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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 **MARCH 9, 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 March 9, 2010 at 6:30 pm.
11

12 Commissioner Debbie Kilfoy, Chairman
13

14 **Applicants / Members of Public Signed In:**
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16 Monica Fresquez	Matt Kwapich	Rey Montoya
17 Art Fresquez	James Pike	Gary Gritsko
18 Ken Jaramillo	Adrienne Hooper	Steve Amiot
19 Kelly Direen	Jim Hooper	Ted Montoya
20 Keith Schnieder	Margaret Geller	
21 Oscar Cano	Kelley Fetter	
22 Larry Sandoval	John Estrada	
23 Steven Gutierrez	Mike Moloney	
24 Cherilyn Peay	Henry Rivera	

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

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2 A quorum was present.
3

4 **3. APPROVAL OF AGENDA**
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6 The Chairman asked if all Commissioners had reviewed the Agenda, and asked if
7 there were any changes to propose. There were no changes and the Chairman
8 asked for a motion to approve. Commissioner Hyer motioned to approve.
9 Commissioner Wilson seconded the motion. All voted aye. The motion to
10 approve the agenda was carried.
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14 **4. APPROVAL OF MINUTES**
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16 The Minutes for January 12, 2010 were submitted for approval. The Chairman
17 called for corrections. Commissioner Montoya motioned to approve as is.
18 Commissioner Hyer seconded it. All voted aye. The motion to approve was
19 carried.
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22 **5. REPORTS**
23

24 a) **Next Meeting**

25 Mr. Moe informed the Commission that their next regular meeting was scheduled
26 for April 6, 2010. Mr. Moe also informed the Commission of the Compensation
27 Resolution stating that they would get paid \$50.00 per meeting and there are
28 papers to fill out. Tawnya Mortensen passed out the forms to be filled out. Mr.
29 Moe went on to explain to the Commissioners as well that there were three
30 reappointments that were up on the Commission and the Mayor would be
31 appointing those seats soon.
32

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34 **6. ACTION ITEMS**
35

36 a) **Conditional Use Permit – Business Office in a Commercial Residential Zone**
37 **(Kelley Fetter, Applicant):** Applicant requests approval of a business office in a CR
38 Zone. Property located on Lot B, T13 R4E SEC32 NMPM, Lands of Matthew
39 Archibold. Aka: 439 South Hill Rd., Bernalillo, NM
40

41 The Chairman introduced the item to the Commission, and Mr. Fetter stepped up
42 to the podium and asked the Commission what questions they had for him
43 regarding his business. Commissioner Kilfoy asked what type of business it is.
44 Mr. Fetter explained that it was basically an engineering business that puts up 3
45 ft black plastic around construction sites. Commissioner Kilfoy then asked the
46 hours of operation and what type of traffic the business brings. Mr. Fetter
47 explained the hours of operation were from 7am to 5 pm with very little traffic.
48 The only consistent traffic was the workers coming and going from work.

