PLANNING & ZONING COMMISSION MEETING

PACKET - REGULAR MEETING NOVEMBER 7, 2023





TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING AGENDA



A REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7</u>, <u>2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> virtually via <u>Microsoft Teams</u> as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1, CONTAINING APPROXIMATELY 0.231 ACRES AND LOCATED IN THE MAINSTREET OVERLAY ZONE.
 - c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN

THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.

- d) VAR23-008: A VARIANCE OF 10.5' FROM THE REQUIRED 15' REAR SETBACK AT 110 DENNY ROAD, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 243E1, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, ZONED M-1 AND CONTAINING APPROXIMATELY 4.0 ACRES.
- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- f) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

- a) Planning Topics Discussion: none
 b) Decisions of Town Council/Ordinances/Appeals Filed/Status: _____
 c) Planning and Zoning Department Update:

 New Home Occupations As of agenda print date, the number of new home occupations, permissive per Zoning Code Sec. 18, is: _____
 Building Coordination & Review As of agenda print date, the number of building permits, placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is: _____
- d) Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov

MINUTES

MINUTES

October 3, 2023

IN THIS SECTION:

• <u>Draft Minutes</u> for October 3, 2023

Town of Bernalillo - Planning and Zoning Commission Meeting Minutes October 3, 2023

1 MINUTES OF A REGULAR MEETING 2 OF THE PLANNING & ZONING COMMISSION 3 OF THE TOWN OF BERNALILLO 4 HELD AT THE TOWN 5 **October 3, 2023** 6 7 The Planning & Zoning Commission of the Town of Bernalillo met in person and virtually via 8 Microsoft Teams in regular session within the laws and rules of the Town on October 3, 2023 at 9 6:30pm. 10 11 Due to technical difficulties, Microsoft Teams was not working properly. 12 13 **ITEM 1: CALL TO ORDER** 14 Chairperson Duran called the meeting to order at 6:30 PM. 15 16 **ITEM 2: PLEDGE OF ALLEGIANCE** 17 Chairperson Duran led those attending in the Pledge of Allegiance. 18 19 **ITEM 3: ROLL CALL** 20 Upon roll call the following members were found present: 21 22 PRESENT: 23 Chairperson Juanita M. Duran 24 Commissioner Michael Griego 25 Commissioner Joseph Quintana 26 Commissioner Raul Montãno 27 Commissioner Oliver E. Romero 28 **Commissioner Porter Dees** 29 30 **ABSENT:** 31 Commissioner Lepore 32 33 **ALSO PRESENT (in person):** Stephanie Shumsky, Planning & Zoning Director 34 35 Honora Langwell, Planning & Zoning Admin Asst. 36 Oscar Cano 37 Noe Cano 38 Ryan Mulhall 39 Mike Kloeppel 40 41 **ALSO PRESTENT (via Microsoft Teams):** 42 Alfredo Barrenechea – inaudible due to Microsoft Teams malfunction. 43 44 A quorum was present. 45 46 ITEM 4: APPROVAL OF AGENDA Chairperson Duran said, at this time, we'll move on to approval of the agenda. 47

Motion Carried – Item Approved

48 49 Commissioner Quintana made a motion to approve the agenda as presented. 50 51 The motion was seconded by Commissioner Lepore. 52 53 Chairperson Duran said, can I have a roll call vote. 54 55 Roll Call Vote: 56 Chairperson Duran - yes 57 Commissioner Griego - yes 58 Commissioner Quintana - yes 59 Commissioner Romero- yes 60 Commissioner Montãno – yes 61 Commissioner Dees - yes 62 63 **Motion Carried – Item Approved** 64 65 ITEM 5: APPROVAL OF MINUTES FOR SEPTEMBER 5, 2023 Chairperson Duran said she had the following corrections to the minutes: 66 67 Line 26: Add lines "absent Commissioner Montano and Commissioner Dees" 68 Line 187: Add "is" after "here" 69 70 Chairperson Duran said she had no more corrections. Does anybody have any corrections, 71 additions? 72 73 Commissioner Griego added corrections to the minutes. 74 Line 173: Delete "with the" 75 Line 227: Delete "do" after "when" 76 77 Chairperson Duran said, anybody else? Hearing no further corrections, do I have a motion to approve the October 5th meeting with the corrections? 78 79 80 Commissioner Quintana made a motion to approve the September 5, 2023 minutes as amended. 81 82 Commissioner Griego seconded the motion. 83 84 Chairperson Duran asked for a roll call vote. 85 Roll Call Vote: 86 87 Chairperson Duran - yes 88 Commissioner Griego - yes 89 Commissioner Quintana - yes 90 Commissioner Romero – yes 91 Commissioner Montãno – yes 92 Commissioner Dees - yes 93

95 96 Ms. Shumsky said, Madam Chair, that item passes. 97 98 **SWEARING IN OF WITNESSES** 99 Chairperson Duran swore in members of the audience who were going to testify before the 100 Commission. Anybody on Microsoft Teams will be sworn in right before testifying. (Microsoft 101 Teams participants were inaudible.) 102 103 **ITEM 6: PUBLIC HEARINGS** 104 105 ITEM 6A: VAR23-005: VARIANCE FROM SUBDIVISION REGULATIONS, SECTION 106 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER 107 THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED C-1. 108 109 Chairperson Duran said, let's move on to our first public hearing. This is a variance from a 110 111 subdivision regulation, for access to a private easement rather than a public street. For a 112 proposed new lot. Who will be presenting on this? 113 114 Due to technical difficulties with Microsoft Teams, Mr. Ryan Mulhall presented this item for Mr. 115 Alfredo Barrenechea with Absolute Investment Realty. 116 117 Chairperson Duran said, please state your name for the record. 118 119 Mr. Mulhall said, my name is Ryan Mulhall. I work with CSI Cartesian Survey at P.O. Box 44414, Rio Rancho, New Mexico 87174. 120 121 122 Commissioner Griego said, Madam Chairwoman I would like to start. Is this item 6A with 123 Cartesian Surveys? 124 Mr. Mulhall said, well our colleague Alfredo Barrenechea with Morningside Holdings is the 125 126 owner. So 6A and 6B are for the same property. 127 128 Commissioner Griego said, I was just clarifying it was 6A. Thank you. 129 130 Mr. Mulhall said, this is for the variance first. As part of our subdivision action, we are creating 131 a lot which is not in direct contact with a public street. So, this variance is to allow our lot to maintain access through a private access easement. As the rest of the area is currently using and 132 133 those easements are already in place on the parent plat. We feel like the character of the business 134 development area and given the restricted nature that New Mexico 550 has for direct access. We 135 feel it's appropriate to ask for this variance. With that I await your questions. 136 137 Chairperson Duran said, questions from the Commission? 138

Commissioner Quintana said, Madam Chairmen, I do have some questions.

141 Chairperson Duran said, ok, Commissioner Quintana.

143 Commissioner Quintana said, the first one is for staff. Ms. Shumsky, is the easement required

- that they are requesting, is it required to conform to Town of Bernalillo street width standards.
- 145 It's a 24-foot-wide easement.

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- Ms. Shumsky said, Chairwoman and Commissioner, it's 24 feet wide, is minimum. It's already
- been platted and approved by the Town. And we don't really have a standard width in our
- subdivision regulations for an easement. Our minimum alley width for access is 20 feet. So, it
- does meet the minimum. Not really for a standard road though, this is functioning more as a
- drive aisle for these future businesses rather than an actual road.
- 153 Commissioner Quintana said, thank you. My second question concerns the Warranty Deed. I
- noticed you have a Scrivener's Error Affidavit, and it corrected a couple things here. The mailing
- address of the grantee is what the Scrivener's Error Affidavit was for. However, on the warranty
- deed itself, the notary says the signatures were notarized on the tenth of June 2023, yet however,
- it says people signed this on July 10th, 2023. First, I would like to ask how that is possible? And
- if it is indeed possible. How can it be notarized in June with it was signed in July?
- Mr. Mulhall said, yes, this is Ryan with Cartesian. I am not familiar with the sequence that
- happened with that, according to the deed and the notary stamp on that. My guess is maybe they
- applied the stamp referring the prior date for the prior deed is my guess. I don't have that in front
- of me, so, I believe you, I don't understand how that occurred.
- 165 Commissioner Quintana said, do you think it an illegal transfer?
- Mr. Mulhall said, I guess I don't understand how the correction deed would work relative to the original deed.
- 170 Commissioner Quintana said, well your Scrivener's deed, the Scrivener's Affidavit in here. Was
- written for the mailing address for the grantees. So that is what it corrected. It didn't say
- anything regarding the dates of the signage. It does say it was recorded on July 11th, ok? But the
- question remains, how can it be notarized on the tenth of June and signed in July?
- Mr. Mulhall said, yeah, that doesn't make sense to me. The notary or somebody made a mistake
- there. I thought it was more of an accessary document with the affidavit than a Direct Deed. And
- so, I didn't look to closely at it.
- 179 Chairperson Duran said, the function of a notary is to verify and witness the signature of a
- document. And have the date that is done, and they put it in their sworn affidavit. This was
- signed before them as a notary on this particular day. Did the notary make a mistake? I don't
- 182 know.
- Mr. Mulhall said, yeah, it seems that way to me. I don't know, I wasn't the notary. I don't know
- what to say here. 186

- 187 Commissioner Quintana said, either do I. Do we just proceed with it and hope for the best.
- 188 That's not what the question was. The question is do we approve the easement.
- 189
- 190 Chairperson Duran said, I would tell you that you really need to look at this Warranty Deed.
- Because if in fact there was a mistake on the date, you want to do it through it again. You don't
- want a problem with this in the future.

Mr. Mulhall said, we will pass that on to the owners.

195

196 Chairperson Duran said, you don't want this to be a problem in the future. And it could have been a human error.

198

Mr. Mulhall said, yes, but it's a strange one though.

200

- 201 Commissioner Quintana said, Madam Chairman should I make a motion to continue this item.
- 202 Or what would you suggest?

203

Chairperson Duran said, I would prefer to, personally, you may want to continue this until you resolve this issue. Because it could be something that comes up at a later date.

206

207 Commissioner Quintana said, what would you say Ms. Shumsky?

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Ms. Shumsky said, Madam Chair and Commissioners so you just said that he may want to continue it. But you'll be the one voting to either continue it or to make another decision.

211

212 Chairperson Duran said, I believe Commissioner Quintana talking about continuing it.

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- Ms. Shumsky said, okay, so if he would like to continue it, someone can make a motion to that,
- and then they would have to look into it and give you an answer.

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- 217 Chairperson Duran said, I really think you should go ahead and take care of this matter before we
- 218 can move forward with anything. So, at this time, I would ask the Commission if there is a
- 219 motion on this item?

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221 Commissioner Montãno said, I'll make a motion for a continuation.

222

223 Chairperson Duran said, motion for continuation from Commissioner Montano. Do I have a second?

225

226 Commissioner Quintana said I'll second that.

227

- 228 Chairperson Duran said, seconded from Commissioner Quintana. May I have a roll call vote
- please.

- 231 Roll Call Vote:
- 232 Chairperson Duran yes
- 233 Commissioner Griego yes

234 Commissioner Quintana - yes 235 Commissioner Romero – yes 236 Commissioner Montãno – yes 237 Commissioner Dees - yes 238 Ms. Shumsky said, Madam Chair, that item will be continued to the November meeting. 239 240 241 Chairperson Duran said, hopefully you can resolve it by then. 242 243 Mr. Mulhall said, I think it will be a quick fix. Should I stay for 6B? 244 245 ITEM 6B: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED 246 247 C-1. 248 249 Chairperson Duran said, are you doing 6B? 250 251 Mr. Mulhall said, yes. It should have the same issue I imagine. 252 253 Chairperson Duran said, since it is the same issue, at this point do I have a motion to continue 254 6B? 255 256 Commissioner Griego said, Madam Chairwoman, I will make a motion to continue item 6B until 257 the November meeting, to allow more time for this. 258 259 Chairperson Duran said, ok, do I have a second? 260 261 Commissioner Montãno said I'll seconded it. 262 263 Chairperson Duran said, seconded by Commissioner Montãno. May I have a roll call vote 264 please. 265 Roll Call Vote: 266 267 Chairperson Duran - yes 268 Commissioner Griego - yes 269 Commissioner Quintana - yes 270 Commissioner Romero – yes 271 Commissioner Montãno – yes 272 Commissioner Dees - yes 273 274 Ms. Shumsky said this item will be continued at the November meeting. 275 276 ITEM 6C: ZONE MAP AMENDMENT FROM C-R (COMMERCIAL-RESIDENTIAL) TO C-1 (COMMERCIAL) AT 113 DENNY ROAD AND 1410 SOUTHERN COURT /1409 277 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS SOUTHERN ADDITION 278 279 BLOCK 9, LOTS 8A AND 2A, APPROXIMATELY 0.399 ACRES, ZONED C-R

- 281 Chairperson Duran said, ok, we're going to move on to our next hearing which is 6C, and it's a 282 zone map amendment from commercial residential to commercial at 113 Denny Road and
- 283 Southern Court. Who will be presenting this item?

285 Mr. Cano said, I am.

286

287 Chairperson Duran said, come up to the mic. Both of you identify yourselves for the record.

288

289 Mr. Cano said, Oscar Cano.

290

291 Mr. Cano said, Noe Cano.

292

293 Chairperson Duran said, ok, you may go ahead Mr. Cano.

294

Mr. Noe Cano said, we were approached by the Town to change it to a Commercial Zonedue to 295 296 the business that is on Denny Road, 113 Denny Road, where ARC Automotive is at the moment, 297 to change it over to Commercial to comply with Town.

298

299 Chairperson Duran said, ok, change it to Commercial (C1) instead of the current Commercial 300 Residential. Anything else you would like to tell us about your request.

301

302 Mr. Noe Cano said, just trying to comply for doing future business at 113 Denny Road.

303

304 Chairperson Duran said, questions from the Commission?

305

306 Commissioner Montãno said, you said for future business.

307

308 Mr. Noe Cano said, possibility. Due to the fact that the building that is going to be put there, to 309 be able to maybe resell and it can be zoned for that already.

310

Commissioner Greigo said, it looks like you already previously put in your permits for this, 311 correct?

312

313

314 Mr. Noe Cano said, yes.

315

- 316 Chairperson Duran said, any other questions from the Commission? Any public comments on
- 317 this item, anyone online? Hearing no public comment, no further questions from the
- 318 Commission, do I have a motion?

319

- 320 Commissioner Quintana said, Madam Chair, I move that item ZMA23-004, a request by the
- 321 Cano's for a zone amendment change from CR to C1 at property 113 Denny Road and 1410
- 322 Southern Court be approved.

323

324 Chairperson Duran said, I have a motion from Commissioner Quintana. Do I have a second?

325

326 Commissioner Montãno said, I'll seconded it.

328 Chairperson Duran said, I have second from Commissioner Montãno. May I have a roll call vote 329 please. 330 331 Roll Call Vote: 332 Chairperson Duran - yes 333 Commissioner Griego - yes 334 Commissioner Quintana - yes 335 Commissioner Romero – yes Commissioner Montãno – yes 336 337 Commissioner Dees - yes 338 339 Ms. Shumsky said, Madam Chair, that item will be forwarded to the Town Council for approval. 340 341 Chairperson Duran said, that is all the public hearings. We will move on to Commission 342 business. 343 344 Discussion regarding appeals and development of projects. 345 346 Chairperson Duran said, do I have a motion to adjourn? 347 348 Motion made by Commissioner Montãno, 349 350 Chairperson Duran said, do I have a second? 351 352 Chairperson Duran said, seconded by Commissioner Dees. May I have a roll call vote? 353 354 Roll Call Vote: 355 Chairperson Duran - yes 356 Commissioner Griego - yes 357 Commissioner Quintana - yes 358 Commissioner Romero – yes 359 Commissioner Montãno – yes 360 Commissioner Dees - yes 361 362 **Motion Carried – Item Approved** 363 364 Ms. Shumsky said, Madam Chair we are adjourned. 365

Chairperson Duran said we are adjourned at 6:58pm.

PUBLIC HEARING: ITEM 6A

6A



PLANNING & ZONING DEPARTMENT

Planning and Zoning Director

Stephanie Shumsky

Building & Development Coordinator

Vacant

Code Enforcement Officer / GIS Tech

Suzanne Hathon

Planning & Zoning Administrative Assistant

Honora Langwell

PLANNING & ZONING COMMISSION

Juanita Duran Chairperson

Joseph O. Quintana Vice Chair

Michael Griego

Porter Dees

Oliver E. Romero

Raul Montano

Dominick Lepore

TOWNOFBERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023

Staff Report

Subject:

Rosemary Garcia and Tony Montano (Property Owners) request approval of a Conditional Use Permit to allow for Landscaping Materials Outdoor Sales and Storage at 1223 S. Camino Del Pueblo, legally described as MRGCD Map 11, Tract 204A, located in Township 12 North, Range 4 East, Section 6, New Mexico Principal Meridian, Sandoval County, New Mexico, Zoned C-1 and containing approximately 0.4 acres (according to Sandoval County Assessor records).

Site Data:

Zone: C-1

Surrounding Zoning: C-1, R-1A Current Land Use: Undeveloped

Surrounding Land Uses: Commercial, Residential, NM 313

Required Lot Size: n/a Actual Lot Size:17.424sf

Access: S. Camino Del Pueblo (NM 313)

Utilities: Public (sewer to be extended by applicant prior to development)

Required Parking: 1 per 250sf of gross floor area/retail space

Handicapped Parking: per Zoning Code

Required Setbacks: Front = 10', Sides = 10' (because lot abuts a residential use on

north and south sides), Rear = 10'

Existing Setbacks (Approx.): n/a (site is undeveloped)

Summary of Request:

The subject property is zoned C-1. Landscaping Materials Sales and Storage is a conditional use in the C-1 zone.

A very general site plan was provided and additional information is needed prior to site development/building permit as iterated in the recommended conditions of approval. Staff met with the applicant to discuss the items required for new commercial development within the Town. In this case, a conditional use permit is the first step.

According to the information provided by the applicant:

- The use will be consistent with a greenhouse/nursery with plants, trees, flowers, bird baths, etc. on display and available for retail purchase.
- The site will contain:

- A 40'x20' (800sf) cloth-canopied shade structure(s) on the west half of the lot (a building permit is required).
- A crusher-fines gravel parking lot and a paved handicapped parking area on the east half of the lot.
- The required number of parking spaces (4) plus the one required HC van space.
- Adequate ingress/egress per NMDOT specifications/permit (approval pending).
- A pole sign along the east property line (a separate sign permit is required).
- Hours of operation will be M-Su, 9am-6pm.
- o Number of employees will be 3.
- Restroom facilities are not indicated on the site plan but are required for commercial uses in the Town. Connection to the Town's water and wastewater systems is required.

Analysis: Plans, Policies and Regulations Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan Map*, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- Hazard Mitigation

Development patterns and changes in land use should further goals and policies of one, if not all, of these categories. Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

Comprehensive Plan Goals and Objectives applicable to this request are as follows. Whether or not this request furthers the applicable goal or objective is indicated:

Chapter 4: Land Use & Community Character

Goal 2: Provide a balanced mix of land uses that accommodate a diversity of housing choices and business/employment opportunities. (Furthered)

Chapter 5: Economic Development

Goal 2: Support small business development, expansion, and retention. (Furthered)

*The Future Land Use Plan calls for Commercial Uses at the subject site.

Subdivision Regulations (April 1997):

A division of land is not under consideration therefore, the Subdivision Regulations are not applicable to this request.

Town of Bernalillo Housing Plan (March 2013):

The Town of Bernalillo Housing Plan does not apply to this request.

Mainstreet Overlay District:

The subject property is not located in the Mainstreet Overlay District.

Comprehensive Zoning Ordinance:

Section 13. C-1 (Commercial Zone)

According to Comprehensive Zoning Ordinance Section 13, the purpose of the C-1 zone is to allow those commercial and business activities that serve the community on a day-to-day basis.

The C-1 zone allows outdoor storage and sales of landscaping materials as a conditional use, provided all the requirements for conditional uses, as specified in Section 19, are met.

Section 19. Process, Application and Approvals.

According to Comprehensive Zoning Ordinance, Section 19, the Planning Commission has the authority to make a decision on whether or not to approve a Conditional Use Permit provided the following are adequately considered and addressed, as applicable:

- Adequate ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire, flood, or catastrophe; and
- b. Off-street parking and loading areas where required, and particular attention to refuse and service areas; and
- c. Public and private utilities, with reference to soil limitations, locations, availability, and compatibility; and
- d. The economic, noise, glare, or odor effects of the conditional use on adjoining properties; and
- e. General compatibility with adjacent properties and other properties in the district.

Conditional Use Permits are considered permanent, with the following exceptions:

- For any conditional uses that have an exceptional tendency, because of their nature or character, to create an adverse impact on neighboring properties, the Commission may limit the term of the permit to a specified length of time after which the permit shall expire and may be renewed. An application for renewal of the Conditional Use Permit may be submitted and processed in the same manner as the original application.
- Where there has been a significant change in the physical extent, operations, or character of a permitted conditional use, the Commission may require a renewal of the original Conditional Use Permit. Significant change shall be determined

by the Commission, based on a scheduled review of the Conditional Use Permit.

Notifications:

Notices were posted at T&T Supermart, Town Hall, US Post Office, Town of Bernalillo Public Library, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified, return receipt requested) to abutting property owners within 100 feet of the subject site.

<u>Planning Commission Options, in accordance with adopted Rules of Procedure:</u>

Make a motion to:

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them into the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location; or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location. or
- 6. Deny the request.
- 7. A Tie <u>results in a denial</u>.

*Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Staff Recommendation:

Deferral of CUP23-002 based on the following Findings and Conditions:

Findings:

- CUP23-002 is a request by Rosemary Garcia and Tony Montano (Property Owners) for approval of a Conditional Use Permit to allow for Landscaping Materials Outdoor Sales and Storage at 1223 S. Camino Del Pueblo, legally described as MRGCD Map 11, Tract 204A, located in Township 12 North, Range 4 East, Section 6, New Mexico Principal Meridian, Sandoval County, New Mexico, Zoned C-1 and containing approximately 0.4 acres (according to Sandoval County Assessor records).
- 2. The applicant provided a general site plan, which is missing several details that are addressed in the recommended conditions of approval.
- 3. As required for a Conditional Use Permit, the following items were considered:
 - Adequate ingress and egress will be provided via NMDOT access permit;
 and
 - According to the site plan, the location of the ingress/egress look adequate but the precise location and specifications will be determined by the NMDOT.
 - c. According to the site plan, there is enough space for the required number of parking spaces.
 - d. Because the site is within 200' of an existing water and sewer line, extension of, and connection to, these utilities will be required.
 - e. Due to adequate site planning, the economic, noise, glare, or odor effects of the conditional use on adjoining properties should be minimal.
 - f. The use is generally compatible with adjacent properties and other properties in the district.

Conditions:

- This Conditional Use Permit is considered permanent, except where there has been a significant change in the physical extent, operations, or character of a permitted conditional use or the addition of other uses on the property. In this case, the Commission may require a renewal of the original Conditional Use Permit. Significant change shall be determined by the Commission, based on a scheduled review of the Conditional Use Permit.
- 2. The site plan shall be revised to include general information about:
 - a. ID street name and address (1223 S. Camino Del Pueblo).
 - ID loading/unloading area, truck/EMS turn-a-round location and dimensions.
 - c. ID existing and proposed fence/wall location, material and height (gates vs. fence locations on east side of property).
 - ID all required/provided parking spaces with dimensions that meet Town standards.
 - e. ID north arrow and scale/bar scale.
 - f. ID "easement boundary" dimensions, type and purpose of easement.
 - g. ID property setback dimensions and building/shade canopy locations.
 - h. ID north arrow and scale/bar scale.
 - i. ID "easement boundary" dimensions, type and purpose of easement.
 - j. ID property setback dimensions and building/shade canopy locations.
- 3. A separate building permit(s) is required for the restroom building and the shade structure.
- 4. Prior to sign-off of the building permit:

- a. On the site plan, ID water and sewer line connection locations and line sizes.
- 5. A separate sign permit is required for the proposed signage.
- 6. Connection to the Town's water and wastewater systems is required.
- 7. Hours of Operation are limited to M-Su 9am-6pm.
- 8. Number of Employees are limited to 3.
- 9. A Business License is required.
- 10. Any new wall or fence requires a separate Wall/Fence Permit.
- 11. A Grading and Drainage Plan is required.
- 12. A Water Budget application, and possible Water Rights acquisition, is required.
- 13. NMDOT approval of an access permit to NM313 is required. Construction of the curb cuts/returns is required per NMDOT specifications.
- 14. Property Owner needs to complete the Address Assignment Application in order for the Town to assign 911 address.

