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**MINUTES OF A REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
June 7, 2016**

The Planning & Zoning Commission of the Town of Bernalillo met in regular session within the laws and rules of the Town on June 7, 2016 at 6:30pm.

Applicants / Members of Public Signed In

Thomas Pastor	Norberto Montes	James Pike	Martin Tapia
Tomas Montoya	Ryan Romero	Chris Martinez	Jose Archebaca
Joe C. Garnold	Angela Benson	Diana Molinar	Frank Chavez
Steve Krekus	Ernie Romero	Crystal Gamboa	

*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 6:31 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 Moreno	Present
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 Steiger motioned to approve the agenda as presented. Commissioner Hooper seconded the motion. All Commissioners voted aye.

Motion Carried

53 **Approval of Minutes**

54
55 Chairperson Duran entertained a motion to approve the minutes of May 3, 2016. Commissioner
56 Hooper motioned to approve the minutes of May 3, 2016. Commissioner Candelario seconded the
57 motion. All Commissioners voted aye.

58
59 **Motion Carried**

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62 **Election of Vice Chairperson**

63
64 Chairperson Duran entertained nominations for Vice Chairperson. Commissioner Abousleman
65 respectfully nominated Commissioner Joseph Moreno. Commissioner Montano seconded the
66 nomination. All Commissioners voted aye.

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68 **Motion Carried**

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71 **Swearing in of Witnesses**

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73 All present witnesses were sworn in by Chairperson Duran.

74
75 **Public Hearing**

76
77 a) **CUP 16-013 Conditional Use Permit: Applicant – FDX LLC, on behalf of Big Brothers Big**
78 **Sisters of New Mexico.**

79 Request for approval of a Conditional Use Permit to allow a temporary commercial structure for
80 the collection of donations at the following location: 118 W. US Highway 550, Town of
81 Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial).

82
83 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
84 request. Mr. Ernie Romero, a representative of FDX LLC., is respectfully requesting approval of a
85 Conditional Use Permit to allow a placement of a storage donation pod at 118 W. US Highway
86 550. Mr. Romero is also requesting to change the proposed size of the pod from 8 x 20 feet to 8 x
87 40 feet structure. The larger pod will have an office inside and will also give more space for the
88 temporary storage of donations.

89 Mr. Tomas Pastor with Big Brothers Big Sisters stated that there will be an employee on site in the
90 small office 6 days a week. Seven days a week a 16 foot truck will come to pick up the pod to
91 collect the donations and the pod will be placed back on the property. Mr. Pastor also stated that
92 the main purpose of having a larger structure is to eliminate people from leaving oversized
93 donations outside of the donation boxes. Big Brothers Big Sisters issue tax receipts to donating
94 customers under the 501(c) (3) tax-exempt for nonprofit organizations. A push to talk cellphone
95 directed to the main office will be available, if any large items need to be picked up quicker.
96 Mr. Romero stated there will a restroom located on the property. A general discussion by the
97 Commission ensued.

98
99 Mr. Romero had previously met with NMDOT regarding the entrance access to the property and
100 have clarified with them for one entrance permit being permanent and the other temporary. The 8 x
101 40 pod will not affect circulation on the property.

102 There was a public comment made by James Pike. Mr. Pike had a question regarding what kind of
103 donations are being accepted. Mr. Pastor stated that they collect all clothing, household items and
104 things that can be found at thrift stores. The only items that are not accepted are large appliances,
105 mattresses, box springs, gasoline engines and chemicals.

106 Chairperson Duran called for a motion, Commissioner Hooper made a motion to approve the
107 larger storage size up to 8ft x 40ft and the Conditional Use Permit with the following conditions:
108

- 109 1. The building/use must meet all fire code requirements as determined by fire code
- 110 officials.
- 111 2. Trash pickup and other service needs must be accessible to service providers.
- 112 3. All applicable utility services (water/sewer, electricity, and gas service) must be
- 113 operational prior to opening for business.
- 114 4. A copy of the updated/approved NMDOT driveway permit (if required) must be
- 115 provided for the file prior to beginning operations.
- 116 5. An application for signage must be submitted separately for administrative approval
- 117 unless a variance is required.
- 118 6. A business license from the Town of Bernalillo must be obtained prior to opening the
- 119 donation center.

