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4 **MINUTES OF A REGULAR MEETING**  
5 **OF THE PLANNING & ZONING COMMISSION**  
6 **OF THE TOWN OF BERNALILLO**  
7 **HELD AT THE TOWN HALL**  
8 **DECEMBER 2, 2008**  
9

10 The Planning & Zoning Commission of the Town of Bernalillo met in Regular Session  
11 within the laws and rules of the Town on November 11, 2008 at 6:30 pm.

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13 Commissioner Debbie Kilfoy, Chairman  
14  
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16 **Applicants / Members of Public Signed In:**  
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18 Scharles Wilder	Mrs. Arthur Montano
19 Richard C Pacheco	Leo Archuleta
20 Tom Ashe	Gary Johnson
21 Beverly Cruz	Mary Kwapich(Sentinel)
22 Zenon Cruz	Dustin Gudelj
23 Andrew Medina	Mike Maloney
24 Vic Stewart	Keith Meyer

25  
26 The Planning & Zoning Director (Kelly Moe), and Others, were also present but  
27 not signed in.  
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30 **1. CALL TO ORDER**  
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32 Chairman Kilfoy called the meeting to order at 6:30 pm, and led those attending  
33 in a recitation of the Pledge of Allegiance.  
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36 **2. ROLL CALL**  
37

38 Commissioner Debbie Kilfoy	Present
39 Commissioner Teresa Young	Present
40 Commissioner Hazel Dameron	Not Present
41 Commissioner Tom Wilson	Present
42 Commissioner Georgina Chavez	Present
43 Commissioner Cipriano Montoya	Present
44 Commissioner Robert Satriana	Not Present

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46 A quorum was present.  
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**3. APPROVAL OF AGENDA**

The Chairman asked if all Commissioners had reviewed the Agenda, and asked if there were any changes to propose. Mr. Moe informed the commission that Item G was a printing error and has been changed to reflect the information in the packets. Commissioner Young and Commissioner Chavez asked that we add to the discussion items.

The Chairman entertained a motion to approve the Agenda as amended. Commissioner Young so moved. Commissioner Wilson seconded the motion. All voted aye. The motion was carried.

**4. APPROVAL OF MINUTES**

The Minutes for November 11, 2008 were submitted for approval. The Chairman called for corrections. Proposed corrections were: page 2, line 23 & line 31 remove “table” from sentence. Page 3; remove “all” from sentence.

The Chairman entertained a motion to table approving the minutes of November 11, 2008 as amended. Commissioner Wilson so moved. Commissioner Montoya seconded the motion. All voted aye. The motion to approve with changes was carried.

**5. REPORTS**

a) **Next Meeting**

Mr. Moe informed the Commission that their next regular meeting was scheduled for January 6, 2009 all Commissioners voiced their assent.

**6. ACTION ITEMS**

a) **Conditional Use Permit – Heavy Equipment Business (Ahern Rentals-Gary Johnson, agent):** Applicant requests approval of a Conditional Use Permit for Heavy Equipment Business at the property located at 102 E. Frontage Rd.

The Chairman introduced the item to the Commission, and asked the applicant to present their request. The applicant briefly described the nature of his business: Mr. Johnson explained that he was a project manager for Ahern Rentals. Ahern

1 Rentals purchased the property on the east side of i-25 in Bernalillo for a  
2 company with a similar heavy equipment business. They are planning to maintain  
3 the work hours 5am-6pm, possibly extending those hours as business grows. They  
4 hope to eventually make many improvements to the site including landscaping  
5 and paving. A brief general discussion by the Commission ensued. One  
6 commissioner noted that when the previous rental company came before them  
7 there were several concerned citizens. Their complaints were that the appearance  
8 of the site was not maintained in a clean, orderly fashion and there was too much  
9 noise during the very early and very late hours of the day. One concerned citizen  
10 addressed the commission for the public, he claimed that when the lot was  
11 subdivided there were restrictive covenants that came with the property and those  
12 had not been adhered to by the previous owner. He would like to ask the new  
13 owner to become familiar and maintain those restrictive covenants.

14  
15 The Chairman entertained a motion. Commissioner Montoya motioned to approve  
16 the request. Commissioner Wilson seconded the motion. All voted aye. The  
17 Motion to approve was carried.