1 Commissioner Montoya asked about parking heavy equipment on site which Mr.
2 Fetter replied that there were some heavy duty pickup trucks but nothing else.
3 Commissioner Last addressed handicap parking and questioned if there were any.
4 Mr. Fetter stated that they did not have handicap parking but had made
5 arrangements with the business across South Hill Road to meet with any
6 customers that may need handicap accommodations. The Chairman asked if
7 anyone in the audience would like to address this item. Mr. Ted Montoya
8 approached the podium and told the Commissioners that he lives next door to
9 Stormco and does not have a problem with the business. The Chairman
10 entertained a motion. Commissioner Hyer motioned to approve the business.
11 Commissioner Last seconded the motion. All voted aye. The motion to approve
12 was carried.
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16 b) **Conditional Use Permit – Home-Based Business (David J. Larry Sandoval,**
17 **Applicant):** Applicant requests approval of home-based business of welding/fabrication
18 of metal. Property located on Lot 12B T13N R4E SEC32 NMPM, aka 136 South
19 Camino Del Pueblo, Bernalillo, NM
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21 The Chairman introduced the item to the Commission, and asked the applicant to
22 present his/her request. Mr. Sandoval and Mr. Gutierrez came forward and asked
23 the Commissioners what they would like to know about their business. Mr. Moe
24 interjected to explain that there was some confusion on this particular item. Mr.
25 Moe explained that our office thought that Mr. Sandoval wanted to put his
26 business on his property. After the Fire Chief went to inspect the property, he
27 realized that this business was going to be in back of Martha's Sewing Shop in a
28 garage which is attached to the existing building. Mr. Moe apologized for the
29 confusion but stated that due to this, it changes all of the information that was
30 originally presented to the Commission in the agenda. Mr. Sandoval told the
31 Commission that it is true; his welding business would be in the garage that is
32 attached to his mother's sewing shop. Commissioner Hyer asked where he would
33 store materials. Mr. Sandoval said that everything would be inside the building.
34 Mr. Sandoval started to explain that the Fire Chief John Estrada had been to his
35 place earlier that day and had said that everything looked good. Chief Estrada
36 then stood up to explain that he did have concerns. His concerns included proper
37 ventilation that needed to be installed, a proper fire door in between two
38 businesses and just a general concern that this business is adjacent to Martha's
39 Sewing Shop. Mr. Moe spoke up to add that the Building Code Official had not
40 looked at the place yet and would also need to take a look before it should be
41 approved. Commissioner Hyer asked what percentage of time would be spent in
42 the garage and if he was mobile. Mr. Sandoval said that he would be 50/50 and
43 the hours of operation would be from 8am to 5pm. Commissioner Wilson had a
44 question on zoning which Mr. Moe answered the question that due to the
45 confusion of the nature of the business that the business would actually be placed
46 in a C1 zone and not a RR zone like had been listed in the agenda. The Chairman
47 asked if anyone in the audience would like to comment on the item and no one

1 stood up. The Chairman then entertained a motion. Commissioner Hyer
2 motioned to table the item until the Fire Chief and Building Code Official could
3 inspect building. Commissioner Last seconded the motion. All voted aye. The
4 motion to table was carried.
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8 **c) Conditional Use Permit – Church (Kelly Direen - Applicant)**

9 Applicant requests approval of a church in a C1 Zone. Property located on Lot 6E,
10 within T13N R4E SEC32, NMPM, aka 133 A. South Camino Del Pueblo Bernalillo, NM
11

12 The Chairman introduced the item to the Commission, and asked the applicant to
13 present his request. Mr. Direen and Mr. Jaramillo came forward and told the
14 Commission that they are wanting to start a church in the building on 133 A.
15 South Camino Del Pueblo where the smoke shop used to be. Commissioner Hyer
16 asked how many members the church currently has. Mr. Direen said that right
17 now they only have 9 members. Commissioner Hyer asked what his plans were if
18 the congregation grows. Mr. Direen said they would stay there as long as they
19 could. Mr. Direen added that they could get 12 parking spaces plus two handicap
20 parking spaces. Commissioner Wilson asked about the house in the back and if it
21 was part of this property. Mr. Jaramillo said it was part of the property and it was
22 a rental. Commissioner Wilson then asked if it was ok with the renters and if they
23 would have access to their house. Mr. Jaramillo said that the renters were aware
24 and were fine with the parking situation and yes they would have access to their
25 house. Mr. Moe spoke about the building needing a building code inspection.
26 The Chairman asked for a motion. Commissioner Wilson motioned to approve
27 with the condition that they obtain and comply with any Building Code
28 requirements. Commissioner Montoya seconded the motion. All voted aye. The
29 motion to approve with conditions was carried.
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33 **d) Conditional Use Permit – Home-based Business (Monica Fresquez, Applicant)**

34 Applicant requests approval of a Conditional Use Permit for a Home-based Business
35 located at Lot 10, Sandia Vista Subdivision, T13N R4E SEC31 NMPM, aka 530
36 Coronado Drive, Bernalillo, NM.
37

38 The Chairman introduced the item to the Commission and asked the applicant to
39 come forward. Monica Fresquez came forward and explained the nature of her business.
40 She explained that she would be pet sitting at clients houses. The only thing she would
41 be using her house for would be paperwork. Chairman Kilfoy asked if anyone in the
42 audience would like to comment on this item. No one in the crowd approached the
43 podium. Chairman Kilfoy entertained a motion. Commissioner Hyer motioned to
44 approve. Commissioner Last seconded the motion. All voted aye. The motion to
45 approve was carried.
46
47

1 e) **Conditional Use Permit – Home-Based Business (Cherilyn Peay, Applicant)**
2 Applicant requests approval of a Conditional Use Permit for a Home-based business
3 located on Lot 13, Garden Spot Addition, T13N R4E SEC31 NMPM, aka 218 Calle Don
4 Vicente, Bernalillo, NM
5

