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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 **JUNE 2, 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 June 2, 2009 at 6:30 pm.  
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12 Commissioner Debbie Kilfoy, Chairman  
13  
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15 **Applicants / Members of Public Signed In:**  
16

17 Mary Kwapich	Darlene Erb	Bonnie Hill
18 Norberto Montes	Anna Keene	Ann Rustebakke
19 Jon G. Belyeu	Jai Lakshman	Eddie B. Gonzales
20 Miguela Chavez	Joseph Chavez	Maria Rinaldi
21 Steve Amiot	Mike Moloney	Lisa Chase

22

23 Mr. Moe - the Planning & Zoning Director, and Others were also present but not  
24 signed in.  
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27 **1. CALL TO ORDER**  
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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.  
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33 **2. ROLL CALL**  
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35 Commissioner Debbie Kilfoy	Present
36 Commissioner Tom Wilson	Not Present
37 Commissioner Georgina Chavez	Present
38 Commissioner Cipriano Montoya	Present
39 Commissioner Robert Satriana	Present
40 Commissioner Rita Last	Not Present
41 Commissioner Christopher Hyer	Present

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43 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. Mr. Moe, the Planning & Zoning Director,  
5 suggested that Action Item I be moved to the second position on the Agenda due  
6 to the simple nature of the request. No other changes were proposed.  
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8 The Chairman entertained a motion to approve the Agenda amended as suggested  
9 by Mr. Moe. Commissioner Chavez so moved. Commissioner Hyer seconded the  
10 motion. All voted aye. The motion was carried.  
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13 **4. APPROVAL OF MINUTES**

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15 The Minutes for May 5, 2009 were submitted for approval. The Chairman called  
16 for corrections. No corrections were proposed. The Chairman entertained a  
17 motion to approve the minutes of May 5, 2009 as submitted. Commissioner  
18 Chavez so moved. Commissioner Hyer seconded the motion. All voted aye. The  
19 motion to approve as submitted was carried.  
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22 **5. REPORTS**

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24 a) **Next Meeting**

25 Mr. Moe informed the Commission that their next regular meeting was scheduled  
26 for July 7, 2009. All Commissioners voiced their assent.  
27

28 b) **Commission Training**

29 Mr. Moe informed the Commission of an upcoming MR-COG Planning  
30 Commissioners Workshop slated for Friday, June 26, 2009 from 9am to noon. He  
31 requested to know which Commissioners might wish to attend. Commissioners  
32 Kilfoy, Chavez, Hyer, and Satriana voiced a desire or possible desire to attend.  
33 Mr. Moe agreed to RSVP the COG for four Workshop attendees.  
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36 **6. ACTION ITEMS**

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38 a) **Zoning Review – Main Street Signage – Camino Real Commemoration (Town of**  
39 **Bernalillo – María Rinaldi):** Applicant requests approval of a new sign and shade structure to  
40 commemorate the historic Camino Real on MainStreet at Lot 1, former Lands of United New  
41 Mexico within T13N R4E SEC31 NMPM, a.k.a. 739 Camino Del Pueblo.  
42

43 The Chairman introduced the item to the Commission, and asked the applicant to  
44 present her request. Ms. Rinaldi came forward, and briefly explained the  
45 need/desire for the new sign and shade structure which is to replace the existing  
46 smaller Camino Real Commemorative sign located in front of the Town  
47 Police/EMS Facility. The sign is designed to be a showcase example of simple,  
48 but character-filled, MainStreet signage. After a very brief discussion, the  
49 Chairman entertained a motion. Commissioner Chavez motioned to approve.

