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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 **OCTOBER 6, 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 October 6, 2009 at 6:30 pm.

11
12 Commissioner Debbie Kilfoy, Chairman
13

14 **Applicants / Members of Public Signed In:**
15

16 Lucinda Delgado	Rosalie Dome	Gerald Martinez
17 Dolores Rivera	Josephine Marquez	Santiago Montoya
18 Elodia Delgado	Margie Amiot	Mark Aragon
19 Laurie Schuller	Steve Amiot	Pamela Gabaldon
20 Gary Gritsko	Carlos Madrid	Albert Gabaldon
21 Mike Moloney	Raul Montano	George Perez
22 Mary Jo Moloney	David Soule	Paul R M Hatfield
23 Brannon Porch	Matt Lambert	Margaret Geller
24 James Pike		

25
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.
29

30
31 **1. CALL TO ORDER**
32

33 Chairman Kilfoy called the meeting to order at approx. 6:32 pm, and led those
34 attending in a recitation of the Pledge of Allegiance.
35

36
37 **2. ROLL CALL**
38

39 Commissioner Debbie Kilfoy	Present
40 Commissioner Tom Wilson	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	Not Present

46
47 A quorum was present.
48

1 **3. APPROVAL OF AGENDA**

2
3 Prior to the Call to Order, Planning & Zoning Staff had handed out an amended
4 Agenda. The Chairman asked if all Commissioners had reviewed the amended
5 Agenda, and asked if there were any changes to propose. With the Chairman’s
6 consent, Mr. Moe explained the reason for the amended Agenda – a late addition
7 of a new “Item J” which had not required notifications of adjacent property
8 owners. Due to the simple nature of “Item J”, he also suggested that the
9 Commission move Item J to the top of the Action Items. No other changes were
10 proposed. Commissioner Chavez motioned to approve the Agenda as amended
11 and to follow Mr. Moe’s suggestion. Commissioner Last seconded the motion.
12 All voted aye. The motion was carried.

13
14
15
16 **4. APPROVAL OF MINUTES**

17
18 The Minutes for August 4, 2009 were submitted for approval. The Chairman
19 called for corrections. No corrections being called for, Commissioner Last
20 motioned to approve the minutes as submitted. Commissioner Montoya seconded
21 the motion. All voted aye. The motion to approve as submitted was carried.

22
23
24 **5. REPORTS**

25
26 a) **Next Meeting**

27 Mr. Moe informed the Commission that their next regular meeting was scheduled
28 for November 3, 2009. All Commissioners voiced their assent.

29
30
31 **6. ACTION ITEMS**

32
33 a) **Zoning Permit - Main Street Development – Reroof existing house, landscaping**
34 **changes (Elodia Delgado, applicant)** Applicant requests approval of a change to roof
35 style on existing house along with landscaping changes within T13N R4E SEC32,
36 Bernalillo, NM: aka 624 Camino del Pueblo

37
38 The Chairman introduced the item to the Commission, and asked the applicant to
39 present his/her request. A gentleman speaking for Elodia Delgado explained that
40 the existing roof was leaking and needed to be replaced. Mr. Moe asked the Chair
41 to input some information regarding this. Mr. Moe stated that the house needed a
42 new roof but the applicant wanted to go from a flat roof to a pitched roof. He also
43 informed the Commission that there was a big tree in the front of the house in a
44 small yard and the applicant wanted to cut it down. The Chairman entertained a
45 motion. Commissioner Last motioned to approve the reroof and tree removal.
46 Commissioner Chavez seconded the motion. All voted aye. The motion to
47 approve was carried.

1 b) **Conditional Use Permit – Upholstery Business, CR Zone** (Benny & Joan Montoya,
2 Applicant): Applicant requests approval of a Conditional Use Permit for a business in a
3 Commercial Residential Zone on Lot 12B2, within T13N, R4E, SEC 32 NMPM,
4 Bernalillo, NM; aka 528 Eldridge Lane.

