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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 **SEPTEMBER 14, 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 September 14, 2010 at 6:30 pm.  
11 Commissioner Georgina Chavez, Vice-Chairman  
12

13 **Applicants / Members of Public Signed In:**

14 Eddie Gutierrez	Steve Hooper	Scott Greene
15 Tony Griffin	Jai Lakshman	Mike Moloney
16 Bonnie Hill	Margie Amiot	Mary Jo Moloney
17 Jim Smith	Steve Amiot	George Gabaldon
18 Lori Harris	Rosa Jaquez	Kathleen Narvaiz
19 Annie Owen	Miles Shiver	Gary Gritsko
20 Jaime Alvarado	Peter Pino	Ted Montoya
21 Richard Reynolds	Larry Chavez	Doreen Goodlin
22 Wayne Rohar	Sally DeVargas	James Pike
23 Annette Chavez	Ralph Chavez	

24  
25 Tawnya Mortensen, Assistant Planner of Planning and Zoning, and Others were  
26 also present but not signed in, or their signatures were not legible.  
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28

29 **1. CALL TO ORDER**

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31 Vice-Chairman Chavez called the meeting to order at approx. 6:30 pm, and led  
32 those attending in a recitation of the Pledge of Allegiance.  
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35 **2. ROLL CALL**

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

44  
45 A quorum was present.  
46

47 **3. APPROVAL OF AGENDA**  
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1 Vice-Chairman Chavez asked if there were any changes to the agenda.  
2 Tawnya Mortensen explained that there were some changes to the agenda. She  
3 went on to say that Item G would be taken off the agenda and Item D would be  
4 moved to Item A and all items would shift down one. Commissioner Last  
5 motioned to approve the agenda with the changes. Commissioner Hyer seconded  
6 the motion. All voted aye. Motion to approve was carried.  
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9 **4. APPROVAL OF MINUTES**

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11 **Meeting of August 3, 2010**  
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13 The Vice-Chairman asked if there were any changes to the Minutes. There being no  
14 changes, Commissioner Last motioned to approve the minutes with no corrections.  
15 Commissioner Wilson seconded the motion. All voted aye. The motion to approve the  
16 minutes was carried.  
17

18  
19 **5. REPORTS**  
20

21 a) **Next Meeting:**

22 Tawnya Mortensen reported that the next regular meeting of the Commission was  
23 scheduled for October 5, 2010. There were no problems with this day.  
24  
25

26 **6. ACTION ITEMS**  
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- 28 a) **Summary Plat – Re-plat (Eddie & Dolores Gutierrez, Applicant)** Applicant  
29 requests approval of a summary plat to re-subdivide with the number of lots  
30 staying the same. Property located at Tract 231-C-2-A, Lands of Tony Gutierrez,  
31 T12N R4E SEC6, NMPM Bernalillo, New Mexico.  
32

33 The Vice-Chairman introduced the item and Mr. Gutierrez came forward to  
34 explain the need for approval for his Summary Plat. A brief discussion ensued.  
35 There weren't any issues with this request that the Commissioners could see. The  
36 Vice-Chairman entertained a motion. Commissioner Montoya motioned to  
37 approve. Commissioner Last seconded the motion. All voted aye. The motion to  
38 approve was carried.  
39  
40

- 41 b) **Amendment to the Zoning Ordinance - Residential to Commercial (Emanuel**  
42 **Damacus, Applicant)** Applicant requests approval of an Amendment to the  
43 Zoning Ordinance to change the zoning from residential to commercial. Property  
44 located at Lot 3, Lands of Rollie Baack, T13N R3E SEC36 NMPM, Bernalillo,  
45 New Mexico aka 1371 Calle Baack.  
46

47 The Vice-Chairman introduced the item and Mr. Damacus came forward. Mr.  
48 Damacus came forward and explained that he would like approval of this zone

1 change so that he could rent out spaces for RV and Boat Storage. He stated that  
2 properties surrounding his property all had commercial businesses on them. He  
3 handed out an aerial photo and marked “commercial properties” with an “x”. A  
4 brief discussion took place with questions from the Commissioners regarding 1)  
5 Has he already been renting spaces? 2) Who lives on the property? 3) How did  
6 you hear that you needed to comply? Mr. Damacus said that he lets people from  
7 his church park there for free. His in-laws live on the site. He also said that  
8 Libbie paid him a visit to let him know he needed a CUP. Commissioner Montoya  
9 interjected and explained that what Mr. Damacus wanted to do was considered  
10 spot zoning, a practice that is discouraged because it is not on a business street.  
11 After more discussion the Vice-Chairman asked for a motion. Commissioner  
12 Montoya motioned to deny since everything around Mr. Damacus’ property is  
13 residential and to spot zone would go against the Town’s practices.  
14 Commissioner Hyer seconded the motion. All voted aye. Motion to deny was  
15 carried.