6 The Chairman introduced the item to the Commission and asked the applicant to
7 step forward. Cherilyn Peay and Matthew Kwapich came forward and Ms. Peay
8 began to explain the nature of her business. She explained that both businesses that
9 she was here for were both paperwork only. She also stated that she was not only
10 item “e” on the agenda but item “f” as well. Ms. Peay said that the home office is
11 used for paperwork for her husband’s horse show management business that is mostly
12 done out of state. Mr. Kwapich organizes horse shows away from home. The second
13 business, Mrs. Peay explained, was an electrical contracting business which was also
14 conducted away from home. Paperwork was the only thing that was done in the
15 home and there will be no customer traffic as it is all done via phone and internet. A
16 brief discussion ensued and the Chairman asked for a motion. Commissioner Hyer
17 asked if there would need to be two separate motions since there were two separate
18 items. Chairman Kilfoy agreed that there would need to be two separate motions and
19 voting. Commissioner Hyer motioned to approve. Commissioner Last seconded the
20 motion. All voted aye. The motion to approve was carried.
21
22

23 f) **Conditional Use Permit – Home-Based Business (Cherilyn Peay, Applicant)**
24 Applicant requests approval of a Conditional Use Permit for a Home-based business
25 located on Lot 13, Garden Spot Addition, T13N R4E SEC31 NMPM, aka 218 Calle Don
26 Vicente, Bernalillo, NM
27

28 Due to the applicant being the same as item “e” and already explaining the nature
29 of the business, Chairman Kilfoy entertained a motion. Commissioner Wilson motioned
30 to approve a second business on the property. Commissioner Montoya seconded the
31 motion. All voted aye. The motion to approve was carried.
32

33 g) **Conditional use Permit – Home-Based Business (Oscar Cano, Applicant)**
34 Applicant requests approval of a Conditional Use Permit for a Home-based business
35 located on Lot 11, Southern Addition, T13N R4E SEC6 NMPM, aka: 1410 Southern Ct.
36 Bernalillo, NM
37

38 The Chairman introduced the item to the Commissioners and asked the applicant
39 to step forward. Mr. Cano approached the podium and explained that he has a garage and
40 wants to have a home-based business where he fixes cars. Chairman Kilfoy asked Mr.
41 Cano if the business had grown since the last time that he came before them for the same
42 reason. Mr. Cano did agree that the business had grown. Mr. Moe interjected that the
43 reason Mr. Cano was before them again was because his business license had lapsed for
44 two years. Commissioner Wilson asked Mr. Moe if he had anything to say regarding this
45 item. Mr. Moe stated that he is concerned about the right of access off of Hwy 313.
46 Chairman Kilfoy asked Mr. Cano to come and show her where exactly his property line is

1 on the map. Mr. Cano showed the Commissioners where his property line was at.
2 Chairman Kilfoy asked if Mr. Cano was going to put up a fence. Mr. Cano said yes, on
3 the sides. Chairman Kilfoy then asked why he wasn't going to put a fence up on the east
4 side of his garage. He stated that he was going to but there are utility easements there
5 and was told by PNM that he couldn't. Chairman Kilfoy asked what Mr. Cano was going
6 to do with the cars that are finished being worked on and the customers can't pick them
7 up for a day or two? Mr. Cano told her that there was enough room inside the building to
8 store cars. Chairman Kilfoy asked if there was anyone in the audience that wanted to
9 address this item. Mr. Pike stood up and spoke favorably about Mr. Cano and the work
10 that he does. Chairman Kilfoy entertained a motion. Commissioner Wilson motioned to
11 approve with the conditions that it remain a home-based business and that Mr. Cano
12 obtain a Right Of Way access from the DOT. Commissioner Montoya seconded the
13 motion. Three voted aye. Two voted against it. The motion to approve with conditions
14 was carried.