5
6 The Chairman introduced the item to the Commission, and asked the applicant to
7 present his/her request. Mr. Montoya came forward and gave a brief explanation
8 of the reason he was there and that his upholstery business was not new it had
9 been in operation for 25 years. He explained that due to his wife being ill, the
10 business license renewal had not been paid. Commissioner Chavez asked if all
11 utilities had been taken care of since the lot was split. Mr. Montoya replied that
12 everything was taken care of and he had the receipts from the business license and
13 conditional use application payments. Commissioner Wilson motioned to
14 approve. Commissioner Chavez seconded the motion. All voted aye. The
15 motion to approve was carried.

16
17
18 c) **Conditional Use Permit – Church** (The Door CFC Church – Gerald Martinez -
19 Applicant): Applicant requests approval of a Conditional Use Permit for a Church at the
20 property located at 105 B Pleasant View Dr. Bernalillo, NM.

21
22 The Chairman introduced the item to the Commission, and asked the applicant to
23 present his request. Gerald Martinez and Paul Hatfield came forward. Mr.
24 Martinez explained his desire to rent a space from Mr. Hatfield, the owner of the
25 existing building, for a church. He then explained that his congregation was new
26 and did not have many members and did not foresee it getting bigger than the
27 space he was renting in the next two years. He added that if it did he would look
28 to rent the space next to the one he is wanting to rent or look for a bigger building.
29 Mr. Hatfield answered questions regarding parking spaces. Mr. Moe
30 communicated that if this was passed, the applicant may have to change things in
31 the building to be in compliance with the fire code.

32
33 The Chairman entertained a motion. Commissioner Wilson motioned to approve
34 with conditions. The first condition would be that the parishioners do not block
35 the street with parking and the second condition would be that this will be
36 reapplied and reviewed in two years. Commissioner Chavez seconded the
37 motion. All voted aye. The motion to approve with conditions was carried.

38
39
40 d) **Conditional Use Permit - Table and Chair Rental Business, R2 Zone**
41 (Vargas Rental Tables and Chairs, Applicant) Applicant requests approval of a
42 Conditional Use Permit for a business in a Multi-Family Residential Zone on Lot 8
43 Block 1 of the Old Sawmill Addition within T13N R4E SEC 6, NMPM, Bernalillo New
44 Mexico: aka 313 Timber Road.

45
46 The Chairman introduced the item to the Commission, and asked the applicant to
47 present his request. Due to no one coming forward, the Chairman asked for a
48 motion to table this item to last on the action list. Commissioner Last motioned to

1 table to end of action list. Commissioner Chavez seconded the motion. All voted
2 aye. The motion to table was carried.
3
4

5 e) **Variance – Rear Setback for patio – (Lambert Construction, agent):** Applicant
6 requests approval for a Variance for a rear setback of 7ft for a patio; on Lot 190,
7 Orchards Unit 3 (a.k.a Alegria at Santiago) within T13N R3E SEC 36 NMPM,
8 Bernalillo, New Mexico.
9

10 The Chairman introduced the item to the Commission, and asked the applicant to
11 present his request. Mr. Lambert, of Lambert Construction, came forward and
12 briefly described the request for Variance. A brief general discussion ensued, and
13 the Commission had no serious concerns regarding the proposed variance.
14

15 The Chairman entertained a motion. Commissioner Chavez motioned to approve
16 the application. Commissioner Montoya seconded the motion. All voted aye. The
17 motion to approve was carried.
18
19

20 f) **Summary Plat – Lot Consolidation – Lots 18 & 19 (SurvTek, agent):** Applicant
21 requests approval of a Consolidation of Lots 18 & 19 of the Venada Plaza Commercial
22 Center within T13N R3E SEC 25 NMPM, Town of Bernalillo, New Mexico
23

24 The Chairman introduced the item to the Commission, and asked the applicant to
25 present his request. After no one coming forward the Chairman asked for a
26 motion to table to end of the action list. Commissioner Wilson motioned to table.
27 Commissioner Chavez seconded the motion. All voted aye. The motion to table
28 was carried.
29
30

