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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 **DECEMBER 7, 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 December 7, 2010 at 6:30 pm.  
11 Commissioner Debbie Kilfoy, Chairman  
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13 **Applicants / Members of Public Signed In:**

14 Lawrence Smith  
15 James Pike  
16 Cheray Milligan  
17 Mike Moloney  
18 David Soule  
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21 Tawnya Mortensen, Assistant Planner of Planning and Zoning, and others were  
22 also present but not signed in.  
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25 **1. CALL TO ORDER**  
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27 Chairman Kilfoy called the meeting to order at approx. 6:30 pm, and led those  
28 attending in a recitation of the Pledge of Allegiance.  
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31 **2. ROLL CALL**  
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33 Commissioner Debbie Kilfoy	Present
34 Commissioner Tom Wilson	Present
35 Commissioner Georgina Chavez	Not Present
36 Commissioner Cipriano Montoya	Present
37 Commissioner Robert Satriana	Present
38 Commissioner Rita Last	Present
39 Commissioner Christopher Hyer	Present

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41 A quorum was present.  
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43 **3. APPROVAL OF AGENDA**  
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45 Chairman Kilfoy asked if there were any changes to the agenda. There were  
46 no changes. Commissioner Last motioned to approve the agenda. Commissioner  
47 Hyer seconded the motion. All voted aye. The motion to approve was carried.  
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5 **4. APPROVAL OF MINUTES**

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7 **Meeting of September 14, 2010**  
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9 The Chairman asked if there were any changes to the Minutes. Commissioner Satriana  
10 motioned to approve the minutes. Commissioner Wilson seconded the motion but with  
11 an amendment to show that at the last meeting he stated that the fence that was going to  
12 be built at the Mascaraneas residence needed to have a stone face and decorative posts.  
13 All voted aye. The motion to approve the minutes was carried.  
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16 **5. REPORTS**  
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18 a) **Next Meeting:**

19 Tawnya Mortensen reported that the next regular meeting of the Commission was  
20 scheduled for January 4, 2010. All agreed.  
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23 **6. ACTION ITEMS**  
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- 25 a) **Conditional Use Permit – Speech/Language Pathology Services Home-Based**  
26 **Business (Cheray Milligan, Applicant) Applicant** requests approval of a  
27 Conditional Use Permit for Speech-Language Pathology Services in her home.  
28 Property located on Lot 92, The Orchards Unit 2, T13N R3E SEC36 NMPM,  
29 Bernalillo, New Mexico aka 1100 San Augustin  
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31 The Chairman introduced the item and Cheray Milligan explained that she just  
32 moved to Bernalillo and wanted to start up her Pathology Services. Chairman  
33 Kilfoy asked if she would do this out of her home. Ms. Milligan explained that  
34 she will only do paperwork from her home. She travels to the clients homes.  
35 Commissioner Wilson motioned to approve. Commissioner Last seconded the  
36 motion. All voted aye. The motion to approve was carried.  
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- 39 b) **Conditional Use Permit – Portable Building Sales (Lawrence Smith,**  
40 **Applicant)** Applicant requests approval of a Conditional Use Permit to sell  
41 portable buildings in a C1 Zone. Property is located at Tract D1, T13N R4E  
42 SEC32 NMPM, Bernalillo, New Mexico aka 223 West US Hwy 550  
43

44 The Chairman introduced the item and Lawrence Smith came forward and began  
45 to explain that he had already had his sales location on the corner of 550 and  
46 Camino Del Pueblo for a year. He moved to the 223 West US Hwy 550 location  
47 just recently after the car lot went out of business. He was asked to apply for a  
48 Conditional Use Permit and he complied. He explained that they are now

