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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 **MAY 5, 2009**  
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 May 5, 2009 at 6:30 pm.  
11

12 Commissioner Debbie Kilfoy, Chairman  
13  
14

15 **Applicants / Members of Public Signed In:**  
16

17 Gary Gritsko	Keith Schneider	Russ Hugg
18 Mary Kwapich	Margaret Geller	Maria Rinaldi
19 Mike Moloney	David Sak	Eric Schoen
20 Justin Montgomery	Jim Strozier	Marian Jaramillo
21 Danny Jaramillo		

22  
23 Mr. Moe - the Planning & Zoning Director, and Others were also present but not  
24 signed in.  
25

26  
27 **1. CALL TO ORDER**  
28

29 Chairman Kilfoy called the meeting to order at 6:30 pm, and led those attending  
30 in a recitation of the Pledge of Allegiance.  
31

32  
33 **2. ROLL CALL**  
34

35 Commissioner Debbie Kilfoy	Present
36 Commissioner Tom Wilson	Not Present
37 Commissioner Georgina Chavez	Present
38 Commissioner Cipriano Montoya	Not Present
39 Commissioner Robert Satriana	Not Present
40 Commissioner Rita Last	Present
41 Commissioner Christopher Hyer	Present

42  
43 A quorum was present.  
44  
45  
46  
47  
48

1 **3. APPROVAL OF AGENDA**

2  
3 The Chairman asked if all Commissioners had reviewed the Agenda, and asked if  
4 there were any changes to propose. No changes were proposed.

5  
6 The Chairman entertained a motion to approve the Agenda as written.  
7 Commissioner Chavez so moved. Commissioner Last seconded the motion. All  
8 voted aye. The motion was carried.  
9

10  
11 **4. APPROVAL OF MINUTES**

12  
13 The Minutes for March 3, 2009 were submitted for approval. The Chairman  
14 called for corrections. No corrections were proposed. The Chairman entertained a  
15 motion to approve the minutes of March 3, 2009 as submitted. Commissioner  
16 Hyer so moved. Commissioner Chavez seconded the motion. All voted aye. The  
17 motion to approve as submitted was carried.  
18

19 The Minutes for April 7, 2009 were submitted for approval. The Chairman  
20 called for corrections. It was requested that the Roll Call be amended to include  
21 the attendance of Commissioner Satriana. Mr. Moe, the P&Z Director, also  
22 requested clarification of the understanding and intent of the Commission  
23 regarding their approval of 'Item B', a Conditional Use Permit for a mobile food  
24 vendor in front of the old Country Store. This was given. No other corrections  
25 being noted, the Chairman entertained a motion to approve the minutes of April  
26 7, 2009 as amended. Commissioner Hyer so moved. Commissioner Last  
27 seconded the motion. All voted aye. The motion to approve with corrections was  
28 carried.  
29

30  
31 **5. REPORTS**

32  
33 a) **Next Meeting**

34 Mr. Moe informed the Commission that their next regular meeting was scheduled  
35 for June 2, 2009. All Commissioners voiced their assent.  
36  
37

38 **6. ACTION ITEMS**

- 39  
40 a) **Zoning Review – Main Street Signage – Sign for PB&J Daycare (Town of Bernalillo –**  
41 **Maria Rinaldi):** Applicant requests approval of a MainStreet Development Review for a new  
42 sign for PB&J Daycare at Miscellaneous Tract 16 within T13N R4E SEC32 NMPM, a.k.a.  
43 255-A Camino Del Pueblo, a Town property.  
44

45 The Chairman introduced the item to the Commission, and asked the applicant to  
46 present her request. Ms. Rinaldi came forward, and briefly explained the  
47 need/desire for the new sign which is to commemorate the 25<sup>th</sup> Anniversary of  
48 PB&J. The sign is also designed to be a showcase example of simple, but  
49 character-filled, MainStreet signage. After a very brief discussion, the Chairman

1 entertained a motion. Commissioner Chavez motioned to approve.  
2 Commissioner Hyer seconded the motion. All voted aye. The motion to approve  
3 was carried.  
4

