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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 **NOVEMBER 3, 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 November 3, 2009 at 6:30 pm.

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12 Commissioner Debbie Kilfoy, Chairman
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14 **Applicants / Members of Public Signed In:**
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16 Julie Martinez	Susan Iauta
17 Manuel Rosales	Donna Wylie
18 James Pike	Danny Montoya
19 Denise Silva	Reuben Montoya
20 Oscar Vargas	Lucy Montoya
21 William Sapien	George Griego
22 Ralph Silva	Steve Amiot
23 Gustavo Leyba	

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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	Not 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. Chairman Kilfoy requested to add as Item H a
5 resolution of only accepting plans that have dimensions. Chairman called for a
6 motion. Commissioner Last motioned to add Item H and approve the agenda.
7 Commissioner Chavez seconded the motion. All voted aye. The motion to add
8 Item H and approve the agenda was carried.

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12 **4. APPROVAL OF MINUTES**

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14 The Minutes for October 6, 2009 were submitted for approval. The Chairman
15 called for corrections. Commissioner Satriana motioned to approve as is.
16 Commissioner Last seconded it. All voted aye. The motion to approve was
17 carried.

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20 **5. REPORTS**

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22 a) **Next Meeting**

23 Mr. Moe informed the Commission that their next regular meeting was scheduled
24 for December 1, 2009 not December 2, 2009 as it read in the agenda. All
25 Commissioners voiced their assent.

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28 **6. ACTION ITEMS**

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30 a) **Zoning Review – Main Street Signage – Zócalo Complex** (Sandoval County,
31 Donna Wylie Applicant): Applicant requests amendment to “sign approval with
32 conditions” from July 7, 2009 P&Z meeting. Signage at both the Old Convent and the
33 Old School at the Zócalo Complex on Main Street at Misc. Tracts 17A & 54 within T13N
34 R4E SEC32 NMPM, a.k.a. 264 & 282 S. Camino Del Pueblo

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36 The Chairman introduced the item to the Commission, and asked the applicant to
37 present his/her request. Donna Wylie came forward to explain why she was there
38 for a second time. She explained that the conditions that the Commission gave
39 for the sign for the Zocalo Complex was not going to be carried out due to the
40 manufacturer of the sign not being able to put white lighting inside the sign. She
41 requested that they choose another color. After a brief discussion the Chairman
42 asked for a motion. Commissioner Hyer motioned to approve the request with the
43 condition that red lights would not be used. Commissioner Montoya seconded the
44 motion. All voted aye. The motion to approve with the condition that red
45 lighting would not be used was carried.

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2 b) **Zoning Review – Main Street Development (Gustavo Leyba - Applicant):** Applicant
3 requests approval of a Zoning Review to renovate the Coronado Building to its original
4 building of a Event Center/Dance hall at Misc. Tract 116A T13N R4E SEC6 NMPM,
5 Bernalillo, NM a.k.a 1018 S. Camino Del Pueblo
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7 The Chairman introduced the item to the Commission, and asked the applicant to
8 present his/her request. Mr. Leyba came forward and gave a brief explanation of
9 the reason he was there and that he wanted to renovate the Coronado building to
10 its original state. The Chairman asked Mr. Moe why Mr. Leyba was asked to
11 come before them if the work was going to be inside. Mr. Moe explained that the
12 real issued lies in the parking and if there will be enough parking for events that
13 may occur in the building. Mr. Leyba explained that he had a contract with
14 Denise Silva to park in her lot if the need should arise. Denise Silva then got up
15 and agreed that there was an agreement between the two parties. After a lengthy
16 discussion ensued, the conclusion was that there will be 50 parking spaces
17 available. The Chairman asked for a motion. Commissioner Hyer motioned to
18 approve the review. Commissioner Chavez seconded the motion. All voted aye.
19 The motion to approve was carried.
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25 c) **Zoning Review – Main Street Development (William Sapien, Applicant)**
26 Applicant requests approval of a Zoning Review for asphalt paving at 801 Camino Del
27 Pueblo, Bernalillo, NM
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29 The Chairman introduced the item to the Commission, and asked the applicant to
30 present his request. Mr. Sapien came forward to explain his request for approval
31 of the paving that already took place at 801 Camino Del Pueblo. He explained
32 that drainage had always been an issue at his property but since the paving at
33 taken place, it would no longer be a problem. Commissioner Hyer asked where
34 the water would drain to now. Mr. Sapien explained that the water would drain
35 into flower beds. A brief discussion ensued and the Chairman asked for a motion.
36 Commissioner Montoya motioned to approve the Zoning Review. Commissioner
37 Hyer seconded the motion. All voted aye. The motion to approve was carried.
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46 d) **Variance – Subdivision Requirements (Danny Montoya, Applicant)**
47 Applicant requests approval of a Variance regarding compliance with subdivision
48 requirements at Misc. Tract E within T13N R4E SEC32 NMPM Bernalillo, NM a.k.a 107
49 Los Hijos Lane.