This page can be printed using your internet browser or by CTL + P

Account:	R103926				
Location			Owner Information	Assessment History	
Parcel Number 1-019-072-474-289 Tax Area 101RHE_NR - 101RHE_NR Situs Address Legal Summary Legal: S: 6 T: 12N R: 4E			Owner Name MONTANO, TONY AND GARCIA, ROSEMARY Owner Address 10408 MARBLE PL NE ALBUQUERQUE, NM 87112-5327 UNITED STATES OF AMERICA	Actual Value (2023) \$17,289 Primary Taxable \$5,763 Tax Area: 101RHE_NR Mill Levy: 40.754 Type Actual Assessed Acres SQFT Units	
Subd: MAP 11 (1-IN) Tract: 204A		4A	ONTED STATES OF AMERICA	Non- Residential \$17,289 \$5,763 0.405 17641.800 1.000 Land	
Transfers					
	Sale Date			Doc Description	
	10/01/2021			WARRANTY DEED	
36			4	WARRANTY DEED	
				PLAT	
			Images		
Tax Year	Taxes		• Photo		
	*2023	\$234.88	• GIS		
* Estimated	2022	\$228.96	THE THE	JA	



TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
- d) VAR23-008: A VARIANCE OF 10.5' FROM THE REQUIRED 15' REAR SETBACK AT 110 DENNY ROAD, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 243E1, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, ZONED M-1 AND CONTAINING APPROXIMATELY 4.0 ACRES.
- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- f) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

CO	William Control of the Control of th
a)	Planning Topics Discussion: none
b)	Decisions of Town Council/Ordinances/Appeals Filed/Status:
c)	Planning and Zoning Department Update:
i.	New Home Occupations – As of agenda print date, the number of new home occupations,
	permissive per Zoning Code Sec. 18, is:
ii.	Building Coordination & Review - As of agenda print date, the number of building permits,
	placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:
d)	Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov

Town of Bernalillo CUP23-002 - Abutters



1 inch = 67 feet

Prepared by: S. Shumsky
Date: 10/10/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

November 7, 2023 PZ - ABUTTERS/NOTIFICATION - Certified Mail (APPLICANTS/AGENTS MAIL 1st CLASS) **ABUTTERS - VAR23-006** NAME PRIMARY ADDRESS - P.O.R. MAILING CITY, STATE, ZIP CASE NUMBER Melanie Estrada - Applicant Bernalillo, NM 87004 VAR23-006 98 Estrada Lane Felix & Roberta Silva P.O. Box 244 Bernalillo, NM 87004 VAR23-006 Pueblo of Sandia c/o USA 481 Sandia Bernalillo, NM 87004 VAR23-006 Fawn Dolan & Tom Hagen P.O. Box 2033 Corrales, NM 87048 VAR23-006 Brandi Abousleman 100 W. Avenida Bernalillo Bernalillo, NM 87004 VAR23-006 Julianna Kirwin 1201 8th Street NW Albuquerque, NM 87102 VAR23-006 Patricia Chavez & William Mast P.O. Box 1703 Bernalillo, NM 87004 VAR23-006 ABUTTERS - CUP23-002 Rosemary Garcia - Applicant 10408 Marble Place NE Albuquerque, NM 87112 CUP23-002 David Hobson & France Narain 1231 S. Camino Del Pueblo Bernalillo, NM 87004 CUP23-002 Gilbert Perea P.O. Box 1382 Bernalillo, NM 87004 CUP23-002 Larry & Doris Mendez 5137 Blue Mound Road CUP23-002 Rolling Hills Est. CA 90274 Anges Urban 121 Calle Don Rodrigo Bernalillo, NM 87004 CUP23-002 Santigo or Emilia Salazar P.O. Box 624 Bernalillo, NM 87004 CUP23-002 Dawn Hanely 3305 19th Ave SE Rio Rancho, NM 87124 CUP23-002 **Humberto & Mabel Castro** 289 Camino Del Pueblo Bernalillo, NM 87004 CUP23-002 Daniel Jaramillo 1206 Camino Del Pueblo Bernalillo, NM 87004 CUP23-002 Tony & Eleanor Gutierrez P.O. Box 443 Bernalillo, NM 87004 CUP23-002 Mary Jane Gutierrez & Crystal & Ryan Santiago P.O. Box 703 Bernalillo, NM 87004 CUP23-002 Otis Boren 9629 2nd Street NW Albuquerque, NM 87114 CUP23-002 ABUTTERS - ZMA23-007 Xavier Perez - Applicant 909 Nazcon Road Bernalillo, NM 87004 VAR23-007 James Blaszkowski 320 Nazcon Court Bernalillo, NM 87004 VAR23-007 Michael Montova 950 Nazcon Road Bernalillo, NM 87004 VAR23-007 Max C De Baca 950 Nazcon Road Bernalillo, NM 87004 VAR23-007 Philip Serbin 943 Nazcon Place Bernalillo, NM 87004 VAR23-007 Sandoval Properties, Inc. 612 Coronado Drive Bernalillo, NM 87004 VAR23-007



Katie Levi	3819 Fox Sparrow Trail NW	Bernalillo, NM 87004	VAR23-007
SSCAFCA	1041 Commercial Dr. SE	Rio Rancho, NM 87124	VAR23-007
ABUTTERS - VAR23-008			
Aaron Dixon - TBD Properties -			
Applicant	110 Denny Road	Bernalillo, NM 87004	ZMA23-008
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-008
Auther Montano	118 Ezequil Lane	Bernalillo, NM 87004	ZMA23-008
Randy & Tim Montoya	P.O. Box 1534	Bernalillo, NM 87004	ZMA23-008
AMFABSTEEL	100 Calle Industrial	Bernalillo, NM 87004	ZMA23-008
GSJS	P.O .Box 14663	Albuquerque, NM 87191	ZMA23-008
Juan Nevarez	139 Denny Road	Bernalillo, NM 87004	ZMA23-008
Mauro Torres-Ginez	1255 Calle Madera	Bernalillo, NM 87004	ZMA23-008
Linda Rinaldi	1413 Southern Court	Bernalillo, NM 87004	ZMA23-008
Oscar & Juana Cano	1410 Souther Ct	Bernalillo, NM 87004	ZMA23-008

*



Town of Bernalillo

APPLICATION FOR CONDITIONAL USE PERMIT

INSTRUCTIONS

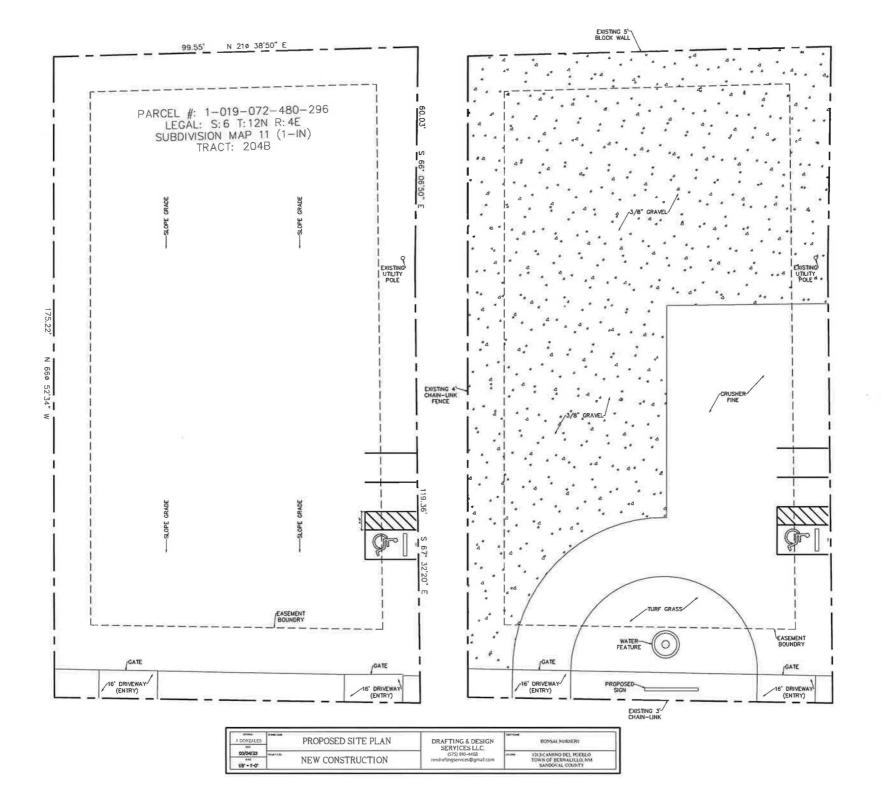
In accordance with the Town of Bernalillo Comprehensive Zoning Ordinance, a Conditional Use Permit shall be required for various uses in specific zones, and such a Permit may be granted by the Planning & Zoning Commission provided it meets the conditions specified in the Ordinance or imposed by the Commission. Type or print clearly of this form, and submit to the Town of Bernalillo Planning & Zoning Commission through the Town Planner. To assist with review and decision-making, please include a site plan, signage, parking layout, hours of operation, number comployees, etc. Incomplete or inaccurate applications may delay the review process. The application must be accompanied by the appropriate Filing Fee of \$100.00 (one hundred dollars) + Notification Fee.

Property And Proposed USE INFORMATION Property Address: 1213-Camino Del Pueblo /223 5. Camino Del Pueblo Legal Description: S: 6T: 12N R: 4E Subd: Map 11 (1-IN) Tract: 204A Current Zoning: Non Residential Land Proposed Conditional Use: Plant Tree Garden Nursery APPLICANT INFORMATION Property Owner: Rosemary Garcia Phone: 5053046131 Mailing Address: 10408 Marble PL NE Email: pumkin87108@yahoo Applicant/Agent (if any): Mailing Address: Email:

ACKNOWLEDGEMENTS

Application is hereby made for a Conditional Use Permit. I have examined, am familiar with, and have complied with, any and all requirements of the Comprehensive Zoning Ordinance of the Town of Bernalillo. I have also complied with the requirements of any and all other applicable rules, regulations, and ordinances related to property development within the Town of Bernalillo. I further understand and agree that neither the Town nor any of its agents shall be held liable for any lack of understanding, or misinterpretation, on my part, of any said requirements. Property owner authorization for this request is provided.

The second secon
Signature of Applicant or Agent: Rosemary Garcia Digitally signed by Rosemary Garci
Receipt by Planning & Zoning Officer: Date: 10 3 23
Application Fee Total: $100 + (13 \times 8.53) = 210.89$ Receipt #: 00454382
Hearing Location: Bernalillo Town Council Chambers Hearing Date & Time: November 7,202



Stephanie Shumsky

From:

Garcia Rosemary <pumkin87108@yahoo.com>

Sent:

Tuesday, October 3, 2023 8:59 AM

To: Subject: Stephanie Shumsky Grandmitas Nursey

Attachments:

NURSERY.pdf

Caution! This message was sent from outside your organization.

Good Morning,

Here is a draft for the garden nursey for you review. The image below is the proposed structure that will go along the block wall measuring 40 ft x 20 ft. This will be the only structure we will be building. Please let me know your thoughts and what we need to move forward. I appreciate all your help and time in this matter.

Respectfully,



Town of Bernalillo Utility 829 S CAMINO DEL PUEBLO BERNALILLO , NM B7004 505-867-3311

10/03/2023

14:46:48

MID: XXXXXXXXXXXXXXXXX153

TID: XXXXX153

CREDIT CARD

VISA SALE

Card # 28 SEQ #: 6 Batch #: 19 Trans #: 185743 Approval Code: 583276788806641 TRANS ID: Manual Entry Method: Online Mode: M

SALE AMOUNT

Card Code:

\$210.89

(505) 867-3311

REC#: 00456382 10/03/2023

3:59 PM

OPER: RL TERM: 002

REF#: APPR 185743

TRAN: 305.0000 ZONING FEES CONDITIONAL USE PERMIT ROSEMARY GARCIA 10.03,23 RL

100-000-4042-1-2

Zoning Fees

210.89CR

TENDERED:

210.89 CREDIT CARD

APPLIED:

210.89-

CHANGE:

0.00

THANK YOU

MERCHANT COPY

PUBLIC HEARING: ITEM 6B





PLANNING & ZONING DEPARTMENT

Planning and Zoning Director

Stephanie Shumsky

Development Coordinator

Code Enforcement Officer / GIS Tech

Suzanne Hathon

Planning & Zoning Administrative Assistant

Honora Langwell

PLANNING & ZONING

COMMISSION

Juanita Duran Chairperson

Vice Chair Joseph O. Quintana

Michael Griego

Porter Dees

Oliver E. Romero

Raul Montano

Dominick Lepore

TOWN OF BERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023

Staff Report

Subject:

Melanie Estrada (Agent) for Tina Torres (Property Owner) requests approval of a Variance from the sign regulations of the C-1 zone at 1042 S. Camino Del Pueblo, legally described as Lands of Torres Gina, Tract A, located in Township 12 North, Range 4 East, Section 5, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 and containing approximately 0.231 acres (according to Sandoval County Assessor records).

Site Data:

Zone: C-1 (Commercial)
Surrounding Zoning: C-1
Current Land Use: Commercial

Surrounding Land Uses: Commercial, Single-Family Residential

Required Lot Size: 6,000sf for single-family residential use; none for commercial

use

Actual Lot Size: 10,062sf Access: S. Camino Del Pueblo

Utilities: Public Water and Wastewater

Required Parking: 1 space per 250sf of gross floor area **Handicapped Parking:** per code/use for commercial

Required Setbacks: front 10', north side 0', south (corner) side 10', rear 10' Existing Setback: front 0', north side 65'+/-, south (corner) side 0', rear 0'

Summary of Request:

This is a request for a variance to the sign regulations of the C-1 zone. The sign regulations of the C-1 zone allow one building mounted sign per lot frontage. The subject property has frontage on two sides, the south side and the west side. The applicant wishes to place a permanent building mounted sign on the north side of the building, which does not have frontage on a street.

The proposed sign is a vinyl/plastic material and is 24sf in size. Because the property is in the Mainstreet Overlay Zone, building mounted signage cannot exceed 40sf and 15% of the building wall on which it is placed. The proposed sign appears to be less than 15% of the wall size but it is difficult to tell because the applicant did not provide building dimensions. It is the same size as the existing sign on the south side of the building (see attached pictures).

The sign that is the subject of this variance request was placed on the building without a permit. If the variance is approved, the applicant will be required to obtain a Sign Permit and will be subject to the double fee requirement for work begun without a permit.

The applicant provided some justification for this variance but they do not meet the criteria for a variance. There are many commercial businesses (some located on corner lots) that would like to have more signage. The Town limited signage only to sides with frontage so as not to unduly clutter or distract a driver with too many signs.

Plans, Policies and Regulations: Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- Hazard Mitigation

Development patterns and changes in land use should further goals and policies of one, if not all, of these categories. Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

Comprehensive Plan Goals and Objectives applicable to this request are as follows: Land Use and Community Character

Goal 1: Create an attractive live/work environment that reflects and is complementary to Bernalillo's character and context along the Rio Grande. *Objectives*

 To protect the public health, safety, and welfare by improving nuisance properties, mitigating the negative impacts of blight, and enhancing the visual appearance of Bernalillo's major entries and corridors. (Not Furthered)

Subdivision Regulations (April 1997):

A division of land is not under consideration therefore the Subdivision Regulations are not applicable to this request.

Town of Bernalillo Housing Plan (March 2013):

The Town of Bernalillo Housing Plan does not apply to this request.

Mainstreet Overlay District:

The subject property is located in the Mainstreet Overlay District and the Design Guidelines are applicable to this request. In addition, new sign permits must be reviewed by the Planning Commission prior to issuance of the permit. Unless otherwise approved by the Commission (as in a finding or condition related to this request), a separate sign permit will need to be reviewed by the Planning Commission.

Comprehensive Zoning Ordinance:

Section 13. C-1 Commercial Zone.

The C-1 zoning district allows those commercial and business activities that serve the community on a day-to-day basis.

The current use at the subject site is a cannabis retailer, which is an allowed use in the C-1 zone.

Currently, the property has an existing 32sf building-mounted sign on the south side, 2 feather flags on the south side, a building-mounted sign on the west side and multiple window signs on the west side.

Section 19. Process, Application and Approvals.

According to Comprehensive Zoning Ordinance, Section 19.F., a variance is a discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land.

The Commission may approve a deviation from the numerical requirements of this Ordinance (i.e. setback or height requirements) where the <u>applicant</u> demonstrates:

- A physical hardship unique to the property exists (i.e. topographical constraints or lot configuration resulting in reduced development flexibility); and
- 2. These circumstances are not generally found within the locality or neighborhood concerned; and
- 3. The hardship is not self-imposed; and
- 4. The project is not contrary to the public interest or safety; and
- 5. The spirit of the Zoning Ordinance is observed and substantial justice done; and
- 6. The variance is to the minimum extent necessary to allow the owner reasonable use of the land.
- Financial gain or loss shall not be the determining factor in deciding a variance.

The applicant provided a letter describing the rationale for the request, which primarily relates to topographical constraints of the property (namely, it's a corner lot).

Notifications:

Notices were posted at T&T Supermart, Town Hall, US Post Office, Town of Bernalillo Public Library, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified, return receipt requested) to abutting property owners within 100 feet of the subject site.

Planning Commission Options:

Make a motion to:

Planning and Zoning Commission November 7, 2023 VAR23-006

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them in to the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location; or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location; or
- 6. Deny the request.
- 7. A Tie <u>results in a denial</u>. Request may be appealed to the Town Council.

*Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Staff Recommendation:

Denial of VAR23-006 based on the following Findings:

Findings:

- VAR23-006 is a request by Melanie Estrada (Agent) for Tina Torres (Property Owner) for approval of a Variance from the sign regulations of the C-1 zone at 1042 S. Camino Del Pueblo, legally described as Lands of Torres Gina, Tract A, located in Township 12 North, Range 4 East, Section 5, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 and containing approximately 0.231 acres (according to Sandoval County Assessor records).
- 2. The application states that the reasons for the request are related primarily to topographical constraints but doesn't indicate what the constraints are.
- 3. The requested variance, if approved, would allow a building-mounted sign on a non-frontage side of the building.
- 4. The sign was placed on the building without the required permit.

If approved, the following conditions are recommended:

- 1. The applicant shall obtain the required sign permit from the Town. Work without a permit is subject to the double-fee requirement.
- 2. Compliance with all Town use, building and business regulations is required.

This page can be printed using your internet browser or by CTL + P Account: R183066

Location	Owner Information	Assessment History
Parcel Number 1-020-072-011-352	Owner Name TORRES, C. GINA	Actual Value (2023 - Residential Cap applied) \$246,970
Tax Area 101RHE_NR - 101RHE_NR	DEL BERNALILLO, NM 87004-1218 Tax Area: 10	Primary Taxable \$82,324
Situs Address 1042 CAMINO DEL		Tax Area: 101RHE_NR Mill Levy: 40.754
PUEBLO		Type Actual Assessed Acres SQFT Units
Legal Summary Legal: S: 5 T: 12N R: 4E Subd: LANDS OF TORRES GINA Tract: A, TR 120B2 OLD ECONOMY LIQUOR		Non- Residential \$47,693 \$15,898 0.231 10040.580 1.000 Land
STORE		Non- Residential \$135,605 \$45,202 Improvement
		Tax Area: 101RHE_R Mill Levy: 32.198 Type Actual Assessed
y		Residential Improvement \$63,672 \$21,224

Transfers

Sale Date

Doc Description

PERSONAL REPRESENTATIVE DEED PERSONAL REPRESENTATIVE DEED PERSONAL REPRESENTATIVE DEED **PLAT**

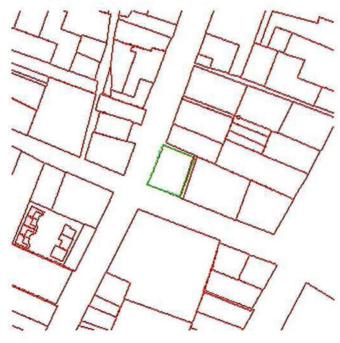
Images

Tax Year	Taxes
*2023	\$3,173.44
2022	\$2,679.72
* Estimated	

 <u>Map</u> Photo

• Sketch

GIS





N) SIGNS

INTENT

Signs serve to direct and inform, and can add visual interest to a building through appropriate and attractive graphics and colors. Signs should occupy a minimum amount of area and fit within the scale of the building they are mounted upon or the site they sit in. Signs should be designed to avoid overwhelming the site or the architecture and prevent visual clutter. Sign lighting should be kept to a minimum and not present a nuisance or create light pollution. Neon signage played an important and romantic role in the commercial history of Bernalillo during the years when Route 66, the mother road, ran down Camino del Pueblo.





Town of Bernalillo

MainStreet Overlay District

Design Guidelines

GENERAL

- 1. The following types of signs are prohibited in the MainStreet Overlay District: translucent plastic sign faces with internal light source, mobile or stationary readerboards (except at theater marquees and community use facilities), pylon signs taller than 8 feet high, bill-boards, highly reflective metal, flashing or pulsating sign lighting
- 2. Painted or wall mounted signs shall cover a maximum of 15% of the building face, not to exceed 40 square feet (not including "murals").

- 3. Building mounted signs shall fit within the proportions of the building face and shall not obscure architectural detailing.
- 4- Signs that advertise a business that no longer exists or has moved from property must be removed within thirty (30) days.
- 5. Use of neon in new signage is encouraged in the Main Street Overlay District



HISTORIC

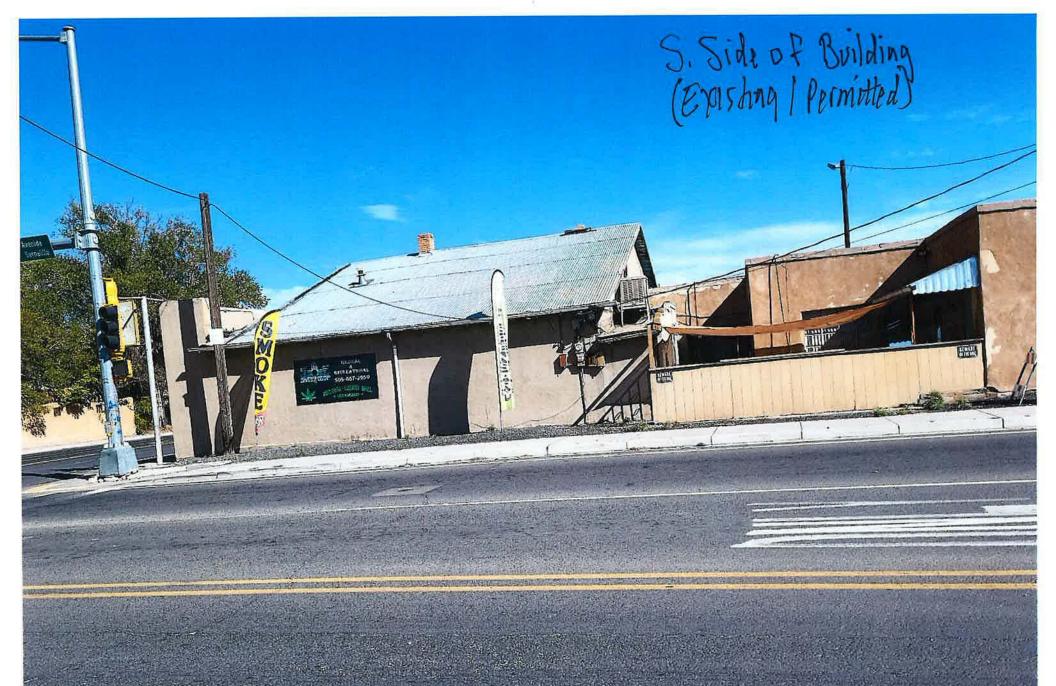
6- " Historic" and ghost signs (remnants of "historic" painted signs on building faces) shall be preserved and incorporated in building renovation design



Town of Bernalillo MainStreet Overlay District Design Guidelines







Oct 10,2023 10:51:43 AN





TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall and virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
- d) VAR23-008: A VARIANCE OF 10.5' FROM THE REQUIRED 15' REAR SETBACK AT 110 DENNY ROAD, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 243E1, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, ZONED M-1 AND CONTAINING APPROXIMATELY 4.0 ACRES.
- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- f) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

\mathbf{c}	Millission Besilvess, Discession & of Bills
a)	Planning Topics Discussion: none
b)	Decisions of Town Council/Ordinances/Appeals Filed/Status:
c)	Planning and Zoning Department Update:
i.	New Home Occupations - As of agenda print date, the number of new home occupations,
	permissive per Zoning Code Sec. 18, is:
ii.	Building Coordination & Review - As of agenda print date, the number of building permits,
	placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:
d)	Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov



1 inch = 68 feet

Prepared by: S. Shumsky Date: 10/12/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

November 7, 2023 PZ - ABUTTERS/NOTIFICATION - Certified Mail (APPLICANTS/AGENTS MAIL 1st CLASS)

ABUTTERS - VAR23-006	THO THICK TON - CEITHER WAIT (ATT			
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER	
Melanie Estrada - Applicant	98 Estrada Lane Bernalillo, NM 87004		VAR23-006	
Felix & Roberta Silva	P.O. Box 244	Bernalillo, NM 87004	VAR23-006	
Pueblo of Sandia	c/o USA 481 Sandia	Bernalillo, NM 87004	VAR23-006	
Fawn Dolan & Tom Hagen	P.O. Box 2033	Corrales, NM 87048	VAR23-006	
Brandi Abousleman	100 W. Avenida Bernalillo	Bernalillo, NM 87004	VAR23-006	
Julianna Kirwin	1201 8th Street NW	Albuquerque, NM 87102	VAR23-006	
Patricia Chavez & William Mast	P.O. Box 1703	Bernalillo, NM 87004	VAR23-006	
ABUTTERS - CUP23-002				
Rosemary Garcia - Applicant	10408 Marble Place NE	Albuquerque, NM 87112	CUP23-002	
David Hobson & France Narain	1231 S. Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002	
Gilbert Perea	P.O. Box 1382	Bernalillo, NM 87004	CUP23-002	
Larry & Doris Mendez	5137 Blue Mound Road	Rolling Hills Est. CA 90274	CUP23-002	
Anges Urban	121 Calle Don Rodrigo	Bernalillo, NM 87004	CUP23-002	
Santigo or Emilia Salazar	P.O. Box 624	Bernalillo, NM 87004	CUP23-002	
Dawn Hanely	3305 19th Ave SE	Rio Rancho, NM 87124	CUP23-002	
Humberto & Mabel Castro	289 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002	
Daniel Jaramillo	1206 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002	
Tony & Eleanor Gutierrez	P.O. Box 443	Bernalillo, NM 87004 CUP23-002		
Mary Jane Gutierrez & Crystal &				
Ryan Santiago	P.O. Box 703	Bernalillo, NM 87004	CUP23-002	
Otis Boren	9629 2nd Street NW	Albuquerque, NM 87114 CUP23-002		
ABUTTERS - ZMA23-007				
Xavier Perez - Applicant	909 Nazcon Road	Bernalillo, NM 87004	VAR23-007	
James Blaszkowski	320 Nazcon Court	Bernalillo, NM 87004	VAR23-007	
Michael Montoya	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007	
Max C De Baca	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007	
Philip Serbin	943 Nazcon Place	Bernalillo, NM 87004	VAR23-007	
Sandoval Properties, Inc.	612 Coronado Drive	Bernalillo, NM 87004	VAR23-007	



ie Levi 3819 Fox Sparrow Trail NW		Bernalillo, NM 87004	VAR23-007
SSCAFCA	1041 Commercial Dr. SE	Rio Rancho, NM 87124	VAR23-007
ABUTTERS - VAR23-008			
Aaron Dixon - TBD Properties -			
Applicant	110 Denny Road	Bernalillo, NM 87004	ZMA23-008
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-008
Auther Montano	118 Ezequil Lane	Bernalillo, NM 87004	ZMA23-008
Randy & Tim Montoya	P.O. Box 1534	Bernalillo, NM 87004	ZMA23-008
AMFABSTEEL	100 Calle Industrial	Bernalillo, NM 87004 ZMA23-	
GSJS	P.O .Box 14663	Albuquerque, NM 87191	ZMA23-008
Juan Nevarez	139 Denny Road Bernalillo, NM 87004		ZMA23-008
Mauro Torres-Ginez	1255 Calle Madera	Bernalillo, NM 87004	ZMA23-008
Linda Rinaldi	1413 Southern Court Bernalillo, NM 87004		ZMA23-008
Oscar & Juana Cano	1410 Souther Ct	Bernalillo, NM 87004 ZMA23-008	



Town of Bernalillo

APPLICATION FOR ZONING VARIANCE

(updated 9/9/2022)

INSTRUCTIONS

In accordance with the Town of Bernalillo Comprehensive Zoning Ordinance (Ord. No. 310), a variance is a discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land. The Commission may approve a deviation from the numerical requirements of this Ordinance where the applicant demonstrates that all of the following exist: 1) A physical hardship unique to the property (i.e. topographical constraints or lot configuration resulting in reduced development flexibility); and 2) These circumstances are not generally found within the locality or neighborhood concerned; and 3) The hardship is not self-imposed; and 4) The project is not contrary to the public interest or safety; and 5) The spirit of the Zoning Ordinance is observed and substantial justice done; and 6) The variance is to the minimum extent necessary to allow the owner reasonable use of the land. In addition, financial gain or loss shall not be the determining factor in deciding a variance.

Type or print clearly on this form and submit to the Town of Bernalillo Planning & Zoning Commission through the Town Planner. Also include any required supplementary materials. Incomplete or inaccurate applications may delay the review process. The application must be accompanied by the appropriate <u>Filing Fee</u> of \$100.00 (one-hundred dollars) + Notification Fee.

