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4 **MINUTES OF A REGULAR MEETING**
5 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
6 **HELD AT THE TOWN HALL**
7 **September 24, 2007**
8

9 The Governing Body of the Town of Bernalillo met in a special session within the law and rules
10 of the Town on September 24, 2007, at 6:30 P.M.

11
12 Upon Roll call the following members were found to be present:

13
14 **PRESENT:**

15 Mayor Chávez
16 Councilor Montoya
17 Councilor Sisneros
18 Councilor Jaramillo
19 Councilor Torres

ALSO PRESENT:

Stephen Jerge Jacob Vosburgh
Fred Radosevich Margie Amiot
Ron Bohannan Richard Costales
Santiago Chavez Cedric Page
Nick Mora Rudy Tenorio
Kelly Moe Tom Jagan
Fawn Dolan Helen Sandoval
Mary Kwapich George Perez
Annie Sandoval Restie Sandoval

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25 **ABSENT:**

Others Present Not Identified

26
27 **APPROVAL OF AGENDA: 4a)**

28 Councilor Sisneros moved to approve the agenda as amended. The motion was seconded by
29 Councilor Jaramillo and motion carried unanimously.

30
31 **MISCELLANEOUS: 10a) Bernalillo Education Center Update Presenter Cedric**
32 **Page.**

33 Cedric Page gave a brief overview of the Bernalillo Education Center located at the UNM Los
34 Alamos Campus in Bernalillo. The Center also houses the Small Business Development Center
35 to assist small Business Owners.

36
37 **MISCELLANEOUS: 10b) Municipal Judge Update – Presenter Mayor Chávez.**

38 Municipal Judge appointment will be delayed due to the gathering of the panel to interview the
39 applicants. The interviewing panel will consist of one District Judge (retired), one Magistrate
40 Judge (retired), a member from the citizen panel and Yolanda Mora HR Director. There were
41 seven inquires for the Judge position four submitted letters of interest and will be interviewed by
42 the panel. The recommendation for the appoint will be at the meeting on October 8, 2007. The
43 Alternate Judge Sharon Torres has taken the case load since Judge Lucero's resignation.
44
45
46

47 **PUBLIC HEARING: 5a) Discussion, Consideration and Adoption of Ordinance 237**
48 **Implementing and Amendment to the Zoning Map in Order to change the Zoning**
49 **Designation of Tracts A-X of the Lands of Ernie Montoya and Tracts 1&2 of the Lands of**
50 **Rudy Tenorio from R-R (Rural Residential to R-1 (Single Family Residential). Presenter:**
51 **Kelly Moe**
52

53 Bernalillo Planning & Zoning Director Kelly Moe stated the applicant requested approval of an
54 Amendment to the Zoning Ordinance, from R-R (Rural Residential) to R-1 (Single Family
55 Residential), Tracts A, B, & C of the Lands of Ernie Montoya, and for Tracts 1 & 2, of the Lands
56 of Rudy Tenorio, within T13N R3E SEC 36 NMPM, Bernalillo, New Mexico. The Application
57 for Zone Change was heard by Planning & Zoning Commission at its regular meeting of
58 September 4, 2007.
59

60 The request for Zone Change is similar to that approved for the C'de Baca Casitas subdivision
61 (which is located immediately to the north) but might additionally allow for more affordable
62 housing than much of what has been build in the C'de Baca and Bosque Encantado
63 developments.
64

65 Site Information

66 Existing Zone: R-R (Rural Residential)

67 Proposed Zone: R-1 (Single-Family Residential)

68 Current Land Use: Vacant

69 Current Required Lot Size: Min 12,000 sq. ft min 1 acre if no on-site utilities

70 Proposed Lot Size: Approx: 6000 to 9000 sq. ft.

71 Access: Spanish Bluff & NM528

72 Utilities: Municipal water & sewer to be provided by developer.
73

74 Recommendation:

75 Staff APPROVE

76 P&Z Commission: APPROVE (unanimous)
77

78 STATE OF NEW MEXICO

TOWN OF BERNALILLO

79
80 **ORDINANCE NO. 237**
81

82 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP IN ORDER**
83 **TO CHANGE THE ZONING DESIGNATION OF TRACTS A-C OF THE LANDS OF ERNIE**
84 **MONTOYA AND OF TRACTS 1 & 2 OF THE LANDS OF RUDY TENORIO FROM R-R**
85 **(RURAL RESIDENTIAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL)**
86

87 **WHEREAS**, certain lands of Madden Development LLC, known as Tracts A-C of the Lands of
88 Ernie Montoya and Tracts 1 & 2 of the Lands of Rudy Tenorio, within T13N R3E SEC36 NMPM, (as shown

89 in 'EXHIBIT A', and comprising approximately 7.5 acres) are located within the Town, are mostly vacant,
90 and have a current zoning designation of R-R (Rural Residential); and,

91
92 **WHEREAS**, the owner of said lands has petitioned to change the zoning designation of said lands to
93 R-1 (Single-Family Residential) with lots of 6000 sqft. min. for a residential development; and,