120
121 Commissioner Montano seconded the motion. All Commissioners voted aye.
122

123 **Motion Carried – Item Approved with Conditions.**
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125

126 **b) CUP 16-014 Conditional Use Permit: Applicant – Apple New Mexico LLC, represented by**
127 **Isaacson & Arfman, P.A. (Agent).**

128 Request for approval of a Conditional Use Permit for an eating and drinking establishment
129 (Applebee’s Neighborhood Grill and Bar) at the southeast corner of US Highway 550 and Camino
130 del Pueblo (NM313), having the legal description: Lot 10, Lands of Jeanene Gross, Town of
131 Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial) and situated on
132 approximately 1.2 acres.
133

134 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
135 request. Mr. Steve Krekus, Director of Construction, respectfully requests a Conditional Use
136 Permit for Applebee’s Neighborhood Grill and Bar. Mr. Krekus stated they have been working
137 with NMDOT, who are requiring a deceleration lane to be added. To fulfill their requirements,
138 utilities such as water lines, gas lines, and light poles have to be moved. Mr. Krekus stated this was
139 the cause of the previously approved Conditional Use Permit in August 2014 to lapse and expired.
140 Construction is estimated to start within 30 days and the opening of the business will be in 120
141 days. Mr. Krekus also states that nothing has changed since the previous approval.

142 No public comments.
143

144 Chairperson Duran called for a motion, Commissioner Steiger made a motion to approve the
145 Conditional Use Permit with the following conditions:
146

- 147 1. The building/use must meet all fire code requirements as determined by fire code
- 148 officials.
- 149 2. Trash pickup and other service needs must be accessible to service providers.
- 150 3. Utility services (water, sewer, electricity, and gas service) must be designed based on
- 151 engineering standards, practice, and policies.
- 152 4. A copy of the approved NMDOT driveway permit/s must be provided for the file
- 153 prior to construction.
- 154 5. Water rights (if needed) must be secured by the applicant and transferred to the Town
- 155 prior to construction.
- 156 6. Landscaping islands must be added to the parking lot behind the building. Shade
- 157 trees must be added to the landscaping plan. All plant materials must be in
- 158 compliance with the Mainstreet Overlay District Design Guidelines. Building height

159 and placement must also be in compliance with the Design Guidelines. Building
160 height and placement must also be in compliance with the Design Guidelines.
161 7. A permit for signage must be submitted separately for administrative approval unless
162 a variance is required.
163

164 Commissioner Moreno seconded the motion. All Commissioners voted aye.

165
166 **Motion Carried – Item Approved with Conditions.**
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169 **c) CUP 16-015 Conditional Use Permit: Applicant – Crystal Gamboa.**

170 Request for approval of a Conditional Use Permit for a licensed home daycare for approximately
171 twelve children, ages 0-12 years old, at the following location: 304 Valencia Street, with a Legal
172 Description of Hill Acres 1, Block 1, Lot 13, Unit 1, Section 5, Township 12 North, Range 4 East,
173 Town of Bernalillo, Sandoval County, New Mexico, zoned R-R (Rural Residential) and containing
174 approximately 0.540 acres.
175

176 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
177 request. Ms. Crystal Gamboa and Ms. Diane Molinar respectfully request approval of a
178 Conditional Use Permit for a home daycare. The hours of operation will be from 6 a.m. to 6 p.m.,
179 Monday through Friday, with observance of all major holidays. The daycare will have
180 approximately 12 children ranging from the ages of 0 – 12. A general discussion by the
181 Commission ensued. No public comments.
182

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

- 185 1. The daycare must meet all fire/ safety code requirements as determined by fire code
186 officials.
- 187 2. A copy of the CYFD authorization must be provided for the file prior to opening for
188 business.
- 189 3. An application for signage must be submitted (if applicable) for administrative
190 approval unless a variance is required.
- 191 4. A business license from the Town of Bernalillo must be obtained prior to opening the
192 home daycare facility.
193

194
195 Commissioner Hooper seconded the motion. All Commissioners voted aye.
196

197 **Motion Carried – Item Approved with Conditions.**
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200 **d) CUP 16-016 Conditional Use Permit: Applicant – NMR, LLC, represented by Modulus**
201 **Architects (Agent).**

202 Request for approval of a Conditional Use Permit for an eating and drinking establishment
203 (Dunkin Donuts/Baskin Robbins Dual Brand Restaurant with drive-up service window) located at
204 195 E. US Highway 550), having the legal description: Lot 8, Lands of Jeanene Gross, Town of
205 Bernalillo, Sandoval County, New Mexico, zoned C-1 (Retail Commercial) and situated on
206 approximately 0.655 acres.
207

208 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
209 request. Ms. Angela Benson, a representative of Modulus Architects (Agent), respectfully requests
210 approval of a Conditional Use Permit of a Dual Brand Dunkin Donuts and Baskin Robbins. Ms.

