 31, 2017 from the applicants’ agent (Zeon Signs).*

264 3. *The signage must not exceed 30 feet in height and square footage not exceed 96 square feet.*
265 The motion was seconded by Commissioner Quintana and carried unanimously.

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

268
269 **COMMISSION BUSINESS: 7a) Department Updates:**

- 270 1. Interviews for the Code Compliance Officer position will be held on September 8th.
271 2. Alana Lovato, Administrative Assistant/GIS Tech, is continuing GIS studies at CNM. The fall
272 semester began August 28th.
273 3. Joseph Benney, Building Official/ Floodplain Manager, will be attending the Fall New Mexico
274 Floodplain Manager; conference in Angel Fire on September 13-15.

275 **COMMISSION BUSINESS: 7b) Project/Work Update:**

- 276 1. The appeal of VAR 17-005 (Applicant-Vincent Montoya) was heard by Town Council on August
277 28th and no action was taken.
278 2. MCT Bldg. #6 is in the review stage (grading and drainage plan is not complete).
279 3. Bosque Brewery – the grading and drainage plan for the existing building has been approved. If
280 additional buildings are constructed in the future, a new grading and drainage review will be
281 required.
282 4. Sandia RV and Self Storage grading and drainage plan has been submitted for review.

283
284 **COMMISSION BUSINESS: 7c) General Discussion:**

- 285 1. The Planning and Zoning Department issued fifteen (15) permits for the following: new
286 construction (residential/commercial), solar system installations, a remodeling, carports, a garage,
287 portals, and a demolition between August 1, 2017 and August 31, 2017 for total fees of
288 **\$11,310.38.**
289 2. **Code Compliance: August 2017** – Code Compliance staff dealt with nineteen violations of the
290 following types: weeds/trash, inoperative vehicles/s, substandard housing, using an RV as a
291 dwelling, using sheds as a dwelling, and sewer discharge to ground surface. Three of the cases are
292 closed: sixteen remain open due to non-compliance by the property owners.

293
294 **COMMISSION BUSINESS: 7d) Home-based Business Report:**

295 **August-**

- 296 • Yvette Chavez, Maintenance Matters, 596 Avenida Perea, zoning R-1A, home office for property
297 cleaning business.
298 • Kat Brown, Kat Brown Enterprises, Inc., 320 Nazcon Court, zoning R-R, home office for non-
299 profit financial consulting.

300
301 **COMMISSION BUSINESS: 7e) Next Meeting:**

302 Regular Meeting – **October 10, 2017 (2nd Tuesday of the Month)**

303
304 **ADJOURNMENT: 8a)**

305 There being no further business, Commissioner Hooper made the motion to adjourn the meeting at 8:18
306 P.M. The motion was seconded by Commissioner Montano and carried unanimously.