94
95 **WHEREAS**, the proposed development will provide access from Spanish Bluff Street, in a
96 configuration which will make the highest and best use of a steep residential site; and,

97
98 **WHEREAS**, the Planning & Zoning Commission, at its regular meeting of September 4, 2007,
99 reviewed the requested zone change in a Public Hearing and voted unanimously to recommend approval of
100 the request to the Town Council; and,

101
102 **WHEREAS**, the Town Council, the Governing Body of the Town of Bernalillo, has reviewed the
103 applicant's request, the Commission's recommendation, other testimony regarding said request, as well as
104 the Town's Comprehensive Plan; and,

105
106 **WHEREAS**, the requested zoning designation is deemed beneficial to the general welfare of the
107 Town of Bernalillo, as well as to the private benefit of the applicant;

108
109
110 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
111 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

112
113 That Ordinance No. 175 entitled the "Comprehensive Zoning Ordinance of the Town of Bernalillo"
114 be hereby amended to provide for a change in the zoning map to R-1 (Single-Family Residential).

115
116 Mayor Chávez asked the councilors if there were any questions.

117
118 Councilor Torres asked Mr. Moe if the access to the subdivision will not be through Sheriff
119 Posse Road. Mr. Moe stated it would be through Spanish Bluff and 528. Sheriff Posse Road
120 would be accessed only by pedestrian not vehicular.

121
122 Councilor Sisneros asked Mr. Moe if the subdivision north the Casitas was zoned single family
123 as well. Mr. Moe stated that area is zoned R-2 but most of the lots are R-1 size. The reason
124 behind that request was because a few of the lots were going to fall below the 6,000 sq. ft.
125 requirement for R-1.

126
127 Councilor Sisneros asked Mr. Moe if the subdivision Bosque de Rio Grande was R-1. Mr.
128 Moe stated they maintain the Rural Residential zoning with lot sizes of 12,000 sq ft.

129
130 Council Torres asked the total acres of the development. Mr. Moe stated it was 7.48 acres.

131
132 Council Jaramillo asked Mr. Moe is there was sewer on the property. Mr. Moe stated the sub-

133 divider would be providing the sewer. Link to the line on Sheriff Posse and stated that would be
134 done if and when the zone changes is approved.

135

136 Mayor Chávez asked Mr. Moe about Tracts 1 and 2 if they were existing units. Mr. Moe stated
137 they were existing units and the applicant can address that issue.

138

139 Mayor Chávez then swore in anyone testifying either for or against the Ordinance 237.

140

141 Richard Costales stated that Tract A & B is currently where Rudy Tenorio resides and will
142 remain. Lot 12 has a mobile home which will be removed. Drainage will be contained on the site
143 on Tract 22. If this is approved a final plat map will be provided to the Planning & Zoning for
144 approval.

145

146 Mayor Chávez asked about the road easement on the sketch plat it indicates a 50 ft. easement
147 with no sidewalks and wanted to know if that was an over site. Mr. Moe stated that the
148 possibility to make some sort of path on one side of the road. Planning and Zoning discussed a
149 pedestrian access to all the surrounding areas. Mayor Chávez indicated that by having sidewalks
150 would provide safe passage way to the pedestrians to the commercial development. Mr. Moe
151 stated that would be taken into consideration. Mayor Chávez stated that this should be added to
152 the ordinance. Mayor Chávez also asked if Water Rights had been obtained for the property.
153 Mr. Costales indicated that he is in the processes of purchasing 8 acre ft. of water for the
154 development.

155

156 Councilor Montoya asked is the style of homes has been designed. Mr. Costales stated it has not
157 been determined but would take all considerations of the Council while completing the final plat
158 for approval to the Planning & Zoning Commission. Mr. Costales stated that it would be more
159 affordable homes.

160

161 Councilor Sisneros moved to approve the Adoption of Ordinance 237 with the conditions of
162 sidewalks and water rights transferred to the Town of Bernalillo at the time the Master Plan is
163 adopted. The motion was seconded by Councilor Jaramillo.

164

165 Roll Call Vote

166 Councilor Montoya Yea

167 Councilor Jaramillo Yea

168 Councilor Torres Yea

169 Councilor Sisneros Yea

170

171

172 **PUBLIC HEARING: 5b) Discussion, Consideration and Adoption of Ordinance 238**
173 **Implementing and Amendment to the Zoning Map in Order to Change the Zoning**
174 **Designation of Tracts A-D of the Lands of Wilma Salisbury from R-R (Rural Residential)**

175 **to R-2 (Multi-Family Residential). Presenter: Kelly Moe**
176

177 Bernalillo Planning & Zoning Director Kelly Moe stated the applicant requested approval of an
178 Amendment to the Zoning Map in Order to Change the Zoning Designation of Tracts A-D of the
179 Lands of Wilma Salisbury from R-R (Rural Residential) to R-2 (Multi-Family Residential)
180 within T13N R3E SEC36 NMPM, Bernalillo, New Mexico. The Application for Zone Change
181 was heard by the Planning & Zoning Commission at its regular meeting of September 4, 2007.
182