211 Benson stated the business will be adjacent to KFC and the access will be contiguous with
212 Applebee’s as well. A general discussion by the Commission ensued.
213 There was a public comment made by Mr. James Pike, who hopes that they are as good at
214 Kentucky Fried Chicken.
215

216 Chairperson Duran called for a motion, Commissioner Steiger made a motion to approve the
217 Conditional Use Permit with the following conditions:
218

- 219 1. The building/use must meet all health and fire code requirements as determined by
220 appropriate state and local officials.
- 221 2. Trash pickup and other service needs must be accessible to service providers.
- 222 3. Utility services (water, sewer, electricity, and gas service) must be designed based on
223 engineering standards, practice and policies
- 224 4. A copy of the approved NMDOT driveway permit must be provided for the file prior
225 to construction.
- 226 5. Water rights (if needed) must be secured by the applicant and transferred to the Town
227 prior to construction. The consultant’s fee for the preparation of the water budget is
228 \$600.00 payable by the applicant. Water rights are “in addition to” the water budget
229 fee.
- 230 6. A permit for signage must be submitted separately for administrative approval unless
231 a variance is required.
- 232 7. A grading and drainage plan must be submitted for review which will be forwarded
233 by the town to an on-call engineer for review. The applicant will be responsible for
234 payment of the consultant’s engineering review fees.
235

236 Commissioner Montano seconded the motion. All Commissioners voted aye.
237

238 **Motion Carried – Item Approved with Conditions.**
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241 e) **ETZ SumP 16-001 Extraterritorial Zone/ Summary Plat: Applicant – Dawn Roseberry,**
242 **represented by Alpha Pro Surveying LLC (Agent).**

243 Request for approval of a Summary Plat within the Three-Mile Extraterritorial Zone of the Town
244 of Bernalillo, creating three lots from one existing tract of land, within the Felipe Gutierrez Grant,
245 Tract 51, MRGCD Map 7, situate in projected Section 29, Township 13 North, Range 4 East, New
246 Mexico Principal Meridian (NMPM), Sandoval County, New Mexico, and containing 3.0206
247 acres.
248

249 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
250 request.

251 Mr. Gary Gritsko, a representative from Alpha Pro Surveying LLC (Agent), respectfully requests
252 approval of a Summary Plat to divide 3 acres into three lots. Future plans are to have wells on all
253 three lots, currently only one well exists on the existing lot. A general discussion by the
254 Commission ensued.
255

256 There was a public comment made by Mr. Frank, a resident residing across from the property, who
257 questioned if the ditch on the North side of property will affect his irrigation usage for his crops.
258 Mr. Gritsko stated that there will be no change to the ditch.
259

260 Chairperson Duran called for a motion. Commissioner Abousleman made a motion to approve the
261 Summary Plat with the following conditions:
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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 copy of a disk containing the recorded plat is also requested.
 2. The plat must be recorded within three months after the date of approval or the final plat will become null and void.
 3. The transfer of water rights to the Town may be necessary based on the consumptive use calculated by the Town’s consultant hydrologist. And such transfer must be complete prior to the recordation of the plat. ***This condition is applicable only if the Town provides water service.***

274 Commissioner Candelario seconded the motion. All Commissioners voted aye.

275
276 **Motion Carried – Item Approved with Conditions.**
277
278

279 **f) SumP 16-004 Summary Plat: Applicant – Frank G. Chavez, represented by Alpha Pro**
280 **Surveying LLC (Agent).**

281 Request for approval of a Summary Plat, creating Lots 1 and 2, formerly Tracts 30-A and 33-A-1,
282 MRGCD Map 10, within the Felipe Gutierrez Grant, Projected Section 32, Township 13 North,
283 Range 4 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New
284 Mexico, containing a total of 5.1121 acres more or less, at 438 S. Camino del Pueblo, zoned R-1
285 (Single-Family Residential), and granting a private access and public utility easement.
286

287 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
288 request. Mr. Gary Gritsko, a representative from Alpha Pro Surveying LLC (Agent), respectfully
289 requests approval of a Summary Plat to adjust the lot line between two lots. Mr. Gritsko stated that
290 the reason this item was tabled from the March 8, 2016 Planning and Zoning meeting was because
291 a Zone Map Amendment had to be requested. There are commercial activities taken place in front
292 of the lot which is zoned R-1 (Single-Family Residential).

