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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 3, 2016**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on May 3, 2016 at 6:30pm.

**Applicants / Members of Public Signed In**

<b>Irma Diaz</b>	<b>Jesus Diaz</b>	<b>Jillian Sullivan</b>
<b>Richard Parker</b>	<b>Ted Montoya</b>	<b>Tim Montoya</b>
<b>Fawn Dolan</b>	<b>Kelley Fetter</b>	<b>AJ DeForest</b>
<b>Ray Yazzie</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 6:33 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 Lynn Steiger	Present
Commissioner Joseph Moreno	Present
Commissioner Raul Montano	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 Steiger seconded the motion. All commissioners voted aye.

**Motion Carried**

50 **Approval of Minutes**

51  
52 Chairperson Duran entertained a motion to approve the minutes of April 5, 2016.  
53 Commissioner Montano motioned to approve the minutes of April 5, 2016. Commissioner  
54 Aoulosleman seconded the motion. All Commissioners voted aye.

55  
56 **Motion Carried**

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59 **Swearing in of Witnesses**

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61 All present witnesses were sworn in by Chairperson Duran.  
62  
63

64 **Public Hearing**

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67 a) **CUP 16-009 Conditional Use Permit: Applicant – Irma Lisa Rodriguez – Diaz (Casa Diaz**  
68 **Café LLC).**

69 Request for approval of a Conditional Use Permit for an Eating and Drinking Establishment at 567  
70 S. Camino del Pueblo, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 Retail  
71 Commercial Zone.  
72

73 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
74 request. Mrs. Irma Rodriguez-Diaz respectfully requests approval of a Conditional Use Permit for  
75 an eating and drinking establishment at 567 S. Camino del Pueblo, formerly known as La Casita  
76 Restaurant. Mrs. Irma Rodriguez-Diaz stated that she has leased the neighboring property for 20  
77 years, so that there will be adequate parking. Mrs. Rodriguez-Diaz stated the projected time frame  
78 to open will be June 6, 2016. A general discussion by the Commission ensued. No public  
79 comments.  
80

81 Chairperson Duran called for a motion, Commissioner Aoulosleman made a motion to approve the  
82 Conditional Use Permit with the following conditions:  
83

- 84 1. **The building/use must meet all fire code requirements as determined by fire code**  
85 **officials.**
- 86 2. **Trash pickup (location of dumpster/ pickup days) must be coordinated with the**  
87 **service provider and modified as necessary to maintain the premises in a clean**  
88 **and orderly condition.**
- 89 3. **Utility services (water, sewer, electricity, and gas service) must be operational**  
90 **prior to opening the restaurant.**
- 91 4. **A copy of the updated/approved NMDOT driveway permit must be provided for**  
92 **the file prior to beginning operations.**
- 93 5. **An application for signage must be submitted separately for administrative**  
94 **approval unless a variance is required.**
- 95 6. **All state health department approvals must be obtained before the restaurant is**  
96 **opened for business.**
- 97 7. **The business license from the Town of Bernalillo must be obtained prior to**  
98 **opening for business.**  
99

100 Commissioner Hooper seconded the motion. All Commissioners voted aye.  
101

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

103 b) **CUP 16-010 Conditional Use Permit: Applicant – S&P Veterinary Services LLC dba**  
104 **Bernalillo Pet Care Center.**

105 Request for approval of a Conditional Use Permit for a Veterinary Clinic at 812 S. Camino del  
106 Pueblo, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 Retail Commercial Zone.

107  
108 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
109 request. Dr. Jillian Sullivan, owner of S&P Veterinary, respectfully requests approval of a  
110 Conditional Use Permit for a veterinary clinic at 812 S. Camino del Pueblo. Dr. Sullivan stated  
111 that the back entrance of the building will be utilized for the convenience of their customers. The  
112 hours of operation will be Monday – Friday from 8 a.m. to 5 p.m. and Saturdays from 8 a.m. to 12  
113 p.m. Dr. Sullivan also stated that they work with Waste Management with the proper procedure of  
114 disposing medical waste. A general discussion by the Commission ensued. No public comments.

115  
116 Chairperson Duran called for a motion, Commissioner Hooper made a motion to approve the  
117 Conditional Use Permit with the following conditions:

- 118 1. **The building/ use must meet all fire code requirements as determined by fire**  
119 **code officials.**
- 120 2. **Trash pickup and other service needs must be accessible to service providers**  
121 **without blocking driveway or roadway access.**
- 122 3. **Utility services (water, sewer, electricity, and gas service) must be operational**  
123 **prior to opening the veterinarian clinic.**
- 124 4. **If required by NMDOT, an updated driveway permit may be necessary. If so, a**  
125 **copy will be needed for the file prior to beginning operations.**
- 126 5. **An application for signage must be submitted separately for administrative**  
127 **approval unless a variance is required.**
- 128 6. **All state health department approvals must be obtained before the clinic is**  
129 **opened for business.**
- 130 7. **A business registration application must be approved and the business license**  
131 **posted prior to opening for business.**

132  
133  
134 Commissioner Montano seconded the motion. All Commissioners voted aye.