183 This request for Zone Change is similar to that approved for the C’de Baca Casitas subdivision
184 (which is located close by to the north), but will additionally allow for more affordable housing
185 than much of what has been built in the C’de Baca and Bosque Encantado developments.
186

187 Site Information

188 Existing Zone: R-R (Rural Residential)

189 Proposed Zone: R-2 (Multi-Family Residential with Town-home lots of min 4000 sqft.)

190 Current Land Use: Vacant

191 Current Required Lot Size: Min 12,000 sq. ft min 1 acre if no on-site utilities

192 Proposed Lot Size: Approx: 4,000 w/zero lot line setbacks.

193 Access: Spanish Bluff, Sheriff’s Posse Rd

194 Utilities: Municipal water & sewer to be provided by developer.
195

196 Recommendation:

197 Staff APPROVE

198 P&Z Commission: APPROVE (unanimous)
199

200 STATE OF NEW MEXICO

TOWN OF BERNALILLO

201

202 **ORDINANCE NO. 238**
203

204 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP IN ORDER**
205 **TO CHANGE THE ZONING DESIGNATION OF TRACTS A-D OF THE LANDS OF WILMA**
206 **SALISBURY FROM R-R (RURAL RESIDENTIAL) TO R-2 (MULTI-FAMILY RESIDENTIAL)**
207

208 **WHEREAS**, certain lands of Sagebrush Properties LLC, known as Tracts A-D of the
209 Lands of Wilma Salisbury, within T13N R3E SEC36 NMPM, (as shown in ‘EXHIBIT A’, and
210 comprising approximately 4.1 acres) are located within the Town, are mostly vacant, and have
211 a current zoning designation of R-R (Rural Residential); and,

212
213 **WHEREAS**, the owner of said lands has petitioned to change the zoning designation of said lands to
214 R-2 (Multi-Family Residential) with town-home lots of 4000 sqft. min. for a courtyard-home development;
215 and,

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WHEREAS, the proposed development will provide a unique type of housing product within the Town, in a configuration which will make the highest and best use of a steep residential site; and,

WHEREAS, the Planning & Zoning Commission, at its regular meeting of September 4, 2007, reviewed the requested zone change in a Public Hearing and voted unanimously to recommend approval of the request to the Town Council; and,

WHEREAS, the Town Council, the Governing Body of the Town of Bernalillo, has reviewed the applicant's request, the Commission's recommendation, other testimony regarding said request, as well as the Town's Comprehensive Plan; and,

WHEREAS, the requested zoning designation is deemed beneficial to the general welfare of the Town of Bernalillo, as well as to the private benefit of the applicant;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

That Ordinance No. 175 entitled the "Comprehensive Zoning Ordinance of the Town of Bernalillo" be hereby amended to provide for a change in the zoning map to R-2 (Multi-Family Residential) with town-home lots of 4000 sqft. min. for a courtyard-home development.

Mayor Chávez asked the councilors if there were any questions.

Councilor Sisneros asked if the development was in line with R-2 of Bosque Rio Grande and similar developments close to this area. Mr. Moe stated Bosque Rio Grande is Rural Residential 12,000 sqft. but is similar to Las Casitas of C'de Baca and the one just approve for the Rudy Tenorio and Ernie Montoya. Small lots which should build in some affordability into the area.

Mayor Chávez then swore in anyone testifying either for or against the Ordinance 238.

Ron Bohannan is in favor of the zone change. The goal is to create a type of home not offered in the area a town home attached. Water Rights are pending approval of this zone change. Drainage will be contained on site.

Mayor Chávez asked about the open space and the sidewalks for this area. The right of way is 40 ft. rather than 50 ft. where will the parking be for these units. Mr. Bohannan stated there will be two parking spaces along the back of the units and off street in back of the units. A product used in Santa Fe. The goal is for these to be a smaller more compact town home. The drainage area will be a common ponding and park area. We are trying not to use the traditional use of concrete there is a poly pavement which looks like a naturalistic treatment but hard enough to walk on it.

260 Pedestrian walk way will be a trail type path way delineated between the landscaping and the
261 walk way.

262

263 Mayor Chávez asked about access it looks as if it is through Sheriff's Posse Road. Mr.
264 Bohannon stated that the access would be through both Spanish Bluff and Sheriff Posse Road
265 and gating both entrance to the development. The barrier would be at the entrance of Sheriff
266 Posse Road.

267

268 Councilor Torres asked if the style of home would be close to those Mrs. Dolan built behind
269 Casa Blanca. Mr. Bohannon stated the style was going to be a little bit different a more of a
270 southwest or northern New Mexico style.

271

272 Councilor Jaramillo asked about the parking of off street parking and two parking per unit. Mr.
273 Bohannon stated there would be two in the garage and two on street parking.