1 operating on the lot east of the Chevron on 550. Commissioner Wilson stated that  
2 he sees that the only place to pull off of the highway and park would be to use the  
3 filling station. Mr. Smith agreed that there is where the customer's park is at the  
4 Chevron. But, they never have more than 2 customers at the time. Commissioner  
5 Last asked if there was an agreement with Mr. Adler from the gas station to use  
6 his parking lot. Mr. Smith stated that yes there was an agreement for the use of  
7 his parking lot. Chairman Kilfoy questioned about Mr. Smith's office location.  
8 He explained that his office is Rio Rancho, the company is based out of Kentucky  
9 but the point of sale is in Bernalillo. Bernalillo will get the gross receipts from  
10 the sale of the buildings. Commissioner Last asked where the buildings are  
11 constructed. Mr. Smith said that all building that is here in Bernalillo is  
12 constructed in Grants NM. Commissioner Kilfoy asked if there were any  
13 questions from the audience. Tawnya Mortensen then explained staffs concerns  
14 with the models being moved on and off the lot since the lot fronts a highway.  
15 There needs to be a driveway permit and suggested that there be conditions put on  
16 the Conditional Use Permit that the models do not move on and off. Mr. Smith  
17 explained that they are not models only that they do sell them. They prefer not to  
18 but if a customer needs a building right away they will sell a mode. He explained  
19 that moving them is not a big production. A flat bed dully comes in and hoists the  
20 building onto the flat bed and leaves. They bring in or move out buildings during  
21 non-peak traffic times. Commissioner Wilson asked if they were using the  
22 Chevron entrance to bring in the buildings and Mr. Lawrence said that is what  
23 they use. He also explained that traffic does not have to be stopped to bring in or  
24 take out a building. Commissioner Wilson motioned to approve. Commissioner  
25 Hyer seconded the motion. All voted aye. Motion to approve was carried.

- 26  
27 c) **Preliminary Plat – Portella Bellissimo Subdivision (Rio Grande Engineering,**  
28 **Agent) Applicant** requests approval of a Preliminary Plat for a replat of an 8 lot to  
29 a 13 lot subdivision. Property located on Lots 1-8 T13N R3E SEC36, NMPM,  
30 Bernalillo, New Mexico (located off Sheriff's Posse Road.)

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32 The Chairman introduced the item and David Soule from Rio Grande  
33 Engineering came forward to explain the replat. Commissioner Wilson  
34 asked if we had been discussing this subdivision recently. Commissioner  
35 Hyer answered by saying that Gary Gristko was in around October as a  
36 discussion item. Mr. Soule added that Mr. Gristko was in with a sketch  
37 comment plat. At the time the sketch did not meet the zone requirements  
38 going from 8 to 15 lots so those changes have now been made by going  
39 from 8 to 13 lots. The bank has purchased the property and plans to  
40 develop it out. Mr. Soule explained the drainage (French drains), the wall,  
41 water and sewer service. Commissioner Hyer asked how there was access  
42 to the back two lots. David went forward and showed everyone where the  
43 access was. Commissioner Montoya asked where the water was going to  
44 drain to. Mr. Soule explained that the water stays on site and there are  
45 French drains, one in the front and one in the back. He added that there  
46 isn't any storm drain for the water to go into. The Commissioners were

1 concerned about who would maintain the drains. Mr. Soule explained  
2 how French drains work and how easy they are to maintain. He also  
3 stated that there are now 26 french drains where there were 16.  
4 Commissioner Montoya asked how big the drains are going to be. Mr.  
5 Soule answered that they will be 2 ft diameter. A brief discussion  
6 continued. Chairman Kilfoy asked if anyone in the audience wished to  
7 speak on this and Mr. Pike came forward. Mr. Pike handed out a Terrain  
8 Management Plan Review and explained that with every subdivision that  
9 comes before the board, they will need to submit plans to the SWCD as  
10 well to be in compliance with the State Statute. Mr. Soule added that they  
11 have to submit sometimes up to 30 copies to the Counties and then those  
12 copies are distributed to all the proper entities. Pat Cunningham from the  
13 audience then stood up and stated that since the subdivision is going from  
14 8 to 13 lots that will have a bigger impact on the drainage and there needs  
15 to be more thought put into it then just approving. He also stated that he  
16 has spoken to 5 other residents in the Bosque del Rio Grande subdivision  
17 where he lives and is part of the HOA, and they are all against anything  
18 having a higher density in that area. Commissioner Hyer asked Tawnya if  
19 she is aware of the handout that Mr. Pike distributed. She stated that no,  
20 she was not familiar and it is not in the Subdivision Regulations. Tawnya  
21 also added that she would ask the Town Attorney about it. Chairman  
22 Kilfoy asked for a motion to table until everything has been brought to the  
23 table. Commissioner Hyer motioned to table until Tierra West reviews the  
24 plans and until we find out further information on the Terrain  
25 Management Plan Review. Commissioner Wilson seconded the motion.  
26 All voted aye. Motion to table was carried.  
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29 **7. DISCUSSION ITEMS**

30 Discussed Hot Stone business and Murphy's Oil  
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33 **8. ADJOURNMENT** Commissioner Montoya motioned to adjourn. Commissioner Hyer  
34 seconded the motion. All voted aye. Meeting adjourned at 7:19 pm.  
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