15
16 h) **Conditional Use Permit – Home-Based Business** (Victoria Olivas, Applicant)

17 Applicant requests approval of a Conditional Use Permit for a Home-Based Business
18 (Itinerant Food Service). Property located on Lot 7, Block 1, Villa Chaparral, within
19 T13N R4E SEC31 NMPM, aka 826 Camino Isabella, Bernalillo, NM
20

21 Chairman Kilfoy introduced the item and asked the applicant to come forward.
22 Victoria Olivas came forward and explained that she was a mobile food vendor. She
23 explained that she delivers to Town Hall, Sandoval County Court House and the schools.
24 She also told the Commissioners that she has taken classes on safe food prep and storage
25 and feels that her food is very safe. Commissioner Wilson asked Ms. Olivas if she cooks
26 the food in her home. Ms. Olivas stated that yes she did prepare and cook all her food in
27 her home. Commissioner Wilson asked what type of appliances she has in the home and
28 if they are suitable for her business and are they commercial appliances. Ms. Olivas
29 explained that they are not commercial appliances but according to the Environmental
30 Department website information that she did not need commercial appliances for a small
31 scale business and that she also bought food on a weekly basis so that there isn't any
32 worry of storage issues. She then went on to explain that she was in the process of
33 getting inspected by the Environmental Department and would be turning that paperwork
34 in as soon as it was complete. Chairman Kilfoy asked if anyone from the audience would
35 like to comment on this issue. A neighbor (unknown name) that lives next to Ms. Olivas
36 stood up and said he was in favor of the business and had no issues with it. Chairman
37 Kilfoy entertained a motion. Commissioner Wilson motioned to approve with the
38 conditions that Ms. Olivas make sure the proper fire and environmental inspections be
39 completed. Commissioner Montoya seconded the motion. All voted aye. The motion to
40 approve with conditions was carried.

41
42 i) **Variance – Rear Setback** (Four Seasons Sunrooms, Agent)

43 Applicant requests approval of a Variance for a rear setback 3'4" for a sunroom.
44 Property located on Lot 360, Alegria, within T13N R3E SEC31 NMPM. Aka 980 Salt
45 Cedar Ct., Bernalillo, NM
46

1 Chairman Kilfoy introduced the item and asked the applicant to come forward.
2 Mr. Schneider came forward to explain that he was the agent from Four Seasons
3 Sunrooms for Thomas Prisciantelli. He then explained that the owners want to build a
4 patio cover on the back of their home but need a variance for 3' 4". He went on to
5 explain that there isn't anyone behind the house or on the right side of the home as well.
6 Mr. Moe explained that there would never be anyone on either the back or the west side
7 of the house due to the way it was set up and the street that the house is on. Chairman
8 Kilfoy asked if anyone from the audience wanted to speak on this. Ms. Hooper stood up
9 and introduced herself and questioned where the patio would be placed and that the
10 residents of Alegria are very particular on what is built on to houses. Mr. Schneider
11 explained the patio to her and also reiterated on the fact that there was nothing to the side
12 or the back of that particular property. The Chairman entertained a motion.
13 Commissioner Wilson motioned to approve the variance. Commissioner Hyer seconded
14 the motion. All voted aye. The motion to approve was carried.

15
16 j) **Summary Plat – Re-plat (Alpha Pro Surveying – Agent)**

17 Applicant requests approval of a Summary Plat for a re-plat of Tr. A, Anasazi Meadows
18 and Lot 30-A-1, Placitas Trails, within T13N R4E SEC28 & 33 NMPM; aka: 1 Ridge Ct.
19 Placitas, NM
20

21 Chairman Kilfoy introduced the item and asked the applicant to come forward.
22 Mr. Gritsko from Alpha Pro Surveying stepped forward and explained that he was the
23 surveyor for the owners of this property and also explained that the owners are buying the
24 land next to theirs so that it will stay empty and no one will build on it. He continued to
25 explain the acreage on the existing lot and what the acreage would change to after adding
26 the second lot. Chairman asked if there was anyone in the audience that would like to
27 address this item. After no one coming forward the Chairman entertained a motion.
28 Commissioner Wilson motioned to approve. Commissioner Hyer seconded the motion.
29 All voted aye. The motion to approve was carried.
30

31 k) **Resolution**

32 In previous meetings the Commission had discussed passing a resolution to make
33 sure that master plans and/or site plans could not be submitted without complete
34 dimensions, easements being shown, along with north arrow and scaled correctly. The
35 Commissioners looked over the resolution and a brief discussion ensued. Chairman
36 Kilfoy asked for a motion. Commissioner Last motioned to pass the resolution.
37 Commissioner Wilson seconded the motion. All voted aye. The motion was carried.
38
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40 **7. DISCUSSION ITEMS**

41 None
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43

44 **8. ADJOURNMENT**

45 Meeting was adjourned at 7:57 pm
46