TYPE OF VARIANCE REQUESTED HO	W DOES REQUEST MEET 6 CRITERIA?
	(explain here, attach additional sheets if necessary):
□ Lot Area:	outmotor Please See Attached
□ Height:	
D Lot Width:	
□ Setback:	4
Parking:	
Parking: Signage/Fencing:	•
OWNER/APPLICANT INFORMATION	
Property Owner:	Phone:
Mailing Address:	Email:
Applicant/Agent: Melanu Estrada Mailing Address: 98 Estrada Lane Bern. NM 87604	Phone: 505-720-3147 Email: Bernalenbine @Gmail.c
Property Legal Description: Bena-Leño	inc. Dispensary
Property Address: 1042 S. Camino	del Pueblo Bern. NH 8700
ACKNOWLEDGEMENTS Application is hereby made for a Variance. I have exam and all requirements of the Comprehensive Zoning Ordina with the requirements of any and all other applicable r development within the Town of Bernalillo. I further uncits agents shall be held liable for any lack of understar requirements.	ance of the Town of Bernalillo. I have also complied rules, regulations, and ordinances related to property derstand and agree that neither the Town nor any of
Signature of Property Owner:	Date:
Signature of Applicant or Agent:	Entrade Date: 9.5.23
Receipt by P&Z Dept: Application Fee Total: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Date: 10 3 23 Receipt#: 00 45 6 3 4 3 Hearing Date/Time: NOV 7 th 2023

Request for Zoning Variance

Per the application for zoning variance the applicant has demonstrated that all the required 6 criteria exist as follows:

- 1) Lot configuration and topographical constraints result in reduced development flexibility
- 2) These circumstances are not found within the locality
- 3) Property is rented and the hardship is not self-imposed
- 4) The request is not contrary to public interest or safety
- 5) Zoning Ordinance is observed and substantial justice has been done
- 6) The variance is to the minimum extent necessary to allow reasonable use of the land.

One additional sign no larger than 4 feet high by 8 feet long is requested for the northside of the building so southbound Hwy 313 traffic can identify the business location.

TOWN OF BERNALILLO (505) 867-3311

REC#: 00456343 10/03/2023 1:40 PM

OPER: RL TERM: 002

REF#: 407

TRAN: 305.0000 ZONING FEES

ZONING VARIANCE 1042 S CAMINO

10.03.23 RL 100-000-4042-1-2

Zoning Fees 176.77CR

TENDERED: 100.00 CHECK

76.77 CHECK

APPLIED: 176.77-

CHANGE: 0.00

PUBLIC HEARING: ITEM 6C





PLANNING & ZONING DEPARTMENT

Planning and Zoning Director

Stephanie Shumsky

Development Coordinator

Code Enforcement Officer / GIS Tech

Suzanne Hathon

Planning & Zoning Administrative Assistant

Honora Langwell

PLANNING * ZONING COMMISSION

Juanita Duran Chairperson

Vice Chair Joseph O. Quintana

Michael Griego

Porter Dees

Oliver E. Romero

Raul Montano

Dominick Lepore

TOWNOFBERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023

Staff Report

Subject:

Xavier Perez (Agent) on behalf of David Dickerman and Allan Wallace (Property Owners) requests approval of a Variance of 2' to the 4' solid wall height limit in the front setback at 909 Nazcon Road, legally described as Nazcon Subdivision, Block 1, Lot 14, located in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned R-R and containing approximately 0.941 acres (according to Sandoval County Assessor records).

Site Data:

Zone: R-R

Surrounding Zoning: R-R and R-2

Current Land Use: Single-Family Residential **Surrounding Land Uses:** Single-Family Residential

Required Lot Size: 12,000sf Actual Lot Size: 40,989sf

Access: Nazcon Road (a private access easement)

Utilities: Public Water & Wastewater Required Parking: 2 spaces per dwelling

Handicapped Parking: n/a

Required Setbacks: front 20' (from easement), side 5', rear 10'

Existing Setback (approx.): front 20'+, west side 5'+, east side 5'+, rear 10'+

Summary of Request:

This is a request for a 2' variance to the 4' solid wall height limit within the front setback area, as required in Zoning Ordinance, Section 22.A.2. The applicant constructed a solid "R" panel metal 6' tall wall within the front setback area. It is not clear from the site plan if the wall is encroaching into the adjacent access easement. The applicant's contractor started and completed construction of the wall without a permit.

On September 18, 2023, the applicant was made aware of the violation by the Town's Development Coordinator and was informed that he needed a variance and a wall permit. The applicant subsequently applied for a variance.

The applicant provided a rough site plan showing the location and dimensions of the wall but it did not illustrate the access easement location. The wall cannot be located within the easement. If the wall is located in the easement, there is no remedy for it to remain and it will need to be removed. The applicant cites the following as reasons for the variance request: "Topographical constraints, safety, coyotes inside property, homeless guy walked through property". Specific topographical constraints may be one criteria for a variance but the other items are not.

<u>Plans, Policies and Regulations:</u> Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- · Hazard Mitigation

<u>Development patterns and changes in land use should further goals and policies of one, if not all, of these categories.</u> Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

Comprehensive Plan Goals and Objectives applicable to this request are as follows: None

Subdivision Regulations (April 1997):

A division of land is not under consideration therefore the Subdivision Regulations are not applicable to this request.

Town of Bernalillo Housing Plan (March 2013):

The Town of Bernalillo Housing Plan does not apply to this request.

Mainstreet Overlay District:

The subject property is not located in the Mainstreet Overlay District therefore the Design Guidelines are not applicable to this request.

Comprehensive Zoning Ordinance:

Section 8. R-R Rural Residential Zone.

The R-R zoning district is meant to provide for large lots and low-density residential uses that are conducive to a rural atmosphere.

Section 19. Process, Application and Approvals.

According to Comprehensive Zoning Ordinance, Section 19.F., a variance is a discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land.

Section 22. Fences, Lighting and Landscaping Requirements.

A. Fences shall be located in accordance with the following rules:

- No fence with a height of more than three feet above the street level shall be placed or maintained in a designated triangular space, the "clear sight triangle", at the road or street corner on a corner lot. Such triangular space shall be bounded by the corner property lines and a diagonal line connecting points that are 30 feet in distance from the intersecting point of the two streets.
- 2. Except as provided in this Section, fences located within the front setback may be equal to or less than six feet in height, where the lower four feet may be solid and the upper two feet shall be see-through material such as wrought iron, chain link, vinal posts or other similar material. Where not located within the front setback, fences may be six feet in height and constructed of any material designed for fencing.
- 3. Any fence over six feet in height will require an approval for a variance, and a building permit, as prescribed by this Ordinance, from the Commission.
- 4. All fences and walls require a permit prior to construction.
- 5. Concertina Wire, Razor Wire and broken glass topped walls are not be permitted within the Town.

The Commission may approve a deviation from the numerical requirements of this Ordinance (i.e. setback or height requirements) where the <u>applicant</u> demonstrates:

- A physical hardship unique to the property exists (i.e. topographical constraints or lot configuration resulting in reduced development flexibility); and
- 2. These circumstances are not generally found within the locality or neighborhood concerned; and
- 3. The hardship is not self-imposed; and
- 4. The project is not contrary to the public interest or safety; and
- 5. The spirit of the Zoning Ordinance is observed and substantial justice done; and
- 6. The variance is to the minimum extent necessary to allow the owner reasonable use of the land.
- 7. Financial gain or loss shall not be the determining factor in deciding a variance.

The applicant provided a letter with his rationale for the request that indicates topographical concerns, which meets the criteria for a variance, and other concerns that do not meet the criteria for a variance.

Notifications:

Notices were posted at T&T Supermart, Town Hall, US Post Office, Town of Bernalillo Public Library, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified, return receipt requested) to abutting property owners within 100 feet of the subject site.

Planning Commission Options:

Make a motion to:

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them in to the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location: or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location; or
- 6. Deny the request.
- 7. A Tie results in a denial. Request may be appealed to the Town Council.

Staff Recommendation:

Denial of VAR23-007 based on the following Findings:

^{*}Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Findings:

- 1. VAR23-007 is a request for approval of a Variance from Zoning Ordinance Section 22.A.2, a variance of 2' to the 4' solid wall height limit in the front setback at 909 Nazcon Road, legally described as Nazcon Subdivision, Block 1, Lot 14, located in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned R-R and containing approximately 0.941 acres (according to Sandoval County Assessor records).
- 2. The applicant provided a letter that states the reasons for the request, which are unspecified topographical constraints and other items that do not meet the criteria for a variance.
- 3. In violation of Zoning Ordinance Section 22.A.4, the wall was constructed without a permit. After the wall was constructed, the Town issued a Correction Notice on 9/18/23 informing the applicant of the need for a permit and variance.
- 4. In violation of Zoning Ordinance Section 22.A.2., the wall is a solid 6' tall metal, "R" panel wall located within the front setback along the front and sides of the property.
- 5. A private access easement provides access to the property (and others) and cannot be obstructed. However, a wall may be located on the outer edge of the easement.

If approved, the following conditions are recommended:

- 1. The applicant shall obtain a Wall/Fence Permit from the Town. A double fee is charged for work completed without a permit.
- 2. The site plan shall be revised to illustrate the location of the access easement and that of the wall. The wall shall not encroach into the access easement.

This page can be printed using your internet browser or by CTL + P Account: R035151

Owner Information

Location	
Parcel Number 1-019-074-061-022	
Tax Area 101SH_R - 101SH_R	
Situs Address 909 NAZCON RD	
Legal Summary Legal: S: 30 T: 13N R: 4	E
Subd: NAZCON Block: 1 Lot: 14	

Owner Name DICKERMAN, DAVID LYELL AND ALLAN, WALLACE Owner Address 861 BRINGHAM AVE

APT 15 LOS ANGELES, CA 90049-4724 UNITED STATES OF AMERICA

Assessment History

Primary Tax	able			\$7	76,685
Tax A	rea: 1018	SH_R M	ill Lev	y: 26.587	
Туре	Actual	Assessed	Acres	SQFT	Units
Residential Land	\$37,768	\$12,589	0.941	40989.960	1.000
Residential Improvement	\$192,289	\$64,096		2577.000	

Actual Value (2023 - Residential Cap applied) \$230,057

Transfers

Sale Date

Doc Description
WARRANTY DEED

WARRANTY DEED

PLAT

Images

Tax Year		Taxes	
	*2023		\$2,038.84
	2022		\$2,001.56
* Estimated			

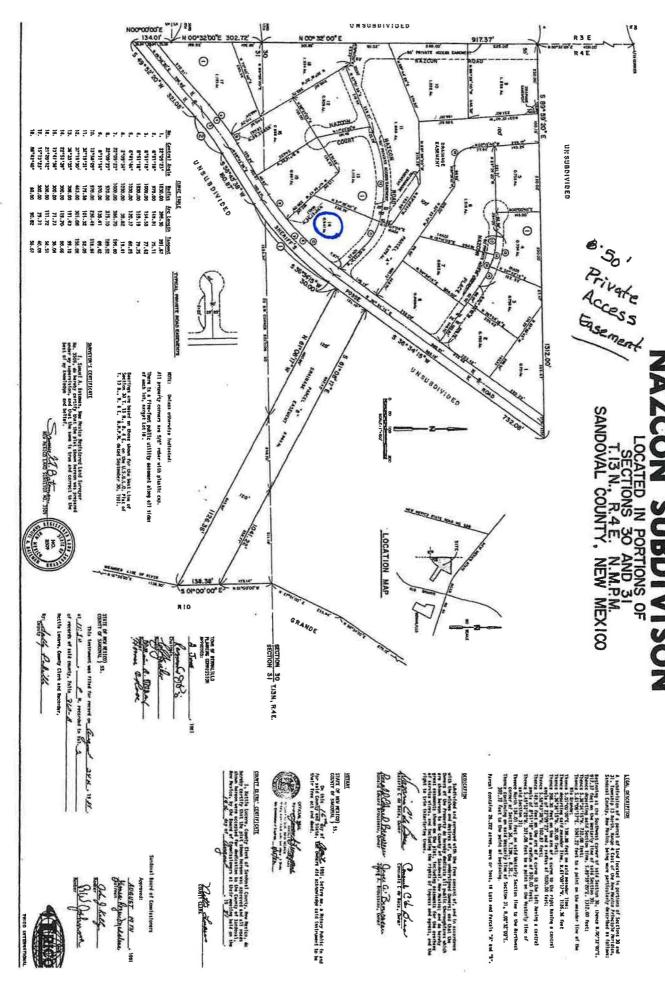
<u>Map</u>

• Photo

• Sketch

• GIS

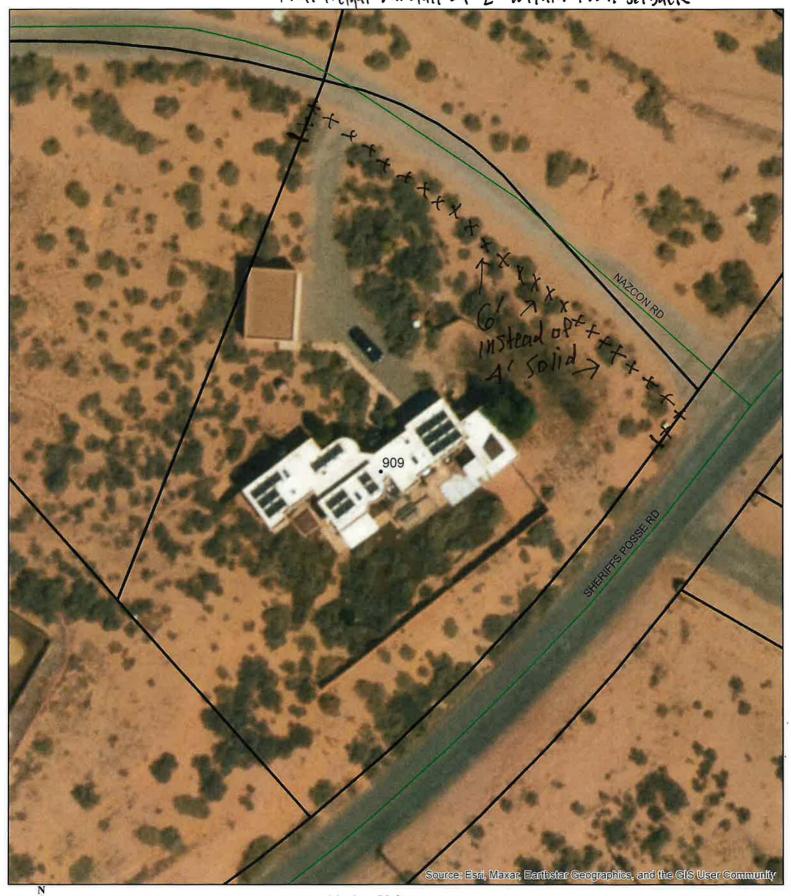




INSTRUMENT NO.____

Town of Bernalillo

Fine Height variance of 2' within Front Setback



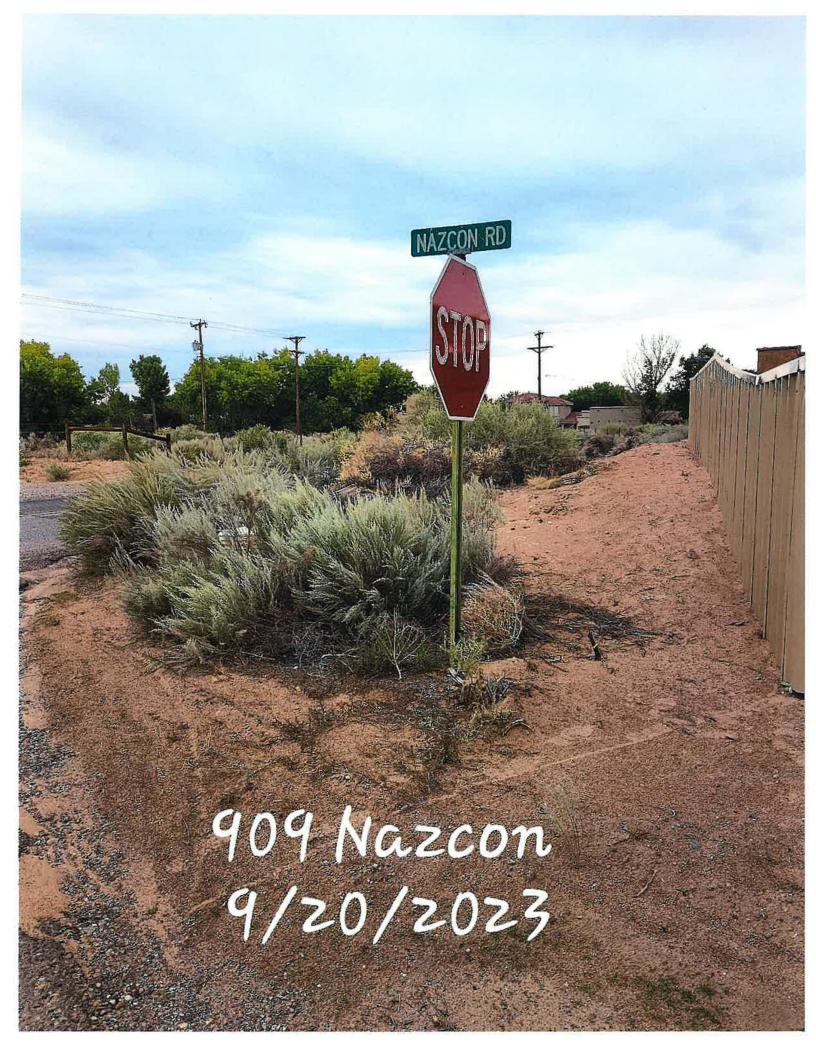
1 inch = 50 feet

Prepared by: S. Shumsky Date: 9/21/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.









TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

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Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

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- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
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- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
- d) VAR23-008: A VARIANCE OF 10.5' FROM THE REQUIRED 15' REAR SETBACK AT 110 DENNY ROAD, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 243E1, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, ZONED M-1 AND CONTAINING APPROXIMATELY 4.0 ACRES.
- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- f) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

- a) Planning Topics Discussion: none
 b) Decisions of Town Council/Ordinances/Appeals Filed/Status: _____
 c) Planning and Zoning Department Update:

 New Home Occupations As of agenda print date, the number of new home occupations, permissive per Zoning Code Sec. 18, is: _____
- ii. Building Coordination & Review As of agenda print date, the number of building permits, placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is: _____
- d) Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov

2023007332 B: 426 P: 7332 WD 04/20/2023 08:46:06 AM Page 1 of 2 Anne Brady-Romero, County Clerk-Sandoval County, NM

Return To: Fidelity National Title of New Mexico Inc. 8220 San Pedro Drive NE, Suite 160 Albuquerque, NM 87113

GF No.: SP000146935

WARRANTY DEED

(Joint Tenants)

David Lyell Dickerman, an unmarried man

for consideration paid, grant to

Sarah Anne Henderson and Xavier Fernando Perez-Pino, wife and husband

whose address is 909 Nazcon Rd, Bernalillo, NM 87004

as joint tenants, the following described real estate in Sandoval County, New Mexico (see attached) with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2023, and subsequent years.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated:

David Lyell Dickerman

State of CALIFORNIA

This instrument was acknowledged before me on this B day of APPL 202 by David

Lyell Dickerman

Notary Public

My Commission Expires:

[SEAL]

DAVID W. KELLY otary Public - California Los Angeles County
Commission # 2432414
Ay Comm. Expires Dec 25, 2026

RESIDENTIAL PROPERTY TRANSFER DECLARATION AFFIDAVIT

Transferor(s) / Seller(s) Print full name(s) and mailing Address(es):
David Lyell Dickerman 861 Bringham Ave., Apt. 15, Los Angeles, CA 90049
Transferee(s) / Buyer(s) Print full name(s) and mailing Address(es):
Sarah Anne Henderson and Xavier Fernando Perez-Pino 909 Nazcon Rd, Bernalillo, NM 87004
Legal Description of the real property transferred as it appears in the document of transfer:
Block 1, Lot 14 of the Nazcon Subdivision, as the same is shown and designated on said subdivision plat filed in the office of the County Clerk of Sandoval County, New Mexico, on August 24, 1981, in Book 160, Page 296.
Full consideration including money or other thing of value paid or exchanged for the transfer, and the terms of the sale including any amount of seller incentives.
Sales Date: April 19, 2023
Sales Price: \$425,000.00
Consideration paid or exchanged: \$
Value of Personal Property included: \$
Description of personal property:
Terms of sale including any seller incentives:
Signature of ☑ Buyer ☐ Seller ☐ Authorized Agent (Check one and sign)
Sarah Anne Henderson
Xavier Fernando Perez-Pino

Pursuant to NMSA 1978, 7-38-12.1 and 7-38-12.2 (2005)

RESIDENTIAL PROPERTY TRANSFER DECLARATION AFFIDAVIT

(continued)

State of NEW MEXICO County of SANDOVAL

This instrument was acknowledged before the on this

day of the day of the

Notary Public

My Commission Expires:

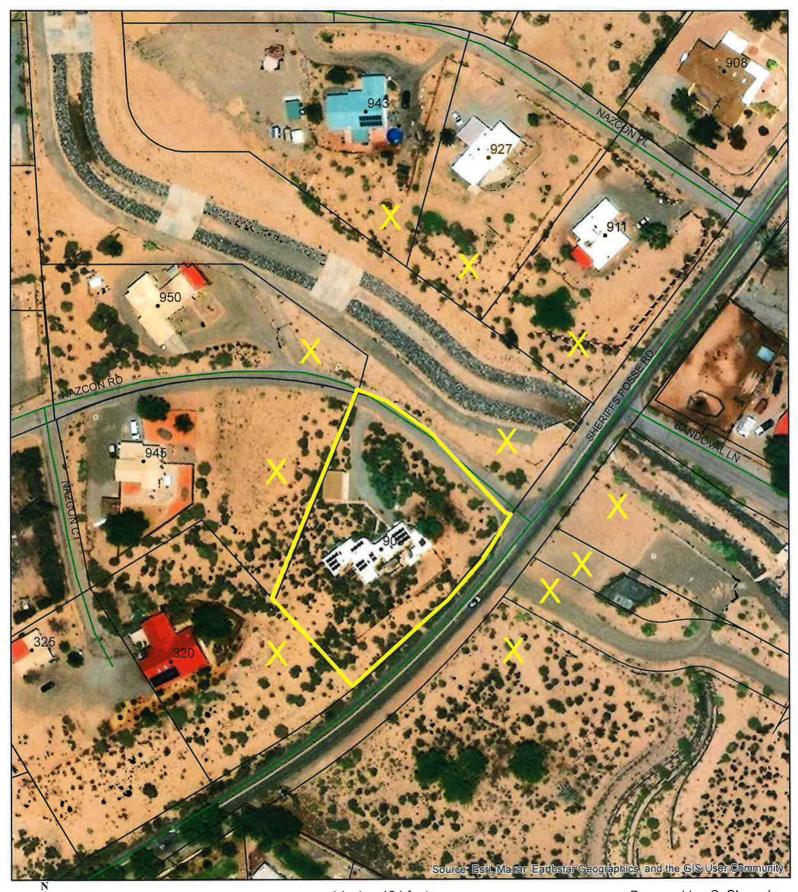
[SEAL]

STATE OF NEW MEXICO
NOTARY PUBLIC
Janice Metz
Commission No. 1103250
December 09, 2025

Order No.: SP000146935

Block 1, Lot 14 of the Nazcon Subdivision, as the same is shown and designated on said subdivision plat filed in the office of the County Clerk of Sandoval County, New Mexico, on August 24, 1981, in Book 160, Page 296.

Town of Bernalillo VAR23-007 - Abutters



1 inch = 124 feet

Prepared by: S. Shumsky Date: 10/12/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

ABUTTERS - VAR23-006			
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER
Melanie Estrada - Applicant	98 Estrada Lane	Bernalillo, NM 87004	VAR23-006
Felix & Roberta Silva	P.O. Box 244	Bernalillo, NM 87004	VAR23-006
Pueblo of Sandia	c/o USA 481 Sandia	Bernalillo, NM 87004	VAR23-006
Fawn Dolan & Tom Hagen	P.O. Box 2033	Corrales, NM 87048	VAR23-006
Brandi Abousleman	100 W. Avenida Bernalillo	Bernalillo, NM 87004	VAR23-006
Julianna Kirwin	1201 8th Street NW	Albuquerque, NM 87102	VAR23-006
Patricia Chavez & William Mast	P.O. Box 1703	Bernalillo, NM 87004	VAR23-006
ABUTTERS - CUP23-002			
Rosemary Garcia - Applicant	10408 Marble Place NE	Albuquerque, NM 87112	CUP23-002
David Hobson & France Narain	1231 S. Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Gilbert Perea	P.O. Box 1382	Bernalillo, NM 87004	CUP23-002
Larry & Doris Mendez	5137 Blue Mound Road	Rolling Hills Est. CA 90274	CUP23-002
Anges Urban	121 Calle Don Rodrigo	Bernalillo, NM 87004	CUP23-002
Santigo or Emilia Salazar	P.O. Box 624	Bernalillo, NM 87004	CUP23-002
Dawn Hanely	3305 19th Ave SE	Rio Rancho, NM 87124	CUP23-002
Humberto & Mabel Castro	289 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Daniel Jaramillo	1206 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Tony & Eleanor Gutierrez	P.O. Box 443	Bernalillo, NM 87004	CUP23-002
Mary Jane Gutierrez & Crystal &			
Ryan Santiago	P.O. Box 703	Bernalillo, NM 87004	CUP23-002
Otis Boren	9629 2nd Street NW	Albuquerque, NM 87114	CUP23-002
ABUTTERS - ZMA23-007			
Xavier Perez - Applicant	909 Nazcon Road	Bernalillo, NM 87004	VAR23-007
James Blaszkowski	320 Nazcon Court	Bernalillo, NM 87004	VAR23-007
Michael Montoya	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007
Max C De Baca	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007
Philip Serbin	943 Nazcon Place	Bernalillo, NM 87004	VAR23-007
Sandoval Properties, Inc.	612 Coronado Drive	Bernalillo, NM 87004	VAR23-007



Katie Levi	3819 Fox Sparrow Trail NW	Bernalillo, NM 87004	VAR23-007
SSCAFCA	1041 Commercial Dr. SE	Rio Rancho, NM 87124	VAR23-007
ABUTTERS - VAR23-008			
Aaron Dixon - TBD Properties -			
Applicant	110 Denny Road	Bernalillo, NM 87004	ZMA23-008
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-008
Auther Montano	118 Ezequil Lane	Bernalillo, NM 87004	ZMA23-008
Randy & Tim Montoya	P.O. Box 1534	Bernalillo, NM 87004	ZMA23-008
AMFABSTEEL	100 Calle Industrial	Bernalillo, NM 87004	ZMA23-008
GSJS	P.O .Box 14663	Albuquerque, NM 87191	ZMA23-008
Juan Nevarez	139 Denny Road	Bernalillo, NM 87004	ZMA23-008
Mauro Torres-Ginez	1255 Calle Madera	Bernalillo, NM 87004	ZMA23-008
Linda Rinaldi	1413 Southern Court	Bernalillo, NM 87004	ZMA23-008
Oscar & Juana Cano	1410 Souther Ct	Bernalillo, NM 87004	ZMA23-008



Town of Bernalillo

APPLICATION FOR

ZONING VARIANCE

(updated 9/9/2022)

INSTRUCTIONS

In accordance with the Town of Bernalillo Comprehensive Zoning Ordinance (Ord. No. 310), a variance is discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land. The Commission may approve a deviation from the numerical requirements of this Ordinance where the applicated demonstrates that all of the following exist: 1) A physical hardship unique to the property (i.e. topographic constraints or lot configuration resulting in reduced development flexibility); and 2) These circumstances and total point within the locality or neighborhood concerned; and 3) The hardship is not self-impose, and 4) The project is not contrary to the public interest or safety; and 5) The spirit of the Zoning Ordinance observed and substantial justice done; and 6) The variance is to the minimum extent necessary to allow the own reasonable use of the land. In addition, financial gain or loss shall not be the determining factor in deciding variance.

Type or print clearly on this form and submit to the Town of Bernalillo Planning & Zoning Commission through the Town Planner. Also include any required supplementary materials. Incomplete or inaccurate applications may delay the review process. The application must be accompanied by the appropriate <u>Filing Fee</u> of \$100.00 (one-hundred dollars) + Notification Fee.