1 Commissioner Montoya seconded the motion. All voted aye. The motion to  
2 approve was carried.  
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4

- 5 b) **Zoning Review – Main Street Signage – Grin-N-Bear It (Dee Briggs):** Applicant requests  
6 approval of a new sign for a commercial business on the MainStreet at Miscellaneous Tract  
7 30-A within T13N R4E SEC31 NMPM, a.k.a. 438-B Camino Del Pueblo.  
8

9 The Chairman introduced the item to the Commission, and asked the applicant to  
10 present his/her request. As no one came forward, the Chairman entertained a  
11 motion Table until the end of the Agenda in order to allow time for the Applicant  
12 to appear. Commissioner Hyer motioned to approve. Commissioner Montoya  
13 seconded the motion. All voted aye. The motion to Table was carried.  
14

15 After all other Action Items were heard, the Chairman again called for the  
16 applicant to appear and present his/her request. No one appeared; however,  
17 Commissioner Chavez asked if she could represent the applicant as the property  
18 that “Grin-N-Bear It” leases belongs to her. The Chairman consented to the  
19 request, and Ms. Chavez made a brief presentation as to the need and nature of the  
20 proposed signage. A brief discussion ensued, during which the Commission  
21 expressed several concerns about the propose signage, including the signage  
22 graphics (flaming arrow, skulls, etc), and the signage character (not consistent  
23 with MainStreet character).  
24

25 The Chairman entertained a motion. Commissioner Hyer motioned to approve the  
26 request, with three conditions: 1) that “the sign is simplified” (no flames, or  
27 similar heavy-duty graphics); 2) that “the base is fortified” (beef-up base with  
28 adobes, etc); and 3) that the sign be made more consistent with the MainStreet  
29 Guidelines. Commissioner Satriana seconded the motion. All voted aye. The  
30 motion to approve was carried.  
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- 33 c) **Zoning Review – Main Street Demolition – Various structures, etc. (Jai Lakshman for Zia**  
34 **Realty Investment Enterprise, Inc., Pueblo Of Zia):** Applicant requests approval of demolition  
35 and debris removal to prepare site for future mixed-use development at Tracts A1N, A2, and  
36 A3A within T13N R4E SEC31 & SEC32 NMPM, a.k.a. Lands of La Salle / La Salle Ranch.  
37

38 The Chairman introduced the item to the Commission, and asked the applicant to  
39 present his request. Jai Lakshman came forward, then introduced himself and  
40 Peter Pino, Zia Pueblo Tribal Administrator and former Governor. After a brief  
41 history of Zia Pueblo’s relationship with the Town of Bernalillo, of the old La  
42 Salle Ranch property, and of the Pueblo’s efforts at economic and income  
43 development, the applicants discussed the current dilapidated state of the La Salle  
44 Ranch structures and the need/desire to either clean-up the site, or to completely  
45 demolish and clear all remaining structures.  
46

47 After a brief discussion by the Commission, the Chairman asked for any public  
48 comments. Maria Rinaldi, Town of Bernalillo Planning & Capital Projects  
49 Department Head, voiced opposition to the proposed demolition. After a brief

1 description of the historic importance of the site and the structures, she expressed  
2 a concern that the Commission not reward “demolition by neglect” and so subvert  
3 the intent, if not the direct prescriptions, of the MainStreet Ordinance; and a  
4 concern that the application did not meet the submittal requirements of the  
5 ordinance – specifically that the Ordinance requires submittal of a plan for future  
6 site development as a condition of application for demolition.  
7

8 The Commission expressed concern for the requirements of the MainStreet  
9 Regulations and Guidelines, but also for the public safety hazards presented by  
10 the current dilapidated state of the La Salle structures. At the Chairman’s  
11 direction, Mr. Lakshman and Mr. Pino responded to the comments of Ms. Rinaldi  
12 as well as the questions and comments of the Commission.  
13

