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3 **MINUTES OF A REGULAR MEETING**
4 **OF THE PLANNING & ZONING COMMISSION**
5 **OF THE TOWN OF BERNALILLO**
6 **HELD AT THE TOWN HALL**
7 **JANUARY 12, 2010**
8

9 The Planning & Zoning Commission of the Town of Bernalillo met in Regular Session
10 within the laws and rules of the Town on January 12, 2010 at 6:30 pm.
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12 Commissioner Georgina Chavez, Vice Chairman
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14 **Applicants / Members of Public Signed In:**
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16 Theresa Chavez	J.M. Rhoads
17 Larry Chavez	Joe E. Maez
18 Caroline Broussard-Kelly	José A. Barraza
19 Catherine Trujillo	Mike Moloney
20 Jason M. Cajuga	Steve Amiot
21 Ronald Bohannon	Allan Tapia
22 Margaret Geller	

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26 Mr. Moe - the Planning & Zoning Director, Tawny Mortensen – the Planning &
27 Zoning Assistant, and Others were also present but not signed in, or their
28 signatures were not legible.
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31 **1. CALL TO ORDER**
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33 Chairman Kilfoy called the meeting to order at approx. 6:30 pm, and led those
34 attending in a recitation of the Pledge of Allegiance.
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37 **2. ROLL CALL**
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39 Commissioner Debbie Kilfoy	Present
40 Commissioner Tom Wilson	Present
41 Commissioner Georgina Chavez	Present
42 Commissioner Cipriano Montoya	Present
43 Commissioner Robert Satriana	Present
44 Commissioner Rita Last	Present
45 Commissioner Christopher Hyer	Present

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47 A quorum was present.
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1 **3. APPROVAL OF AGENDA**

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3 The Chairman asked if all Commissioners had reviewed the Agenda, and asked if
4 there were any changes to propose. There were no changes and the Chairman
5 asked for a motion to approve. Commissioner Chavez motioned to approve.
6 Commissioner Hyer seconded the motion. All voted aye. The motion to approve
7 the agenda was carried.
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11 **4. APPROVAL OF MINUTES**

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13 The Minutes for December 1, 2009 were submitted for approval. The Chairman
14 called for corrections. Commissioner Montoya motioned to approve as is.
15 Commissioner Hyer seconded it. All voted aye. The motion to approve was
16 carried.
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19 **5. REPORTS**

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21 a) **Next Meeting**

22 Mr. Moe informed the Commission that their next regular meeting was scheduled
23 for February 2, 2010. Commissioner Wilson motioned to change meeting date to
24 February 9 2010. All commissioners voiced their assent. The next meeting will
25 take place on February 9, 2010.
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28 **6. ACTION ITEMS**

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30 a) **Conditional Use Permit – Home-Based Business** (Rita Last, Applicant): Applicant
31 requests approval of a home-based business of selling handmade clothing via internet and
32 walk-in customers. Property located on Lot 20 T13N R4E SEC32 NMPM, Lands of Rita
33 Last. Aka: 112 Leyba’s Lane, Bernalillo, NM
34

35 The Chairman introduced the item to the Commission, and asked the applicant
36 (Commissioner Last) to recuse herself to present her application. Rita Last
37 recused herself and came forward to explain her home-based business. She
38 explained that she would be selling home-made sewn items on the internet and
39 walk-in customers. She explained that parking would not be a problem since she
40 owns a large portion of land where her home is at. A brief discussion ensued.
41 Mr. Tapia stood up and introduced himself as a representative for Bernalillo
42 Public Schools who is a neighbor to Mrs. Last on the south side of her property.
43 Mr. Tapia was concerned about any traffic congestion that may occur due to her
44 home-based business. Mrs. Last explained that there wouldn’t be any and that she
45 had plenty of room on her property for parking. Chairman Kilfoy entertained a
46 motion. Commissioner Hyer motioned to approve. Commissioner Chavez
47 seconded the motion. All voted aye. Motion to approve was carried.
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b) Conditional Use Permit – Home-Based Business (David J. Garcia, Applicant):
Applicant requests approval for a home-based business of custom woodworking. Property located on Lot 20 T13N R4E SEC32 NMPM, aka 756 Slater Ct. Bernalillo, NM