- 16  
17 c) **Conditional Use Permit - RV Storage/Boat Storage Business (Emanuel**  
18 **Damacus, Applicant)** Applicant requests approval of a Conditional Use Permit for  
19 and RV/Boat Storage Business located on Lot 3, Lands of Rollie Baack, T13N  
20 R3E SEC36 NMPM, Bernalillo, New Mexico aka 1371 Calle Baack

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22 The Vice-Chairman explained that since Item B did not pass, Item C would not be  
23 able to be passed either. She asked for clarification from Tawnya. Tawnya  
24 explained that this type of business would be a better fit under Special Use  
25 zoning. The business couldn’t fall under a home-based business either since Mr.  
26 Damacus doesn’t live there. The Vice-Chairman asked for a motion.  
27 Commissioner Hyer motioned to deny the Conditional Use Permit.  
28 Commissioner Last seconded the motion. All voted aye. Motion to deny was  
29 carried.

- 30  
31  
32 d) **Conditional Use Permit – Concrete Batch Plant (Don Wallin, Agent)**  
33 Applicant requests approval of a concrete batch plant in an M1 Zone (Light  
34 Industrial) located at Parcel B2, T13N R4E SEC 32 NMPM, Bernalillo, New  
35 Mexico aka 321 South Hill Rd.

36  
37 The Vice-Chairman introduced the item and Miles Shiver, managing partner of  
38 Duke City Redi-Mix came forward. Mr. Shiver explained his business and that  
39 they have ran a plant since 2001. He went on to explain all the positive points of  
40 his business and that they plan to hire 10 to 15 local people for their business. He  
41 also stated that because they would be local, they would be able to cut the Town  
42 of Bernalillo’s costs down on any construction we may have. Points that were  
43 made: 1) They recycle all water and unused concrete. 2) They have obtained 7  
44 acre feet of water and have other avenues that they can seek for more water if the  
45 need should arise. They will be working on the I25 project. 3) They have a NM  
46 Air Quality report and will be compliant to that permit. Brand new, state of the

1 art plant will have ways to contain the dust. 4) They will be using South Hill  
2 Rd for northbound exit only. They will not be going South on South Hill Rd.  
3 Vice-Chairman Chavez wanted to know if they had heard from neighbors since  
4 P&Z had been notified that the neighbors had concerns. Mr. Shiver had not heard  
5 from anyone. Commissioner Wilson asked if the audience had any questions.  
6 Mr. Pike asked what kind of noise the plant would be making. Commissioner  
7 Wilson asked what their hours of operation would be. Mr. Shiver stated that their  
8 hours of operation are 6:30 to 5 M-F and 6:30 to 12 on Saturdays. A brief  
9 discussion continued with more input from the audience. Vice-Chairman Chavez  
10 entertained a motion. Commissioner Montoya motioned to approve.  
11 Commissioner Hyer seconded the motion. All voted aye except for  
12 Commissioner Wilson voting nay. The motion to approve was carried.  
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- 15 e) **Conditional Use Permit – Home-based Business (Tony Dean Griffin,**  
16 **Applicant)** Applicant requests approval of a Conditional Use Permit for a Internet  
17 Sales, home-based business at Tract A, T13N R4E SEC32 NMPM, Bernalillo,  
18 New Mexico aka 112 Lermuseaux Lane.  
19

20 The Vice-Chairman introduced the item to the Commission and Tony  
21 Griffin came forward to explain that he wanted to start a internet gun sales  
22 business from his home. He would have no customers coming to the  
23 house and all sales are drop shipped to the buyers location. He has passed  
24 all tests and taken all avenues to be able to be a gun dealer. A brief  
25 discussion ensued. Vice-Chairman Chavez entertained a motion.  
26 Commissioner Montoya motioned to approve. Commissioner Hyer  
27 seconded the motion. All voted aye. The motion to approve was carried.  
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- 30 f) **Conditional Use Permit – Reception Hall (Steve & Margie Amiot, Applicant)**  
31 Applicant requests approval of a Conditional Use Permit for a reception hall in an  
32 M1 Zone (Light Industrial) located at Tract 243 D2, T13N R4E SEC32 NMPM,  
33 Bernalillo, New Mexico aka 1420 Camino del Pueblo.  
34

35 The Vice-Chairman introduced the item to the Commission and Steve and  
36 Margie Amiot came forward to explain that they wanted to start an event  
37 center in the west side of their building south of Bernalillo. The east side  
38 of the building would still house Jalisco's Automotive. They went on to  
39 say that there is a need for an event center in the area and feels it would  
40 benefit the town as a place for people to have wedding receptions, parties  
41 etc. Mrs. Amiot stated that all conditions that Mr. Wormhood has  
42 communicated to them will be met. Vice-Chairman Chavez asked about  
43 parking. Mr. Amiot explained where the parking would be and referred to  
44 the drawing that he provided earlier that was place in the packets. All  
45 over flow parking will be south of the building in the dirt lot. A brief  
46 discussion continued. Vice-Chairman Chavez asked for a motion.