TYPE OF VARIANCE REQUESTED	HOW DOES REQUEST MEET 6 CRITERIA?
□ Lot Area:	(explain here, attach additional sheets if necessary): TOPOGRAPHICAL CONSTRAINTS
YY 1 1 4	GATEN
Lot Width:	CONOTES INSIDE PROPERTY
	HOMELESS GUY WALKEN
□ Setback: □ Parking:	THEOLOGIA PRODEIZTY
Signage/Fencing: Maight Variante	
2' Wlin Front Setback.	
OWNER/APPLICANT INFORMATION	Sec. Wes
Property Owner: XAVIER PEREZ	Phone: 619-301-7793 Email: CUBRUSTER & GMAIL. COM
Mailing Address: 909 NATICON 2	dd. Email: CUBKCSTER & GMAIL. COM
Applicant/Agent:	Phone:
11 0	THE CONTROL OF THE CO
Mailing Address:	Email:
Property Legal Description: NR1 [DN SV b	division Lot 14, Block 2
Property Address: 909 N4ZLON	Ld, DERNALINO NM 87004
and all requirements of the Comprehensive Zoning with the requirements of any and all other application development within the Town of Bernalillo. I further	Date: Da

Proposed Fence Wall Location

Town of Bernalillo Utility 829 S CAMINO DEL PUEBLO BERNALILLO , NM 87004 505-867-3311

09/28/2023

08:04:53 CREDIT CARD

VISA SALE

Card # XXXXXXXXXXXXX6845 SEQ #: Batch #; 2 Trans #: 3 Approval Code: 2 TRANS ID: 018221 303271547540595 Entry Method: Mode: Manual Card Code: Online

SALE AMOUNT

\$159.71

M

THANK YOU

CUSTOMER COPY

TOWN OF BERNALILLO

(505) 867-3311

REC#: 00455773 9/28/2023 9:13 AM

OPER: RL TERM: 002 REF#: APPR 018221

TRAN: 305.0000 ZONING FEES FENCE VARIANCE 909 NAZCON RD

09.28.23 . 100-000-4042-1-2

Zoning Fees 159.71CR

TENDERED:

159.71 CREDIT CARD

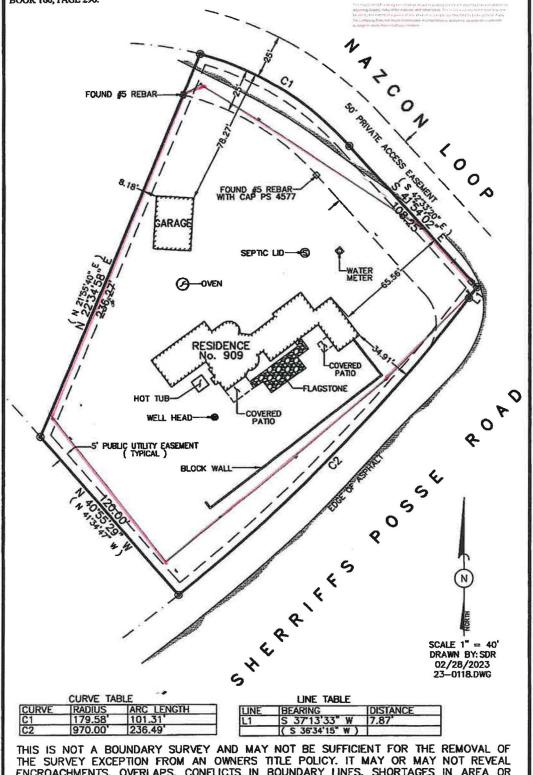
159.71-APPLIED:

CHANGE:

0.00

IMPROVEMENT LOCATION REPORT

BLOCK 1, LOT 14 OF THE NAZCON SUBDIVISION, AS THE SAME IS SHOWN AND DESIGNATED ON SAID SUBDIVISION PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON AUGUST 24, 1981, IN BOOK 160, PAGE 296.



THE SURVEY EXCEPTION FROM AN OWNERS TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY

PUBLIC HEARING: ITEM 6D





PLANNING & ZONING DEPARTMENT

Planning and Zoning Director Stephanie Shumsky

Development Coordinator

Code Enforcement Officer / GIS Tech Suzanne Hathon

Planning & Zoning Administrative Assistant Honora Langwell

PLANNING & ZONING COMMISSION

Juanita Duran Chairperson

Vice Chair Joseph O. Quintana

Michael Griego

Porter Dees

Oliver E. Romero

Raul Montano

Dominick Lepore

TOWNOFBERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023

Staff Report

Subject:

Aaron Dixon (Agent) for TBD Properties LLC (Property Owner) requests approval of a Variance of 10.5' from the required 15' rear setback at 110 Denny Road, legally described as MRGCD MAP 11, Tract 243E1, located in Township 12 North, Range 4 East, Section 6, Zoned M-1 and containing approximately 4.0 acres (according to Sandoval County Assessor records).

Site Data:

Zone: M-1 (Light Industrial)
Surrounding Zoning: C-R and M-1

Current Land Use: Industrial (fence manufacturing, assembly, installation)

Surrounding Land Uses: Industrial

Required Lot Size: none for industrial (provided parking, landscaping, etc. is met)

Actual Lot Size: 174,240sf Access: Denny Road

Utilities: Public Water and Wastewater

Required Parking: 1 space for each two employees on largest shift

Handicapped Parking: per code/based on number of parking spaces provided

Required Setbacks: front 25', sides 10', rear 15'

Existing Setback (approx.): front 15', west side 10'+, east side 85', rear 12.85'

(rear and front setback contain existing encroachments)

Summary of Request:

This is a request for a variance from Zoning Ordinance Section 14.C.2.c. for a variance of 10.5' from the required 15' rear setback. If approved, the resultant rear setback will be 4.5'. The applicant would like to construct a stairway and 2nd floor deck on the north side of the existing building.

The applicant provided a site plan showing the proposed stairway and deck locations as well as existing buildings on the lot. The land use to the north of the property is a Town-owned drainageway.

Plans, Policies and Regulations:

Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- Hazard Mitigation

Development patterns and changes in land use should further goals and policies of one, if not all, of these categories. Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

Comprehensive Plan Goals and Objectives applicable to this request are as follows: None

Subdivision Regulations (April 1997):

A division of land is not under consideration therefore the Subdivision Regulations are not applicable to this request.

Town of Bernalillo Housing Plan (March 2013):

The Town of Bernalillo Housing Plan does not apply to this request.

Mainstreet Overlay District:

The subject property is not located in the Mainstreet Overlay District therefore the Design Guidelines are not applicable to this request.

Comprehensive Zoning Ordinance:

Section 14. M-1 Light Industrial Zone.

The M-1 zoning district permits heavy commercial and light manufacturing uses which do not endanger the health and safety of the community and which do not create offensive noise, vibration, smoke, dust, lint, odors, heat or glare.

The existing use is a permitted use in the M-1 zone.

Section 19. Process, Application and Approvals.

According to Comprehensive Zoning Ordinance, Section 19.F., a variance is a discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land.

The Commission may approve a deviation from the numerical requirements of this Ordinance (i.e. setback or height requirements) where the <u>applicant</u> demonstrates:

- 1. A physical hardship unique to the property exists (i.e. topographical constraints or lot configuration resulting in reduced development flexibility); and
- 2. These circumstances are not generally found within the locality or neighborhood concerned; and
- 3. The hardship is not self-imposed; and
- 4. The project is not contrary to the public interest or safety; and
- 5. The spirit of the Zoning Ordinance is observed and substantial justice done; and
- 6. The variance is to the minimum extent necessary to allow the owner reasonable use of the land.
- 7. Financial gain or loss shall not be the determining factor in deciding a variance.

The applicant indicated that fire access to the second floor is the reason for the variance request. No other variance criteria was mentioned and it was not explained why this is the only option for access (what about locating the access on the west side or south side of the building, where a variance wouldn't be necessary?).

Notifications:

Notices were posted at T&T Supermart, Town Hall, US Post Office, Town of Bernalillo Public Library, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified, return receipt requested) to abutting property owners within 100 feet of the subject site.

Planning Commission Options:

Make a motion to:

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them in to the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location; or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location; or
- 6. Deny the request.
- 7. A Tie results in a denial. Request may be appealed to the Town Council.

Staff Recommendation:

Denial of VAR23-008 based on the following Findings:

^{*}Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Findings:

- 1. VAR23-008 is a request for approval of a Variance of 10.5' from the required 15' rear setback at 110 Denny Road, legally described as MRGCD MAP 11, Tract 243E1, located in Township 12 North, Range 4 East, Section 6, Zoned M-1 and containing approximately 4.0 acres (according to Sandoval County Assessor records).
- 2. If approved, this variance from Zoning Ordinance Section 14.C.2.c. will result in a rear setback of 4.5'.
- 3. The applicant provided a site layout illustrating the proposed location of a staircase and deck to access the 2nd floor of an existing building.
- 4. The applicant indicated that 2nd floor fire access for employees is the reason for the requested variance.
- 5. The applicant did not discuss why the north side of the building is the only option for the deck and staircase location.

If approved, the following conditions are recommended:

- 1. The applicant shall obtain the required permits from the Town and the New Mexico Construction Industries Division (NM-CID).
- 2. Compliance with all Town use, building and business regulations is required.

This page can be printed using your internet browser or by CTL + P **Account: R000162**

Location	Owner Information	Assessment	<u>History</u>				
Parcel Number 1-019-072-420-230	Owner Name TBD PROPERTIES LLC	Actual Valu	e (2023)			\$94	47,156
Tax Area 101RHE_NR - 101RHE_NR	Owner Address 110 DENNY RD BERNALILLO, NM 87004-5797	Primary Taxable				\$315,719	
Situs Address 110 DENNY RD		Tax Area: 101RHE_NR Mill Levy: 40.754					
Legal Summary Legal: S: 6 T: 12N R: 4E	UNITED STATES OF AMERICA	Type	Actual	Assessed	Acres	SQFT	Units
Subd: MAP 11 (1-OUT) Tract: 243E1		Non- Residential Land	\$183,371	\$61,124	4.087	178030.000	1.000
		Non- Residential Improvemen	100 D Union 100 1000	\$254,595		11600.000	1.000
<u>Transfers</u>							
Sale Date	Doc I	Description					
02/00/2016	WADD	ANTY DEED					

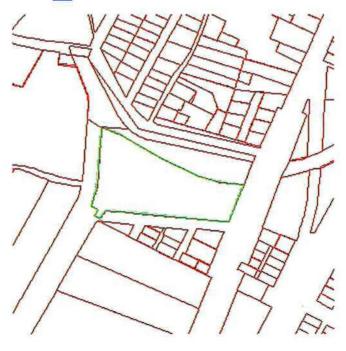
Sale Date	Doc Description
03/09/2016	WARRANTY DEED
	SOLE SEPERATE PROPERTY CONVEYAN
09/03/2014	SPECIAL WARRANTY DEED
	SOLE SEPERATE PROPERTY CONVEYAN
	SOLE SEPERATE PROPERTY CONVEYAN
06/29/2012	SPECIAL WARRANTY DEED
	WARRANTY DEED
	PLAT

Images

Taxes	5
2023	\$12,866.80
2022	\$11,760.04
	2023

Photo





Sketch

GIS



TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a **REGULAR MEETING** of the **PLANNING AND ZONING COMMISSION** of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
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- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
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- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

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a)	Planning Topics Discussion: none
b)	Decisions of Town Council/Ordinances/Appeals Filed/Status:
c)	Planning and Zoning Department Update:
i.	New Home Occupations - As of agenda print date, the number of new home occupations,
	permissive per Zoning Code Sec. 18, is:
ii.	Building Coordination & Review - As of agenda print date, the number of building permits,
	placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:

d) Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

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PUBLIC COMMENTS

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1 inch = 167 feet

Prepared by: S. Shumsky Date: 10/10/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

November 7, 2023 PZ - ABUTTER	S/NOTIFICATION - Certified Mail (APP	LICANTS/AGENTS MAIL 1st CLA	SS)
ABUTTERS - VAR23-006			
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER
Melanie Estrada - Applicant	98 Estrada Lane	Bernalillo, NM 87004	VAR23-006
Felix & Roberta Silva	P.O. Box 244	Bernalillo, NM 87004	VAR23-006
Pueblo of Sandia	c/o USA 481 Sandia	Bernalillo, NM 87004	VAR23-006
Fawn Dolan & Tom Hagen	P.O. Box 2033	Corrales, NM 87048	VAR23-006
Brandi Abousleman	100 W. Avenida Bernalillo	Bernalillo, NM 87004	VAR23-006
ulianna Kirwin	1201 8th Street NW	Albuquerque, NM 87102	VAR23-006
Patricia Chavez & William Mast	P.O. Box 1703	Bernalillo, NM 87004	VAR23-006
*0			
ABUTTERS - CUP23-002 Rosemary Garcia - Applicant	10408 Marble Place NE	Albuquerque, NM 87112	CUP23-002
David Hobson & France Narain	1231 S. Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Gilbert Perea	P.O. Box 1382	Bernalillo, NM 87004	CUP23-002
arry & Doris Mendez	5137 Blue Mound Road	Rolling Hills Est. CA 90274	CUP23-002
Anges Urban		Bernalillo, NM 87004	CUP23-002
Santigo or Emilia Salazar	121 Calle Don Rodrigo P.O. Box 624		
Dawn Hanely	3305 19th Ave SE	Bernalillo, NM 87004	CUP23-002
Humberto & Mabel Castro	* 100-1002(11-11 (2-3)-10 pro/20/1001 (0.09 pro/ 300) (0.01)	Rio Rancho, NM 87124	CUP23-002
	289 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Daniel Jaramillo	1206 Camino Del Pueblo	Bernalillo, NM 87004	CUP23-002
Tony & Eleanor Gutierrez	P.O. Box 443	Bernalillo, NM 87004	CUP23-002
Mary Jane Gutierrez & Crystal & Ryan Santiago	P.O. Box 703	Bernalillo, NM 87004	CUP23-002
Otis Boren	9629 2nd Street NW	Albuquerque, NM 87114	CUP23-002
ous poteti	9629 Zhu Street NVV	Albuquerque, NIVI 87114	CUP23-002
ABUTTERS - ZMA23-007			
Xavier Perez - Applicant	909 Nazcon Road	Bernalillo, NM 87004	VAR23-007
ames Blaszkowski	320 Nazcon Court	Bernalillo, NM 87004	VAR23-007
Michael Montoya	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007
Max C De Baca	950 Nazcon Road	Bernalillo, NM 87004	VAR23-007
Philip Serbin	943 Nazcon Place	Bernalillo, NM 87004	VAR23-007
Sandoval Properties, Inc.	612 Coronado Drive	Bernalillo, NM 87004	VAR23-007

Katie Levi	3819 Fox Sparrow Trail NW	Bernalillo, NM 87004	VAR23-007
SSCAFCA	1041 Commercial Dr. SE	Rio Rancho, NM 87124	VAR23-007
ABUTTERS - VAR23-008			70
Aaron Dixon - TBD Properties -			
Applicant	110 Denny Road	Bernalillo, NM 87004	ZMA23-008
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-008
Auther Montano	118 Ezequil Lane	Bernalillo, NM 87004	ZMA23-008
Randy & Tim Montoya	P.O. Box 1534	Bernalillo, NM 87004	ZMA23-008
AMFABSTEEL	100 Calle Industrial	Bernalillo, NM 87004	ZMA23-008
GSJS	P.O .Box 14663	Albuquerque, NM 87191	ZMA23-008
Juan Nevarez	139 Denny Road	Bernalillo, NM 87004	ZMA23-008
Mauro Torres-Ginez	1255 Calle Madera	Bernalillo, NM 87004	ZMA23-008
Linda Rinaldi	1413 Southern Court	Bernalillo, NM 87004	ZMA23-008
Oscar & Juana Cano	1410 Souther Ct	Bernalillo, NM 87004	ZMA23-008





Town of Bernalillo

APPLICATION FOR ZONING VARIANCE

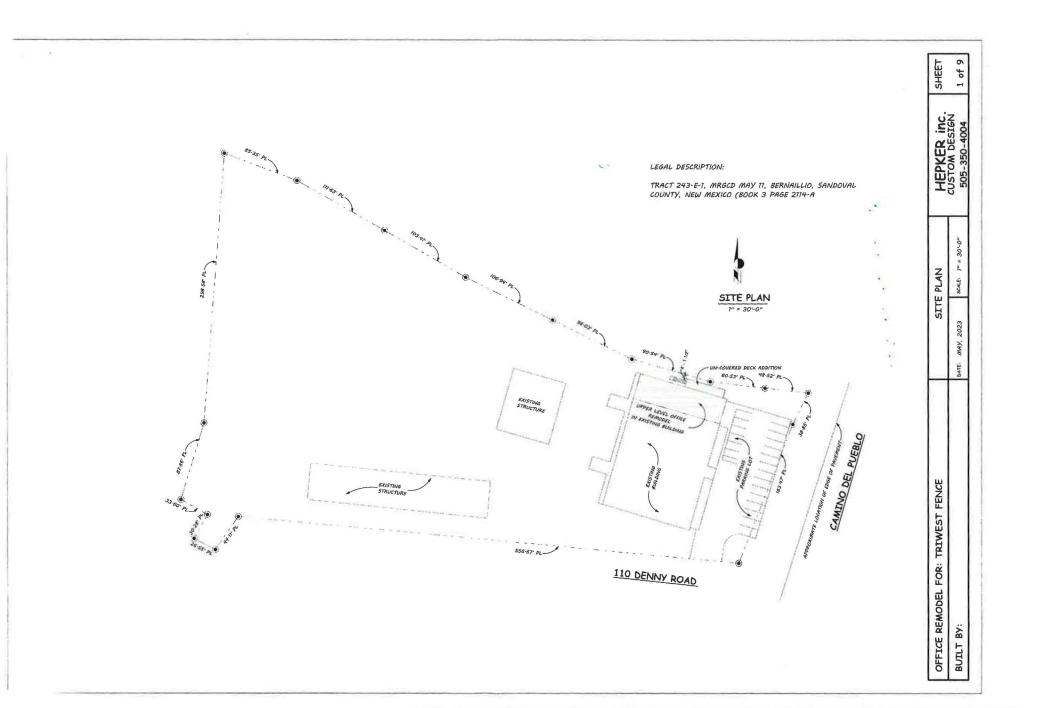
(updated 9/25/23)

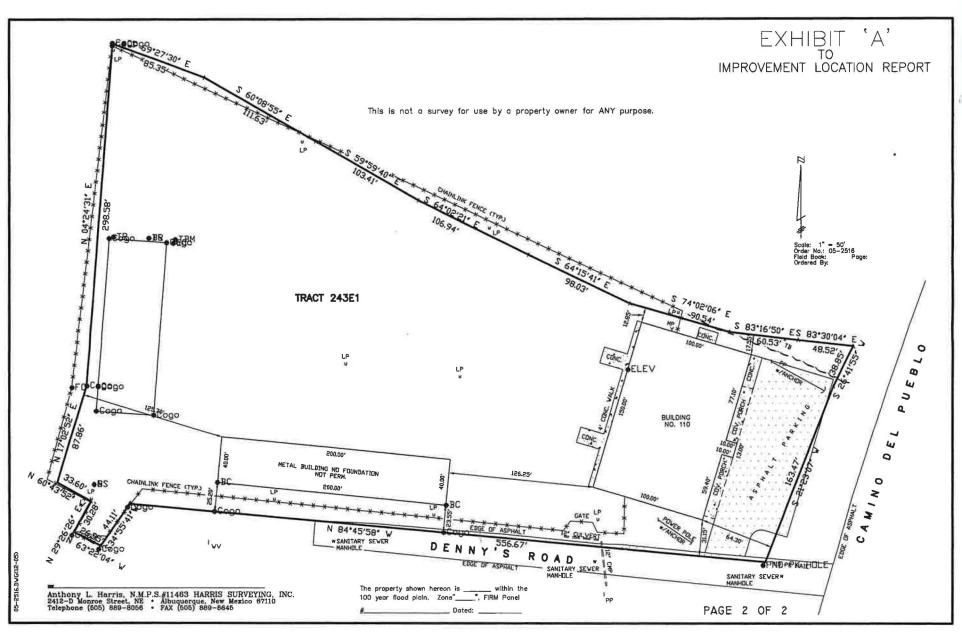
INSTRUCTIONS

In accordance with the Town of Bernalillo Comprehensive Zoning Ordinance (Ord. No. 310), a variance is discretionary waiver from the zoning requirements to grant the property owner reasonable use of their land. The Commission may approve a deviation from the numerical requirements of this Ordinance where the applica demonstrates that all of the following exist: 1) A physical hardship unique to the property (i.e. topographic constraints or lot configuration resulting in reduced development flexibility); and 2) These circumstances a not generally found within the locality or neighborhood concerned; and 3) The hardship is not self-impose and 4) The project is not contrary to the public interest or safety; and 5) The spirit of the Zoning Ordinance observed and substantial justice done; and 6) The variance is to the minimum extent necessary to allow the own reasonable use of the land. In addition, financial gain or loss shall not be the determining factor in deciding ... variance.

Type or print clearly on this form and submit to the Town of Bernalillo Planning & Zoning Commission through the Town Planner. Also include any required supplementary materials. Incomplete or inaccurate applications may delay the review process. The application must be accompanied by the appropriate Filing Fee of \$100.00 (one-hundred dollars) + Notification Fee.

TYPE OF VARIANCE REQUESTED	HOW DOES REQUEST MEET 6 CRITERIA?
	(explain here, attach additional sheets if necessary):
□ Lot Area:	
□ Height:	
□ Lot Width:	
Setback: 3.85'	For employee egress and fire safety from top floor.
Parking:	
□ Signage/Fencing:	•
OWNER/APPLICANT INFORMATION	9
OWNER/APPLICANT INFORMATION Property Owner: TBD Properties LLC	Phone: 505-771-4283
Mailing Address:110 Denny Rd Bernalillo N	M 87004 Email: aaron@triwestfence.com
Applicant/Agent: Aaron Dixon	Phone: 505-771-4283
Mailing Address: 110 Denny Rd Bernalillo NI	M 87004 Email: aaron@triwestfence.com
Property Legal Description: Property Address: 110 Denny Rd Bernalillo N	NM 87004
Tropolog Transcor 110 Bolling 1ta Bollianio 1	
ACKNOWLEDGEMENTS	
Application is hereby made for a Variance. I have and all requirements of the Comprehensive Zoning C with the requirements of any and all other applica development within the Town of Bernalillo. I furthe	examined, am familiar with, and have complied with, any ordinance of the Town of Bernalillo. I have also complied able rules, regulations, and ordinances related to property r understand and agree that neither the Town nor any of terstanding, or misinterpretation, on my part, of any said
Signature of Property Owner:	Date: 9/28/2023
Signature of Applicant or Agent:	Date:
Receipt by P&Z Dept: Application Fee Total: 100 4 102. \$6 = 202 Hearing Location: Town of Bernalillo Council Chambers	Date: 9 28 2023 Receipt#: 00455801 Hearing Date/Time: November 1,206





KEPRINT -

Town of Bernalillo Utility 829 S CAMINO DEL PUEBLO BERNALILLO, NM 87004 505-867-3311

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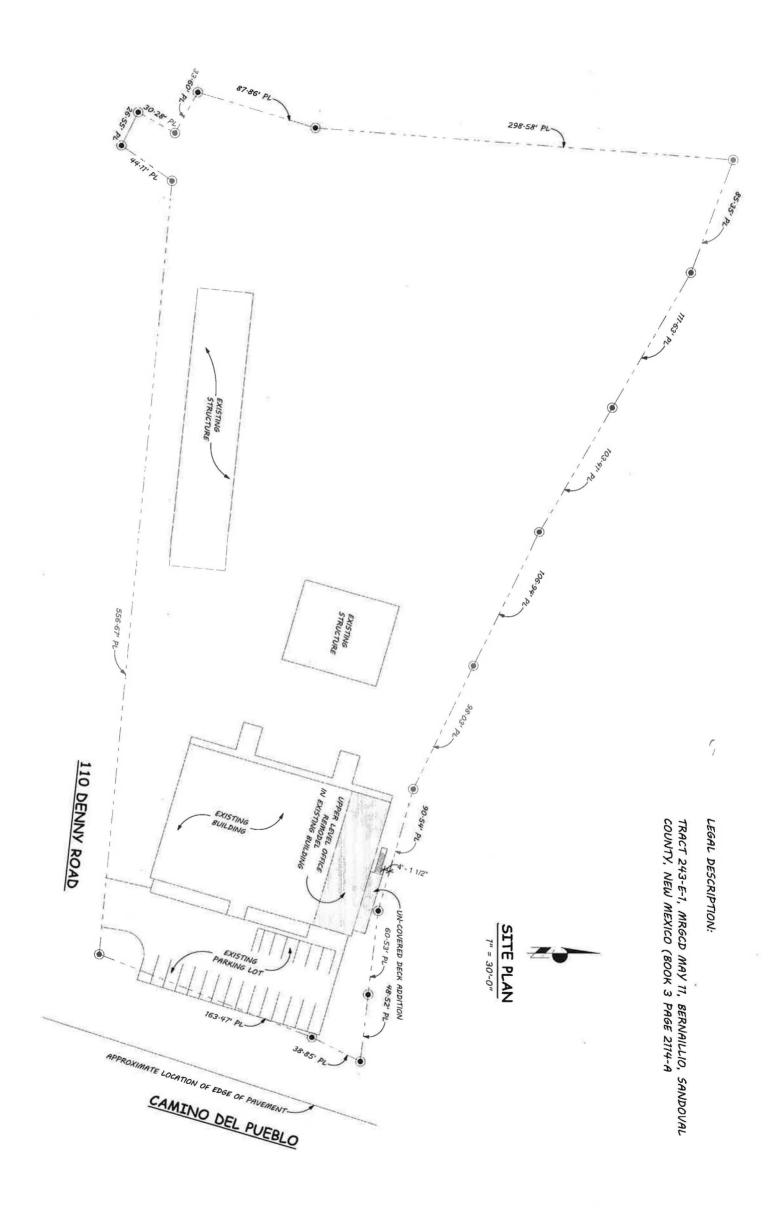
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PLANNING & ZONING DEPARTMENT

Planning and Zoning Director

Stephanie Shumsky

Development Coordinator Vacant

Code Enforcement Officer / GIS Tech

Suzanne Hathon

Planning & Zoning Administrative Assistant

Honora Langwell

PLANNING & ZONING COMMISSION

Juanita Duran Chairperson

Vice Chair Joseph O. Quintana

Michael Griego

Porter Dees

Oliver E. Romero

Raul Montano

Dominick Lepore

TOWNOFBERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023 (Continued from October 3, 2023)

Staff Report

Subject:

Alfredo Barrenechea (Agent) on behalf of Morningstar Holdings LLC (Property Owner) requests approval of a Variance from Subdivision Regulations, Section 11.B.xiii, to allow primary access for a new lot to be from a private access easement, rather than from a public street, at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1, located in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 and containing approximately 2.116 acres (according to Sandoval County Assessor records).

Update:

The public hearing for this request began at the October 3, 2023 Planning and Zoning Commission meeting. During the hearing, it was discovered that there was an error on the property deed. The Commission voted to continue this hearing at the November 7, 2023 meeting in order to give the applicant time to correct the error. The applicant corrected the error, as evidenced by the Scrivener's Error Affidavit filed with the County Clerk on 10/4/23 (attached).