274

275 Mayor Chávez asked if the proposal was for 19 units. Mr. Bohannon stated yes.

276

277 Mayor Chávez stated that the same issues need to be address in the ordinance of open space,
278 drainage, textured sidewalks and off street parking. The concern is the access. You are looking
279 at 2.9 cars of 19 units going onto Sheriff Posse Road.

280

281 Councilor Jaramillo asked if the intent was to use both Spanish Bluff and Sheriff Posse Road.
282 Mr. Bohannon stated yes the intention is to use both and you would split that in half and most
283 people would use Spanish Bluff.

284

285 Councilor Torres asked if the gate to Sheriff Posse Road would be remote controlled. Mr.
286 Bohannon stated yes with remote control and emergency access for police and fire.

287

288 Mayor Chávez asked if the gates would to both entrance would be remote controlled. Mr.
289 Bohannon stated yes.

290

291 Councilor Torres stated basically it will be a gated community. Mr. Bohannon stated yes.

292

293 Councilor Jaramillo asked about the pond and what was it going to consist of. Mr. Bohannon
294 stated that he is looking at creating the volume for the built up run off and keeping that down
295 below in a sub storage type area. Volume and percolation kept below ground with landscaping
296 on top for the benefit of the residents. No standing water, it is basically like Nick C'de Baca
297 area.

298

299 Mayor Chávez stated that is what the Town if looking for a softing of neighborhoods, not just
300 homes. Mr. Bohannon stated that is their intention to keep some of the Bosque components into
301 the development.

302
303 Mayor Chávez ask if R-2 allows for multi level home. Mr. Moe stated the intent of this
304 development is to have single story homes with court yards.
305
306 Fawn Dolan the developer for the project stated that it is an incredible project the court yard
307 home will be good for Bernalillo and is willing to do whatever it take to get it done. The
308 development is to be something like she built at the south end of town nestled in the community.
309 She plans to complete the development within a year.

310
311 Mayor Chávez then swore in Mr. Mora.

312
313 Mr. Nick Mora stated he is neither for nor against the project but would like to know if there will
314 be a fence or a wall. Mr. Bohannan stated yes there will be a 5 ft. solid wall. Mr. Mora asked
315 how the site is going to be drained Mr. Bohannan stated the site will have it own drainage system
316 which will go into the ponding area.

317
318 Councilor Montoya moved to approve the Adoption of Ordinance 238 with the conditions of
319 textured sidewalks, water rights transferred to the Town of Bernalillo at the time the Master Plan
320 is adopted, open space, off street parking, drainage and controlled access from Spanish Bluff and
321 Sheriff Posse Rd. The motion was seconded by Councilor Jaramillo.

322
323
324 Roll Call Vote

325	Councilor Sisneros	Yea
326	Councilor Torres	Yea
327	Councilor Montoya	Yea
328	Councilor Jaramillo	Yea

329
330
331 **PUBLIC HEARING: 5c) Discussion, Consideration and Adoption of Ordinance 239**
332 **Implementing and Amendment to the Zoning Map in Order to Change the Zoning**
333 **Designation of Lot 5 of the Veranda Plaza Subdivision from C-1 (retail Commercial) to SU**
334 **(Special Use-Shopping Center with Master Plan). Presenter: Kelly Moe**
335

336 Bernalillo Planning & Zoning Director Kelly Moe stated the applicant requested approval of an
337 Amendment to the Zoning Ordinance from C-1 (Commerical) to SU (Special Use-Shopping
338 center with Master Plan), for Lot 5, Veranda Plaza subdivision, within T13N R3E SEC36
339 NMPM, Bernalillo, New Mexico. The Application for Zone Change was heard by the Planning
340 & Zoning Commission at its regular meeting of September 4, 2007.

341 Lot 5 constitutes the remainder of the old Price's Dairy property south of the new Wal-Mart. An
342 SU Zoning designation is the appropriate designation for such a mixed-use multi-tenant
343 shopping/office center. The Master Plan will allow for an extension of Sheriff's Posse Rd in

344 order to provide: an alternate egress/ingress for Sheriff's Posse neighborhoods in case of
345 emergency situations; a new primary access for the Corazon del Bosque subdivision; and an
346 alternate ingress/egress to the commercial development in order to disperse traffic and minimize
347 congestion at Montoya Rd. Architectural guidelines compatible with the character of the Town
348 are proposed, as are night-sky compliant lighting. Landscape plantings to buffer residential
349 neighborhoods, enhance character, reduce water use, and to modulate traffic are also proposed.

350
351 Estimated revenues from this development will double the amount expected from the Wal-Mart
352 store itself (approx. 2.5. to 3 million per year), allowing the Town to better serve Town residents
353 and visitors, and to decrease risk to the Town's ability to generate necessary revenue.

354
355 Site Information
356 Existing Zone: C-1(Commercial)
357 Proposed Zone: SU (Special Use for Shopping center with Master Plan)
358 Current Land Use: Vacant
359 Required Lot Size: N/A
360 Actual Lot Size: 47 + Acres
361 Access: State HWY 528
362 Utilities: Municipal water & sewer to be provided by developer.