14 After further general discussion of the issues and concerns, the Chairman  
15 entertained a motion. Commissioner Montoya motioned to approve the request.  
16 Commissioner Hyer seconded the motion. As there was confusion as to the  
17 meaning of Commissioner Montoya’s motion – did he mean to approve just the  
18 thorough clean-up, or the full demolition? (he stated that he meant the full  
19 demolition) - the Chairman requested a roll-call vote. Chairman Kilfoy voted  
20 ‘Aye’. Commissioner Chavez voted ‘Aye’. Commissioner Montoya voted ‘Aye’.  
21 Commissioner Satriana voted ‘Aye’. Commissioner Hyer voted ‘Aye’. The  
22 motion to approve the full demolition was carried.  
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- 25 d) **Variance – Requirements for Front-Yard Setback & Height – Fence (Nolberto Montes)**  
26 The applicant requests approval of a Variance from the strict requirements for front-yard  
27 setback and height for a fence at Lot 34JB, Block H, Mountain View Estates, within T12N  
28 R4E SEC5 NMPM, a.k.a. 449 Letitia Road.  
29

30 The Chairman introduced the item to the Commission, and asked the applicant to  
31 present his request. The applicant briefly described the nature of the Variance: he  
32 proposed to build a front-yard fence with 7’-6” high pilasters and 6’-9” high  
33 wrought iron see-thru panels and gate. A brief general discussion ensued.  
34 Commissioners were concerned that the fence height be consistent with  
35 neighborhood, that the fence not be located in the public right-of-way, and that  
36 the fence remain see-thru. The Applicant agreed to ensure that that these things  
37 were so.  
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39 The Chairman entertained a motion. Commissioner Montoya motioned to approve  
40 the request. Commissioner Satriana seconded the motion. All voted aye. The  
41 motion to approve was carried.  
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- 1 e) **Conditional Use Permit – Home-Based Business – Wood stakes cutting & storage**  
2 (Eddie B. Gonzales) Applicant requests approval of a Conditional Use Permit for a Home-  
3 based business for wood stakes cutting & storage at Miscellaneous Tract 61B within T12N  
4 R4E SEC5 NMPM, a.k.a. 924 Railroad Track Road.  
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6 The Chairman introduced the item to the Commission, and asked the applicant to  
7 present his request. The applicant came forward, and made a brief explanation of  
8 the nature of his business. The applicant further explained that he had been  
9 unaware that the Town’s regulations did not allow him to set-up a business on  
10 someone else’s residential property, and that he still wasn’t sure why the  
11 Conditional Use Permit application had been required. With the Chairman’s  
12 indulgence, Mr. Moe briefly explained the history of the Building Permit which  
13 was being illegally used by the applicant for his business, the attempts to explain  
14 the nature of the illegality to the applicant, the rationale for the Conditional Use  
15 Permit application, and the reasons why the business did not meet the Zoning  
16 Ordinance’s requirements for such a Permit.  
17

18 A general discussion ensued, and the Commission questioned the applicant at  
19 length regarding his business, his lease arrangement with the property owner, and  
20 the history of the Building Permit. The Commission expressed concern that the  
21 business was a full-blown commercial operation on a residential property owned  
22 and occupied by someone else, and which had not followed the requirements of  
23 the Town Zoning Ordinance nor the Town Building Code. The question arose as  
24 to what would happen to the business if the application were denied by the  
25 Commission, and Mr. Moe explained that the business would be required to cease  
26 operation, but would be given short, reasonable time to do so.  
27

28 The Chairman entertained a motion. Commissioner Hyer motioned to deny the  
29 application. Commissioner Chavez seconded the motion. All voted aye. The  
30 motion to deny was carried.  
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- 32  
33 f) **Conditional Use Permit – Home-Based Business – Home Office for Financial**  
34 **Consulting (Wil Erb)** The applicant requests approval of a Conditional Use Permit for a  
35 Home Office for Financial Consulting, at Lot 206, The Orchards, Unit 1 (Aldea @ Santiago),  
36 a.k.a. 1236 Goodwin Lane.  
37

