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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 5, 2016**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on April 5, 2016 at 6:30pm.

**Applicants / Members of Public Signed In**

<b>Darrell Julian</b>	<b>Lynne Wienecke</b>	<b>Benny Arthur Montoya</b>
<b>Oscar L. George</b>	<b>Mike Moloney</b>	<b>Janet Stauffer</b>
<b>Teresa Young</b>		

\*Others were present

**Staff Present**

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

**Call to Order**

Chairperson Duran called the meeting to order at 6:35 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 James Hooper	Present
Commissioner Joseph Rinaldi	Absent
Commissioner Raul Montano	Present
Commissioner Lynn Steiger	Present

**A quorum was present**

**Approval of Agenda**

Chairperson Duran entertained a motion to approve the agenda. Commissioner Hooper motioned to approve the agenda as presented. Commissioner Candelario seconded the motion. All commissioners voted aye.

**Motion Carried**

49 **Approval of Minutes**

50  
51 Chairperson Duran entertained a motion to approve the minutes of March 8, 2016.  
52 Commissioner Steiger motioned to approve the minutes of March 8, 2016 with the following  
53 corrections:

- 54 • *Line 48 – Change “with” to “at”.*

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

56  
57 **Motion Carried**

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60 **Swearing in of Witnesses**

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62 All present witnesses were sworn in by Chairperson Duran.

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65 **Public Hearing**

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68 a) **CUP 16-008 Conditional Use Permit: Applicant – Darrell Julian (Tres Nietas Inc.)**

69 Request for approval of a Conditional Use Permit for the purpose of building wall panels and  
70 components at the following location: 321 South Hill Road, Town of Bernalillo, Sandoval County,  
71 New Mexico, zoned M-1 (Light Industrial).

72  
73 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
74 request. Mr. Darrell Julian respectfully requests approval of a Conditional Use Permit for the  
75 manufacturing of wall panels at 321 South Hill Road. Mr. Julian gave a short presentation on what  
76 wall panels are and the history of his business. Mr. Julian stated that he will be moving his facility  
77 to 321 South Hill Road. The majority of the work being done to make the wall panels will take  
78 place inside the barn. Mr. Julian presented pictures to the Commission of the current facility on  
79 South Hill Road. A general discussion by the Commission ensued.

80  
81 Mr. Julian stated only the noise of skill saws and nail guns will take place. There will be  
82 approximately two to four trucks coming in and out of the facility. The hours of operation will be  
83 from 6 a.m. to 6 p.m., with the possibility of a night shift. Mr. Julian plans to hire 7 to 15 local  
84 employees, with the increase of business more employees will be hired. Mr. Julian mentioned he  
85 was not aware that he needed a Conditional Use Permit to operate his business.

86 There were public comments made by Benney Arthur Montoya and Teresa Young. Mr. Benney  
87 Montoya, a neighbor and business owner, had questions about the water usage and the noise. Mr.  
88 Julian stated that there will be a special use of water, which would only be used to maintain the  
89 dust control. Ms. Young addressed concerns about the hours of operation and the disturbance of  
90 noise to the surrounding neighbors. A general discussion by the Commission continued.

91  
92 Mr. Julian stated that the noise of the skill saws is very minimal at night, since the business is in-  
93 line production. Most of the skill saw use will be done during the day time, but to have silent  
94 nights at the facility is impossible.

95  
96 Ms. Janet Cunningham-Stephens, Planning and Zoning Director, stated that if the water service  
97 line from the Town and property is not in place, the connection will need to be made by the  
98 property owner.

99 Chairperson Duran stated if a night business should take place, the applicant needs to come in  
100 contact with the Planning and Zoning Department and will need to be placed before the  
101 Commission.

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

- 104
- 105 **1. A business registration application must be submitted and approved by the Town**
- 106 **prior to beginning operation.**
- 107 **2. If the existing structure will be renovated, building plans must be reviewed and**
- 108 **approved prior to beginning any construction.**
- 109 **3. If a sign advertising the business will be installed, a separate permit must be**
- 110 **reviewed and approved prior to installation.**
- 111 **4. Water lines must be installed and connected to the municipal water system prior**
- 112 **to beginning operations.**
- 113 **5. Water rights may need to be purchased by the applicant and transferred to the**
- 114 **Town based on an analysis of proposed water usage.**

115  
116 Commissioner Hooper seconded the motion. All Commissioners voted aye

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

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121 **b) PUB 16-001 Public Meeting: Applicant – Town of Bernalillo.**

122 A Public Meeting/Hearing to collect input from the public about allowing small farm animals in  
123 single-family (R-1), mixed single-family (R-1A), and multiple-family residential areas (R-2). A  
124 DRAFT ordinance will be available for review and comment. It is anticipated this document will  
125 be revised to reflect public comments and will be presented at future public meetings/hearings to  
126 the Planning and Zoning Commission for either further revision or recommendation to Town  
127 Council.