31 g) **Summary Plat – Lot Consolidation – Lots 24 & 25 (Alpha Surveying, agent):**
32 Applicant requests approval of a Consolidation of Miscellaneous Tracts 28-B-1-3-D &
33 29-A-1-C within T13N R4E SEC32 NMPM, Bernalillo, New Mexico.
34

35 The Chairman introduced the item to the Commission, and asked the applicant to
36 present his request. Gary Gritsko, of Alpha Surveying came forward and briefly
37 explained the nature of the Summary Plat. A brief discussion ensued and the
38 Commission found no concerns regarding the lot consolidation. The Chairman
39 entertained a motion. Commissioner Chavez motioned to approve the Summary
40 Plat. Commissioner Last seconded the motion. All voted aye. The motion to
41 approve the lot consolidation was carried.
42
43

44 h) **Preliminary Plat – Piedra Lisa Subdivision (Olive Drab LLC - Rio Grande**
45 **Engineering, agent):** Applicant requests approval of a Preliminary Plat for a 32 lot
46 residential subdivision and several miscellaneous tracts on the current Parcel 1 of
47 Miscellaneous Tract 11, Lands of Edward C’de Baca, within T13N R4E SEC32 & SEC
48 35 NMPM, Town of Bernalillo, New Mexico.

1 The Chairman introduced the item to the Commission, and asked the applicant to
2 present his request. David Soule came forward and gave a brief history of the
3 applications, appeals, etc. of the subdivision, described the nature of the current
4 submittal, and requested approval based on conformance to the Master Plan and
5 compliance with all other requirements.
6

7 The Chairman began the Commission discussion with a question regarding the
8 width of the ingress and egress of Lot 32 (the easternmost corner residential lot).
9 Mr. Soule responded with a description of the Lot, including the radius at the
10 corner. Chairman Kilfoy questioned whether or not there would be a fence,
11 sidewalk, and/or curb, and expressed concern that there might be only a 10 ft wide
12 “access” to the property from the street. Mr. Soule explained the configuration of
13 improvements, and that the property boundary configuration allowed for a 20 ft
14 wide driveway.
15

16 The Chairman then raised the issue of residential lot size. She stated that the
17 minutes of the Council meeting (*staff note*: of May 8, 2008) show that Mr. Soule
18 stated that no lot would be less than 4000 sqft. Mr. Soule contested the
19 Chairman’s remark (as inconsistent with the Master Plan and plat submittals they
20 have made to date), and requested to view the minutes. This was done, but Mr.
21 Soule continued his position that this was a misstatement or misrepresentation,
22 and re-iterated that the plat before the Commission was incontrovertibly
23 consistent with the Master Plan approval granted by the Council. (*staff note*: The
24 Council minutes of May 8, 2008 do not show that Mr. Soule made the comments,
25 but rather that the builder Mike Davis did. They state: “Mike Davis, builder stated
26 homes start at 1,220 sq. ft. to almost 2,000 sq. ft. prices range from \$180,000 to
27 \$225,000. They are duplex town homes they will attach on one side. The average lot
28 size will be 4,440 sq. ft. a couple a little smaller and a couple a little larger. None
29 under 4,000 sq. ft. It is the goal to have affordable homes in the Town.” I think this
30 was simply a misstatement on Mr. Davis’ part, as it is inconsistent with the actual
31 Master Plan submitted and approved at the time - as noted by Mr. Soule.)
32