Staff Recommendation:

Unchanged from the October 3, 2023 staff report (attached).

142957

SCRIVENER'S ERROR AFFIDAVIT

- I, William K. Wooten. ("Affiant"), being first duly sworn, states under oath:
- 1. I am duly authorized to execute this Affidavit, have actual knowledge of the matters set forth within this Affidavit and am competent to testify in a court of law about the facts stated in this Affidavit.
- 2. I am eligible and qualified under New Mexico law to be the Affiant of this Scrivener's Error Affidavit because of the following facts:

I oversaw preparation of the document being the subject of this affidavit.

3. The instrument containing the error that this Affidavit intends to correct is as follows:

Warranty Deed

- 4. The purpose of this Affidavit is to provide notice of the scrivener's error described in this Affidavit and to correct the Original Instrument.
- 5. The Original Instrument was prepared by, completed by, or associated with:

A real estate closing in Albuquerque, New Mexico

6. The names and capacities of the parties to the Original Instrument are:

Gilbert S. Lucero and Debby L. Lucero, husband and wife to Morningstar Holdings, LLC, a New Mexico limited liability company

7. The recording information, including the recording date and document, instrument, or reception number for the Original Instruments, is as follows:

July 11, 2023

Recording information

As document number 2023013155, records of Sandoval County, New Mexico.

8. A brief description of each error in the Original Instruments that this Affidavit is designed to correct:

The date of the acknowledgement is incorrect

9. The correct information to be inserted or reflected in the Original Instrument is as follows:

10th day of July, 2023.

10. This Affidavit is made under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 4th day of October, 2023.

Fidelity National Title Insurance Company of New Mexico, Inc.,

A New Mexico corporation

William K. Wooten

Vice-President

STATE OF New Mexico)

COUNTY Bernalillo)

This instrument was sworn to and acknowledged on this and day of , 2023 by William K. Wooten, Vice-President of Fidelity National Title Insurance Company of New Mexico, Inc., a New Mexico corporation.

Notary Public (Seal)

My commission expires:

NCHARY EXCL

Comercias (10, 1071903)

December 01, 2025

STATE OF NEW MEXICO **NOTARY PUBLIC**

Katherine E. Becker Commission No. 1071903 December 01, 2025



TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a **REGULAR MEETING** of the **PLANNING AND ZONING COMMISSION** of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
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- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

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Town of Bernalillo

"The City of Coronado"

KEEP THIS LETTER FOR YOUR RECORDS

October 4, 2023

Absolute Investment Realty Attn: Alfredo Barrenechea 131 Madison Street NE, Suite 200 Albuquerque, NM 87108

SUBJECT: NOTICE OF CONTINUANCE - VAR23-005

Dear Applicant,

At a regularly scheduled public hearing on October 3, 2023, the Town of Bernalillo Planning and Zoning Commission CONTINUED your request to the November 7, 2023 meeting due to an inconsistency in the property deed. Please revise the deed and re-submit it for consideration in November. Thank you.

If you have questions, please contact me at (505) 771-5896 or sshumsky@tobnm.gov

Sincerely,

Stephanie Shumsky Planning and Zoning Director

Stephanie Shumsky

Cc: Ida Fierro, Town Clerk (file copy)

PUBLIC HEARING: ITEM 6E





PLANNING & ZONING DEPARTMENT

Planning and Zoning Director Stephanie Shumsky

Development Coordinator Jonathan Peaden

Code Enforcement Officer / GIS Tech Suzanne Hathon

Planning & Zoning
Administrative Assistant
Honora Langwell

PLANNING & ZONING COMMISSION

Juanita Duran Chairperson

Vice Chair Joseph O. Quintana

Michael Griego

Porter Dees

Oliver Romero

Raul Montano

Dominick Lepore

TOWN OF BERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting October 3, 2023

Staff Report

Subject:

Alfredo Barrenechea (Agent) on behalf of Morningstar Holdings LLC (Property Owner) requests approval of a Variance from Subdivision Regulations, Section 11.B.xiii, to allow primary access for a new lot to be from a private access easement, rather than from a public street, at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1, located in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 and containing approximately 2.116 acres (according to Sandoval County Assessor records).

Site Data:

Zone: C-1 (Commercial)
Surrounding Zoning: C-1

Current Land Use: Vacant/Undeveloped

Surrounding Land Uses: Single-Family Residential, Assisted Living, Commercial

Required Lot Size: n/a

Actual Lot Size: 2.116ac/92,172sf

Access: Private Access Easement to US Hwy 550 and Sheriffs Posee Road Utilities: Public Water and Wastewater for any future development Required Parking: per zoning ordinance for commercial uses Handicapped Parking: per zoning ordinance for commercial uses

Required Setbacks: For lots in commercial use = front 10', side 0', rear 10'

Existing Setback (approx.): n/a (the site is undeveloped)

Summary of Request:

This is a request for a variance from Subdivision Regulations (Ord. 336), Section 11.B.xiii, which requires that "All platted lots must have direct access to a platted street that meets the Town standards for the appropriate street."

In a subsequent request, and if this variance is approved, the applicant wishes to create a new lot that has primary access to a private access easement, which was designated and recorded on 8/4/2021 (Bk: 424 Pg: 27226) (see enclosed).

Plans, Policies and Regulations:

Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- · Hazard Mitigation

Development patterns and changes in land use should further goals and policies of one, if not all, of these categories. Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

Comprehensive Plan Goals and Objectives applicable to this request are as follows:

Chapter 5: Economic Development

Goal 2: Support small business development, expansion, and retention. *Objective*

• To expand business and employment opportunities for Bernalillo residents.

Chapter 6: Transportation

Goal 1: Maintain an integrated and efficient multi-modal transportation system.

Objective

• To accommodate the community's mobility needs without detracting from Bernalillo's small-town character.

Subdivision Regulations (February 2023):

The purpose of the Subdivision Regulations, adopted February 13, 2023 (Ord. 336), is "to assure harmonious development of the Town and the surrounding area and thereby promote the health, safety and general welfare of the Town and surrounding area".

This request is for a variance from these regulations in order to create a new lot with access to a private easement rather than a platted public street. If approved, the variance should not be contrary to the purpose of these regulations.

Sections 18 and 26 of the Subdivision Regulations provide a process for considering a variance or amendment to either the text or a standard found within the regulations.

Section 18: Modifications and Exceptions.

Section 18 states that "Whenever the tract to be subdivided is of such unusual size or shape and/or surrounded by such development or unusual conditions that the strict application of these Regulations would result in real difficulties and substantial hardships, the Commission may vary or modify the requirements, in accordance with the adopted procedure for granting such relief (see Sec. 25), so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time so that the public welfare and interests of the Town are protected and the general intent and spirit of these regulations are preserved. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of these Regulations or the desirable development of the community in accordance with plans and policies of the Town. Any modification granted shall be entered in the records of the Commission setting forth the reasons which justified the modification. Further, in granting modifications and exceptions, the Commission may place conditions which, in its judgment, substantially secure the objectives of the standards or requirements involved."

Section 26: Amen'dment Procedure.

Section 26 states that "The Town Council may, from time to time, amend, modify or approve a variation from these Regulations, consistent with Section 18, after public hearing, due notice of which shall be given as required by law."

The subject property does not have access to a public street. The site is located between two adjacent parcels that have access to public streets (Sheriff's Posse Road to the west and US Hwy 550 to the north). In 2021, an access easement was created to connect all three parcels to US Hwy 550, as the primary access, and Sheriff's Posse Road, as the secondary access.

Since then, but prior to any development plans for the subject property, the Subdivision Regulations were updated to require direct access to a public street.

Denial of the requested variance will not inhibit the Owner's ability to develop the property with commercial uses, however those uses would need to be developed on the site as-is (without subdivision since that is the trigger for access to a public street).

Approval of the variance will not have a negative impact on the subject property or surrounding area because the access easement is of an adequate width to accommodate through traffic.

Town of Bernalillo Housing Plan (March 2013):

The Town of Bernalillo Housing Plan does not apply to this request.

Mainstreet Overlay District:

The subject property is not located in the Mainstreet Overlay District therefore the Design Guidelines are not applicable to this request.

Comprehensive Zoning Ordinance:

The Comprehensive Zoning Ordinance does not apply to this request. The request is not for a zoning variance.

Notifications:

Notices were posted at T&T Supermart, Town Hall, US Post Office, Town of Bernalillo Public Library, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified, return receipt requested) to abutting property owners within 100 feet of the subject site.

Planning Commission Options:

Make a motion to:

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them in to the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location; or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location; or
- 6. Deny the request.
- 7. A Tie results in a denial. Request may be appealed to the Town Council.

Staff Recommendation:

Approval of VAR23-005 based on the following Findings and Conditions:

^{*}Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Findings:

- VAR23-005 is a request by Morningstar Holdings LLC for approval of a Variance from Subdivision Ordinance Section 11.B.xiii, to allow primary access for a proposed lot to be from a private access easement rather than from a public street at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1, located in Township 13, North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, zoned C-1 and containing approximately 2.116 acres (according to Sandoval County Assessor records).
- 2. The application indicates the reason for the request is that, without the variance, a lot split would not be possible due to the existing lot not having direct access to a public street.
- 3. The proposed variance will allow for the existing lot to be divided into two lots and for access to be from an existing access easement.
- 4. The variance will not be detrimental to the public health, safety or general welfare of the Town residents.

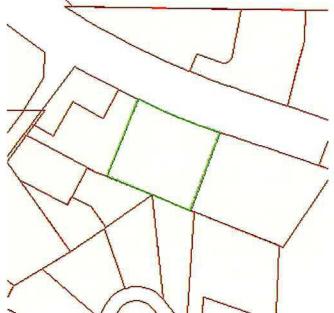
Conditions: None

This page can be printed using your internet browser or by CTL + P Account: R184137

Location	Owner Information	Assessment History	
Parcel Number 1-019-074-188-076 Tax Area 101SH_NR - 101SH_NR Situs Address 781 HIGHWAY 550 Legal Summary Legal: S: 30 T: 13N R: 4E Subd: LANDS OF C DE BACA Lot: A1 WITHIN THE SW1/4 (CORONADO CANTINA) Owner Name LUCERO, GILBEI AND DEBBY L Owner Address 40B LOS COLO ALGODONES, NM 87001-8002 UNITED STATES OF AMERICA		Actual Value (2019) Primary Taxable Tax Area: 101SH_NR Mill Levy: 34. Type Actual Assessed Acres SQFT Non- Residential \$625,607 \$208,536 4.127 17977 Land Non- Residential \$250,000 \$83,333 Improvement	
Transfers Sale Date		Doc Description	
12/02/2022		AFFIDAVIT	
01/25/2022		VARRANTY DEED UIT CLAIM DEED PLAT	
06/05/2014	NOTI	L ESTATE CONTRACT ICE OF LIS PENDENS VARRANTY DEED	
03/23/2006		ESTATE CONTRACT PLAT	
	Images		
Tax Year Taxes	• Photo		

Tax Year		Taxes	
	*2023		\$9,939.60
	2022		\$9,939.60
* Estimated			

PhotoGIS





TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a **REGULAR MEETING** of the **PLANNING AND ZONING COMMISSION** of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>October 3</u>, <u>2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> <u>virtually via Microsoft Teams</u> as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Meeting ID: 270 180 177 188 **Passcode:** e9aFY5

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 688 246 784#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of September 5, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) VAR23-005: A VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED C-1.
 - b) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED C-1.
 - c) ZMA23-004: ZONE MAP AMENDMENT FROM C-R (COMMERCIAL-RESIDENTIAL) TO C-1 (COMMERCIAL) AT 113 DENNY ROAD, 1409 S. CAMINO DEL PUEBLO AND 1413 SOUTHERN COURT, LEGALLY DESCRIBED AS SOUTHERN ADDITION BLOCK 9, LOTS

8A, 2A, 11 AND 1, APPROXIMATELY 0.495 ACRES, ZONED C-R.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

- a) Planning Topics Discussion: none
- b) Decisions of Town Council/Ordinances/Appeals Filed/Status:
- c) Planning and Zoning Department Update:
- i. New Home Occupations As of agenda print date, the number of new home occupations, permissive per Zoning Code Sec. 18, is: ______
- ii. Building Coordination & Review As of agenda print date, the number of building permits, placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:
- d) Next Meeting: Town Hall November 7, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

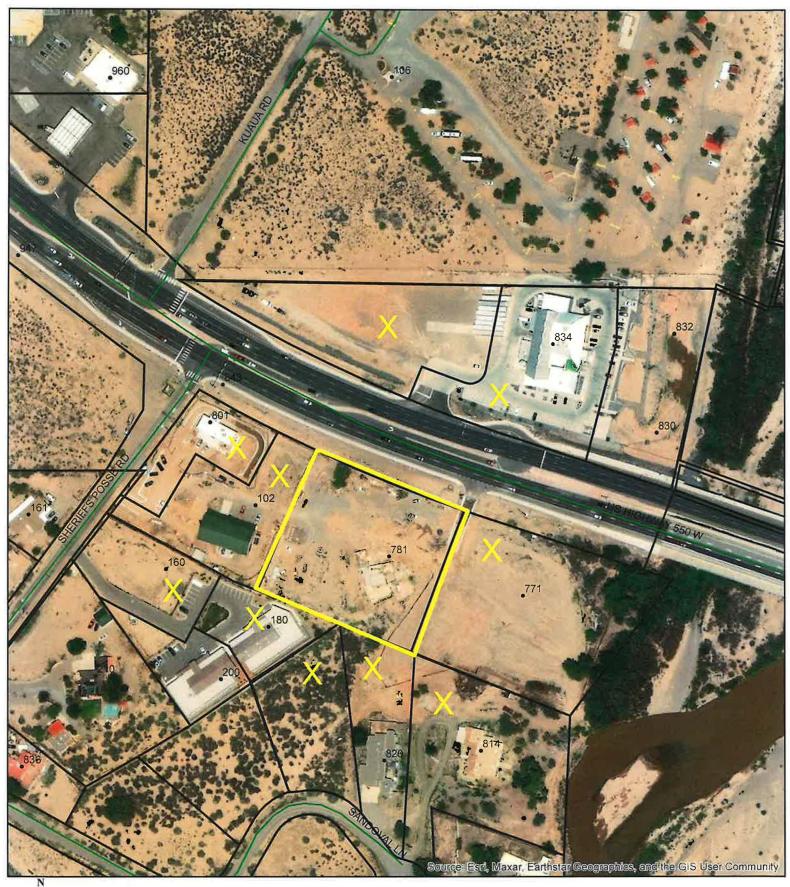
Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov

Town of Bernalillo VAR23-005 - Abutters



1 inch = 228 feet

Prepared by: S. Shumsky

Date: 9/7/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

October 3, 2023 PZ - ABUTTERS/NOTIFICATIO	ON - Certified Mail (APPLICANTS/AC	SENTS MAIL 1st CLASS)				
ABUTTERS - SumP23-005						
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER			
Morning Star Holdings, LLC - Applicant	131 Madison Street NE	Albuquerque, NM 87108	SumP23-005			
Ryan Mulhall Cartsian Surveys, Inc - Agent	P.O. Box 44414	Rio Rancho, Nm 87174	SumP23-005			
SJS Property, LLC	437 Woodfield Road	La Canada Flintridge, CA 91011	SumP23-005			
Sheriff Posse Hwy 550 Lot A	131 Madison St. NE	Albuquerque, NM 87108	SumP23-005			
Gilbert & Debby Lucero	40 B Los Colonias	Algodones, NM 87001	SumP23-005			
Bernadette Candelaria	2803 Adams Street NE	Albuquerque, NM 87110	SumP23-005			
Russco Property	5800 San Francisco Road NE	Albuquerque, NM 87109	SumP23-005			
Southwest Lending	1692 Pace Road NE	Albuquerque, NM 87114	SumP23-005			
ABUTTERS -VAR23-005					35	
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER			
Morning Star Holdings, LLC - Applicant	131 Madison Street NE	Albuquerque, NM 87108	VAR23-005			
Ryan Mulhall Cartsian Surveys, Inc - Agent	P.O. Box 44414	Rio Rancho, Nm 87174	VAR23-005			
SJS Property, LLC	437 Woodfield Road	La Canada Flintridge, CA 91011	VAR23-005			
Sheriff Posse Hwy 550 Lot A	131 Madison St. NE	Albuquerque, NM 87108	VAR23-005			
Gilbert & Debby Lucero	40 B Los Colonias	Algodones, NM 87001	VAR23-005			
Bernadette Candelaria	2803 Adams Street NE	Albuquerque, NM 87110	VAR23-005			
Russco Property	5800 San Francisco Road NE	Albuquerque, NM 87109	VAR23-005			
Southwest Lending	1692 Pace Road NE	Albuquerque, NM 87114	VAR23-005			
ABUTTERS - ZMA23-004						
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER			
Oscar Cano - Applicant	1410 Southern Court	Bernalillo, NM 87004	ZMA23-004			
Country Road Properties, LLC	1421 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-004			
Linda Rinaldi	1413 Southern Court	Bernalillo, NM 87004	ZMA23-004			
TBD Properties	110 Denny Road	Bernalillo, NM 87004	ZMA23-004			
Arthur Montano	118 Ezequiel Lane	Bernalillo, NM 87004	ZMA23-004			
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-004			
Eralio Molinar	675 Mountain View Drive	Bernalillo, NM 87004	ZMA23-004			





Town of Bernalillo

APPLICATION FOR SUBDIVISION/DESIGN STANDARDS VARIANCE

INSTRUCTIONS

In accordance with Section 18 of the Town of Bernalillo's Subdivision Ordinance (Ord. 336) and Section 103 of the Design Standards (Ord. 337), a Variance may be granted from the strict application of the requirements of the Ordinance, where the strict application would result in real difficulties and substantial hardships and only to the extent that the public welfare and interests of the Town are protected and the general intent and spirit of the regulations are preserved. Financial loss or gain, or monetary savings, are not considered when determining "real difficulty or substantial hardship". Type or print clearly on this form and submit it to the Planning & Zoning Commission through the Town Planner. Include any necessary or required supplementary materials. Incomplete or inaccurate applications may delay the review process.

Fee for Subdivision/Design Standard Variance Submittal: \$100.00; Notification Fee: current certified mail rate x number of lots within 100° of project boundary

LAF	E OF VARIANCE REQUESTED	EXPLAIN DIFFICULTY / HARDSHIP			
	Right-of-Way Width:	This request is being made because the percel does not have			
	Street Improvements:	direct access to a platted street (US HWY 550) and therefore			
	Sidewalks:	must rely solely on 2 platted access easements (one from Sheriffe Posse,			
	Water & Sewer:	and one from US HWY 550).			
	Drainage:				
0	Street Lights:				
0	Lot Size:				
X	Other: Subdivision Regulations Sec 11.B.xiii				
	licant/Property Owner: Morningstar Holdings L				
Mail	ing Address: 102 Sheriffs Posse Rd, Bernali	lo, NM 87004 Email: gltrees@gmail.com			
Ages	nt (if any): Alfredo Barrenechea, Absolute In	vestment Res Phone: 505-401-0135			
Mail	ing Address: 131 Madison Street NE, Suite	200, Albuque Email: alfredo@go-absolute.n			
Lega	Description of Property: Lot A-1 Lands of C'I	De Baca			
Addi	ress of Property: 781 US HWY 550, Bernalillo	, NM 87004			
ACK	NOWLEDGEMENTS				

Application is hereby made for a Variance from the Town of Bernalillo's Subdivision Ordinance or Design Standards. I will comply with the requirements of any and all other applicable rules, regulations, and ordinances related to land development within the Town of Bernalillo. 1 further understand and agree that neither the Town nor any of its agents shall be held liable for any lack of understanding, or misinterpretation, on my part, of any said requirements. Property owner authorization for this request is provided below or attached.

Signature of Applicant/Property Owner: Dertugas Date: 9/14/2023

Signature of Agent (if any): Date: 08/14/2023

Receipt by Planning & Zoning Officer: Date: 8/18/23

Application Fee Total: 4/85,30

Receipt #: 00/3/23

Hearing Location: Bernalitlo Town Council Chambers Hearing Date & Time: 10/3/23

Subdivision/Design Standards Variance Application Page 2 of 2

Return To: Fidelity National Title of New Mexico Inc. 8500 Menaul Blvd. NE, Suite B-150 Albuquerque, NM 87112 2023013155 B: 426 P: 13155 WD 07/11/2023 08:32:36 AM Page 1 of 1 Anne Brady-Romero, County Clerk-Sandoval County, NM

GF No.: SP000142957

WARRANTY DEED

Gilbert S. Lucero and Debby L. Lucero, husband and wife

for consideration paid, grant to

Morningstar Holdings, LLC, a New Mexico limited liability company

whose address is 131 Madison Street NE, Albuquerque, New Mexico 87108

the following described real estate in Sandoval County, New Mexico:

Lot A-1, as shown and designated on that certain Summary Plat of Lots A-1 and B-1, Lands of C' De Baça (being a replat of Lots A and B, Lands of C'de Baça), within Section 30, Township 13 North, Range 4 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, filed in the office of the County Clerk of Sandoval County, New Mexico on January 10, 2018, in Volume 3, Folio 4174.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2023, and subsequent years.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated:

Silbert S Lucero

Debby L. Lucerd

State of NEW MEXICO County of SANDOVAL

This instrument was acknowledged before me on this $\underline{\mathbb{N}}$

husband and wife.

Notary Public

My Commission Expires: \3

[SEAL]

STATE OF NEW MEXICO NOTARY PUBLIC Katherine E. Becker Commission No. 1071903

day of Gilbert S. Lucero and Debby L. Lucero,

December 01, 2025

Page 1

2023014340 B: 426 P: 14340 SCRA 07/25/2023 09:06:15 AM Page 1 of 2 Anne Brady-Romero, County Clerk-Sandoval County, NM

Return To: SPOON SCRIVENER'S-ERROR AFFIDAWAELITY NATIONAL TITLE OF NM

- I, William K. Wooten, ("Affiant"), being first duly sworn, state under oath:
- 1. I am duly authorized to execute this Affidavit, have actual knowledge of the matters set forth within this Affidavit and am competent to testify in a court of law about the facts stated in this Affidavit.
- 2. I am eligible and qualified under New Mexico law to be the Affiant of this Scrivener's-Error Affidavit because of the following facts:

I oversaw preparation of the document being the subject of this affidavit.

3. The instrument containing the error that this Affidavit intends to correct is as follows:

Warranty Deed

- 4. The purpose of this Affidavit is to provide notice of the scrivener's error described in this Affidavit and to correct the Original Instrument.
- 5. The Original Instrument was prepared by, completed by or associated with:

our Albuquerque office in connection with a real estate closing.

6. The names and capacities of the parties to the Original Instrument are:

Gilbert S. Lucero and Debby L. Lucero, husband and wife to Morningstar Holdings, LLC, a New Mexico limited liability company

7. The recording information, including the recording date and document, instrument or reception number for the Original Instrument, is as follows:

Recorded July11, 2023

Recording information

Document number 2-23013155 in the real property records of Sandoval County, New Mexico.

8. A brief description of each error in the Original Instrument that this Affidavit is designed to correct:

The mailing address of the Grantee is incorrect.

- 9. The correct information to be inserted or reflected in the Original Instrument is as follows:
- 102 Sherriff's Posse Road, Bernalillo, New Mexico, 87004
- 10. This Affidavit is made under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

William K. Wooten

STATE OF NEW MEXICO

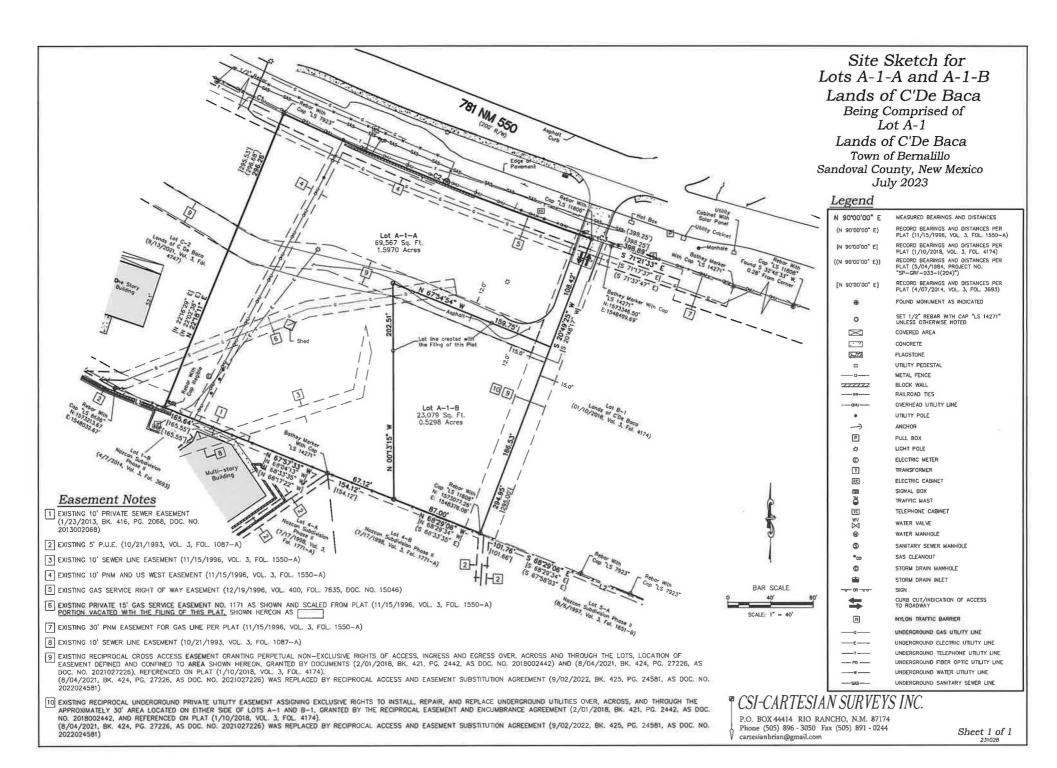
COUNTY OF Bernalillo

This instrument was sworn to and acknowledged on this 24th day of July, 2023 by William K. Wooten of Fidelity National Title Insurance Company of New Mexico, Inc.

Notary Public (Seal)

My commission expires:

STATE OF NEW MEXICO NOTARY PUBLIC Katherine E. Becker Commission No. 1071903 December 01, 2025



Return To: 13684 FIDELITY NATIONAL TITLE OF NM

GRANT OF PRIVATE ACCESS EASEMENT

MARCOS J. GARCIA, an unmarried man ("Garcia"), is the real estate contract seller to GILBERT S. LUCERO and DEBBY L. LUCERO, husband and wife (collectively, "Lucero") (collectively, and together with their heirs, successors and assigns, Garcia and Lucero are referenced as the "Grantor") own title to that certain tract of land situate within Sandoval County, New Mexico, and being more particularly described as follows:

Lot A-1 on that certain Summary Plat of Lots A-1 and B-1, Lands of C' de Baca, Being a Replat of Lots A and B, Lands of C' de Baca, filed in the Office of the County Clerk of Sandoval County, New Mexico, on January 10, 2018, in Plat Book 3, Page 4147;

(the "Servient Property").

Grantor desires to grant a private access easement across a portion of the Servient Property for the benefit of that certain adjacent tract of land situate within Sandoval County, New Mexico, described as follows:

Lot C, Lands of C' de Baca, as the same is shown and designated on that certain Plat of Lots A, B and C, Lands of C' de Baca, filed in the Office of the County Clerk of Sandoval County, New Mexico, on November 15, 1996, in Plat Book 3, Folio 1550-A.

(collectively, the "Benefited Property");

and to the owners of said Benefited Property (collectively, "Grantee").