- 18  
19 b) **Conditional Use Permit –Business in an M-1 Zone- Professional/ Business Office** (Richard &  
20 Jennifer Pacheco-H & W Architecture, agent): Applicant requests approval of a Conditional Use Permit  
21 for a Business in an M-1 Zone, Professional/Business Office, Lots 18 & 19, Venada Plaza Commercial.

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23 The Chairman introduced the item to the Commission, and asked the applicant to  
24 present their request. The applicant’s agent briefly described the nature of their  
25 request. They are in the process of purchasing two lots in the new Venada  
26 Commercial Subdivision and wish to place a building to house office space for  
27 lease. They hope to lease space to the Sandoval County Jail or other local tenants.  
28 A brief general discussion by the Commission ensued. Some of the concerns of  
29 the Commission were the size and location or the existing road, the proposed site  
30 plan shows the building being place on two lots and the current zoning doesn’t  
31 allow for multi-tenant businesses. If they wish to continue with the current site  
32 plan the two lost must be re-platted into one. No one from the public wished to  
33 comment on this item.

34  
35 The Chairman entertained a motion. Commissioner Young motioned to approve  
36 with the following conditions: *1) grant the variance for multi-tenant building with*  
37 *appropriate signage; and 2) require that a Re-Plat to consolidate Lots 18 & 19 be*  
38 *submitted and approved before issuance of a Construction Permit.* Commissioner  
39 Wilson seconded the motion. All voted aye. The motion to approve was carried.

- 40  
41 c) **Variance – Sign Requirements-IHOP Restaurant** (Zenon & Beverly Cruz): Applicant  
42 requests a Variance from Sign Requirements at the property located at 978 w. Hwy 550.

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44 The Chairman introduced the item to the Commission, and asked the applicant to  
45 present their request. Mr. Cruz briefly described the nature of their request. They  
46 are requesting a Variance from the sign requirements. The Zoning ordinance only  
47 permits two signs per business. The IHOP chain has a standard sign package that  
48 comes with 4 signs; the previous developer had promised the corporate office the

1 full sign package. A few of the signs are on the actual building so they wouldn't  
2 be in to way or add to the site. A brief general discussion by the Commission  
3 ensued. Some of the commissioners were concerned that by adding more signs  
4 other business owner might feel like they should be granted a variance for more  
5 signs, but since the signs weren't large than the ordinance allows and should be  
6 any higher they felt it would be justified.

7  
8 The Chairman entertained a motion. Commissioner Chavez motioned to approve.  
9 Commissioner Wilson seconded the motion. All voted aye. The motion to  
10 approve was carried.

- 11  
12 d) **Summary Plat – Re-Plat, Lots 96 & 97, The Orchards, Unit 2** (Tiffany Homes-Sandia Land  
13 Surveying, LLC., agent): Applicant requests approval of a Summary Plat, Re-Plat, Lots 96 & 97, The  
14 Orchards, Unit 2.

15  
16 The Chairman introduced the item to the Commission, and asked the applicant to  
17 present their request. A representative from Tiffany Homes briefly described the  
18 nature of their request. They explained that a wall built in between lots 96 & 97  
19 encroached lot 97's property line and was not discovered until the vacant land  
20 was sold. The new owner of lot 97 was informed that his lot would actually a few  
21 smaller than originally expected, adjustments were made and he was in agreement  
22 of the plat. The owner of lot 96 was also in agreement and signed and  
23 encroachment document. So they were re-platting the lots to reflect what the  
24 properties actually look like. A brief general discussion by the Commission  
25 ensued. No one from the public wished to comment on this item.

26  
27  
28 The Chairman entertained a motion. Commissioner Wilson motioned to approve.  
29 Commissioner Chavez seconded the motion. All voted aye. The motion to  
30 approve was carried.

- 31  
32 e) **Summary Plat – Re-Plat of Tract D(Lots 109 & 110), Anasazi Meadows Subdivision**  
33 (Trails Investors, LLC-Alpha Surveying, agent): Applicant requests approval of a Summary  
34 Plat for a Re-Plat of Tract D (Lots 109 & 110), Anasazi Meadows Subdivision.