33 The Chairman then raised the issue of affordability, stating that (when they went
34 before the Council for Master Plan approval?) the applicants committed themselves
35 to try to keep the cost of the homes within reach of first-time buyers. Mr. Soule
36 acknowledged this commitment. The Chairman then stated that according to
37 CityData.com the median home price in Bernalillo was \$130,000 in 2007. She noted
38 that is \$50,000 less than the proposed amount for the subdivision, therefore she
39 questioned who the applicants “were aiming at as a first time buyer”. Mr. Soule
40 maintained his position that the proposed sale prices were consistent with a target
41 market of first-time buyers relative the metro market as a whole and the location next
42 to a train station. The Chairman pressed her point again, and Mr. Soule stated that he
43 did not know how to further respond to the line of inquiry. Mr. Soule further stated
44 that the issue that should be considered was whether or not the plat as submitted was
45 consistent with the approved Master Plan. There was further brief discussion on this
46 matter.
47

1 The Chairman then raised the issue of drainage. She asked Mr. Soule how much
2 water the drainage pond would hold. Mr. Soule responded that the pond's size was
3 calculated by his Civil Engineer consistent with the Town's requirements, and would
4 be reviewed by the Town's Engineer for compliance with said requirements. He then
5 proceeded to provide a detailed description of the ponding facilities on site. The
6 Chairman stated that her concern was with a flooding problem in that area of Town,
7 and the need to provide appropriate ponding (to contain the developed water of the
8 subdivision). The Chairman requested a more technical explanation of how
9 developed water volumes are calculated, and Mr. Soule did his best to explain. She
10 asked for more detail, and Mr. Soule explained that the information she desired was
11 located in his drainage report which would be submitted to the Town Engineer for
12 appropriate review and approval. The Chairman pressed for details as to the ability
13 of the ponds to accommodate a typical rain event, and Mr. Soule stated that the
14 Town's regulations determine what the design capacity of the ponds must
15 accommodate, and that the drainage pond would comply with the Town's regulations.
16

17 The Chairman then raised the issue of the road providing access to the development
18 on the Gross property, and the nature of the approval granted therefore. Mr. Moe left
19 the room, and the discussion continued briefly.
20

21 Pending Mr. Moe's return, the Chairman raised the issue of an apparent mathematical
22 discrepancy between the Site Data acreage calculations on Sheet 1 of the Master
23 Plan, and the total for residential acreage as calculated from the minimum lot size.
24 Mr. Soule again defended the lot sizes, and stated that he believed the Site Data
25 calculations were correct, but would look into it. The Chairman stated that she
26 believed that there indeed was a discrepancy, and that the Commission was also
27 concerned that the Master Plan (meaning the Overall Master Plan, i.e. the site
28 development plan on page 1 of 11 of the Exhibits to Ordinance 242) did not have
29 dimensions for the lots, which would have been desirable to them. There ensued a
30 brief disagreement and confusion regarding the use of the terms "Site Plan" and
31 "Preliminary Plat" for the Master Plan, and whether or not any changes had occurred
32 in the Master Plan. There was further discussion regarding the mathematical
33 discrepancy, and Mr. Soule committed to reviewing the figures.
34

35 Mr. Moe having returned, the Chairman asked him about flooding problems in the
36 area during the last major rain storm. Mr. Moe explained that the flooding problem
37 occurred in The Vineyard subdivision further to the south. Upon prompting from
38 Commissioner Montoya, the Chairman then re-raised the issue of the status of the
39 access road. In particular the question was raised as to whether or not the plat of the
40 Gross property had been finalized and recorded. Mr. Moe acknowledged that it had,
41 and the Chairman considered this inappropriate, and queried Mr. Moe how this had
42 transpired. Mr. Moe stated that this was a unique situation in which the two
43 developments (the Lands of Gross and the Piedra Lisa development) had in some
44 ways been inextricably linked. He recalled that proposed Preliminary plats for the
45 lands of Gross had come before the Commission twice (in November 2008 and May
46 2009). The second request had occurred because finalizing of the first had been
47 delayed by the appeal of the Piedra Lisa development which was responsible for the
48 installation of the infrastructure within the roadway. In order to provide accurate
49 information to the Commission, Mr. Moe left the room to pull the appropriate files.