Grantor grants to Grantee an approximately twenty-foot-foot (24') wide non-exclusive easement for access, ingress and egress in, over, upon and across the surface of a portion of the Servient Property, as depicted and more particularly described on the attached **EXHIBIT A** (the "Easement Area"), together with the right to construct, maintain, repair and replace access improvements thereon (the "Easement").

The Easement is for the benefit of the tenants, customers, invitees, licensees, agents and employees of Grantee, including without limitation emergency vehicles and personnel seeking access to the Benefited Property. The Easement shall be appurtenant to the Servient Property and the Benefited Property. The provisions hereof shall inure to the benefit of and bind the heirs, mortgagees, lessees, tenants, successors and assigns of Grantor and Grantees, and shall run with the land.

IN WITNESS WHEREOF, Grantor sets its hand(s) and seal(s):

MARCOS J. GARCIA, an unmarried man:

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF Saudes

This instrument was acknowledged before me on ______.

J. GARCIA, an unmarried man.

My Commission Expires:

OFFICIAL SEAL

GRANT OF PRIVATE ACCESS EASEMENT Page 2

GILBERT LUCERO and DEBBY LUCERO, husband and wife:

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF Sandon

This instrument was acknowledged before me on <u>JU</u> LUCERO and DEBBY LUCERO, husband and wife.

Notary Public

My Commission Expires:

OFFICIAL SEAL Andria Barrenechea

My Commission Expires

Exhibit for

A Parcel Within Lot A-1, Lands of C'De Baca

Town of Bernalillo Sandoval County, New Mexico May 2021

Legal Description

A CERTAIN PARCEL, BEING A PORTION OF LOT A-1, LANDS OF C'DE BACA, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING A POINT LYING ON THE WEST BOUNDARY LINE OF SAID LOT A-1, WHENCE A TIE TO THE NORTHWEST CORNER OF SAID LOT A-1, BEARS N 22"8'11" E, A DISTANCE OF 113.23 FEET, MARKED BY A REBAR WITH CAP "LS 7923";

THENCE, FROM SAID POINT OF BEGINNING, TRAVERSING SAID LOT A-1, THE FOLLOWING TWELVE COURSES:

S 59'32'42" E, A DISTANCE OF 22.55 FEET TO A POINT OF CURVATURE;

4.53 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A DELTA OF 25'56'21", AND A CHORD BEARING S 72'32'21" E, A DISTANCE OF 4.49 FEET TO A POINT OF TANGENCY;

S 85'30'31" E. A DISTANCE OF 60.64 FEET TO A POINT OF CURVATURE:

10.42 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 34.00, A DELTA OF 17"33'17", AND A CHORD BEARING S 76"43"52" E, A DISTANCE OF 10.38 FEET TO A POINT OF TANGENCY:

S 67'57'14" E. A DISTANCE OF 187.41 FEET TO A POINT OF CURVATURE:

20.35 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 21.72 FEET, A DELTA OF 53'41'39", AND A CHORD BEARING N 83'29'31" E, A DISTANCE OF 19.62 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL BEING A POINT LYING ON THE WEST SIDE OF AN EXISTING 30 FOOT PRIVATE ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT GRANTED ON SAID PLAT FOR LOT A-1;

CONTINUED ON SHEET 2 OF 3

Notes

- FIELD SURVEY PERFORMED IN OCTOBER AND NOVEMBER 2020.
 ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- 3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 63-CENTRAL ZONE).

Surveyor's Certificate

I, WILL PLOTNER JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE EXHIBIT SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Will Plotner Jr. N.M.R.P.S. No. 14271

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 wplotnerjr@gmail.com



Sheet 1 of 3 201918

Exhibit for

A Parcel Within Lot A-1, Lands of C'De Baca

Town of Bernalillo Sandoval County, New Mexico May 2021

Legal Description

CONTINUED FROM SHEET 1 OF 3

COINCIDING WITH SAID WEST BOUNDARY OF SAID EASEMENT, S 20°49'25" W. A DISTANCE OF 33.38 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL:

N 67'57'14" W, A DISTANCE OF 205.35 FEET TO A POINT OF CURVATURE;

3.06 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10,00 FEET, A DELTA OF 17"33"17". AND A CHORD BEARING N 76"43"52" W, A DISTANCE OF 3.05 FEET TO A POINT OF TANGENCY;

N 85'30'31" W, A DISTANCE OF 66.17 FEET TO A POINT OF CURVATURE;

4.53 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET. A DELTA OF 25'56'21". AND A CHORD BEARING N 72'32'21" W, A DISTANCE OF 4.49 FEET TO A POINT OF TANGENCY;

N 59*32'50° W, A DISTANCE OF 24.65 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL LYING ON THE WEST BOUNDARY LINE OF SAID LOT A-1;

THENCE, COINCIDING WITH SAID WEST BOUNDARY LINE, N 2278'11" E, A DISTANCE OF 24.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.1684 ACRES (7,333 SQ. FT.) MORE OR LESS.

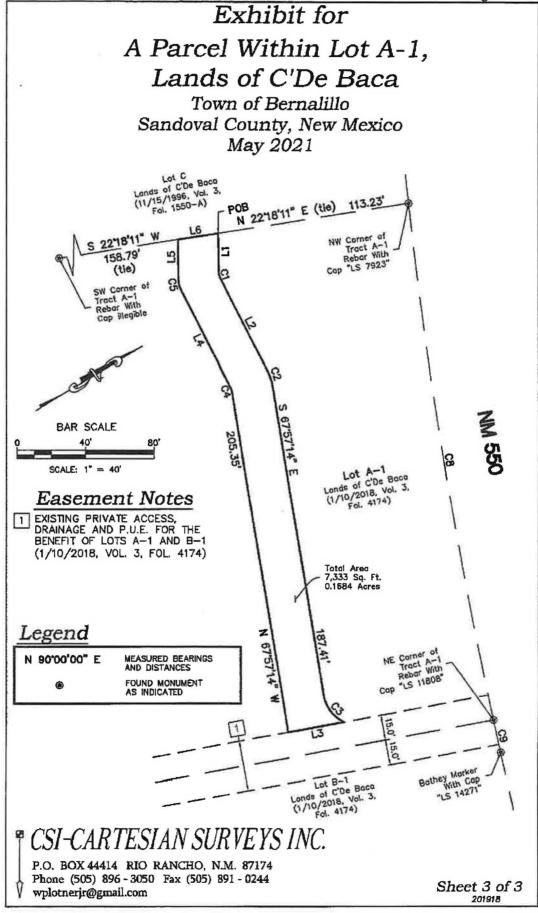
	Line Table		
Līne #	Direction	Length (ft)	
L1	S 59'32'42" E	22.55'	
L2	5 85'30'31" E	60.64	
L3	S 20'49'25" W	33,38'	
L4	N 85'30'31" W	66.17°	
L5	N 59'32'50" W	24.65'	
L6	N 2278'11" E	24.24'	

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chard Direction
C1	4.53'	10.00'	25'56'21"	4,49'	S 72'32'21" E
C2	10.42	34.00'	17"33'17"	10.38'	S 76'43'52" E
C3	20.35	21.72'	53"41'39"	19.62'	N 83*29'31" E
C4	3.06	10.00"	17'33'17"	3,05'	N 76'43'52" W
C5	4.53'	10.00'	25"56"21"	4.49'	N 72°32'21" W
C8	312.27	2964.79	6"02"05"	312.13'	S 67'58'06" E
C9	19.32	2964.79	0'22'24"	19.32'	S 71"10'21" E

^{*} C8-C7 INTENTIONALLY OMITTED

* CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 wplotnerjr@gmail.com



Town of Bernalillo Utility 829 S CAMINO DEL PUEBLO BERNALILLO , NM 87004 505-867-3311

08/18/2023

14:28:11

CREDIT CARD

VISA SALE

Card # XXXXXXXXXXXXXX5459 SEQ #: 31 Batch #: 5 Trans #: 27 Approval Code: 05148G TRANS ID: 303230738968032 Entry Method: Manual Mode: Online Card Code: M

SALE AMOUNT

\$540.00

THANK YOU

CUSTOMER COPY

(505) 867-3311

REC#: 00452406 8/18/2023 2:32 PM

OPER; BD TERM: 001 REF#: APPR 05148G

TRAN: 305,0000 ZONING FEES

355.00 PLAT /185.00 SUB VARIAN

08.18.23 BD 100-000-4042-1-2

Zoning Fees 540.00CR

TENDERED:

540.00 CREDIT CARD

APPLIED: 540.00-

CHANGE:

0.00

PUBLIC HEARING: ITEM 6F



TOWN OF BERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting November 7, 2023 (Continued from October 3, 2023)

Staff Report

Development Coordinator

PLANNING

ZONING DEPARTMENT

Planning & Zoning

Director Stephanie Shumsky

Vacant

Code Enforcement Officer / GIS Tech Suzanne Hathon

Planning & Zoning **Administrative Assistant**

Honora Langwell

PLANNING ZONING COMMISSION

Juanita Duran Chairperson

Joseph O. Quintana Vice Chair

Porter Dees

Oliver E. Romero

Michael Griego

Raul Montaño

Dominick Lepore

Subject:

CSI Cartesian Surveys, Inc. (Agent), on behalf of Morningstar Holdings LLC (Property Owner), requests approval to divide an existing lot into two lots and vacate a gas line easement at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1 in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, Zoned C-1. containing approximately 2.116 acres.

Update:

The public hearing for this request began at the October 3, 2023 Planning and Zoning Commission meeting. During the hearing, it was discovered that there was an error on the property deed. The Commission voted to continue this hearing at the November 7, 2023 meeting in order to give the applicant time to correct the error. The applicant corrected the error, as evidenced by the Scrivener's Error Affidavit filed with the County Clerk on 10/4/23 (attached).

Staff Recommendation:

Unchanged from the October 3, 2023 staff report (attached).

142957

SCRIVENER'S ERROR AFFIDAVIT

- I, William K. Wooten. ("Affiant"), being first duly sworn, states under oath:
- 1. I am duly authorized to execute this Affidavit, have actual knowledge of the matters set forth within this Affidavit and am competent to testify in a court of law about the facts stated in this Affidavit.
- 2. I am eligible and qualified under New Mexico law to be the Affiant of this Scrivener's Error Affidavit because of the following facts:

I oversaw preparation of the document being the subject of this affidavit.

3. The instrument containing the error that this Affidavit intends to correct is as follows:

Warranty Deed

- 4. The purpose of this Affidavit is to provide notice of the scrivener's error described in this Affidavit and to correct the Original Instrument.
- 5. The Original Instrument was prepared by, completed by, or associated with:

A real estate closing in Albuquerque, New Mexico

6. The names and capacities of the parties to the Original Instrument are:

Gilbert S. Lucero and Debby L. Lucero, husband and wife to Morningstar Holdings, LLC, a New Mexico limited liability company

7. The recording information, including the recording date and document, instrument, or reception number for the Original Instruments, is as follows:

July 11, 2023

Recording information

As document number 2023013155, records of Sandoval County, New Mexico.

8. A brief description of each error in the Original Instruments that this Affidavit is designed to correct:

The date of the acknowledgement is incorrect

10th day of July, 2023.

10. This Affidavit is made under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 4th day of October, 2023.

Fidelity National Title Insurance Company of New Mexico, Inc.,

A New Mexico corporation

William K. Wooten

Vice-President

STATE OF New Mexico)

COUNTY Bernalillo)

This instrument was sworn to and acknowledged on this to day of , 2023 by William K. Wooten, Vice-President of Fidelity National Title Insurance Company of New Mexico, Inc., a New Mexico corporation.

Notary Public (Seal)

My commission expires:

STATE - WEV

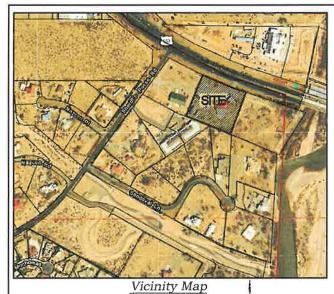
Katherine E. Secker Commission 1071903

December 01, 2025

NOTABY FECT

STATE OF NEW MEXICO NOTARY PUBLIC Katherine E. Becker

Commission No. 1071903 December 01, 2025



Notes

FIELD SURVEY PERFORMED IN NOVEMBER 2020 AND JULY 2023. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.

- THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NMPM.
- THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).

SUBDIVISION DATA

NUMBER OF LOTS REPLATTED:

NUMBER OF LOTS CREATED: MILES OF ROAD CREATED: ACREAGE IN ROADS: ACREAGE DEDICATED BY THIS PLAT

TOTAL PLATTED ACREAGE: 2,1269 ACRES
6, THE COORDINATES SHOWN HEREON ARE MODIFIED NEW MEXICO STATE PLANE COORDINATES (NAD 83-GROUND), USING A GROUND TO GRID FACTOR OF 0.99966969.

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E., SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

GILBERT S. LUCERO, MANAGER MORNINGSTAR HOLDINGS, LLC	DATE
STATE OF NEW MEXICO SS	
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME OBY: CILBERT S, LUCERO, MANAGER, MORNINGSTAR H	
By:NOTARY PUBLIC	
MY COMMISSION EXPIRES	

Indexing Information

Section 30, Township 13 North, Range 4 East, N.M.P.M. Subdivision: Lands of C'De Baca Owner: Morningstar Holdings, LLC UPC #: 1-019-074-188-076

Purpose of Plat

- SUBDIVIDE AS SHOWN HEREON. GRANT EASEMENTS AS SHOWN HEREON. VACATE EASEMENTS AS SHOWN HEREON.

STATE OF NEW MEXICO	
COUNTY OF SANDOVAL	
THIS INSTRUMENT WAS FILED FOR RECO	RD ON
: AM/PM,	20
RECORDED IN VOLUME, OF RECOR	RDS OF SAIL
COUNTY, FOLIO	
BY:	

Filing Information

Summary Plat for Lots A-1-A and A-1-B Lands of C'De Baca Being Comprised of Lot A-1

Lands of C'De Baca Town of Bernalillo Sandoval County, New Mexico August 2023

Treasurer's Certificate

, JENNIFER A. TAYLOR, TREASURER OF SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PREVIOUS TEN (10) YEARS PROPERTY TAXES HAVE BEEN PAID IN FULL.

SANDOVAL COUNTY TREASURER

Legal Description

LOT A-1, AS SHOWN AND DESIGNATED ON THAT CERTAIN SUMMARY PLAT OF LOTS A-1 AND B-1, LANDS OF C' DE BACA (BEING A REPLAT OF LOTS A AND B, LANDS OF C'DE BACA), WITHIN SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN, TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON JANUARY 10, 2018, IN VOLUME 3,

Town of Bernalillo Planning and Zoning Commission

APPROVE	D THIS	DAY	r OF	 20	
8Y	NNING A	AND ZONING	CHAIRPERSON	 	DATE

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use

- A. <u>Public Service Company of New Mexico</u> ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas
- C. Quest Corporation d/b/a Century ink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to
- D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over solid easements, with the right and privilege of togetner with tree access to, from, and over saile desernents, with the right and privilege or going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, strubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall only well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Sofiety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (MMSC) did not conduct a Title Search of the properties shown hereon. Consequently, PMN and NMSC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat

PNM FLECTRIC

Plat Approvals

TOWN OF BERNALILLO PUBLIC WORKS

QWEST CORPORATION D/B/A CENTURYLINK OC

SAID

NEW MEXICO GAS COMPANY

COMCAST

Documents

- 1. PLAT OF RECORD FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174.
- 2. WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 25, 2022, AS DOC. NO. 2022002442.

THE UTILITY COMPANY SIGNATURES SHOWN HEREON ARE BY AUTHORIZED

- AFFIDAVIT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON DECEMBER 2, 2022, BK, 425, PG, 31415, AS DOC. NO. 2022031415.
- RECIPROCAL EASEMENT AND ENCUMBRANCE AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON FEBRUARY 1, 2018, IN BOOK 421, PAGE 2442, AS DOCUMENT NO. 2018002442 AND REPLACED BY RECIPROCAL ACCESS AND EASEMENT SUBSTITUTION AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON SEPTEMBER 2, 2022 IN BOOK 425, PAGE 24581 AS DOCUMENT NO.
- 5. NEW MEXICO STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY MAP FOR NM550 HAVING PROJECT NO. "SP-GRF-033-1(204)" DATED MAY 4, 1984.
- AFFIDAVIT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON OCTOBER 4, 2023, BK, 426, PG, 19855,

Surveyor's Certificate

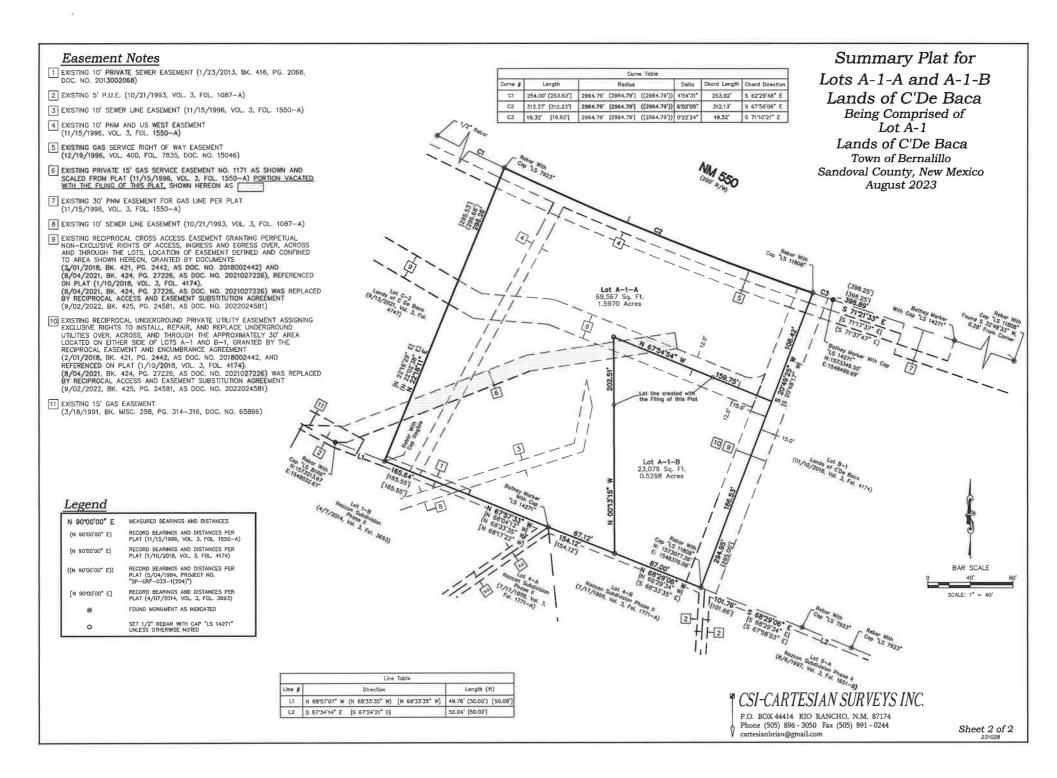
I, BRIAN J, MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BRIAN J. MARTINEZ N.M.R.P.S. No. 18374

CSI-CARTESIAN SURVEYS INC

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 cartesianbrian@gmail.com

Sheet 1 of 2





TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>November 7, 2023</u> at 6:30 p.m. in-person at Town Hall <u>and</u> <u>virtually via Microsoft Teams</u> as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 308 883 752#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of October 7, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) CUP23-002: A CONDITIONAL USE PERMIT TO ALLOW FOR LANDSCAPING MATERIALS OUTDOOR SALES AND STORAGE AT 1223 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 204A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.4 ACRES.
 - b) VAR23-006: A VARIANCE FROM THE SIGN REGULATIONS OF THE C-1 ZONE AT 1042 S. CAMINO DEL PUEBLO, LEGALLY DESCRIBED AS LANDS OF TORRES GINA SUBDIVISION, TRACT A, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 5, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED C-1 AND CONTAINING APPROXIMATELY 0.231 ACRES.

- c) VAR23-007: A VARIANCE OF 2' FROM THE 4' HEIGHT LIMIT FOR A SOLID WALL IN THE FRONT SETBACK AT 909 NAZCON ROAD, LEGALLY DESCRIBED AS NAZCON SUBDIVISION, BLOCK 1, LOT 14, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-R AND CONTAINING APPROXIMATELY 0.941 ACRES.
- d) VAR23-008: A VARIANCE OF 10.5' FROM THE REQUIRED 15' REAR SETBACK AT 110 DENNY ROAD, LEGALLY DESCRIBED AS MRGCD MAP 11, TRACT 243E1, LOCATED IN TOWNSHIP 12 NORTH, RANGE 4 EAST, SECTION 6, ZONED M-1 AND CONTAINING APPROXIMATELY 4.0 ACRES.
- e) VAR23-005: VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- f) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, LOCATED IN TOWNSHIP 13 NORTH, RANGE 4 EAST, SECTION 30, ZONED C-1 AND CONTAINING APPROXIMATELY 2.11 ACRES.
- g) SUMP23-004: FILING EXTENSION OF 90-DAYS FOR SUMMARY PLAT TO VACATE A LOT LINE LOCATED BETWEEN 656 AND 662 CAMINO VISTA RIO, LEGALLY DESCRIBED AS LOTS 31 AND 32, BOSQUE ENCANTADO DE C DE BACA PHASE 2 SUBDIVISION, LOCATED IN TOWNSHIP 13 NORTH, RANGE 3 EAST, SECTION 36, NEW MEXICO PRINCIPAL MERIDIAN, SANDOVAL COUNTY, NEW MEXICO, ZONED R-1 AND CONTAINING APPROXIMATELY 1.89 ACRES (PLAT APPROVED IN AUGUST).
- h) CONSIDERATION AND APPROVAL OF 2024 PLANNING AND ZONING COMMISSION SCHEDULE.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

- a) Planning Topics Discussion: none
 b) Decisions of Town Council/Ordinances/Appeals Filed/Status: _____
 c) Planning and Zoning Department Update:

 New Home Occupations As of agenda print date, the number of new home occupations, permissive per Zoning Code Sec. 18, is: _____
 Building Coordination & Review As of agenda print date, the number of building permits, placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:
- d) Next Meeting: Town Hall December 5, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

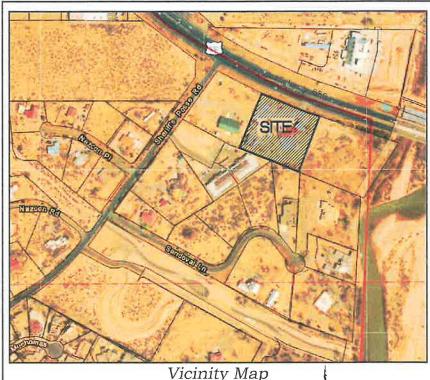
Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting</u>, will be distributed to the Planning Commission.

Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov



Notes

FIELD SURVEY PERFORMED IN NOVEMBER 2020 AND JULY 2023.
ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NMPM.

4. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).

5. SUBDIVISION DATA NUMBER OF LOTS REPLATTED: NUMBER OF LOTS CREATED: MILES OF ROAD CREATED: ACREAGE IN ROADS:

ACREAGE DEDICATED BY THIS PLAT TOTAL PLATTED ACREAGE: 2.1269 ACRES

6. THE COORDINATES SHOWN HEREON ARE MODIFIED NEW MEXICO STATE PLANE COORDINATES (NAD 83-GROUND), USING A GROUND TO GRID FACTOR OF 0.99966969.

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES, SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E., SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

GILBERT S. LUCERO, MANAGER MORNINGSTAR HOLDINGS, LLC	DATE
STATE OF NEW MEXICO SS	
COUNTY OF	
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON BY: GILBERT S. LUCERO, MANAGER, MORNINGSTAR HOLDINGS, LLC	20
By:NOTARY PUBLIC	
MY COMMISSION EXPIRES	

Indexing Information

Section 30, Township 13 North, Range 4 East, N.M.P.M. Subdivision: Lands of C'De Baca Owner: Morningstar Holdings, LLC UPC #: 1-019-074-188-076

Purpose of Plat

- SUBDIVIDE AS SHOWN HEREON.
- GRANT EASEMENTS AS SHOWN HEREON, VACATE EASEMENTS AS SHOWN HEREON,

Filing Information
STATE OF NEW MEXICO SS COUNTY OF SANDOVAL
COUNTY OF SANDOVAL \$ 55
THIS INSTRUMENT WAS FILED FOR RECORD ON
: AM/PM,, 20
RECORDED IN VOLUME, OF RECORDS OF SAID
COUNTY, FOLIO
BY:

Summary Plat for Lots A-1-A and A-1-B Lands of C'De Baca Being Comprised of Lot A-1 Lands of C'De Baca Town of Bernalillo Sandoval County, New Mexico

August 2023

Treasurer's Certificate

I, JENNIFER A. TAYLOR, TREASURER OF SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PREVIOUS TEN (10) YEARS PROPERTY TAXES HAVE BEEN PAID IN FULL.

DATE

SANDOVAL COUNTY TREASURER

Legal Description

LOT A-1, AS SHOWN AND DESIGNATED ON THAT CERTAIN SUMMARY PLAT OF LOTS A-1 AND B-1, LANDS OF C' DE BACA (BEING A REPLAT OF LOTS A AND B, LANDS OF C'DE BACA), WITHIN SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN, TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NÉW MEXICO ON JANUARY 10, 2018, IN VOLUME 3,

Town of Bernalillo Planning and Zoning Commission

APPROVED	THIS	DAY	OF	 20	
BY	NING AND	ZONING	CHAIRPERSON	 	DATE

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plot are granted for the common and joint use

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines. transformers, and other equipment and related facilities reasonably necessary to provide
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas
- Qwest Corporation d/b/o Century ink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services,

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on soid easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Plat Approvals

THE UTILITY COMPANY SIGNATURES SHOWN HEREON ARE BY AUTHORIZED COMPANY REPRESENTATIVES. TOWN OF BERNALILLO PUBLIC WORKS QWEST CORPORATION D/B/A CENTURYLINK QC PNM ELECTRIC NEW MEXICO GAS COMPANY

Documents

COMCAST

- PLAT OF RECORD FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174,
- WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 25, 2022, AS DOC. NO. 2022002442.
- AFFIDAVIT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON DECEMBER 2, 2022, BK. 425, PG. 31415, AS DOC. NO. 2022031415.
- RECIPROCAL EASEMENT AND ENCUMBRANCE AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON FEBRUARY 1, 2018, IN BOOK 421, PAGE 2442, AS DOCUMENT NO. 2018002442 AND REPLACED BY RECIPROCAL ACCESS AND EASEMENT SUBSTITUTION AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON SEPTEMBER 2, 2022 IN BOOK 425, PAGE 24581 AS DOCUMENT NO.
- 5. NEW MEXICO STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY MAP FOR NM550 HAVING PROJECT NO. "SP-GRF-033-1(204)" DATED MAY 4, 1984.
- AFFIDAVIT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON OCTOBER 4, 2023, BK, 426, PG, 19855, AS DOC. NO. 2023019855.