363
364 Recommendation:
365 Staff APPROVE
366 P&Z Commission: APPROVE (unanimous)

367
368 STATE OF NEW MEXICO TOWN OF BERNALILLO

369
370 **ORDINANCE NO. 239**

371
372 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP IN ORDER**
373 **TO CHANGE THE ZONING DESIGNATION OF LOT 5 OF THE VENADA PLAZA**
374 **SUBDIVISION FROM C-1 (RETAIL COMMERCIAL) TO SU (SPECIAL USE – SHOPPING**
375 **CENTER WITH MASTER PLAN)**

376
377 **WHEREAS**, certain lands of Argus Development Company, known as Lot 5 of the Venada Plaza
378 subdivision (formerly a portion of the Lands of Price's Dairy), within T13N R3E SEC36 NMPM, (as shown
379 in 'EXHIBIT A', and comprising approximately 47 acres) are located within the Town, are vacant, and
380 have a current zoning designation of C-1 (Retail Commercial); and,

381
382 **WHEREAS**, the owner of said lands has petitioned to change the zoning designation of said lands to
383 SU (Special Use – Shopping Center with Master Plan); and,

384
385 **WHEREAS**, the proposed SU designation is appropriate for a mixed-use multi-tenant shopping /

386 office / possible residential development; the Master Plan will provide for an extension of Sheriff's Posse Rd.
387 to be used as an alternate ingress and egress for the residential Sheriff's Posse neighborhoods – especially for
388 emergency purposes; and the proposed development will generate large additional gross receipts revenues
389 needed to fund public facilities and services for Town residents; and,

390
391 **WHEREAS**, the Planning & Zoning Commission, at its regular meeting of September 4, 2007,
392 reviewed the requested zone change in a Public Hearing and voted unanimously to recommend approval of
393 the request to the Town Council; and,

394
395 **WHEREAS**, the Town Council, the Governing Body of the Town of Bernalillo, has reviewed the
396 applicant's request, the Commission's recommendation, other testimony regarding said request, as well as
397 the Town's Comprehensive Plan; and,

398
399 **WHEREAS**, the requested zoning designation is deemed beneficial to the general welfare of the
400 Town of Bernalillo, as well as to the private benefit of the applicant;

401
402 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
403 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

404
405 That Ordinance No. 175 entitled the "Comprehensive Zoning Ordinance of the Town of Bernalillo"
406 be hereby amended to provide for a change in the zoning map to SU (Special Use – Shopping Center
407 with Master Plan).

408
409 Mayor Chávez asked the councilors if there were any questions.

410
411 Mayor Chávez then swore in anyone testifying either for or against the Ordinance 239.

412
413 Ron Bohannon indicated the Shopping Center is 50 acres, south of Wal-Mart. This will create a
414 second signalized access what we have been calling Sheriff Posse Road. In the front will be a
415 bank and restaurants. The back will be what we call junior anchor tenants such as office supply
416 stores. One large anchor pad spot current negotiations with a dress retailer. Behind in the 4 acres
417 will be an office building. Spanish Bluff road will be built edge of the Wal-Mart site. Harvest
418 Development who is developing that road will take Sheriff Posse Road down to Tenorio's
419 property which will have a round-a-bout that will allow any type of future connection with an
420 outlet.

421
422 Mayor Chávez asked where Sheriff Posse Road ends right now. Mr. Bohannon stated it is at the
423 end of Rudy Tenorio's property.

424
425 Councilor Torres asked if the two roads were going to be able to handle the traffic. Mr.
426 Bohannon stated a traffic study has been done and indicated it would be able to handle the
427 traffic. This is an alternate section is a really a public safety issue at this point. Have received a
428 drive way permit from the Department of Transportation. The permit will be modified for a
429 signal at that location.

430
431 Mayor Chávez asked if the road would be industrial/commercial grade. Mr. Bohannon stated the
432 road way will be a true arterial pavement section. A true design road way to handle the traffic as
433 well as the road leading to Sheriff Posse Road.

434
435 Councilor Sisneros ask how wide the road is. Mr. Bohannon stated 50 feet.

436
437 Councilor Torres stated he was not comfortable with the extra traffic going onto Sheriff Posse
438 Road it is a narrow road to begin with. Mr. Bohannon stated there is not a physical connection
439 right now and they are providing that connection.

440
441 Councilor Jaramillo asked if the access is 528. Mr. Bohannon stated that most of the traffic
442 would leave out of the shopping center on 528 both north and south. Cross connection is also
443 with the Wal-Mart it will look like one shopping center. The road is just to give access to the
444 other property as well to have an alternate exit such as the Jail.

445
446 Mayor Chávez asked if the plan was to name the road Sheriff Posse Road. Mr. Bohannon.
447 stated that they are willing to change the name if the Governing Body would like.