128  
129 Chairperson Duran introduced the item to the Commission, and asked for anyone who wants to  
130 make a public comment to sign in; people will be called in order with a limit of five minutes.  
131 Chairperson Duran presented other local City Small Animal Ordinance. Currently in Santa Fe, the  
132 Small Animal Ordinance is in place, but was challenged in the lower court. An unknown decision  
133 was made in the lower court and the Ordinance is now a pending decision in the Court of Appeals.  
134 The City of Rio Rancho has not moved forward with their Ordinance, based on the current  
135 pending decision of the Court of Appeals with the Small Animal Ordinance of Santa Fe.

136  
137 There were public comments made by:

- |                                  |                       |
|----------------------------------|-----------------------|
| 138 <b>Lynnie Wienecke</b>       | <b>Mike Moloney</b>   |
| 139 <b>Benney Arthur Montoya</b> | <b>Janet Stauffer</b> |
| 140 <b>Teresa Young</b>          | <b>Ron Spiegel</b>    |

141  
142 Ms. Lynnie Wienecke, a resident at Cottonwood Village near the Freight House/Railroad, stated  
143 she is opposed to the Ordinance. Ms. Wienecke stated her concerns are regarding animal noise,  
144 smell, property value and how enforcement will be taken place. Also, if the Ordinance does go  
145 through that all the lot sizes and water use needs to be reconsidered as well.

146 Mr. Benney Montoya stated that he is for and against the Ordinance. He stated that if the people  
147 have enough property for the animals then it's ok, but in a small community with less property,  
148 then it will be a problem for the community. Mr. Montoya also addressed concerns regarding how  
149 enforcement will take place.

150 Ms. Teresa Young stated that she is opposed to the Ordinance. Ms. Young addressed concerns  
151 regarding animal waste, smell, noise, and the type of enforcement that will be taken if the  
152 Ordinance does follow through. She also addressed her disappointment with community members  
153 and their lack of presence. Ms. Young stated that the advertisement of the meeting was well  
154 advertised by the Town.

155 Mr. Mike Moloney addressed his current issues with feral cats and how animal enforcement will  
156 take place if the Town's Animal Control cannot help with his current problem. Mr. Moloney stated  
157 he was not quite aware that a Small Animal Ordinance was taking place and wondered how this  
158 Ordinance came about.

159 Ms. Janet Stauffer, a resident on Shater Court, stated her issues with feral cats as well as other  
160 neglected animals in the neighborhood. The lack of current animal enforcement in the Town is a  
161 problem. Ms. Stauffer stated she is opposed to the Ordinance, due to the fact of her high concerns  
162 of animal cruelty with farm animals, especially with rooster fighting.

163 Mr. Ron Spiegel stated that the Town has to prepare for the return response if the Ordinance does  
164 go through from the community members. Mr. Spiegel addressed concerns about the feral cats and  
165 the rodent population. He also stated the disappointment of lack of community involvement.  
166 A general discussion by the Commission ensued. There were no additional comments made.

167  
168 Chairperson Duran called for a motion to close the discussion, Commissioner Hooper made a  
169 motion to close the Small Animal Ordinance discussion. Commissioner Abousleman seconded the  
170 motion. All Commissioners voted aye

171  
172 **Motion Carried**

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175 **Commission Business**

- 176  
177 a) Department Updates:
- 178 • Due to Mr. Benney's certification as a Building Official by
  - 179 the State of New Mexico, the Department began issuing
  - 180 Building Permits on March 1, 2016.
  - 181 • The Department will be replacing the ZonePro permit
  - 182 tracking software and installing a Permits/Enforcement
  - 183 system that better fits the Town's data needs.
- 184  
185 b) Project/ Work Update:
- 186 • ApexNetwork Physical Therapy, located at 140 E. US
  - 187 Highway 550, is projected to open in late March/early April.
  - 188 The interior remodel is complete with the exception of a
  - 189 final fire code review.
- 190  
191 c) General Discussion
- 192 • Please review the April Newsletter which is distributed with
  - 193 the monthly water bills. The first page is devoted to Planning
  - 194 and Zoning and includes mention of the proposed Small
  - 195 Farm Animal Ordinance, a Call for a Commissioner, notice
  - 196 of upcoming public meetings, maintenance of properties
  - 197 pertaining to weeds, and a brief paragraph about the purpose
  - 198 of the Planning and Zoning Department. (See Newsletter
  - 199 copy)
  - 200 • 2016 Planning Commissioners Workshop – sponsored by the
  - 201 Mid-Region Council of Governments – Friday, May 13,
  - 202 2016, 9 a.m.-noon, 809 Copper Ave NW Albuquerque
  - 203 **(RSVP by May 2nd - Invitation enclosed)**
- 204  
205 d) Home-based Business Report:
- 206 *February - (after the March agenda was finalized)*

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- Julie A. McGaharan, Heart to Heart Healing, 141 Cosinitas Court, zoning R-1A, yoga instruction at studios, community centers and private homes.

***March*** –

- Orlando Lucero, Lucero de la Manana, 893 S. Hill Road, zoning R-1A, custom colonial southwest woodworking (classes at CNM and North Valley Senior Center).

e) Next Meeting: Regular Meeting – **May 3, 2016**

**ADJOURNMENT**

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

**Meeting was adjourned at 8:24 p.m.**