Surveyor's Certificate

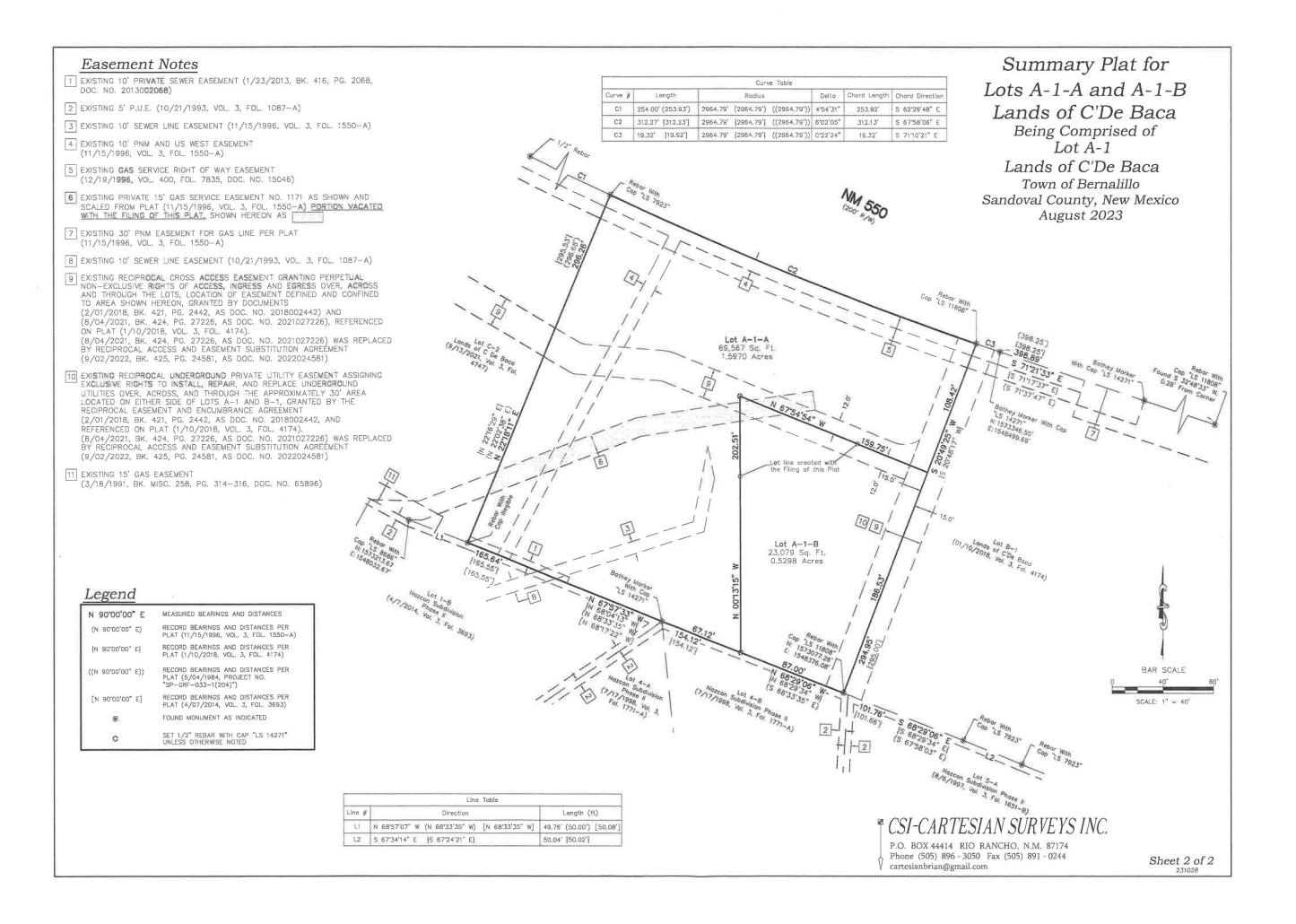
I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BRIAN J. MARTINEZ N.M.R.P.S. No. 18374 DATE

CSI-CARTESIAN SURVEYS INC

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 cartesianbrian@gmail.com

Sheet 1 of 2





Town of Bernalillo

"The City of Coronado"

KEEP THIS LETTER FOR YOUR RECORDS

October 4, 2023

Cartesian Surveys, Inc. Attn: Ryan Mulhall PO Box 44414 Rio Rancho, NM 87174

SUBJECT: NOTICE OF CONTINUANCE - SumP23-005

Dear Applicant,

At a regularly scheduled public hearing on October 3, 2023, the Town of Bernalillo Planning and Zoning Commission CONTINUED your request to the November 7, 2023 meeting due to an inconsistency in the property deed. Please revise the deed and re-submit it for consideration in November. Thank you.

If you have questions, please contact me at (505) 771-5896 or sshumsky@tobnm.gov

Sincerely,

Stephanie Shumsky

Planning and Zoning Director

Stephanie Shumsky

Cc: Ida Fierro, Town Clerk (file copy)



PLANNING & ZONING DEPARTMENT

Planning & Zoning Director

Stephanie Shumsky

Development Coordinator

Jonathan Peaden

Code Enforcement Officer / GIS Tech

Suzanne Hathon

Planning & Zoning Administrative Assistant

Honora Langwell

PLANNING & ZONING COMMISSION

Juanita Duran Chairperson

Joseph O. Quintana Vice Chair

Porter Dees

Oliver Romero

Michael Griego

Raul Montaño

Dominick Lepore

TOWN OF BERNALILLO

"The City of Coronado"

Planning and Zoning Commission Meeting

Regular Meeting October 3, 2023

Staff Report

Subject:

CSI Cartesian Surveys, Inc. (Agent), on behalf of Morningstar Holdings LLC (Property Owner), requests approval to divide an existing lot into two lots and vacate a gas line easement at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1 in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, Zoned C-1, containing approximately 2.116 acres.

Site Data:

Zone: C-1 (Commercial)
Surrounding Zoning: C-1

Current Land Use: Vacant/Undeveloped

Surrounding Land Uses: Single-Family Residential, Assisted Living, Commercial

Required Lot Size: n/a Existing Lot Size: 2.116ac

Proposed Lot Size(s): Lot A1A=1.597sf; Lot A1B=0.5298ac Access: private access easement (recorded in Bk: 424 Pg: 27226)

Utilities: Public

Required Parking: per Zoning Ordinance/Uses

Handicapped Parking Required: per Zoning Ordinance/Uses

Required Setbacks: For Commercial Uses: Front: 10'; Sides: 0'; Rear: 10'

Existing Setbacks (approx.): lot is vacant

Summary of Request:

This request is to divide, through the Summary Subdivision procedure, one existing lot into two lots for future commercial development and to vacate a gas line easement that was utilized by the restaurant formerly located on the subject site.

Plans, Policies and Regulations:

Comprehensive Land Use Plan (2022):

A Resolution, approving the current Comprehensive Plan and Future Land Use Plan, was adopted by the Town Council on June 13, 2022 (Resolution No. 6-13-2022).

The Plan contains goals, objectives and strategies that serve as a guide for policy decisions regarding future land uses and development of the Town.

The Comprehensive Land Use Plan provides a basis for determining key strategies to guide and manage the future development of the Town and is meant to act as a guide for making decisions about the physical development of the community.

The Plan contains the basic components necessary to understand the Town as a municipal jurisdiction as well as a living community that has evolved over the past several centuries. It includes goals, objectives and strategies in the following categories:

- Land Use & Community Character
- Economic Development
- Transportation
- Infrastructure
- Community Services and Facilities
- · Hazard Mitigation

Development patterns and changes in land use should further goals and policies of one, if not all, of these categories. Development or land use changes that have an unmitigated negative impact on any of these categories, should be critically considered and/or not approved.

The proposed lot-split facilitates the following Comprehensive Plan Goals and Objectives:

Chapter 4: Land Use & Community Character

Goal 2: Provide a balanced mix of land uses that accommodate a diversity of housing choices and business/employment opportunities.

Subdivision Regulations (Ord. 336 adopted February 13, 2023):

According to Section 3 of the Subdivision Regulations adopted by the Town Council in February 2023, the purpose of the Ordinance is:

- 1. To assure harmonious and orderly development of the Town and the surrounding area and thereby promote the health, safety, and general welfare of the Town and the surrounding area.
- 2. To ensure the coordination of all streets, utilities, facilities, and all other elements, both private and public, of community function within the subdivision, with all streets, utilities, and all other elements, both public and private, as they exist, or are planned for, in the area of jurisdiction or beyond, where applicable. This purpose includes the integration of the subdivision plan with the various elements of the Comprehensive Plan.
- 3. To secure equitable treatment of all subdivision plans by providing for uniform procedures and standards for observance by subdividers, the Commission and the Town Council.
- In accordance with the alternate summary procedure authorized by Section 3-20-8 NMSA 1978, allow a shortened alternative procedure for certain types of subdivisions, <u>as detailed in Section 14</u> of the Subdivision Regulations.

The proposed lot split meets the standards listed above and in Section 14 of the Subdivision Regulations.

The proposed lot split/re-subdivision of lot/s is allowed by the Summary Subdivision procedure, as detailed in Section 14 of the Subdivision Regulations, since one or both of the following conditions exist:

- The Subdivision contains no more than two lots.
- Re-subdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of tracts.

In addition, a previous action by the Planning and Zoning Commission granted a variance to allow the proposed lot to be created with access to a private easement rather than a public street, as required by the Subdivision Regulations (VAR23-005).

Comprehensive Zoning Ordinance:

The subject property is zoned C-1, which allows those commercial and business activities that serve the community on a day-to-day basis.

The existing and proposed lot are appropriate for commercial uses provided all other zoning requirements are met (parking, lighting, landscaping, etc.)

Mainstreet Overlay District:

The Design Guidelines are not applicable because the subject property is not located in the Mainstreet District.

Notifications:

Notices were posted at T&T Supermart, Town Hall, Public Library, US Post Office, Town of Bernalillo Recreation Center and on the Town of Bernalillo website. Notices were mailed (certified/return receipt requested) to abutting property owners within 100 feet of the subject site.

Planning Commission Options:

Make a motion to:

- 1. Approve the request, based on the findings and conditions recommended in the staff report (the staff report is part of the record); or
- 2. Approve the request, based on the findings and conditions, as amended from the staff report (indicate changes by reading them into the record); or
- 3. Approve the request, based on the following findings and conditions (indicate your own findings and conditions by reading them into the record); or
- 4. Defer the request (prior to start of hearing) to a subsequent date, time and location; or
- 5. Continue the request (if hearing has already started but additional time is needed for hearing) to a subsequent date, time and location; or
- 6. Deny the request.
- 7. A Tie results in a denial. Request may be appealed to the Town Council.

Staff Recommendation:

Approval of SumP23-005, based on the following Findings and Conditions (see next page):

^{*}Any adopted Findings and Conditions are deemed "Findings and Conclusions of Law" and are relayed to the applicant in an Official Notice of Decision.

Findings:

- SumP23-005 is a request by CSI Cartesian Surveys, Inc. (Ryan Mulhall Agent), on behalf of Morningstar Holdings LLC (Property Owner), for approval to divide an existing lot into two lots and vacate a gas line easement at 781 W. US Hwy 550, legally described as Lands of C De Baca, Lot A-1 in Township 13 North, Range 4 East, Section 30, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, Zoned C-1, containing approximately 2.116 acres.
- 2. A variance was granted by the Planning and Zoning Commission to allow the proposed lot to be created with access to a private easement rather than a public street, as required by the Subdivision Regulations (VAR23-005).
- 3. This request meets the criteria for a Summary Procedure. The plat has been prepared in accordance with summary procedures authorized by Section 3-20-8 NMSA, 1978.

Conditions:

- 1. The plat shall be signed by the Surveyor, Property Owner(s), and Utility Companies prior to being signed by the Town's Public Works Director or Planning Commission Chairperson.
- 2. The plat must be recorded in the Office of the Sandoval County Clerk and two (2) copies, as recorded and properly stamped by the Sandoval County Clerk, must be provided to the Town of Bernalillo. An electronic copy of the recorded plat is also required.
- 3. The plat must be recorded within three months after the date of approval or the final plat will become null and void.

This page can be printed using your internet browser or by CTL + P Account: R184137

<u>Location</u>	Owner Information	Assessment History					
Parcel Number 1-019-074-188-07	Owner Name LUCERO, GILBERT S	Actual Value (2019) \$875,60					
Tax Area 101SH_NR - 101SH_NR	AND DEBBY L	Primary Taxable \$291,80					
Situs Address 781 HIGHWAY 550	Owner Address 40B LOS COLONIAS	Tax Area: 101SH_NR Mill Levy: 34.055					
Legal Summary Legal: S: 30 T: 13	N R: ALGODONES, NM 87001-8002 UNITED STATES OF AMERICA	Type Actual Assessed Acres SQFT Uni					
4E Subd: LANDS OF C DE BACA Lot: A1 WITHIN THE SW1/4 (CORONADO CANTINA)	Lot:	Non- Residential \$625,607 \$208,536 4.127 179772.120 1.00 Land					
		Non- Residential \$250,000 \$83,333 Improvement					
<u> Transfers</u>							
Sale Date		Doc Description					
12/02/2022		AFFIDAVIT					
01/25/2022		WARRANTY DEED					
		QUIT CLAIM DEED					
		<u>PLAT</u>					
06/05/2014	RE	AL ESTATE CONTRACT					
	<u>NC</u>	NOTICE OF LIS PENDENS					
		WARRANTY DEED					
03/23/2006	RE	REAL ESTATE CONTRACT					
		<u>PLAT</u>					
	Images						
Tax Year Taxes	• Photo						
*2023 \$9	939.60 • GIS						
2022 \$9	939.60						
* Estimated	-						



TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION MEETING NOTICE



If you received this notice by certified mail, you are a Property Owner of Record within one hundred feet (100') of one or more of the properties listed below.

Notice is hereby given that a REGULAR MEETING of the PLANNING AND ZONING COMMISSION of the Town of Bernalillo will be held on <u>Tuesday</u>, <u>October 3</u>, <u>2023</u> at 6:30 p.m. in-person at Town Hall and virtually via Microsoft Teams as provided in the information below.

If you are an individual with a disability and in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, in order to attend or participate in the meeting, please contact the Town Clerk at 505-771-7128 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, may be available in various accessible formats. Please contact the Town Clerk if a summary or other type of accessible format is needed.

If you prefer to attend virtually, you may do so in compliance with the New Mexico Open Meetings Act by joining the Planning and Zoning Commission Meeting from your computer, tablet or smartphone via the following link: https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Meeting ID: 270 180 177 188 **Passcode:** e9aFY5

Or call in (audio only): 1-575-323-1898 Phone Conference ID: 688 246 784#

PLANNING AND ZONING COMMISSION AGENDA - PRELIMINARY

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES
 - a) Regular Meeting of September 5, 2023
- 6. PUBLIC HEARINGS & ACTION ITEMS:
 - a) VAR23-005: A VARIANCE FROM SUBDIVISION ORDINANCE SECTION 11.B.xiii TO ALLOW PRIMARY ACCESS TO A PRIVATE EASEMENT RATHER THAN A PUBLIC STREET FOR A PROPOSED NEW LOT AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED C-1.
 - b) **SUMP23-005**: SUMMARY SUBDIVISION TO DIVIDE ONE LOT INTO TWO AT 781 W. US HWY 550, LEGALLY DESCRIBED AS LANDS OF C DE BACA, LOT A1, ZONED C-1.
 - c) ZMA23-004: ZONE MAP AMENDMENT FROM C-R (COMMERCIAL-RESIDENTIAL) TO C-1 (COMMERCIAL) AT 113 DENNY ROAD, 1409 S. CAMINO DEL PUEBLO AND 1413 SOUTHERN COURT, LEGALLY DESCRIBED AS SOUTHERN ADDITION BLOCK 9, LOTS

8A, 2A, 11 AND 1, APPROXIMATELY 0.495 ACRES, ZONED C-R.

7. COMMISSION BUSINESS, DISCUSSION & UPDATES

- a) Planning Topics Discussion: none
- b) Decisions of Town Council/Ordinances/Appeals Filed/Status:
- c) Planning and Zoning Department Update:
 - i. New Home Occupations As of agenda print date, the number of new home occupations, permissive per Zoning Code Sec. 18, is:
- ii. Building Coordination & Review As of agenda print date, the number of building permits, placement permits, etc. reviewed for zoning and floodplain ordinance compliance, is:
- d) Next Meeting: Town Hall November 7, 2023 @ 6:30pm In-Person and Via Microsoft Teams.

8. ADJOURN

PUBLIC COMMENTS

Written comments should be emailed to the Planning Director at <u>sshumsky@tobnm.gov</u> or mailed to her at P.O. Box 638, Bernalillo, NM 87004. Written comments <u>received by 5pm, prior to the meeting,</u> will be distributed to the Planning Commission.

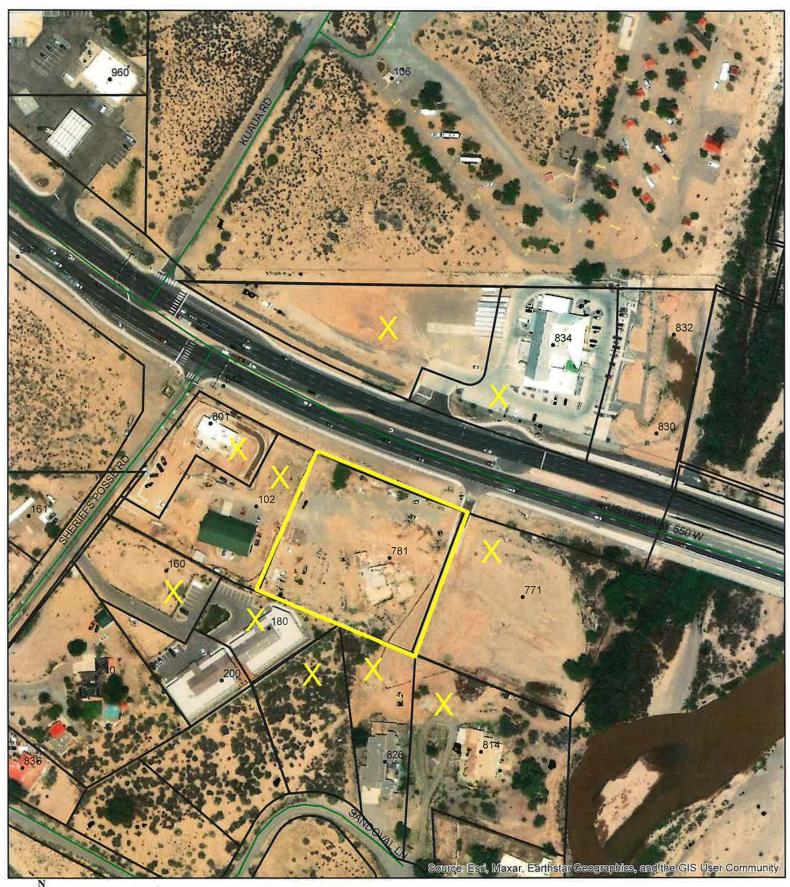
Members of the public attending on-line that wish to speak on any of the agenda items, or otherwise address the Planning and Zoning Commission, must type your full name and the agenda item you want to speak on, in the chat box. When the chairperson calls on you, state your name and address for the record. There is a 2-minute time limit per speaker.

An electronic version (PDF) of the final Agenda and Packet, including staff report, are available a minimum of 72 hours prior to the meeting at:

www.tobnm.gov/departments/planning zoning/agendas and minutes.php

Locations of Agenda Postings in the Town of Bernalillo: T & T Supermart, Town Hall, US Post Office, Martha Liebert Public Library, Town Recreation Center and the Town's website at: http://www.tobnm.gov

Town of Bernalillo SUMP23-005 - Abutters



W E

1 inch = 228 feet

Prepared by: S. Shumsky Date: 9/7/2023

Disclaimer: This map is for illustrative purposes only and should not be solely relied upon for decision-making.

October 3, 2023 PZ - ABUTTERS/NOTIFICATIO	NA - CEITHIEG MIGH (AFFEICAMIS) A	DENTS WAIL 1St CLASS			
ABUTTERS - SumP23-005			1		
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER		
Morning Star Holdings, LLC - Applicant	131 Madison Street NE	Albuquerque, NM 87108	SumP23-005		
Ryan Mulhall Cartsian Surveys, Inc - Agent	P.O. Box 44414	Rio Rancho, Nm 87174	SumP23-005		
SJS Property, LLC	437 Woodfield Road	La Canada Flintridge, CA 91011	SumP23-005		
Sheriff Posse Hwy 550 Lot A	131 Madison St. NE	Albuquerque, NM 87108	SumP23-005		
Gilbert & Debby Lucero	40 B Los Colonias	Algodones, NM 87001	SumP23-005		
Bernadette Candelaria	2803 Adams Street NE	Albuquerque, NM 87110	SumP23-005		
Russco Property	5800 San Francisco Road NE	Albuquerque, NM 87109	SumP23-005		
Southwest Lending	1692 Pace Road NE	Albuquerque, NM 87114	SumP23-005		
ABUTTERS -VAR23-005					_
	PRIMARY ADDRESS - P.O.R. MAILING				
NAME		CITY, STATE, ZIP	CASE NUMBER		
Morning Star Holdings, LLC - Applicant	131 Madison Street NE	Albuquerque, NM 87108	VAR23-005		
Ryan Mulhall Cartsian Surveys, Inc - Agent	P.O. Box 44414	Rio Rancho, Nm 87174	VAR23-005		
SJS Property, LLC	437 Woodfield Road	La Canada Flintridge, CA 91011	VAR23-005		
Sheriff Posse Hwy 550 Lot A	131 Madison St. NE	Albuquerque, NM 87108	VAR23-005		
Gilbert & Debby Lucero	40 B Los Colonias	Algodones, NM 87001	VAR23-005		
Bernadette Candelaria	2803 Adams Street NE	Albuquerque, NM 87110	VAR23-005		
Russco Property	5800 San Francisco Road NE	Albuquerque, NM 87109	VAR23-005		
Southwest Lending	1692 Pace Road NE	Albuquerque, NM 87114	VAR23-005		
ABUTTERS - ZMA23-004					
NAME	PRIMARY ADDRESS - P.O.R. MAILING	CITY, STATE, ZIP	CASE NUMBER		
Oscar Cano - Applicant	1410 Southern Court	Bernalillo, NM 87004	ZMA23-004		
Country Road Properties, LLC	1421 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-004		
Linda Rinaldi	1413 Southern Court	Bernalillo, NM 87004	ZMA23-004		
TBD Properties	110 Denny Road	Bernalillo, NM 87004	ZMA23-004		
Arthur Montano	118 Ezeguiel Lane	Bernalillo, NM 87004	ZMA23-004		
Randy Montoya	1325 S. Camino Del Pueblo	Bernalillo, NM 87004	ZMA23-004		
Eralio Molinar	675 Mountain View Drive	Bernalillo, NM 87004	ZMA23-004		





Town of Bernalillo

APPLICATION FOR SUMMARY PLAT

INSTRUCTIONS

In accordance with the Subdivision Regulations (Ord. 336) of the Town of Bernalillo, the Planning & Zoi Commission may approve certain subdivisions by a Summary Procedure that combines Preliminary Final Plat requirements. Such Summary Procedure that combines Preliminary Final Plat requirements. Such Summary Procedure that combines Preliminary Final Plat requirements. Such Summary Procedure that combines on the following conditions is true: 1) The proposed subdivision contains no more than resulting lots (i.e. a Lot-Split); 2) The proposed subdivision is a Re-Subdivision (i.e. Re-Plat) with the combination or recombination, of previously platted lots does not increase the total number of or 3) The proposed subdivision is a Vacation of existing lot lines, easements, rights-of-way, etc. I or print clearly on this form and attach 1 - 11" x 17" c o p y a n d a n electronic (PD c o p y of the Summary Plat. Also include any required supplementary materials. Incomplete or inaccurapplications may delay the review process. The completed application package must be submitted to Town of Bernalillo Planning & Zoning Commission through the Town Planner.

Fees for Summary Plat Submittal: Lot-Split: \$270.00 + Notification Fee: current certified mail rate x number of lots within 100' of project boundary; Re-Plat/Lot Line Adjustment/Vacation: \$50.00, + Notification Fee: current certified mail rate x number of lots within 100' of project boundary

APPLICANT INFORMATION	
Morningstar Holdings, LLC	505 263 9929
Applicant/Property Owner	Phone
131 Madison Street NE, Albuquerque, NM 8710	8
Mailing Address	Email
CSI - Cartsian Surveys, Inc.	505-896-3050
Agent (if any)	Phone
PO Box 44414 Rio Rancho, NM 87174	cartesianryan@gmail.com
Mailing Address	Email
TYPE OF SUMMARY PLAT REQUESTED Lot-Split Re-Plat Dedication/Vacation	
GENERAL INFORMATION Location/ Legal Description of Property: 781 NM 550 / L	Lot A-1, Lands of C'De Baca
Y Current Zoning: C-1	
Yes No Requires Zone Amendment? Yes No Requires Variance(s)?	

ACKNOWLEDGEMENTS

Application is hereby made for Summary Plat approval for the land described herein. I have examined, am familiar with, and will comply with, any and all requirements of the Subdivision Regulations and Design Standards of the Town of Bernalillo. I will also comply with the requirements of any and all other applicable rules, regulations, and ordinances related to land development within the Town of Bernalillo. I further understand and agree that neither the Town nor any of its agents shall be held liable for any lack of understanding, or misinterpretation, on my part, of any said requirements. Property owner authorization for this request is provided below and on the plat.

Signature of Applicant/Property Owner:	word Date: July 31, 23
Signature of Agent (if any):	Date: Ansust 1, 2023
Receipt by Planning & Zoning Officer:	Date: Avgvst 18, 2023
Application Fee Total: \$355.30	Receipt#: 00452400
Hearing Location: Bernalillo Town Council Chambers	Hearing Date & Time: 10/3/23

Return To: Fidelity National Title of New Mexico Inc. 8500 Menaul Blvd. NE, Suite B-150

Albuquerque, NM 87112

2023013155 B: 426 P: 13155 WD 07/11/2023 08:32:36 AM Page 1 of 1 Anne Brady-Romero, County Clerk-Sandoval County, NM

GF No.: SP000142957

WARRANTY DEED

Gilbert S. Lucero and Debby L. Lucero, husband and wife

for consideration paid, grant to

Morningstar Holdings, LLC, a New Mexico limited liability company

whose address is 131 Madison Street NE, Albuquerque, New Mexico 87108

the following described real estate in Sandoval County, New Mexico:

Lot A-1, as shown and designated on that certain Summary Plat of Lots A-1 and B-1, Lands of C' De Baca (being a replat of Lots A and B, Lands of C'de Baca), within Section 30, Township 13 North, Range 4 East, New Mexico Principal Meridian, Town of Bernalillo, Sandoval County, New Mexico, filed in the office of the County Clerk of Sandoval County, New Mexico on January 10, 2018, in Volume 3, Folio 4174.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2023, and subsequent years.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

State of NEW MEXICO County of SANDOVAL

This instrument was acknowledged before me on this

husband and wife.

Notary Public

My Commission Expires:

[SEAL]

STATE OF NEW MEXICO **NOTARY PUBLIC** Katherine E. Becker Commission No. 1071903 December 01, 2025

day of Gilbert S. Lucero and Debby L. Lucero,

2023014340 B: 426 P: 14340 SCRA 07/25/2023 09:06:15 AM Page 1 of 2 Anne Brady-Romero, County Clerk-Sandoval County, NM

Return To: SPOON SCRIVENER'S-ERROR AFFIDAWAELITY NATIONAL TITLE OF NM

- I, William K. Wooten, ("Affiant"), being first duly sworn, state under oath:
- 1. I am duly authorized to execute this Affidavit, have actual knowledge of the matters set forth within this Affidavit and am competent to testify in a court of law about the facts stated in this Affidavit.
- 2. I am eligible and qualified under New Mexico law to be the Affiant of this Scrivener's-Error Affidavit because of the following facts:

I oversaw preparation of the document being the subject of this affidavit.