1 In the interim, further discussion took place regarding standard procedures for
2 engineering review and approval of subdivision infrastructure. Commissioner
3 Montoya then expressed his contention that the Piedra Lisa development “was not for
4 the Town of Bernalillo”, that it was too congested, and that it did not meet the Town
5 ordinances in spite of Council approval. Mr. Soule addressed the Commissioner,
6 reiterating that the SU zoning designation allowed for the development.
7 Commissioner Montoya stated that was precisely why he did not like the SU zoning
8 category, that it could be used to allow a development this dense. Mr. Soule stated
9 that those issues had already been dealt with through the zoning and Master Plan
10 approval process, and were not germane to the Preliminary Plat application before the
11 Commission.
12

13 Commissioner Chavez then asked if the drawings of the houses in the packets were
14 the ones to be built. Mr. Soule stated that the drawings shown were part of the
15 approved Master Plan, and that the houses to be constructed would be consistent with
16 said Plan. Chairman Kilfoy then noted that the drawings (from the Master Plan)
17 showed units of 24 ft in height, but that Ordinance 242 (as adopted) contained a
18 condition that the units be no more than 22 ft in height. Mr. Soule stated that the
19 houses would indeed be no more than 22 ft in height. There was further discussion
20 regarding the Commission considered to be a “discrepancy” between the submitted
21 Master Plan drawings (which were exhibits to Ordinance 242), and the conditions
22 imposed by the Council in their final approval of the Ordinance. Mr. Soule
23 questioned whether or not he had the authority to change the Master Plan, but stated
24 he would do what he could to address the Commission’s concern. Some
25 Commissioners continued to express confusion. To further clarify the matter after
26 reviewing one of the Commission’s packets, Mr. Soule pointed out that what the
27 Commissioners were viewing was a copy of the full (and as finally adopted)
28 Ordinance 242 with its exhibits which showed the originally-drawn 24 ft, but which
29 also included the conditions imposed by the Council - including the specific
30 requirement for a 22 ft height restriction which the developer would comply with.
31 Mr. Moe having returned, he concurred with Mr. Soule.
32

33 The Chairman then returned to the issue of the roadway and plat approval for the
34 Lands of Gross. Her concern was that the Commission had not specifically approved
35 the Final Plat for all of the lots (and the roadway) at the second meeting. Mr. Moe
36 briefly reviewed the history of the Gross plat approvals, and stated that based on the
37 character of the discussions and the nature of the approvals granted by the
38 Commission at the two meetings in November 2008 and May 2009, the agent for the
39 Lands of Gross had requested to file a Final Plat for the entire subdivision (rather
40 than for just the one or two lots lot specifically authorized by the Commission in the
41 May meeting, and that he himself (Mr. Moe) had signed-off on the plat using what
42 he considered to be his administrative authority under the specific circumstances
43 (interpreting the intent of the nature and character of the discussions and decisions of
44 the Commission at its two hearings on the matter) with the proviso, of course, that all
45 infrastructure requirements would be taken care of by the Piedra Lisa developers. He
46 stated that he had not meant to trammel on the authority of the Commission, but
47 thought he was acting within his authority.
48

1 Chairman Kilfoy stated that by doing so, Mr. Moe “had just nullified any decision the
2 Commission would make” (on the Piedra Lisa development?), and that he “had taken
3 it totally out of their hands”. Mr. Moe disagreed with the Chairman’s comment.
4 Further discussion ensued regarding the approvals granted at the two meetings for the
5 Lands of Gross, and the understandings and actions of the applicant and staff. Mr.
6 Moe stated that perhaps some of their concerns were legal questions better addressed
7 by the Town Attorney.
8