448
449 Councilor Torres stated what we are talking is circulation through Sheriff Posse Road just like
450 we now have on Don Tomas. Mr. Bohannon stated that if this was a straight connection it would
451 do that but with the round-a-bout is a traffic calming measure. It would make connectivity but
452 the same time put in enough obstacles so that you do not have a convenient cut through like Don
453 Tomas. With the curbs and the round-a-bout will make the alignment it does not look like a cut
454 through.

455
456 Councilor Sisneros stated that there are areas in Albuquerque and an area in Rio Rancho across
457 from Intel that have round-a-bouts.

458
459 Mayor Chávez stated that the ordinance should capture what the Governing Body would like to
460 see to give the Planning and Zoning guidance when approving the Master Plan.

461
462 Kelly Moe Planning and Zoning stated changes in the zoning has allowed for larger
463 developments such as Nazcon and Bosque Encantdo. Traffic in that area has increased and
464 turning left out of Sheriff Posse Road is difficult right now. There is only one egress from
465 Sheriff Posse Road right now. Keeping the road narrow is a traffic calming measure. Changing
466 the name may keep the casual driver from using this as a connection to 550. The road has been
467 discussed in length. Access for the police and fire department to have an alternative to direct
468 traffic is necessary.

469
470 Mayor Chávez asked where the drainage of this property would be. Mr. Bohannon stated storm
471 drains would be installed that would feed into Venada Arroyo.

472
473 Mayor Chávez asked what will be the lighting and landscaping be for the shopping center. Mr.
474 Bohannon stated the shopping center will be night sky compliant. The landscaping will be 15%
475 to 20% landscaped with islands and landscaping along Spanish Bluff. On Sheriff Posse there
476 will be a landscaped boulevard. The lights will be no higher than 30ft to 32 ft high which is
477 equal to one foot candle.

478
479 Mayor Chávez asked about the water rights for the shopping center. Mr. Bohannon stated the
480 commercial development is under a development agreement with Price's and the Town. The
481 Price's have put in a lot of funds for the commercial development. Any residential that comes
482 into the project area must bring water right but the commercial development does not.

483
484 Councilor Sisneros moved to approve the Adoption of Ordinance 239 with the conditions of
485 landscaping will be 15% to 20% landscaped with islands and landscaping along Spanish Bluff,
486 and a landscaped boulevard along Sheriff Posse, name change of Sheriff Posse Road from
487 Spanish Bluff to 528, but develop the road to Sheriff Posse and proposed access. The motion was
488 seconded by Councilor Jaramillo.

489
490 Roll Call Vote

491	Councilor Jaramillo	Yea
492	Councilor Torres	Yea
493	Councilor Montoya	Yea
494	Councilor Jaramillo	Yea

495
496
497 **PUBLIC HEARING: 5d Discussion, Consideration and Adoption of Ordinance 240**
498 **Implementing and Amendment to the Zoning Map in Order to Change the Zoning**
499 **Designation of Tract 7A1A and 7A1B of the Lands of Hernandez from R-R (Rural**
500 **Residential) to C-1 (Retail Commercial). Presenter: Kelly Moe**

501
502
503 Bernalillo Planning & Zoning Director Kelly Moe stated the applicant requested approval of an
504 Amendment to the Zoning Ordinance (Zone Change) from R-2 (Multi-family Residential) to C-1
505 (Retail Commercial for Tracts 7-A-1-A and 7-A-1-B, Lands of Hernandez, within T13N R4E
506 SEC31 NMPM, Bernalillo, New Mexico. The Application for Zone Change was heard by the
507 Planning & Zoning Commission at its regular meeting of June 5, 2007.

508
509
510
511 Site Information
512 Existing Zone: R-2 (Multi-Family Residential)
513 Proposed Zone: C-1 (Commercial)

514 Current Land Use: Vacant
515 Required Lot Size: N/A for Commercial
516 Actual Lot Size: Refer to Plat
517 Access: State Camino Don Tomas
518 Utilities: Municipal water & sewer to be provided by developer.

519
520 Recommendation:
521 Staff Approve with limitation on type of commercial uses allowed.
522 P&Z Commission: APPROVE with condition that uses be limited to commercial offices and
523 service-retail establishments (i.e. no “heavy commercial” uses that require lots of vehicular
524 traffic for viability).