5  
6 b) **Deleted prior to the meeting.**  
7

8  
9 c) **Zoning Review – Main Street Demolition – Various structures, etc.** (Jai Lakshman for Zia  
10 Realty Investment Enterprise, Inc., Pueblo Of Zia): Applicant requests approval of demolition  
11 and debris removal to prepare site for future mixed-use development at Tracts A1N, A2, and  
12 A3A within T13N R4E SEC31 & SEC32 NMPM, a.k.a. Lands of La Salle / La Salle Ranch.  
13

14 The Chairman introduced the item to the Commission, and asked the applicant to  
15 present his request. No one came forward, and as the applicant was apparently  
16 not present, the Chairman entertained a motion to Table the item until the end of  
17 the meeting to allow time for the applicant to appear, and until the next meeting  
18 should no one appear by the end of the meeting. Commissioner Hyer motioned to  
19 approve the Chairman’s request. Commissioner Chavez seconded the motion. All  
20 voted aye. The motion to table was carried. As the applicant never appeared, the  
21 item was tabled until the next meeting.  
22

23  
24 d) **Conditional Use Permit – Home-Based Business – Wood stakes cutting & storage**  
25 (Eddie B. Gonzales) Applicant requests approval of a Conditional Use Permit for a Home-  
26 based business for wood stakes cutting & storage at Miscellaneous Tract 61B within T12N  
27 R4E SEC5 NMPM, a.k.a. 924 Railroad Track Road.  
28

29 The Chairman introduced the item to the Commission, and asked the applicant to  
30 present his request. No one came forward, and as the applicant was apparently  
31 not present, the Chairman entertained a motion to Table the item until the end of  
32 the meeting to allow time for the applicant to appear, and until the next meeting  
33 should no one appear by the end of the meeting. Commissioner Hyer motioned to  
34 approve the Chairman’s request. Commissioner Last seconded the motion. All  
35 voted aye. The motion to table was carried. As the applicant never appeared, the  
36 item was tabled until the next meeting.  
37

38  
39 e) **Conditional Use Permit – Home-Based Business – Home Office for Educational**  
40 **Consulting** (Gary Atwood) The applicant requests approval of a Conditional Use Permit for a  
41 Home Office for Educational Consulting at Lot 62-A, The Orchards, Unit 2 (Estancias @  
42 Santiago), a.k.a. 1136 San Augustin.  
43

44 The Chairman introduced the item to the Commission, and asked the applicant to  
45 present his request. No one came forward, but Mr. Moe stated that he had agreed  
46 to present the application to the Commission without representation due to the  
47 nature of the business. The applicant is an educational consultant who must travel  
48 out-of-state for the majority of his consulting work, and is gone most of the time,  
49 and could not make the next few meetings. The CUP is for a simple home-office  
50 for tax purposes and paper work. No clients visit the home. No negative

1 comments had been received from notified neighbors, but the Commissioners  
2 expressed concern that the local HOA (Home-Owners' Association) give consent.

3  
4 The Chairman entertained a motion. Commissioner Chavez motioned to approve  
5 the request, as long as the HOA approved. Commissioner Last seconded the  
6 motion. All voted aye. The motion to approve was carried.  
7

- 8  
9 f) **Conditional Use Permit – Home-Based Business – Home Office for Financial**  
10 **Consulting (Wil Erb)** The applicant requests approval of a Conditional Use Permit for a  
11 Home Office for Financial Consulting, at Lot 206, The Orchards, Unit 1 (Aldea @ Santiago),  
12 a.k.a. 1236 Goodwin Lane.  
13

14 The Chairman introduced the item to the Commission, and asked the applicant to  
15 present his request. No one came forward, and as the applicant was apparently  
16 not present, the Chairman entertained a motion to Table the item until the end of  
17 the meeting to allow time for the applicant to appear, and until the next meeting  
18 should no one appear by the end of the meeting. Commissioner Hyer motioned to  
19 approve the Chairman's request. Commissioner Chavez seconded the motion. All  
20 voted aye. The motion to table was carried. As the applicant never appeared, the  
21 item was tabled until the next meeting.  
22

- 23  
24 g) **Variance – Requirements for Home-Based Business – Child Care (Daniel Jaramillo)** The  
25 applicant requests approval of a Variance from the strict requirements for home-based  
26 businesses, including requirements for percentage of space devoted to business, etc., for a  
27 Child-Care program at Miscellaneous Tract 193 within T13N R4E SEC6 NMPM, 1206  
28 Camino Del Pueblo.  
29