9 The Chairman asked for the Attorney’s input, and George Perez briefly addressed her
10 comments, but was not well aware of the issue. Chairman Kilfoy provided a summary
11 of the applications and approvals, and then emphasized aspects of the dedication of
12 the roadway providing access to the development. She then stated that since one of
13 the conditions of Ordinance 242 was that the roadway must be provided within one
14 year, and one year had already passed since May 8, 2008, then it was (null and
15 void?). At this point Mr. Perez interjected that because of the appeal of the Council’s
16 approval of Ordinance 242 all action was stayed until final adjudication, which had
17 only recently occurred. This effectively extended the requirements of the Ordinance,
18 and the approval wouldn’t become null and void unless the Council deemed it null
19 and void, it wouldn’t simply be automatic. Mr. Soule mentioned that the Court
20 Order denying reconsideration of the appeal was dated June 22, 2009 and that the
21 applicant had submitted their application as quickly as possible (staff note: the
22 appellant’s request for a Writ of Certiorari from the Court of Appeals to overturn the
23 decision of the District Court was formally denied on August 3, 2009. This was the
24 date of final adjudication, and was noted in the staff analysis in the Commission
25 packet.). There was further discussion regarding the nature of a roadway dedication,
26 and of the difference between “dedication” and “acceptance” of the roadway under
27 New Mexico State law. Mr. Perez also emphasized that no building permit could be
28 issued without there first being a dedication (the road being provided?), but it has
29 nothing to do with Preliminary Plat that it was an administrative issue not an issue for
30 the Commission to handle. He further stated that “it was no different than
31 (Commissioner Montoya’s) statement that he doesn’t like this development. The law
32 of this case is that the courts and Town Council have allowed smaller lots than what
33 “Sipi” thinks should be, but he can’t impose his own opinion over the law. You guys
34 took an oath to follow the laws and ordinances of this Town, and in this case those
35 findings of fact and conclusions of law are law, and you took an oath to follow those.
36 You can’t ignore them simply because you don’t like them.”
37

38 Commissioner Chavez stated the Commission has looked at this development and
39 there seems to be a bunch of things which “just aren’t right”. Mr. Perez interjected,
40 however, that the issue before the Commission was a Preliminary Plat and not these
41 other issues/concerns.
42

43 Chairman Kilfoy was asked what the Commission’s recourse was if they approved a
44 Preliminary Plat that they are “not happy with”. What is their recourse when it comes
45 to Final Plat. She said that their understanding is that they basically “rubber-stamp
46 it” if it matches the Preliminary Plat. Mr. Perez stated that the Final plat is to show
47 that things were constructed as approved in the Preliminary Plat. If things are done in
48 accordance with the Preliminary Plat, then you approve the Final Plat. (staff note:
49 the applicant does also have the option in the subdivision ordinance of providing an

1 appropriate financial guarantee rather than construction of the infrastructure before
2 applying for a Final Plat approval). He further stated that the developers must
3 conform to the conditions that the Council imposed; what was submitted to the Town
4 Council was changed by the Town Council, that's why the drawings (from the Master
5 Plan) show 24 ft high buildings, but the conditions listed in the signed copy of the
6 Ordinance require 22 ft maximum. What controls, are the signed-off conditions.
7

8 Further general discussion took place with the Commissioners reviewing their
9 options to approve or deny. Mr. Perez interjected that if the Commission chose to
10 deny they would have to state their reasons for denial based on the (approval granted
11 by the Council and the requirements of the ordinance?), not simply because they
12 didn't like the development and that the Town Council approved of something that
13 the Commission didn't. He further reiterated that if there is some law which governs
14 this case, then the Commission must follow it. If they chose to deny, then the reasons
15 must be stated in the findings.
16

17 The Chairman then opened the hearing to the public for any new comments which
18 hadn't been heard before by the Commission. The Chair recognized Steve Amiot,
19 who discussed compliance with the Council's conditions. He claimed that the
20 Ordinance 242 (in the packet?) (that the Mayor signed?) is a falsified public
21 document. He also noted a staff letter submitted as an exhibit by the applicant was
22 also problematic in that it was apparently grossly misspelled and it seemed to rewrite
23 the conditions. He also claimed that a "checklist" submitted as an exhibit by the
24 applicant was problematic as it hadn't been seen before and the applicant hadn't
25 completed all items on the "checklist". He also claimed drainage hadn't been taken
26 care of yet.
27