525
526 STATE OF NEW MEXICO TOWN OF BERNALILLO

527
528 **ORDINANCE NO. 240**

529
530 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE ZONING MAP IN ORDER**
531 **TO CHANGE THE ZONING DESIGNATION OF TRACTS 7A1A AND 7A1B OF THE LANDS**
532 **OF HERNANDEZ FROM R-R (RURAL RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL)**

533
534 *WHEREAS*, certain lands of “Don Tomas Investors”, known as Tracts 7A1A and 7A1B, Lands of
535 Hernandez, within T13N R4E SEC31 NMPM, (as shown in ‘EXHIBIT A’, and comprising approximately
536 one acre) are located within the Town, are vacant, and have a current zoning designation of R-R (Rural
537 Residential); and,

538
539 *WHEREAS*, the owner(s) of said lands have petitioned to change the zoning designation of said
540 lands to C-1 (Retail Commercial) in order to allow retail commercial and office commercial uses; and,

541
542 *WHEREAS*, other properties nearby are already zoned C-1, and have been developed with
543 commercial uses; and,

544
545 *WHEREAS*, the Planning & Zoning Commission, at its regular meeting of June 5, 2007, reviewed
546 the requested zone change in a Public Hearing and voted unanimously to recommend approval to the Town
547 Council with the condition that allowable uses be limited to commercial offices and service-retail
548 establishments in order to minimize vehicular traffic on this part of Camino Don Tomas; and,

549
550 *WHEREAS*, the Town Council, the Governing Body of the Town of Bernalillo, has reviewed the
551 applicant’s request, the Commission’s recommendation, other testimony regarding said request, as well as
552 the Town’s Comprehensive Plan; and,

553
554 *WHEREAS*, the requested zoning designation is deemed beneficial to the general welfare of the
555 Town of Bernalillo, as well as to the private benefit of the applicant;

556

557 ***THEREFORE***, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
558 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

559
560 That Ordinance No. 175 entitled the “Comprehensive Zoning Ordinance of the Town of Bernalillo”
561 be hereby amended to provide for a change in the zoning map to C-1 (Retail Commercial) with the
562 limiting condition recommended by the Planning & Zoning Commission.
563

564
565 Mayor Chávez asked the councilors if there were any questions.
566

567 Mayor Chávez then swore in anyone testifying either for or against the Ordinance 240.
568

569 Councilor Sisneros ask what other properties are zoned commercial along Don Tomas. Mr. Moe
570 stated there are several scattered properties on the other side of the street are the storage
571 facilities, the property south of Public Service is zoned C-1 as well, the is also a several business
572 south of the property in question.
573

574 Mayor Chávez asked if the property east of the proposed site had the same owners. Mr. Moe
575 stated the same owners owned all the property. The property east of that would remain R-2.
576 It is possible in the Town’s ordinance to require a Master Plan for the entire development. In the
577 lot split itself, a summary plat was created a potential easement for a street to cut across this
578 property and link to other developments in some point in time.
579

580 Councilor Torres asked about the property further south and it zoning designation. Mr. Moe
581 stated that is a counseling service. Mr. Moe stated the property at that site was zoned for
582 commercial use some time in the past.
583

584 Mayor Chávez asked for those who had signed in to speak for the development.
585

586 Jacob Vosburg stated that the purpose of this request if for a commercial office to stand as a
587 buffer for the residential to be built in the back. This would limit the noise to the homes in the
588 back from Don Tomas. The 2.1 acres in the back would be developed residential some point in
589 the future.
590

591 Mayor Chávez asked what types of business are proposed for the site. Mr. Vosburg what the
592 thought is an insurance agent or a real estate companies or a business office space.
593

594 Mayor Chávez asked where the road mentioned by Mr. Moe was at the center of the property.
595 Mr. Moe stated that it would be eastern end of the lot. Right now there is only on egress out of
596 Don Tomas. In the future this may develop some other egress out of that development on Don
597 Tomas.
598

599 Mayor Chávez asked what is the time frame for identifying and developing the property. Mr.
600 Vosburg stated once this is approved then marketing would be done to find a tenant. The
601 building would be built to suit.

602
603 Mr. Moe stated this would be a service type of business which limits the amount of traffic
604 compared to a restaurant.

605
606 Councilor Sisneros just wanted to comment that Planning and Zoning Commission did a good
607 job by recommending the conditional use in that area. Don Tomas is a busy street with the
608 school traffic. Alternate solutions are needed for the residents and traffic on Don Tomas.

609
610 Councilor Jaramillo stated the business would need to be a smaller scale because of all the traffic
611 on Don Tomas. She would like to see the condition of the easement for the street to be a
612 requirement in the Ordinance.

613
614 Mayor Chávez called upon the individuals signed in for Public Comment.

615
616 Helen Sandoval asked what types of businesses are going in that area. She indicated the amount
617 of traffic on 550 is excessive right now. She said that this needs to be more specific to what type
618 of business will be there. The nursery there on Don Tomas will also increase the traffic on Don
619 Tomas. She is not against because the Town needs the income. An example of a type of
620 business is George Perez's office sometimes he has very little cars there. She would like to see
621 stipulations on what type of business goes in that area.

622
623 Restie Sandoval stated sometime ago a bar was being proposed to be built on the back of his
624 property. He was against that and hired a lawyer to file against that and cost him around \$7,000.
625 Then a Chinese Restaurant was proposed he was against that as well. He is a rancher and brings
626 his cattle and horses to his property. The customers of the restaurant would not like the flies the
627 animals attract. The storage company that is there now he was not notified about it. He came in
628 and spoke to Mr. Moe. Mr. Moe told him that the Planning and Zoning Commission approved
629 the business. Mr. Sandoval spoke to some of the members on the Planning and Zoning
630 Commission and they indicated to them they did not approve the storage business. He said
631 someone was lying. The storage business had to take his fence down to put in their fire wall. Mr.
632 Sandoval is not opposed of the proposed business but they are all going to run him out of town.
633 Maybe he should have his property zoned commercial sell it and make a profit. His plan was to
634 live there the remainder of his life and blames Mr. Moe for his problems.