30 The Chairman introduced the item to the Commission, and asked the applicant to  
31 present his request. The applicant and his mother, Marianne Jaramillo, described  
32 the nature of the existing business and the desire for the Variance. Briefly, the  
33 applicant desired to add a 21-1/2ft x 24ft addition to the existing residence for an  
34 entrance lobby and separate toilets for males and females at the front of the home  
35 in order to accommodate the privacy and space needs of the older children whom  
36 the Child Care serves. This space would be in addition to the 22-1/2ft x 24ft  
37 space already devoted to the Child Care business in the home, and to the  
38 bathroom currently used by both the homeowner and the young people.  
39

40 A lengthy general discussion ensued. The Commission expressed concerns  
41 regarding: the new total amount of space being proposed for use of the business  
42 (approx. 41% of the home with the addition); the lack of appropriate parking &  
43 drop-off space at the front of the property; the proposed/possible use of  
44 additional property to the east of home as part of the play area, vehicle parking,  
45 etc for the business; the removal of one of the legal bedrooms in the home which  
46 the addition would entail; and the overall expansion of the business use versus  
47 the residential use on the property. While noting that they had never approved a  
48 similar request for Variance which was so far from the standards for home  
49 occupations in the regulations, and therefore expressing doubt that that the

1 application could be approved as submitted, the Commission made various  
2 suggestions to the applicant regarding possible modifications to the request which  
3 might allow it to proceed. The Commissioners discussed the possibility of tabling  
4 the item in order to allow the applicant time to consider his options.

5  
6 The Chairman entertained a motion. Commissioner Hyer motioned to table the  
7 request. Commissioner Chavez seconded the motion. All voted aye. The motion  
8 to table was carried.

- 9  
10  
11 h) **Variance – Requirements for Rear-Yard Setback – Portal** (William Clemons) The applicant  
12 requests approval of a Variance from the strict requirements for rear-yard setback in a  
13 Master-planned community for a portal at Lot 191, The Orchards, Unit 3 (Alegría @  
14 Santiago), a.k.a. 900 Mountain Phlox Way.

15  
16 The Chairman introduced the item to the Commission, and asked the applicant to  
17 present his request. The applicant’s contractor briefly described the nature of the  
18 Variance: he proposed to build a rear patio cover/portal made of aluminum which  
19 encroached into the wider than normal rear setback in Santiago, but which would  
20 still provide for a minimum 10ft fire separation between this portal and one which  
21 the rear-abutting neighbor might conceivably build in the future. A brief general  
22 discussion ensued. Commissioners were concerned that the portal be consistent  
23 with the character of the Alegría neighborhood in Santiago, and were assured that  
24 this was so, and that the structure had been approved by the local HOA.

25  
26 The Chairman entertained a motion. Commissioner Hyer motioned to approve the  
27 request. Commissioner Last seconded the motion. All voted aye. The motion to  
28 approve was carried.

- 29  
30  
31 i) **Summary Plat – Re-Plat of Tract C (Lots 16, 17, 35-A, 36-A, 99, 132, 133 & 134), Anasazi**  
32 **Meadows Subdivision, Placitas** (Trails Investors, LLC-Alpha Surveying, agent): Applicant  
33 requests approval of a Summary Plat for a Re-Plat of Tract D (Lots 16, 17, 35-A, 36-A, 99,  
34 132, 133 & 134), Anasazi Meadows Subdivision within T13N R4E SEC27 NMPM, Sandoval  
35 County.

36  
37 The Chairman introduced the item to the Commission, and asked the applicant to  
38 present his request. The applicant’s surveyor, Gary Gritsko, briefly described the  
39 nature of the Re-Plat. A brief general discussion ensued. The Commission  
40 expressed concerns regarding: the need for the Re-Plat; the changed access to  
41 properties, the location of the arroyos / flood hazard areas; and the buildable pad  
42 sites remaining on the lots. The Chairman entertained a motion. Commissioner  
43 Hyer motioned to approve the request. Commissioner Chavez seconded the  
44 motion. All voted aye. The motion to approve was carried.