28 The Chair then recognized Mr. Pike who raised technical issues of drainage.
29

30 The Chair then recognized Mike Maloney who questioned the nature of the
31 "checklist" submitted, and claimed that the applicant hadn't fulfilled all the items on
32 the "checklist". For example, he discussed the issue of timing for administrative fee
33 payments.
34

35 The Commission thereupon reviewed the "checklist" in the packet, and the Chairman
36 requested comment from Mr. Moe. Regarding the "checklist" he stated that the
37 checklist was a recent creation of staff based on a request by the administration which
38 staff had resisted for some time for the very reason evident at tonight's meeting: that
39 it was easy to misunderstand the intent, purpose, and application of such a checklist.
40 Such a checklist is designed to be an administrative tool for training/guiding staff and
41 for guiding for applicants to keep them apprised of the many salient requirements and
42 issues (both direct and indirect) they would have to keep in mind as they consider
43 making an application. He further noted that the "checklist" included in the packet
44 by the applicant was still only a draft copy provided to the applicant as a guide after
45 the previous meetings, that shouldn't have been included in the packet. Regarding
46 the Drainage Plan, this was an administrative issue for review and approval by the
47 Town Engineer. Regarding the timing of the payment of the administrative fee, Mr.
48 Moe reminded the Commission how this has traditionally been handled by the Town
49 staff in their administration of the ordinance. Regarding the problematic letter, Mr.

1 Moe explained how font styles and spelling can be changed by computers if they
2 don't have the same font styles in their software.

3
4 The Chairman asked for any other comments. Commissioner Montoya asked if the
5 applicant was fulfilling the requirement for dedication of public land, and the replay
6 was made that there was land for a trail connection being provided – Tract C.

7
8 The Chairman then raised the issue of the square footage again. The Commissioners
9 then considered their options again. The issue of the approval of the roadway was
10 raised again. Mr. Moe reiterated many of the comments stated earlier on this matter,
11 and noted that the Commission had not raised any concerns regarding the Gross
12 property, and that because of the specific character of the discussion and of the nature
13 of the approvals granted by the Commission it never occurred to him that he was
14 acting outside the authority of the Commission's approvals. He stated that it certainly
15 was never his intent to do so, or to minimize the authority of the Commission. He
16 also reminded the Commission of the intertwined nature and interdependence of the
17 two developments (the Gross plat/development and the Piedra Lisa
18 plat/development), of the developers' responsibilities, and of the effect of the
19 previous appeal (of the Zone Change & Master Plan). He also expressed that this
20 matter was as difficult to deal with by staff as it has been for the Commission.

21
22 The Chairman expressed a concern for the number of "typos" in the submittal. The
23 Chair then asked for any other comments. The Chair then recognized Rosalie Dome,
24 who expressed her concern for the agricultural nature, economic value, and personal
25 value of her property. She expressed particular concern for the height of the wall to
26 be created by the development adjacent to her property. She also blamed Mr. Moe
27 for not making the applicant obtain a variance for wall height because she claimed he
28 had obtained an SU zoning for the property. She expressed disagreement with the
29 Town's use of SU zoning, and concerns that the development was too dense, that the
30 developers were from outside the Town and didn't care about the Town but only
31 about money, that the development wouldn't be properly maintained, and that the
32 drainage ponds would be a nuisance. She also requested denial of the proposed plat.

33
34 The Chairman then recognized Josephine Marquez who lives across the street, and
35 was concerned about too much development in Town, the safety for children and the
36 elderly, affordability, and drainage. She also expressed a desire to keep Bernalillo
37 more rural and agricultural.

38 Ms. Dome then interjected that there was freedom of speech, that things didn't have
39 to be done just because someone dictated that it had to be done, and that the citizens
40 could get rid of politicians and others who approved these things they don't like. She
41 also claimed they(?) were trying to "bamboozle" the Town.