1 Commissioner Wilson motioned to approve. Commissioner Hyer  
2 seconded the motion with the condition that all building codes be met.  
3 Commissioner Montoya interjected with all conditions be approved in  
4 writing. All voted aye. The motion to approve was carried.  
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- 7 g) **Conditional Use Permit – Home-based Business (Jaime Alvarado, Applicant)**  
8 Applicant requests approval of a Conditional Use Permit for a construction hom-  
9 based business (home office only). Property located at Lot 45, T13N R4E SEC6  
10 NMPM, Bernalillo, New Mexico aka 971 Sawmill Rd.  
11

12 Vice-Chairman Chavez introduced the item and Mr. Alvarado came  
13 forward and explained that he wants to start a construction company and  
14 use his home for a office only to do paperwork. He has no employees and  
15 will only order supplies on a need basis. Chairman Hyer motioned to  
16 approve. Chairman Wilson seconded the motion. All voted aye. Motion  
17 to approve was carried.  
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- 20 h) **Summary Plat – Re-plat (Alpha Professional Surveying – Agent)** Applicant  
21 requests approval of a summary plat to re-subdivide one existing lot into two new  
22 lots and to grant easements. Property located at Lot 3, Lands of Roy Milbourne,  
23 T13N R3E SEC36 NMPM, Bernalillo, New Mexico  
24

25 Vice-Chairman Chavez introduced the item and Gary Gritsko came  
26 forward and explained the nature of the re-plat. A brief discussion ensued.  
27 Commissioner Wilson motioned to approve. Commissioner Hyer  
28 seconded the motion. All voted aye. The motion to approve was carried.  
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- 30 i) **Variance – Carport (Rosa Jaquez, Applicant)** Applicant requests approval of a  
31 Variance for a carport to be built over a property line between Lot 1 and Lot 2  
32 T13N R4E SEC29 NMPM Bernalillo, New Mexico aka 201 & 205 Gabaldon  
33 Lane.  
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35 Vice-Chairman Chavez introduced the item and Rosa Jaquez came  
36 forward and explained that she wanted to put the carport on the north side  
37 of her house since the south side had a gas meter on it and there was no  
38 room to put the carport there. She owns both lots and the carport is not a  
39 temporary one. A member of the audience was concerned that the carport  
40 would encroach on to her property by hanging over the fence. Ms. Jaquez  
41 explained that it would not and it would be 10 ft from the property line.  
42 Commissioner Last motioned to approve. Commissioner Satriana  
43 seconded the motion with the conditions that it not be a permanent  
44 structure, it will be well anchored and will be 10 ft from the property line.  
45 All voted aye and the motion to approve with conditions was carried.

1 j) **Variance - Patio Cover Add-on (Four Seasons Sunrooms Inc., Agent)**  
2 Applicant requests approval of a Variance for a patio cover add-on. The rear  
3 setback in the Santiago Subdivision is 15 ft. This addition will take it down to  
4 10.8 ft. Property located at Lot 52-A, T13N R3E SEC36 NMPM, Bernalillo, New  
5 Mexico aka 1143 Brazos Ct.

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7 Vice-Chairman introduced the item and a representative from Four  
8 Seasons came forward to explain the need for a variance and that the  
9 neighbors did not have a problem with it. Commissioner Wilson asked if  
10 the HOA had been notified and if they approved. The representative  
11 stated that they wanted to get approval from P&Z first before going to the  
12 HOA. Commissioner Wilson motioned to approve with the condition that  
13 an approval letter from the HOA be submitted before any building takes  
14 place. Commissioner Hyer seconded the motion. All voted aye. Motion  
15 to approve with conditions was carried.

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18 **7. DISCUSSION ITEMS**

19 **Pre-Application Review – Zia Bernalillo Plaza (Jai Lakshman, agent)**

20 Mr. Lakshman and others presented the Commission with their plans for a plaza in  
21 Bernalillo. Members of the Commission and audience all spoke their opinions of the  
22 development.

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25 **8. ADJOURNMENT**  
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