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36 The Chairman introduced the item to the Commission, and asked the applicant to  
37 present their request. Mr. Gritsko, the applicant's agent, briefly described the  
38 nature of their request. They were re-platting the two lots for create buildable lots  
39 in accordance with the County, Town and New FEMA FIRM requirements. There  
40 is a large arroyo that runs through lots and was un-platted because they were  
41 thought to not be buildable. The new FEMA FRIM's came out and it was deemed  
42 that there was substantial room on each lot to create pad sites. A brief general  
43 discussion by the Commission ensued. No one from the public wished to  
44 comment on this item.

1 The Chairman entertained a motion. Commissioner Wilson motioned to approve.  
2 Commissioner Young seconded the motion. All voted aye. The motion to approve  
3 was carried.  
4

- 5 f) **Summary Plat – Lot-Split of Phase 1-A, Petroglyph Trails Subdivision** (Trails Investors,  
6 LLC-Alpha Surveying, agent): Applicant requests approval of a Summary Plat for a Lot-Split  
7 of Phase 1-A, Petroglyph Trails Subdivision.  
8

9 The Chairman introduced the item to the Commission, and asked the applicant to  
10 present their request. Mr. Gritsko, the applicant’s agent, briefly described the  
11 nature of their request. The explained that they were splitting off one tract to turn  
12 over to Sandoval County for a new EMS station. The EMS had been looking for a  
13 home for their new site for quite some time and thought they had settled on a site  
14 when they realized that the grant money would only be allocated on property the  
15 county owned, not leased, as they previously thought. This land would be owned  
16 by the County. A brief general discussion by the Commission ensued. No one  
17 from the public wished to comment on this item.  
18

19 The Chairman entertained a motion. Commissioner Wilson motioned to approve.  
20 Commissioner Montoya seconded the motion. All voted aye. The motion to  
21 approve was carried.  
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- 23 g) **Summary Plat – Re-Plat Lots 7, 8, & 9, Southern Addition, Block 8, at the property**  
24 **known as, 1313 Old Hwy 85** (Arthur & Genevieve Montano-Leo Archuleta agent): Applicant  
25 requests approval of a Summary Plat for a Re-Plat Lots 7, 8, & 9, Southern Addition, Block 8,  
26 at the property known as, 1313 Old Hwy 85.  
27

28 The Chairman introduced the item to the Commission, and asked the applicant to  
29 present their request. The applicant’s agent briefly described the nature of their  
30 request. They were requesting Summary plat approval for their property. The  
31 applicant previously came before the commission to request a Variance from the Setback  
32 Requirements for a Mobile Home on their lot, on July 8, 2008. Their request was denied;  
33 the applicant then appealed the decision to Town Council. The appeal was hear By Town  
34 Council on November 11, 2008 where they were remanded back to the Planning and  
35 Zoning Commission. A brief general discussion by the Commission ensued. Some  
36 of the major issues were that the setback requirements are not being met. Before  
37 the land was re-platted they did not meet the Town’s minimum requirements for  
38 setbacks. The re-platting gave them some added feet but they still did not meet the  
39 minimum requirements. The Town’s ordinance also does not allow more than one  
40 dwelling on one lot; the re-platting would create 2 separate lots out of the many  
41 smaller ones. The two separate lost were still well under the size requirements of  
42 the Town. Access to the site was still an issue, even though the applicant had been  
43 granted a driveway permit from NMDOT, there was still a question as to whether  
44 that was sufficient. There were still several concerns but the commission felt they  
45 needed to make a decision. No one from the public wished to comment on this  
46 item.  
47

1 The Chairman entertained a motion. Commissioner Wilson motioned to approve  
2 *with all implied Variances (Setback Requirements, Access, etc)*. Commissioner  
3 Montoya seconded the motion. There were 3 votes-Aye and 2 votes-Nay. The  
4 motion to approve was carried.

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6 **7. DISCUSSION ITEMS**

7 Discussion items were presented and a general discussion by the commission  
8 ensued.

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10 **8. ADJOURNMENT**

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12 The Chairman entertained a motion to adjourn. All voted aye. Motion carried and  
13 meeting adjourned at 8:08 pm.