42
43 Further lengthy discussion occurred regarding the statements of Ms. Dome, in
44 particular the issue of wall height and the approval granted by the Council.

45
46 Further brief discussion took place regarding ownership of the access roadway, and
47 the standard process for dedication, review, approval, construction, construction
48 approval, and acceptance of the infrastructure. George Perez agreed with the
49 statements made regarding this standard process.

1 Further discussion took place regarding Mr. Amiot’s comments regarding the
2 apparent existence of multiple ordinances.

3
4 Further discussion took place regarding the Gross’ dedication of the roadway.

5
6 The Chairman then asked the Commission what they wanted to do. Commissioner
7 Chavez said that “this has been a nightmare”. Commissioner Montoya said that
8 “everything’s been complied with”. The Chairman stated that she still had an issue
9 with the acreage/lot size discrepancy, and the Commissioners stated that they could
10 approve it with a contingency. Commissioner Montoya then moved to approve the
11 Piedra Lisa Preliminary Plat contingent upon the Chairman’s being satisfied
12 regarding the acreage / lot size discrepancy. Commissioner Chavez seconded the
13 motion. Commissioners voted aye, except for Commissioner Last who voted nay.
14 The motion to approve with a condition was carried.

15
16
17 i) **Zoning Permit – Main Street Development – Modify front entrance** (Laurie
18 Schuller & James Lowe, applicant) Applicant requests approval of a change to the front
19 entrance of Miscellaneous Tract 67-B within T13N R4E SEC6 NMPM, Bernalillo, NM;
20 aka 987 Camino del Pueblo.

21
22 The Chairman introduced the item to the Commission, and asked the applicant to
23 present her request. Laurie Schuller came forward and briefly explained the need
24 to modify the front entrance due to elderly and handicapped customers. She gave
25 two different proposals of how the request could be accomplished. After a brief
26 discussion of her options in regards to building code regulations and the NMDOT
27 encroachment, the Chairman called for a motion. Commissioner Wilson
28 motioned to approve with the condition that she build ramp with Alternate One
29 choice. Alternate One says: “The improvements would consist of the addition of
30 a concrete ramp on both the north and south sides of the present front step and a
31 steel handrail parallel to the building façade to be painted silver or white. There
32 would be a small encroachment upon the town sidewalks/NMDOT ROW. This
33 would be a maximum of 10” on the far south end of ramp.” Commissioner Last
34 seconded the motion. All voted aye. The motion to approve with a condition was
35 carried.

36
37
38 j) **Street Name Changes – Various street names need to be changed**

39 The Chairman introduced the item to the Commission, and asked Mr. Moe to
40 explain this item. Mr. Moe gave an explanation of the need to change the names
41 of some streets due to similarity of other streets and the confusion it’s causing.
42 He also named some areas that did not have street names and gave the ideas of
43 some names to give these particular streets. After a brief discussion, the
44 Chairman asked for a motion. Commissioner Montoya motioned to approve the
45 street name changes. Commissioner Chavez seconded the motion. All voted aye.
46 The motion to approve was carried.

1 **7. DISCUSSION ITEMS**
2

- 3 1) Chairman Kilfoy asked Mr. Moe to add to the next month's agenda the topic
4 of plats without dimensions will not be accepted by the Commission.
5
6 2) Commissioner Chavez brought up the "Stakes man" issue. A brief discussion
7 ensued regarding the changes that are taking place at that property. Mr. Moe
8 told the Commissioners that Planning & Zoning were keeping an eye on
9 things over there.
10
11 3) Commissioner Chavez also expressed concern about the Paul C'de Baca
12 property that is still blowing dirt on to her property and other surrounding
13 neighbors. She requested that issue be added to next month's agenda as well.
14

15
16 **8. ADJOURNMENT**
17

18 The Chairman entertained a motion to adjourn. All voted aye. The Motion carried
19 and the meeting adjourned at 9:15 pm.