The Chairman introduced the item to the Commission, and asked the applicant to present his/her request. Mr. Garcia came forward and introduced himself and explained that he wants to start up a custom woodworking business. He said it's been a hobby for seven years but wants to make it more. Chairman Kilfoy asked if there would be a traffic increase due to this business. Mr. Garcia said that most of the work he does is for Sandoval County and that there would be little or no traffic. Commissioner Hyer asked if he would be storing any materials. Mr. Garcia stated that most of his supplies are purchased on a need only basis but if there was any storage it would be between his house and his woodworking building. Commissioner Chavez wanted to know if he has a sign announcing his business. He didn't yet but wanted to get one. The Commissioners asked that he only have a sign no larger than 5 square feet (2x2.5). Commissioner Wilson was concerned about Mr. Garcia having combustible materials on the site since the neighbors are so close. Mr. Garcia said he only buys materials on a need basis and does not store combustible materials. Commissioner Last asked about the noise that his machinery may create. Mr. Garcia stated he had a good relationship with his neighbors and they have ironed out how late he can work. He doesn't work any later than 9pm and after 6pm he doesn't use certain tools since they create the most noise. Commissioner Chavez asked Mr. Moe what his thoughts were and he asked that Tawnya Mortensen report on the phone calls that have been received in the office. Tawnya reported that all calls were in favor of Mr. Garcia having his business and they had no problems with him at all. At that time the Fire Marshall stated that he would need to inspect the property for any hazards. Chairman Kilfoy entertained a motion. Commissioner Hyer motioned that the application be approved with the conditions that he only have a sign that is 5 square feet, hours of operation stop at 9pm, and there be a fire inspection conducted by the Fire Marshall. Commissioner Chavez seconded the motion. All voted aye. Motion to approve was carried.

c) Conditional Use Permit – Home-Based Business (John Michael Rhoads - Applicant)
Applicant requests approval of home-based business selling wine with existing vineyard via internet. Property located on Lot 51A Bosque Encantado De C'de Baca, T13N R4E SEC31, NMPM, aka 437 Avenida C'de Baca Bernalillo, NM

The Chairman introduced the item to the Commission, and asked the applicant to present his request. Mr. Rhoads came forward and explained his application to the commissioners. He stated that they have a small vineyard that decided to try out and they accidentally made a great tasting wine. They wouldn't have any extra

1 traffic as their neighbors are the ones that come over to help with the harvest and
2 the sales will occur via internet only. A brief discussion ensued. Chairman
3 Kilfoy entertained a motion. Commissioner Hyer motioned to approve the
4 application. Commissioner Chavez seconded the motion. All voted aye. The
5 motion to approve was carried.
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9 **d) Variance – Setback Requirements (Jose Barraza, Applicant)**

10 Applicant requests approval of a Variance for Setback Requirements for an existing
11 building for property located at Lot 22, Block A, Mountain View Estates, T13N R4E
12 SEC32 NMPM, aka 581 Carolina Drive Bernalillo, NM.
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14 The Chairman introduced the item to the Commission. Jose Barraza and Joe
15 Maez came forward and introduced themselves and stated that Mr. Maez would
16 be interpreting for Mr. Barraza whom only speaks Spanish. Mr. Maez explained
17 that Mr. Barraza was seeking approval for the storage shed that he has built on to.
18 There was an existing portion of the shed that had already been there for years
19 and Mr. Barraza added onto it. Commissioner Kilfoy asked Mr. Moe what all the
20 issues are regarding this item. Mr. Moe explained that the structure is too close to
21 the neighbor on the south property line, plus it was built onto without proper
22 permitting. Chairman Kilfoy asked Mr. Barraza what the purpose of the building
23 is? Mr. Maez spoke for Mr. Barraza saying that it will be used for a storage shed
24 only. He also said that there is no electricity or plumbing in that building.
25 Chairman Kilfoy asked at that time if there were anyone wishing to speak on this
26 issue. Caroline Broussard came forward and explained that she is concerned that
27 the building is being constructed for an apartment. She's also concerned for her
28 privacy since it is so close to her property line. The fence that was between the
29 two properties was taken down by Mr. Barraza so that he could stucco the south
30 side of the building. Ms. Broussard stated that since the fence was never put back
31 up her house was broken into on Thanksgiving day and the police fear that the
32 criminals did enter her property through that area where the fence had been taken
33 down. Commissioner Chavez asked Mr. Barraza in Spanish about the fence. She
34 told the rest of the Commissioners that Mr. Barraza said he hadn't put it back up
35 because he didn't have a permit to do so. At that time another neighbor came up
36 and introduced herself as Catherine Trujillo and she lives across the street from
37 this property. She is worried that the building is going to turn into a home and
38 stated that it would be against the ordinance of the Town since that area is zoned
39 single family, not multi family. She also stated that it is unfair that he built a
40 permanent structure without a permit when everyone else has to go through the
41 ropes to get permitted and follow the rules. Larry Chavez, another neighbor stood
42 up to complain the same issues about permitting and felt it was unfair to the other
43 residents if Mr. Barraza was allowed to skip the proper permitting when no one
44 else can. Mr. Chavez also spoke of other issues in the neighborhood. Chairman
45 Kilfoy then asked the Commissioners what they thought. A brief discussion
46 ensued. Commissioner Satriana stated that the part of the structure that wasn't in
47 compliance as far as setback was concerned had already been built by the