135  
136 **Motion Carried – Item Approved with Conditions.**

137  
138  
139 c) **CUP 16-011 Conditional Use Permit: Applicant – Sagebrush Properties LLC, represented by**  
140 **Fawn Dolan (Agent).**

141 Request for approval of a Conditional Use Permit for the finishing of wood furniture by Pfeifer  
142 Studio at 1266 S. Camino del Pueblo, Town of Bernalillo, Sandoval County, New Mexico, zoned  
143 C-1 Retail Commercial Zone.

144  
145 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
146 request. Ms. Fawn Dolan, a member of Sagebrush Properties LLC, respectfully requests approval  
147 of a Conditional Use Permit for the finishing of wood furniture at 1266 S. Camino del Pueblo.  
148 There are future plans for renovating the building and adding a façade by the applicant. Mr. AJ  
149 Deforest, owner of Pfeifer Studio, briefly explained the operation of his business. Pfeifer Studio is  
150 essentially 100% on-line and 100% export out of state of New Mexico, it's an economic base  
151 business. Mr. Deforest stated that the business is very eco-friendly, all products are finished  
152 primarily with soy base finishes that are nontoxic.

153 A general discussion by the Commission ensued. Mr. Deforest stated that gross receipt taxes are  
154 charged only if it ships within the state of New Mexico.

156 There were public comments made by Mr. Tim Montoya and Mr. Ted Montoya. Mr. Tim  
157 Montoya, a property owner next to 1266 S. Camino del Pueblo, addressed concerns about  
158 obtaining an Air Quality Permit if chemicals were to be sprayed into the air and adequate parking  
159 on the property. Mr. Ted Montoya also addressed concerns regarding the adequate parking on the  
160 property.

161 Ms. Fawn Dolan referred to the survey map showing the lot lines on property. She stated that  
162 previous businesses have never had issues with parking. There is also no contamination to the air,  
163 and this is cleaner than what a previous business was doing.

164 Mr. Deforest stated that they are currently working with the Sandoval County Economic and  
165 Development and NM Manufacturing Extension. There is no type of spraying that takes place on  
166 the furniture. Finishes come in a liquid form in a can and are wiped on, not sprayed on. All rags  
167 used are disposed properly in separate fire proof containers that are picked up monthly.

168 Mr. Tom Hagen, a member of Sagebrush Properties LLC, also addressed the lot lines on the  
169 property to reassure that there is adequate parking. A general discussion by the Commission  
170 continued.

171  
172 Chairperson Duran called for a motion. Commissioner Abousleman made a motion to approve the  
173 Conditional Use Permit with the following conditions:

- 174  
175 **1. A business registration application must be submitted and approved by the**
- 176 **Town prior to Pfeifer Studio opening for business.**
- 177 **2. Building plans must be reviewed and approved, and a building permit issued**
- 178 **prior to beginning any construction/renovation activities.**
- 179 **3. If signs identifying the business will be installed, a permit must be approved by**
- 180 **the Town of Bernalillo and fees paid prior to installation.**
- 181 **4. A handicapped parking space must be designated.**
- 182 **5. An off-street loading/unloading zone must be identified on the site.**
- 183 **6. Anticipated water usage figures must be submitted so that a determination of**
- 184 **whether or not water rights are required can be made.**
- 185 **7. Documentation from the NMDOT that access requirements are satisfactory**
- 186 **must be provided for the file.**
- 187 **8. The New Mexico State Environmental Department needs to review and approve**
- 188 **the proposed use of soy-based and/or other finishing products by the building**
- 189 **lessee, Pfeifer Studios.**

190  
191 Commissioner Steiger seconded the motion. Commissioner Hooper and Commissioner Moreno  
192 abstained. All other Commissioners voted aye.

193  
194 **Motion Carried – Item Approved with Conditions.**

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197 **d) CUP 16-012 Conditional Use Permit: Applicant – Kelley Fetter (E2RC – Environmental**

198 **Engineering).**

199 Request for approval of the renewal of a Conditional Use Permit for the purpose of continuing to  
200 operate a stormwater and environmental engineering business at the following location: 439 South  
201 Hill Road, Town of Bernalillo, Sandoval County, New Mexico, zoned C-R (Commercial-  
202 Residential), on 1.71 acres and having a legal description of Lot B, Lands of Matthew Archbold,  
203 Section 32 Township 13 North Range 4 East New Mexico Principal Meridian (NMPM).