635
636 Annie Sandoval stated because of Mr. Moe they have lost five or ten feet of their property to the
637 end which is about 500 ft. Nothing can be done because the fence is already there. She does not
638 want to lose anymore because someone makes a mistake. It is her property and would like to
639 keep it and if they do not keep it then would like to sell it not have it stolen.

640

641 Councilor Jaramillo stated the business needs to be a small one or not allow anymore
642 commercial on Don Tomas.

643
644 Mayor Chávez asked if the property was to sell or lease. Mr. Gudelj would lease the property to
645 an office type of business.

646
647 Councilor Montoya stated a Master Plan is important for this development and the questions will
648 be answered for those that live in this area with the Master Plan.

649
650 Mayor Chávez asked if we were to consider a zone change but define the type of business to be
651 at that building. Mr. Moe stated that it is difficult to determine traffic on a certain type of
652 business. The reason the Planning and Zoning Commission put a category was for that reason.
653 The only options are to approve with certain restrictions or not approve. They rest of the
654 property can be changed without coming before the Governing Body.

655
656 Mayor Chávez asked Town Attorney George Perez if we were to consider approving with
657 limited use can we specify in the Ordinance what businesses we would not permit. Mr. Perez
658 stated that is to restrictive you can go the general restrictions of business use not retail and
659 exclude restaurants. To say it has to be a Doctor or Lawyer office is too restrictive.

660
661 Councilor Sisneros stated that excluding retail would take care of that. Mr. Moe stated the
662 developer is willing to exclude restaurants and car dealerships.

663
664 Mayor Chávez asked for the size of building would be on the site. Mr. Vosburg stated it would
665 be 5,000 sqft. which is a small scale commercial structure.

666
667 Councilor Jaramillo moved to approve the Adoption of Ordinance 240 with restrictions of
668 connectivity, no restaurants, no adult entertainment, no car dealership only a service type
669 business and the building in alignment with our Mainstreet overlay design guidelines, and the
670 comprehensive planning of the back portion of no more than 12 units with required easements.
671 All items to be included in Ordinance 240. The motion was seconded by Councilor Montoya.

672
673 Roll Call Vote

674	Councilor Torres	Yea
675	Councilor Sisneros	Yea
676	Councilor Montoya	Yea
677	Councilor Jaramillo	Yea

678
679 **APPROVAL OF MINUTES: 6a) Regular Meeting of September 10, 2007.**

680
681 Mayor Chávez requested a motion to table the minutes of September 10, 2007 page two is
682 missing.

683
684 Councilor Sisneros moved to table the minutes of September 10, 2007. The motion was second
685 by Councilor Jaramillo and carried unanimously.

686
687
688 **EXECUTIVE SESSION**

689
690 A motion was made to go into executive session under section 10-15-1 (H) 8 meeting for the
691 discussion of the pending acquisition or water rights by the public body.

692
693 Councilor Jaramillo moved to go into executive session. The motion was seconded by Councilor
694 Torres and carried unanimously.

695
696 Councilor Montoya moved to go back into regular session at 9:10 P.M. The motion was
697 seconded by Councilor Torres and carried unanimously.

698
699 Mayor Chávez stated that no action was taken in executive session.

700
701 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #32104-#32203.**

702
703 Councilor Torres moved to approve the General Fund Vouchers 32104 - #32203 as presented.
704 The motion was seconded by Councilor Jaramillo and carried unanimously.

705
706 **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62858 - #62901.**

707 Councilor Jaramillo moved to approve the Utility Fund Vouchers #62858 - #62901 as presented.
708 The motion was seconded by Councilor Sisneros carried unanimously.

709
710 **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66484 - #66494.**

711 Councilor Sisneros moved to approve the MVD Fund Vouchers #66484 - # 66494 as presented.
712 The motion was seconded by Councilor Montoya and carried unanimously.

713
714 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5333LR-**
715 **#5354LR.**

716 Councilor Torres moved to approve the Housing Low Rent Vouchers #5333LR - #5354LR as
717 presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

718
719 **FINANCIAL SECTION: 11e) Approval of Water Treatment Plant Vouchers #24-**
720 **#25.**

721 Councilor Torres to approve the Section 8 Vouchers #24 - #25 as presented. The motion was
722 seconded by Councilor Sisneros and carried unanimously.

723
724

725 There being no further business the meeting was adjourned at 9:57P.M.

726

727 Done this 24th day of September 2007.

728

729 ATTEST:

730

731 _____

732 Ida Fierro, Town Clerk

733 (seal)

Patricia A. Chávez, Mayor