- 1 j) **Summary Plat / Replat – Lots 5-A10, 5-A11, & 5-A12, Venada Plaza (South) (RPS**  
2 **Venada Plaza LLC - Wes Butero / Russ Hugg of Surv-Tek, agent):** Applicant requests  
3 approval of a Summary Plat / Re-Plat of Lots 5-A10, 5-A11, & 5-A12 of the Venada Plaza  
4 within T13N R3E SEC 36 NMPM.  
5

6 The Chairman introduced the item to the Commission, and asked the applicant to  
7 present his request. The applicant’s surveyor, Russ Hugg, briefly described the  
8 nature of the Re-Plat. He explained that due to changes in the market for  
9 commercial properties under current economic conditions smaller pad sites were  
10 desirable, so the applicant proposed to reduce the sizes of Lots 5-A10 & 5-A12 by  
11 expanding the size of Lot 5-A11, then splitting Lot 5-A11 into two separate lots.  
12 A brief general discussion ensued. The Commission expressed no concerns,  
13 except desiring an assurance that the parking requirements could still be met. Mr.  
14 Hugg assured the Commission that parking calculations had been re-done for the  
15 new lot configurations, and they still more than met the Town’s requirements.  
16

17 The Chairman entertained a motion. Commissioner Hyer motioned to approve the  
18 request. Commissioner Last seconded the motion. All voted aye. The motion to  
19 approve was carried.  
20

- 21  
22 k) **Preliminary Plat / Replat – Tracts 9B and 10A, MRGCD Map 10, Lands of Jeanene**  
23 **Gross (Jeanene Gross - Consensus Planning / Surv-Tek, agents):** Applicant requests  
24 approval of a Preliminary Plat for a Tracts 9Band 10A, MRGCD Map 10, Lands of Jeanene  
25 Gross.  
26

27 The Chairman introduced the item to the Commission, and asked the applicant to  
28 present his request. The applicant’s consultant, Jim Strozier of Consensus  
29 Planning, briefly described the nature of the Re-Plat. He explained that due to  
30 circumstances outside of his client’s control (the appeal of the Piedra Lisa  
31 development to District Court) the installation of the Station Street infrastructure  
32 could not proceed. Without the infrastructure, the previously approved Plat for  
33 the lands of Gross (approved by the Commission on November 11, 2008) could  
34 not be finalized, and his client was thereby prevented from clearing-up old lease-  
35 hold problems, and from selling any new lots.  
36

37 A lengthy general discussion ensued. The Commission expressed concerns  
38 regarding: the limited size and nature of the private access easement which is  
39 proposed to replace (even temporarily) the Station Street public Right-Of-Way  
40 (R.O.W.) granted and approved on the November Plat; the seeming lack of public  
41 benefit resulting from the proposed change; and the possible ramifications of a  
42 change to the previously approved public R.O.W. which provides legal access to  
43 the lots in the Piedra Lisa development just to the south. Further general back-  
44 and-forth discussion ensued between the Commission, the applicant’s agents,  
45 Staff, and the Piedra Lisa developers regarding various options to allow the  
46 application to proceed, while maintaining the public interest and the previously-  
47 approved rights of the Piedra Lisa development. In the end, it was agreed by the  
48 Commission and the interested parties, that approval of the proposed plat could

1 proceed if amended as follows: the roadway to the south (the Station Street  
2 right-of-way) must be shown as previously approved in November of 2008; that  
3 the Commission would allow Lot 7 (along US550) to be phased-in, finalized, and  
4 recorded prior to the remainder of the Plat so the owner could convey the property  
5 to a waiting buyer; and that language be inserted binding the owner/developer of  
6 the Piedra Lisa development to financially guarantee all of the surface and sub-  
7 surface infrastructure improvements of and within the Station Street R.O.W.  
8

9 The Chairman entertained a motion. Commissioner Hyer motioned to approve the  
10 request as amended. Commissioner Chavez seconded the motion. All voted aye.  
11 The motion to approve was carried.  
12

13  
14 **7. DISCUSSION ITEMS**

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16 There were no discussion items.  
17

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19 **8. ADJOURNMENT**

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21 The Chairman entertained a motion to adjourn. All voted aye. The Motion carried  
22 and the meeting adjourned at 9:15 pm.