293 The next item on the Agenda accompanies this request, Zone Map Amendment (ZMA 16-001). A
294 general discussion by the Commission ensued.
295

296 Chairperson Duran decided to proceed with Item G before a motion is to be called on the approval
297 of the Summary Plat.
298

299 Chairperson reintroduced item after a motion was made for Item G. No public comments.

300 Chairperson called for a motion. Commissioner Steiger made a motion to approve the Summary
301 Plat with the following conditions:
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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. Please provide a disk containing a copy of the recorded plat along with the paper copy.
 2. The plat must be recorded within three months after the date of approval or the final plat will become null and void.

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

311
312 **Motion Carried – Item Approved with Conditions.**
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315 **g) ZMA 16-001 Zone Map Amendment: Applicant – Frank G. Chavez, represented by Alpha**

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Pro Surveying LLC (Agent).

Request for a recommendation of approval from the Planning and Zoning Commission for an Amendment to the Zoning Ordinance for a Map change from R-1 (Single Family Residential) to S-U (Special Use) and R-R (Rural Residential) zoning at the following location: Tracts 30-A and 33-A-1, M.R.G.C.D. Map 10, Felipe Gutierrez Grant, Section 32, Township 13 North, Range 4 East, New Mexico Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico, containing 5.112 acres.

Chairperson Duran introduced this item to the Commission. A general discussion by the Commission ensued regarding the lot lines and the zoning changes. Mr. Gritsko clarified that the lot lines will stay the same as the proposed plat SumP 16-004, but the zoning will be changed. No public comments.

Chairperson Duran called for a motion. Commissioner Abousleman made a motion to approve the recommendation to Town Council. Commissioner Hooper seconded the motion. All Commissioners voted aye.

Motion Carried – Item Approved for recommendation to Town Council.

h) VAR 16-004 Variance: Applicant – Tomas Montoya.

Request for approval of a Variance to Lot Size, and to Front and Side-yard Setback Requirements in the R-1A (Mixed Single-Family Residential Zone) for the purpose of adding a garage and living space at the following location: 1334 S. Oak Street, and having the following Legal description: Southern Addition, Block 1, Lot 9, Section 6 Township 12 North Range 4 East, New Mexico Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico.

Chairperson Duran introduced the item to the Commission, and asked the applicant to present the request. The daughter of Mr. Tomas Montoya translated for her father. Mr. Montoya respectfully requests approval of a Variance to add a garage to their home and living space above the garage addition. A general discussion by the commission ensued.

Mr. Montoya stated that the structure of the addition will be constructed of wood (2x4) and stucco. Mr. Montoya stated he wants to make his front yard setback to align evenly with the other neighboring homes. No public comment.

Chairperson Duran called for a motion. Commissioner Abousleman made a motion to approve the Variance to the Front and Side-yard Setbacks for the purpose of adding the garage and living space with the following conditions:

1. A building permit must be obtained from the Town of Bernalillo prior to beginning any construction work.
2. All fire/safety codes must be met in the construction of new living space.

Commissioner Hooper seconded the motion. Commissioner Moreno and Commissioner Steiger voted No. All other Commissioners voted yes.

Motion Carried – Item Approved with Conditions.

i) VAR 16-005 Variance: Frank Chavez

Request for approval of a Variance to Lot Size in the R-1A (Mixed Single- Family Residential Zone) for the purpose of allowing the vacant site to be used for residential purposes at the following location: 1224 Calle San Lorenzo, and having the following Legal Description: Central

369 Addition Subdivision, Block 6, Section 6, Township 12 North, Range 4 East, New Mexico
370 Principal Meridian (NMPM), Town of Bernalillo, Sandoval County, New Mexico.

371
372 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
373 request. Mr. Frank Chavez respectfully requests approval of a Variance to Lot Size for the
374 placement of a mobile home. Mr. Chavez stated that the mobile home that will be placed on the lot
375 will meet all the Front and Side-yard setback requirements. A general discussion by the
376 Commission ensued.

377 Mr. Chavez also stated that there is a hardship of not being able to sell his property without a
378 Variance approval. No public comments.