204  
205 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the  
206 request. Mr. Kelley Fetter requests an approval of a Conditional Use Permit, which was previously  
207 approved in 2010. Mr. Fetter had stated that his business has grown, has provided employment and  
208 also income revenue to the Town. Mr. Fetter gave a brief description of how his business operates.

209 The office hours of operation are from 8 a.m. to 5 p.m. and the construction hours run from 7 a.m.  
210 to 5:30 p.m. depending on the sun. The summer time hours typically change from 6:30 a.m. to 7 p.  
211 m. There are occasions where some employees will return from out of town and will enter the  
212 facility after operation hours to drop off equipment. Mr. Fetter addressed noise issues and  
213 presented a photo to the Commission of an overview of the property, indicating locations of where  
214 materials are being placed. With the rearranging of material locations on property this has helped  
215 create a sound buffer and some distance away from surrounding neighbors.  
216 Mr. Fetter also addressed some concerns neighbors have and proposed conditions regarding hours  
217 of operation, equipment loading/unloading after hours, equipment and employee parking, idling of  
218 trucks, and the truck headlights shining onto properties. Mr. Fetter clearly stated that the  
219 conditions proposed will cause his business hardship. A general discussion by the Commission  
220 ensued.

221 In response to Commissioner Abousleman's question about the review of the CUP, Ms.  
222 Cunningham-Stephens, stated that a request by an individual on the Town Council was made to  
223 bring the Conditional Use Permit back before the Commission as a formal hearing.  
224

225 There was a public comment made by Mr. Tim Montoya. Mr. Montoya had concerns regarding:

- 226 • Improper power truck washing taken place on the property.
- 227 • Trash/shrink wrap getting blown and tangled on power pole/power lines on his property.
- 228 • Materials being piled against his wall and damaging the wall.
- 229 • Idling of trucks from 2 a.m. until daylight, which has happened more than once.
- 230 • Loud noise from back alarms out of operation hours and yelling on site.
- 231 • Lighting of headlights from trucks onto his property.
- 232 • Whether Mr. Fetter is ADA compliant.
- 233 • Pellets stacked by the side of the ditch.
- 234 • Hours of operation, and operating equipment after hours.

235  
236 Mr. Fetter had addressed Mr. Montoya's concerns and is willing to work with Mr. Montoya to  
237 accommodate some of his concerns. A general discussion by the Commission continued.  
238

239 Chairperson Duran called for a motion, Commissioner Abousleman clearly stated that it is very  
240 uncomfortable to bring this business back for reconsideration for a Conditional Use Permit, with  
241 no formal documentation needing to do so. Commissioner Abousleman also stated other  
242 businesses in the Town do not require to come before the Planning and Zoning Commission on a  
243 regular basis.

244 Commissioner Hooper is also in favor of Commissioner Abousleman's statement.  
245

246 Commissioner Steiger made a motion that the Commission take no action regarding the renewal of  
247 the Conditional Use Permit and the action should have not come before the Commission.  
248 Commissioner Hooper seconded the motion. All Commissioners voted aye.

249

250 **Motion Carried – No Action Taken.**  
251  
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## 253 **Commission Business**

254

255

256 a) Department Updates:

- 257 • Commissioner Joseph Rinaldi resigned from the Planning  
258 and Zoning Commission due to time constraints. The Town  
259 Council appointed Mr. Joseph Moreno on April 11<sup>th</sup> to fill  
260 the position.

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- Joseph Benney, Building Official and Floodplain Manager, attended the Spring FEMA floodplain conference April 13 - 15.
- b) Project/ Work Update:
- Aloha RV, located at 350 E. Frontage Road, is completing driveway requirements by the NMDOT and will open for business in April/May. The town has issued a Certificate of Occupancy.
- c) General Discussion
- An election for a Vice-Chair will need to be held to replace Commissioner Joseph Rinaldi.
  - A public meeting to solicit input on the proposed Small Farm Animal Ordinance is scheduled for May 24<sup>th</sup> at 5:30 p.m. (Town Hall – Council Chambers).
    - **Meeting has been rescheduled to May 31, 2016 @ 5:30 p.m.**
    - **Planning and Zoning Staff presented a new complaint form that is currently in use.**
      - *Commissioners suggested to take off the anonymous box on the complaint form.*
- d) Home-based Business Report:  
*April - none*
- e) Next Meeting: Regular Meeting – **June 7, 2016**

**ADJOURNMENT**

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

**Meeting was adjourned at 8:50 p.m.**