1 previous owner. He felt that that was not the fault of the previous owner, Mr.
2 Barraza. Commissioner Last asked if the structure could be “grand-fathered” in
3 due to that fact? Mr. Moe explained that since he has changed the existing
4 structure than no, it could not be grandfathered in. Chairman Kilfoy asked Mr.
5 Moe what his recommendations were. Mr. Moe said that there were two options.
6 Mr. Barraza could tear down the new addition and take the building back to its
7 original state or he could take off a portion of the old structure to where it would
8 be within 5 feet of the property line. Chairman Kilfoy stated that the Commission
9 needed to get the word out to residents that if the ordinances are broken the
10 Commission will make the person tear it down. Chairman Kilfoy entertained a
11 motion. Commissioner Wilson motioned to deny the Variance and make Mr.
12 Barraza come into compliance by tearing down the part or all of the old structure
13 within five feet of the property line. Commissioner Last seconded the motion.
14 All voted aye. The motion to deny was carried.
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17 e) **Preliminary Plat (Re-plat) – Sole Toscano (Proposed Master Plan Revision) (Tierra**
18 **West, Agent)** Applicant requests approval for a re-plat and a proposed master plan
19 revision for a 247 lot subdivision located at T13N R4E SEC27 NMPM, North of NM
20 550, East of I-25
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22 The Chairman introduced the item to the Commission, asked the applicant to
23 come forward. Ron Bohannon came forward and introduced himself and
24 explained the changes on the Master Plan. The modifications include the increase
25 of residential lots from 145 lots to 247 lots. This will include 55 Estate lots, 128
26 Single Family Lots and 64 Townhome Lots. There will also be 11 tracts, three of
27 which will be zoned commercial and will contain 40 condo units and 2
28 communication towers which can provide wireless to parts of Bernalillo. Mr.
29 Bohannon showed the drawings for the site and its modifications and also showed
30 a drawing of one of the wireless towers. He then passed out colored copies of
31 what the commercial area would look like. Chairman Kilfoy asked if there were
32 any question from the audience. Margaret Gellar stood up to ask what retailers
33 would be in the commercial buildings. Mr. Bohannon explained that there were
34 businesses that had inquired about the commercial sites but nothing was set in
35 stone yet. She also asked if the homes would be “green”? Mr. Bohannon stated
36 that they would be “green” but wouldn’t be LEED certified. Steve Amiot stood
37 up to express his concern about what he called the TID and also asked what
38 portion of the taxes on the project would be required to be dedicated to pay off the
39 TID? Mr. Bohannon stated that it’s not a TID, it’s a PID and there won’t be any
40 taxes required on this project. The PID will take care of this project and no taxes
41 would be required. Mrs. Gellar stood up again to ask who would maintain the
42 streets. Mr. Bohannon said that the streets would be dedicated to the Town of
43 Bernalillo and they would maintain them. Commissioner Montoya expressed his
44 concern of not understanding what the PID was when the action item sheet stated
45 it was a TID. Mr. Moe explained that that was a typo and it was a PID all along.
46 Commissioner Montoya still wanted to table it until Mr. Bohannon could sit down
47 at a workshop to explain what all went into a PID. Mr. Bohannon expressed his

1 concern that if it were to be tabled it would set the project back too far. He stated
2 that he would be more than happy to schedule a workshop with all
3 Commissioners to explain in detail the PID. A brief discussion ensued over that
4 and Commissioner Montoya decided to not move for the Preliminary Plat to be
5 tabled since so much had already been done. Chairman Kilfoy entertained a
6 motion. Commissioner Wilson motioned to approve. Commissioner Chavez
7 seconded the motion. All voted aye. The motion to approve was carried.
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10 f) **Resolution – Measurements on Master Plans**

11 Chairman Kilfoy introduced this item and then there was a break in the recording
12 due to copied being made by Mr. Moe and Mrs. Mortensen. Chairman Kilfoy called the
13 meeting back to order and a brief discussion ensued about a Resolution being created that
14 would require any type of submittals to have correct dimensions. This resolution would
15 require not only Master Plans but “site plans” to have dimensions before the Commission
16 will approve. Commissioner Hyer expressed that he would also like to see a North
17 Arrow on all submittals and for it to be scaled correctly. Chairman Kilfoy asked that all
18 access easements and utility easements be shown on all master plans and site plans. Mr.
19 Moe stated that we would type this up and have it ready for February 9, 2010 P&Z
20 meeting. Chairman Kilfoy entertained a motion. Commissioner Hyer moved to table for
21 approval with additions until the following meeting. Commissioner Chavez seconded the
22 motion. All voted aye. Motion to table for approval until February meeting carried.
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26 **7. DISCUSSION ITEMS**

27 None
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30 **8. ADJOURNMENT**

31 Meeting was adjourned at 8:25 pm
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