379
380 Chairperson Duran called for a motion. Commissioner Steiger made a motion to approve the
381 Variance with the following conditions:

- 382
- 383 1. A building permit or manufactured home placement permit must be obtained from
 - 384 the Town of Bernalillo prior to beginning any construction/installation work.
 - 385 2. All fire/safety codes must be met prior to occupancy of any unit.
 - 386 3. Floodplain regulations must be addressed as necessary.
 - 387 4. Utility services (water/sewer/gas/electric) must be installed according to code at the
 - 388 time of dwelling unit is constructed or placed on the lot.

389
390 Commissioner Candelario seconded the motion. All Commissioners voted aye.

391
392 **Motion Carried – Item Approved with Conditions.**

393
394
395 **j) VAR 16-006 Variance: Applicant – Norberto Montes.**

396 Request for approval of a Variance to Side and Rear Yard Setback Requirements in the R-1A
397 Mixed Single-Family Residential Zone to add a second-story to an existing one-story structure,
398 located at 449 Letitia Rd., Town of Bernalillo, Sandoval County, New Mexico.

399
400 Chairperson Duran introduced the item to the Commission, and asked the applicant to present the
401 request. The daughter of Mr. Norberto Montes translated for her father. Mr. Montes respectfully
402 requests approval of a Variance to remove the existing trailer addition and build a single structure
403 addition. With the new addition all required setbacks will be met. Mr. Montes will be building
404 from the garage and not on the garage. A general discussion by the Commission ensued.

405
406 There were public comments made by Nora Velarde and Chris Garnand. Ms. Velarde addressed
407 concerns regarding the fire hazard if Mr. Montes was to build a two-story addition. Ms. Velarde
408 also had concerns regarding structures being too close in the neighborhood along with trees being
409 too close to homes. Mr. Garnand stated that he was opposed of the structure if it was a two-story
410 addition as well. Mr. Garnand and Ms. Velarde are in support of the single structure addition.

411
412 Chairperson Duran called for a motion. Commissioner Montano made a motion to approve the
413 Variance with the following conditions:

- 414
- 415 1. As per the applicant, the existing mobile home will be removed and a new one-story
 - 416 structure will replace the mobile home instead of adding a second-story to the garage.
 - 417 2. A building permit must be obtained from the Town of Bernalillo prior to beginning
 - 418 any construction work.
 - 419 3. All fire/safety codes must be met.
 - 420 4. The new structure must meet setback requirements.
- 421

422 Commissioner Candelario seconded the motion. All Commissioners voted aye.

423
424 **Motion Carried – Item Approved with Conditions.**
425

426
427 **Commission Business**

428
429 a) Department Updates:

- 430 • Staff attended meetings (May 17-18) with a consultant from
- 431 North Line GIS to discuss GIS needs for each department. A
- 432 strategic implementation and training plan will be developed
- 433 by the consultant and presented to the Town.
- 434 • Alana Lovato, Administrative Assistant, is attending training
- 435 in GIS and will be taking on those technical duties with the
- 436 new fiscal year.

437
438 b) Project/ Work Update:

- 439 • Ruby’s Tortilleria, formerly located at 742 S. Camino del
- 440 Pueblo, has reopened the restaurant at 118 W. Calle
- 441 Montoya as per Conditional Use Permit 16-001, approved
- 442 January 5, 2016.

443
444 c) General Discussion

- 445 • A public meeting to solicit input on the proposed Small
- 446 Farm Animal Ordinance is scheduled for May 31st at 5:30
- 447 p.m. (Town Hall – Council Chambers). The date was
- 448 changed from May 24th previously mentioned in the Town
- 449 Newsletter due to scheduling conflicts.

450
451 d) Home-based Business Report:

452 *April – (after the May agenda finalized)*

- 453 • Eric Chavez, Classic Coverings, 401 Letitia Road, zoning R-
- 454 1A, flooring installer. •
- 455 • Brandon Casaus, Raww Rodeo and Western Wear, 1656 Los
- 456 Arboles Road, zoning R-R, online retail - western clothes.

457 *May -*

- 458 • Barbara Albin, 1221 San Marcos Drive, zoning R-1,
- 459 alternative dispute resolution service.

460
461 e) Next Meeting: Regular Meeting – **July 5, 2016**

- 462 ➤ *The Commissioners discussed the date and revised it to*
- 463 *July 12th*

464
465 **ADJOURNMENT**

466
467 Chairperson Duran introduced a motion to adjourn. Commissioner Candelario made the motion to

468 adjourn with a second by Commissioner Hooper. All Commissioners voted aye.

469
470
471 **Meeting was adjourned at 8:15 p.m.**