38 The Chairman introduced the item to the Commission, and asked the applicant to  
39 present his request. The applicant’s wife, Darlene Erb, came forward, and briefly  
40 explained the nature of her husband’s consulting business and of his limited home  
41 office. After a brief general discussion, the Chairman entertained a motion.  
42 Commissioner Hyer motioned to approve. Commissioner Montoya seconded the  
43 motion. All voted aye. The motion to approve was carried.  
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- 1 g) **Conditional Use Permit – Home-Based Business – (Home Office for mobile?)**  
2 **Blacksmith Shop (Anna Keene)** The applicant requests approval of a Conditional Use  
3 Permit for a (Home Office for mobile?) Blacksmith Shop at Lot 3, Cocinitas Court subdivision,  
4 within T13N R4E SEC6 NMPM, a.k.a. 140 Cocinitas Court.  
5

6 The Chairman introduced the item to the Commission, and asked the applicant to  
7 present her request. The applicant came forward, and briefly explained the nature  
8 of her mobile blacksmithing business. After a brief general discussion, the  
9 Chairman entertained a motion. Commissioner Hyer motioned to approve.  
10 Commissioner Satriana seconded the motion. All voted aye. The motion to  
11 approve was carried.  
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14 h) **Conditional Use Permit – Business @ Grand-fathered Heavy Commercial property –**  
15 **Seed International (Sharon Palmer)** The applicant requests approval of a Conditional Use  
16 Permit for Manufacturing of Organic Food Production Controlled Environments, and the  
17 Growing, Harvesting, Packaging, & Distribution of Organic Produce at Miscellaneous Tract  
18 A1, Block A, Mountain View Estates within T13N R4E SEC32 NMPM, a.k.a. 793 Oak  
19 Street.  
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21 The Chairman introduced the item to the Commission, and asked the applicant to  
22 present his request. No one came forward, and as the applicant was apparently  
23 not present, the Chairman entertained a motion to Table the item until the end of  
24 the meeting to allow time for the applicant to appear, and until the next meeting  
25 should no one appear by the end of the meeting. Commissioner Chavez motioned  
26 to approve the Chairman’s request. Commissioner Montoya seconded the motion.  
27 All voted aye. The motion to table was carried. As the applicant never appeared,  
28 the item was tabled until the next meeting.  
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- 30  
31 i) **Conditional Use Permit – Business @ Grand-fathered Heavy Commercial property –**  
32 **Fabrication Studio for Motion Picture Special Effects (Jon & Faye Belyeu)** The applicants  
33 request approval of a Conditional Use Permit for a Fabrication Studio for Motion Picture  
34 Special Effects at Miscellaneous Tract A1, Block A, Mountain View Estates within T13N  
35 R4E SEC32 NMPM, a.k.a. 793 Oak Street.  
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37 The Chairman introduced the item to the Commission, and asked the applicant to  
38 present his request. The applicant came forward, and briefly explained the nature  
39 of his Special Effects Fabrication business, of his desire to move his existing  
40 business operation from Southern California to Bernalillo, to renovate the existing  
41 “Bargain Basket” building, and to construct up to two more buildings on the site  
42 to accommodate other film-related businesses to serve the local film industry in  
43 New Mexico. A brief general discussion ensued, and the Commission asked Mr.  
44 Belyeu how many employees he would have (himself and a 2-3 others), and  
45 discussed the use of setbacks, plantings, and construction materials/techniques to  
46 limit noise nuisance to the property’s residential neighbors. The possibility was  
47 also discussed of providing a dedicated Public Right-of-Way across the  
48 property/railroad connecting Oak/Richardson to Calle Presidente similar to one  
49 which existed in the past.

1           The Chairman entertained a motion. Commissioner Hyer motioned to approve the  
2           requested use and future development concepts. Commissioner Satriana seconded  
3           the motion. All voted aye. The motion to approve was carried.  
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6           **7. DISCUSSION ITEMS**

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8           There were no discussion items.

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11           **8. ADJOURNMENT**

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13           The Chairman entertained a motion to adjourn. All voted aye. The Motion carried  
14           and the meeting adjourned at 9:00 pm.