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The Chairman introduced the item to the Commission, and asked the applicant to present his request. Mr. Montoya came forward and explained that he wanted to build a house on his portion of land that was subdivided by his father years ago. He also explained that Mr. Moe was making him follow subdivision regulations when in fact he was not a subdivision by definition. He then read the definition that was in the Subdivision Regulations book. He said that at no time would they be selling or leasing the land. The land belonged to family and they planned to keep it that way. Chairman Kilfoy asked Mr. Moe to explain. Mr. Moe explained that the subdivision regulations by the town did not make a distinction between land divisions specifically for families or from any other individual abiding by the subdivision rules. Commissioner Chavez then spoke up for the Montoya family saying that when they split this land many years ago in order to give a place for their children to build they did not do it with the intention to not fulfill town requirements. Commissioner Last asked Mr. Moe how much it would cost Mr. Montoya to comply with the subdivision regulations. Mr. Montoya interrupted to tell the Commissioners that it would cost \$50,000 to \$55,000 to bring the utilities under Camino del Pueblo to his property. Mr. Moe spoke again on subdivision regulations. Commissioner Montoya did not understand how this could be considered a subdivision. Chairman Kilfoy asked if anyone in the audience wanted to speak on this issue. Mr. Pike stood up to say that this particular property was subdivided in the 90's and the regulations were done in 1997 so they should be grandfathered in. More discussion ensued and the Chairman entertained a motion. Commissioner Montoya motioned to approve the variance so that Mr. Danny Montoya could hook into the existing utilities. Commissioner Satriana seconded the motion. All voted aye. The motion to approve the variance was carried.

e) **Conditional Use Permit – Home-based Business (Mihai & Susan Iauta)** Applicant requests approval for a Conditional Use Permit for an Internet Travel Agency home-based business at Misc Tract 14 T13N R4E SEC6 NMPM Bernalillo, NM.

The Chairman introduced the item to the Commission, and asked the applicant to present his/her request. Susan Iauta came forward to explain her internet travel agency. She informed the Commission that the business was just hers and that there would be no clients coming to the home. A brief discussion ensued and the Chairman asked for a motion. Commissioner Hyer moved to approve. Commissioner Satriana seconded the motion. All voted aye. The motion to approve was carried.

1 f) **Conditional Use Permit – Lot Rental for overflow of RV’s – MCT Lot**
2 (Rachel Blatt, Agent): Applicant requests approval for a Conditional Use Permit to park
3 the overflow RV’s on the MCT lot across the road from KOA. KOA Misc Tract 32N
4 T13N R4E SEC32 NMPM, Bernalillo, New Mexico. MCT Misc Tract 9-A T13N R4E
5 SEC 32 NMPM Bernalillo, New Mexico
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8 The Chairman introduced the item to the Commission, and asked the applicant to
9 present his/her request. Rachel Blatt came forward and stated her reason for being
10 there. She explained that during the Balloon Fiesta, their lot at the KOA
11 Campground gets full and during the past years they have rented a lot from a
12 neighboring business MCT for the overflow of RV’s. Commissioner Chavez
13 asked how she got caught. Ms. Blatt stated that they had been getting permits for
14 the last few years for this but had forgotten to get a permit this year. Mr. Moe
15 then thanked Ms. Blatt for coming to the meeting but then informed the
16 Commissioners that the KOA had not gotten a permit the last few years after they
17 had been asked to do so. Ms. Blatt gave a copy of a letter from the owner of
18 MCT that stated the agreement between the two businesses regarding this issue.
19 Chairman Kilfoy entertained a motion. Chairman Hyer motioned to approve with
20 the condition that this arrangement is only used for overflow during the Balloon
21 Fiesta for an indefinite time until the agreement with MCT ceases. Commissioner
22 Chavez seconded the motion. All voted aye. The motion to approve was carried.
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25 g) **Conditional Use Permit - Table and Chair Rental Business, R2 Zone** (Vargas
26 Rental Tables and Chairs, Applicant) Applicant requests approval of a Conditional Use
27 Permit for a business in a Multi-Family Residential Zone on Lot 8 Block 1 of the Old
28 Sawmill Addition within T13N R4E SEC 6, NMPM, Bernalillo New Mexico: aka 313
29 Timber Road
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31 The Chairman introduced the item to the Commission, and asked the applicant to
32 present his request. Oscar Vargas came forward to explain that he wanted to have a
33 business in his home renting tables and chairs. A brief discussion in Spanish ensued.
34 Chairman Kilfoy asked Commissioner Chavez to please explain what was just said.
35 Commissioner Chavez explained that Mr. Vargas had just stated that he is only busy in
36 the summer months and he advertises with a sign on the side of his house. A discussion
37 regarding signage took place and what size would be allowed. Chairman Kilfoy
38 entertained a motion. Commissioner Chavez motioned to approve with the condition that
39 a 2x3 sign would be allowed unless it becomes a nuisance to the neighbors.
40 Commissioner Last seconded the motion. All voted aye. The motion to approve with
41 conditions was carried.
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43 h) **Resolution for non-acceptance of any plans without dimensions.**

44 Commissioners decided to put this item on the next meeting.
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1 **7. DISCUSSION ITEMS**

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5 **8. ADJOURNMENT**

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The Chairman entertained a motion to adjourn. Commissioner Chavez moved to adjourn. Commissioner Satriana seconded the motion. All voted aye. The Motion carried and the meeting adjourned at 8:00 pm.