3. The instrument containing the error that this Affidavit intends to correct is as follows:

Warranty Deed

- 4. The purpose of this Affidavit is to provide notice of the scrivener's error described in this Affidavit and to correct the Original Instrument.
- 5. The Original Instrument was prepared by, completed by or associated with:

our Albuquerque office in connection with a real estate closing.

6. The names and capacities of the parties to the Original Instrument are:

Gilbert S. Lucero and Debby L. Lucero, husband and wife to Morningstar Holdings, LLC, a New Mexico limited liability company

7. The recording information, including the recording date and document, instrument or reception number for the Original Instrument, is as follows:

Recorded July11, 2023

Recording information

Document number 2-23013155 in the real property records of Sandoval County, New Mexico.

8. A brief description of each error in the Original Instrument that this Affidavit is designed to correct:

The mailing address of the Grantee is incorrect.

- 9. The correct information to be inserted or reflected in the Original Instrument is as follows:
- 102 Sherriff's Posse Road, Bernalillo, New Mexico, 87004
- 10. This Affidavit is made under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

William K. Wooten

STATE OF NEW MEXICO

COUNTY OF Bernalillo

This instrument was sworn to and acknowledged on this 24th day of July, 2023 by William K. Wooten of Fidelity National Title Insurance Company of New Mexico, Inc.

Notary Public (Seal)

My commission expires:

STATE OF NEW MEXICO NOTARY PUBLIC Katherine E. Becker Commission No. 1071903 December 01, 2025

Stephanie Shumsky

From:

Ryan Mulhall <cartesianryan@gmail.com>

Sent:

Tuesday, August 1, 2023 3:13 PM

To:

Estvanko, Jeff; Rodney; PlatReview; Mike Mortus; Lovato, Anthony;

jane.shanley@sparklight.biz; Andy Edmondson

Cc:

Stephanie Shumsky

Subject:

Plat for Review - Proposed Sum. Plat Lot A-1, Lands of C'De Baca / 781 NM550, Town of

Bernalillo

Attachments:

231028_SumPlat_8-1-23.pdf

Caution! This message was sent from outside your organization.

Good afternoon,

Attached is our subdivision plat creating two new lots from Lot A-1, Lands of C'De Baca.

As part of our summary plat action, we're looking to vacate an easement [6] for gas service which crosses most of the existing lot and will no longer be needed with utilities constrained to the drive aisles and frontage of the proposed lots. Our client lets us know they'd be willing to work with NMGCO about any future needs for gas, but this former line isn't needed with the former restaurant gone from this parcel.

The parent parcel is currently vacant with some access roads and a small shed (temporarily) within the larger residual Lot A-1-A. Proposed Lot A-1-B is intended to be developed for a commercial restaurant. The property is located at 656 Camino Vista del Rio in the Town of Bernalillo.

Would you please review the plat and let us know if you have any questions or concerns, or if you are needing to / willing to sign on behalf of your company?

Thank you, Ryan Mulhall

CSI - Cartesian Surveys, Inc.

PO Box 44414

Rio Rancho NM 87174

(p)505-896-3050

(f)505-891-0244

www.cartesiansurveys.com

Email: cartesianryan@gmail.com

Sump23-\$355.30

Town of Bernalillo Utility 829 S CAMINO DEL PUEBLO BERNALILLO , NM 87004 505-867-3311

08/18/2023

14:28:11

CREDIT CARD

VISA SALE

Card # XXXXXXXXXXXXXX5459 SEQ #: 31 Batch #: 5 Trans #: 27 Approval Code: 05148G TRANS ID: 303230738968032 Entry Method: Manual Mode: Online Card Code: M

SALE AMOUNT

\$540.00

THANK YOU

CUSTOMER COPY

TOWN OF BERNALILLO

(505) 867-3311

REC#: 00452406 8/18/2023 2:32 PM

OPER; BD TERM: 001 REF#: APPR 05148G

TRAN: 305.0000 ZONING FEES

355.00 PLAT /185.00 SUB VARIAN

08,18.23 BD 100-000-4042-1-2

Zoning Fees 540,00CR

TENDERED:

540,00 CREDIT CARD

APPLIED:

540.00-

CHANGE:

0.00

Return To: 13684 FIDELITY NATIONAL TITLE OF NM

GRANT OF PRIVATE ACCESS EASEMENT

MARCOS J. GARCIA, an unmarried man ("Garcia"), is the real estate contract seller to GILBERT S. LUCERO and DEBBY L. LUCERO, husband and wife (collectively, "Lucero") (collectively, and together with their heirs, successors and assigns, Garcia and Lucero are referenced as the "Grantor") own title to that certain tract of land situate within Sandoval County, New Mexico, and being more particularly described as follows:

Lot A-1 on that certain Summary Plat of Lots A-1 and B-1, Lands of C' de Baca, Being a Replat of Lots A and B, Lands of C' de Baca, filed in the Office of the County Clerk of Sandoval County, New Mexico, on January 10, 2018, in Plat Book 3, Page 4147;

(the "Servient Property").

Grantor desires to grant a private access easement across a portion of the Servient Property for the benefit of that certain adjacent tract of land situate within Sandoval County, New Mexico, described as follows:

Lot C, Lands of C' de Baca, as the same is shown and designated on that certain Plat of Lots A, B and C, Lands of C' de Baca, filed in the Office of the County Clerk of Sandoval County, New Mexico, on November 15, 1996, in Plat Book 3, Folio 1550-A.

(collectively, the "Benefited Property");

and to the owners of said Benefited Property (collectively, "Grantee").

Grantor grants to Grantee an approximately twenty-foot-foot (24') wide non-exclusive easement for access, ingress and egress in, over, upon and across the surface of a portion of the Servient Property, as depicted and more particularly described on the attached **EXHIBIT A** (the "Easement Area"), together with the right to construct, maintain, repair and replace access improvements thereon (the "Easement").

The Easement is for the benefit of the tenants, customers, invitees, licensees, agents and employees of Grantee, including without limitation emergency vehicles and personnel seeking access to the Benefited Property. The Easement shall be appurtenant to the Servient Property and the Benefited Property. The provisions hereof shall inure to the benefit of and bind the heirs, mortgagees, lessees, tenants, successors and assigns of Grantor and Grantees, and shall run with the land.

IN WITNESS WHEREOF, Grantor sets its hand(s) and seal(s):

MARCOS J. GARCIA, an unmarried man:

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF Sander

This instrument was acknowledged before me on J. GARCIA, an unmarried man.

My Commission Expires:

OFFICIAL SEAL Andria Barrenechea

My Commission Expires_

GILBERT LUCERO and DEBBY LUCERO, husband and wife:

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF Sandova

This instrument was acknowledged before me on LUCERO and DEBBY LUCERO, husband and wife.

Notary Public

My Commission Expires:

OFFICIAL SEAL Andria Barrenechea

My Commission Expires

Exhibit for

A Parcel Within Lot A-1, Lands of C'De Baca

Town of Bernalillo Sandoval County, New Mexico May 2021

Legal Description

A CERTAIN PARCEL, BEING A PORTION OF LOT A-1, LANDS OF C'DE BACA, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL, BEING A POINT LYING ON THE WEST BOUNDARY LINE OF SAID LOT A-1, WHENCE A TIE TO THE NORTHWEST CORNER OF SAID LOT A-1, BEARS N 2218'11" E, A DISTANCE OF 113.23 FEET, MARKED BY A REBAR WITH CAP "LS 7923";

THENCE, FROM SAID POINT OF BEGINNING, TRAVERSING SAID LOT A-1, THE FOLLOWING TWELVE COURSES:

S 59'32'42" E, A DISTANCE OF 22.55 FEET TO A POINT OF CURVATURE;

4.53 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A DELTA OF 25'56'21", AND A CHORD BEARING S 72'32'21" E, A DISTANCE OF 4.49 FEET TO A POINT OF TANGENCY:

S 85'30'31" E, A DISTANCE OF 60.64 FEET TO A POINT OF CURVATURE;

10.42 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 34.00, A DELTA OF 17'33'17", AND A CHORD BEARING S 76"43"52" E, A DISTANCE OF 10.38 FEET TO A POINT OF TANGENCY;

S 67'57'14" E, A DISTANCE OF 187.41 FEET TO A POINT OF CURVATURE;

20.35 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 21.72 FEET, A DELTA OF 53°41'39", AND A CHORD BEARING N 83°29'31" E, A DISTANCE OF 19.62 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL BEING A POINT LYING ON THE WEST SIDE OF AN EXISTING 30 FOOT PRIVATE ACCESS, DRAINAGE AND PUBLIC UTILITY EASEMENT GRANTED ON SAID PLAT FOR LOT A-1;

CONTINUED ON SHEET 2 OF 3

Notes

- 1. FIELD SURVEY PERFORMED IN OCTOBER AND NOVEMBER 2020. 2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- 3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).

Surveyor's Certificate

I, WILL PLOTNER JR., A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE EXHIBIT SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Will Plotner N.M.R.P.S. No. 14271

-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 wplomerjr@gmail.com



Sheet 1 of 3 201918

Exhibit for

A Parcel Within Lot A-1, Lands of C'De Baca

Town of Bernalillo Sandoval County, New Mexico May 2021

Legal Description

CONTINUED FROM SHEET 1 OF 3

COINCIDING WITH SAID WEST BOUNDARY OF SAID EASEMENT, S 20"49"25" W, A DISTANCE OF 33.38 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL;

N 67'57'14" W, A DISTANCE OF 205.35 FEET TO A POINT OF CURVATURE;

3.06 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10,00 FEET, A DELTA OF 17"33'17", AND A CHORD BEARING N 76"43"52" W, A DISTANCE OF 3.05 FEET TO A POINT OF TANGENCY:

N 85'30'31" W, A DISTANCE OF 66.17 FEET TO A POINT OF CURVATURE;

4.53 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A DELTA OF 25'56'21", AND A CHORD BEARING N 72'32'21" W, A DISTANCE OF 4.49 FEET TO A POINT OF TANGENCY;

N 59°32′50° W, A DISTANCE OF 24.65 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PARCEL LYING ON THE WEST BOUNDARY LINE OF SAID LOT A-1;

THENCE, COINCIDING WITH SAID WEST BOUNDARY LINE, N 2278'11" E, A DISTANCE OF 24.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.1684 ACRES (7,333 SQ. FT.) MORE OR LESS.

Line Table				
Līne #	Direction	Length (ft)		
L1	S 59'32'42" E	22.55'		
L2	S 85'30'31" E	60.64		
L3	S 20'49'25" W	33,38'		
L4	N 85'30'31" W	66,17		
L5	N 59'32'50" W	24.65		
L6	N 2278'11" E	24.24'		

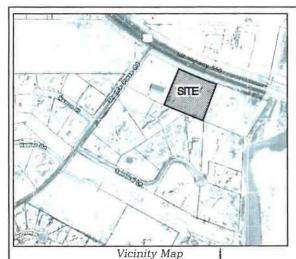
Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	4.53'	10.00'	25'56'21"	4,49'	S 72"32'21" E
C2	10.42	34.00'	17'33'17"	10.38	S 76'43'52" E
C3	20.35	21.72'	53'41'39"	19.62'	N 83*29'31" E
C4	3.06'	10.00*	17'33'17"	3.05'	N 76'43'52" W
C5	4.53'	10.00	25"56"21"	4.49'	N 72'32'21" W
C8	312.27	2964.79	6"02"05"	312.13*	S 67'58'06" E
C9	19.32	2964.79	0'22'24"	19.32'	S 71'10'21" E

^{*} C6-C7 INTENTIONALLY OMITTED

† CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 wplotnerir@gmail.com

Exhibit for A Parcel Within Lot A-1, Lands of C'De Baca Town of Bernalillo Sandoval County, New Mexico May 2021 Lot C Lands of C'De Baca (11/15/1996, Vol. 3, (11/15/1996, A) N 2278'11" E (tie) POB NW Corner of Tract A-1 Rebar With Cop "LS 7923" S 22"8'11" W 158.79 (tie) SW Corner of Tract A-1 Rebar With Cop illegible BAR SCALE Lot A-1 Lends of CDe Base (1/10/2018, Vol. 3, Fol. 4174) SCALE: 1" = 40" Easement Notes EXISTING PRIVATE ACCESS, DRAINAGE AND P.U.E. FOR THE BENEFIT OF LOTS A-1 AND B-1 (1/10/2018, VOL. 3, FOL. 4174) Total Area 7,333 Sq. Ft. 0.1584 Acres Legend 67'57'14" NE Corner of Tract A-1 Rebar With N 90'00'00" E MEASURED BEARINGS AND DISTANCES FOUND MONUMENT AS INDICATED Bothey Marker With Cap "LS 14271" Lot B-1 Londs of C'De Baca (1/10/2018, Vol. 3, Fol. 4174) † CSI-CARTESIAN SURVEYS INC. P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 Sheet 3 of 3 wplotnerjr@gmail.com 201918



Notes

- FIELD SURVEY PERFORMED IN NOVEMBER 2020 AND JULY 2023.
 ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
 THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED SECTION 30, TOWNSHIP
 13 NORTH, RANGE 4 EAST, NIPM.
 THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD
- 83-CENTRAL ZONE)
- SUBDIVISION DATA

 NUMBER OF LOTS REPLATIED:
 NUMBER OF LOTS CREATED:
 MILES OF ROAD CREATED:
 ACREAGE IN ROADS:
 ACREAGE DEDICATED BY THIS PLAT
- ACKENDE DESIGNATED BY INTS PART 2.1269 ACRES
 THE COAD PLATTED AGRESION ARE MODIFIED NEW MEXICO STATE PLANE
 COORDINATES (NAD 83-GROUND), USING A GROUND TO GRID FACTOR OF 0.99966969

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (PU.E) AS SHOWN HEREON, UNLESS NOTED OTHERWAS, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL, POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR GVERHEAD DISTRIBUTION. LINES, COMOUNT AND PREF FOR LINDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF NICESS/ECRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERSERING TREES AND OF SHIPS WITHIN SAID P-U.E. SAID OWNERS CERTIFY THAT THIS SUBDIMISION IS THEIR FREE. ACT AND DEED.

GILBERT S. LUCERO, MANAGER MORNINGSTAR HOLDINGS, LLC	DATE
STATE OF NEW MEXICO	
COUNTY OF	
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ONBY: GILBERT S LUCERO, MANAGER, MORNINGSTAR HOLDINGS, L	LC 20
By NOTARY PUBLIC	
MY COMMISSION EXPIRES	

Indexing Information

Section 30, Township 13 North, Ronge 4 East, N.M.P.M. Subdivision: Lands of C'De Baca Owner: Morningstar Holdings, LLC UPC 1-019-074-188-076

Purpose of Plat

- SUBDIVIDE AS SHOWN HEREON, GRANT EASEMENTS AS SHOWN HEREON.
- VACATE EASEMENTS AS SHOWN HEREON

Treasurer's Certificate

SANDOVAL COUNTY TREASURER

Legal Description

г 111	ΠĘ	gin	Horm	ation
TATE	OF	NEW	MEXICO	2.5

COUNTY OF SANDOVAL

DEPUTY

DATE

THIS INSTRUMENT WAS FILED FOR RECORD ON

___ AM/PM RECORDED IN VOLUME ____, OF RECORDS OF SAID

COUNTY, FOLIO _____

Summary Plat for Lots A-1-A and A-1-B Lands of C'De Baca Being Comprised of Lot A-1 Lands of C'De Baca Town of Bernalillo Sandoval County, New Mexico August 2023

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101	α	11)	$U \cup V$	101	

THE UTILITY COMPANY SIGNATURES SHOWN HEREON ARE BY AUTHORIZED COMPANY REPRESENTATIVES.

TOWN OF BERNALILLO PUBLIC WORKS QWEST CORPORATION D/B/A CENTURYLINK QC

NEW MEXICO GAS COMPANY

COMCAST

Town of Bernalillo Planning and Zoning Commission

I, JENNIFER A. TAYLOR, TREASURER OF SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PREVIOUS TEN (IO) YEARS PROPERTY TAXES HAVE BEEN PAID IN FULL

LOT A-1, AS SHOWN AND DESIGNATED ON THAT CERTAIN SUMMARY PLAT OF LOTS A-1 AND B-1 LANDS OF C 'DE BACA (BENG A REPLAT OF LOTS A AND B. LANDS OF C'DE BACA),
WITHIN SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN,
TOWN OF BENALLLIC, SANDOVAL COUNTY, NEW MEXICO, FLEE IN THE OFFICE OF THE
COUNTY CLERK OF SANDOVAL, COUNTY, NEW MEXICO ON JANUARY 10, 2018, IN VOLUME 3,

APPROVED THIS _____ DAY OF _____

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use

- A. <u>Public Service Company of New Mexico</u> ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead end underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide the programmers.
- B) New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas
- C. Quest Corporation d/b/o Century.ink QC for the installation, maintenance, and service of such lines, coble, and other related equipment and facilities reasonably necessary to provide communication services
- D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services
- D. Coble TV for the installation, maintenance, and service of such lines, cable, and other elated equipment and facilities reasonably necessary to provide Cable services

Included, is the right to build, rehuld, construct, reconstruct, locate, relocate, change, remove, replace, modify renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said accements, with the right and privilege of going upon, over and across adjoining lands of Crantor for the purposes set forth herein and with the right to utilize the right of way and escenent to extend services to customers of Crantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), not tub, concrete or wood pool decking, or other structure shall be erected or construction as of essements, ner shall any well be drilled or operated thereon. Property conners shall be solely responsible for correcting any violations of National Electrical Staty Code by construction of pools, decking, or any structures adjacent to a near essements shawn on this plat. Economists for electric transformers, such places, and the structure sharpers and the structure sharpers are such as the state of the structure sharpers and the state of the structure sharpers are such as the state of the structure sharpers and the state of the structure sharpers are structured on said essembles. See the structure of pools, decking, or any structures adjacent to or near essements shawn on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas in approving (ins paid, Palaic Service Company to New Mexico (PNN) and New Mexico Company (NMCC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMCC do not waive or release any easement or easement rights which may have been groated by prior plat, replat or other document and which are not shown on this plat.

Documents

PNM ELECTRIC

- PLAT OF RECORD FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174
- 2. WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 25, 2022, AS DOC. NO. 2022002442
- 3. AFFIDAMT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON DECEMBER 2, 2022, BK, 425, PG 31415, AS DOC. NO. 2022031415
- RECIPROCAL EASEMENT AND ENCUMBRANCE AGREEMENT FILED IN THE SANDOVAL COUNTY CLER'S OFFICE ON FEBRUARY 1, 2019, IN BOOK 42, PAGE 2442, AS DOCUMENT NO. 2018002442 AND REPLACED BY RECPROCAL ACCESS AND EASEWAY SUBSTITUTION ARREVENT FILE IN THE SANDOVAL COUNTY CLER'S OFFICE ON SEPTEMBER 2, 2022 IN BOOK 425, PAGE 24581 AS DOCUMENT NO
- 5. NEW MEXICO STATE HIGHWAY DEPARTMENT RICHT-OF-WAY MAP FOR NM550 HAVING PROJECT NO. "SP-GRF-033-1(204)" DATED MAY 4, 1984

Surveyor's Certificate

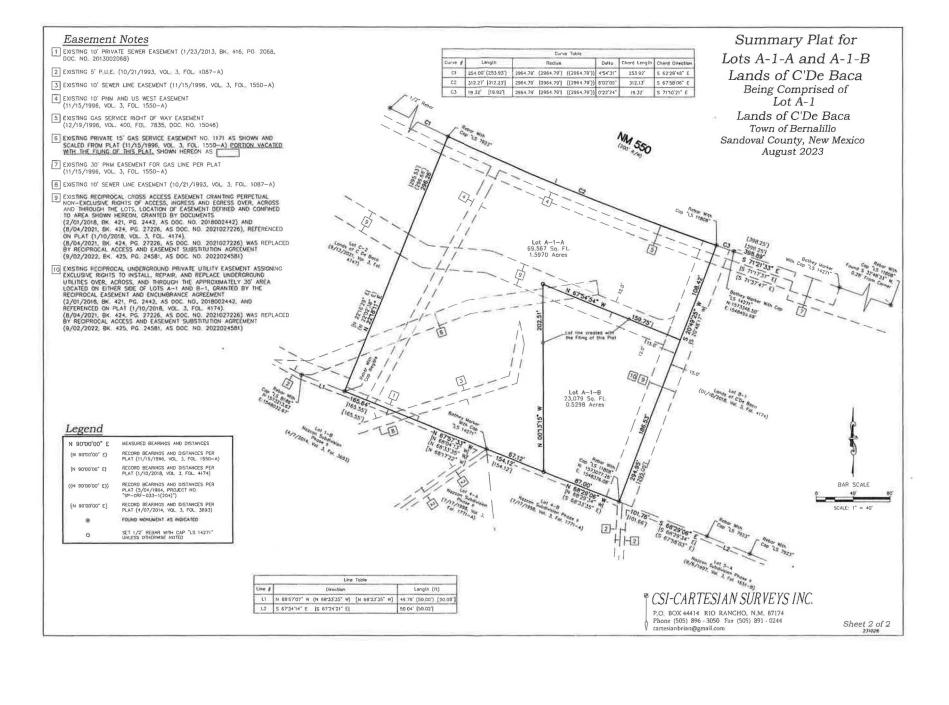
JERAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MESOCO, BO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERMISON, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE COMPANIES OF OTHER INTERESTED PARTIES AND MEETS THE MEMANUM RECOMPENDED FOR MODIFIED PARTIES AND MEETS THE MEMANUM RECOMPENDED FOR MODIFIED THE STATE OF NEW MEMOCO AND US TRUE AND CORRECT TO THE STATE OF NEW MEMOCO AND US TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELLET.

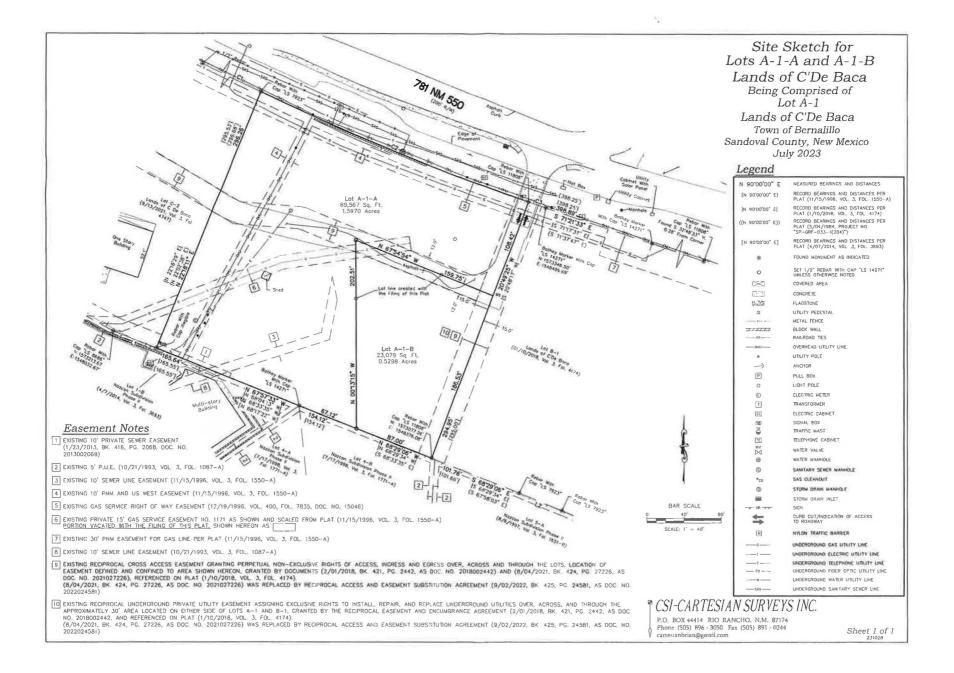
BRIAN J MARTINEZ NMRPS No. 18374

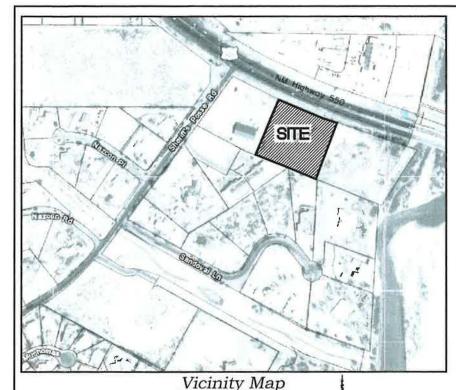
CSI-CARTESIAN SURVEYS INC

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 cartesianbrian@gmail.com

Sheet 1 of 2







Notes

- FIELD SURVEY PERFORMED IN NOVEMBER 2020 AND JULY 2023.
- ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
 THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED SECTION 30, TOWNSHIP
- 13 NORTH, RANGE 4 EAST, NMPM.
- 4. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
- 5. SUBDIVISION DATA

 NUMBER OF LOTS REPLATTED:

 NUMBER OF LOTS CREATED: MILES OF ROAD CREATED: ACREAGE IN ROADS: ACREAGE DEDICATED BY THIS PLAT
- TOTAL PLATTED ACREAGE: 6. THE COORDINATES SHOWN HEREON ARE MODIFIED NEW MEXICO STATE PLANE COORDINATES (NAD 83-GROUND), USING A GROUND TO GRID FACTOR OF 0.99966969.

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E., SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

GILBERT S. LUCERO, MANAGER MORNINGSTAR HOLDINGS, LLC	DATE
STATE OF NEW MEXICO SS	
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON BY: GILBERT S. LUCERO, MANAGER, MORNINGSTAR HOLDINGS, LLC	
By:	
MY COMMISSION EXPIRES	

Indexing Information

Section 30, Township 13 North, Range 4 East, N.M.P.M. Subdivision: Lands of C'De Baca Owner: Morningstar Holdings, LLC UPC # 1-019-074-188-076

Purpose of Plat

- SUBDIVIDE AS SHOWN HEREON.
- GRANT EASEMENTS AS SHOWN HEREON.
 VACATE EASEMENTS AS SHOWN HEREON.

STATE OF NEW MEXICO	
COUNTY OF SANDOVAL SS	
THIS INSTRUMENT WAS FILED FOR	RECORD ON
: AM/PM,	, 20
RECORDED IN VOLUME, OF	RECORDS OF SAID
COUNTY, FOLIO	
BY:	

Filing Information

Summary Plat for Lots A-1-A and A-1-B Lands of C'De Baca Being Comprised of Lot A-1 Lands of C'De Baca Town of Bernalillo Sandoval County, New Mexico

August 2023

Treasurer's Certificate

, JENNIFER A. TAYLOR, TREASURER OF SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PREVIOUS TEN (10) YEARS PROPERTY TAXES HAVE BEEN PAID IN FULL.

SANDOVAL COUNTY	TREASURER	DATE

Legal Description

LOT A-1, AS SHOWN AND DESIGNATED ON THAT CERTAIN SUMMARY PLAT OF LOTS A-1 AND B-1, LANDS OF C' DE BACA (BEING A REPLAT OF LOTS A AND B, LANDS OF C'DE BACA), WITHIN SECTION 30, TOWNSHIP 13 NORTH, RANGE 4 EAST, NEW MEXICO PRINCIPAL MERIDIAN, TOWN OF BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON JANUARY 10, 2018, IN VOLUME 3,

Town of Bernalillo Planning and Zoning Commission

APPROVE	D THIS	·	DA	Y OF		20	
BY	NNING				IRPERSON		DATE

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas
- C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat

Plat Approvals

THE UTILITY COMPANY SIGNATURES SHOWN HEREON ARE BY AUTHORIZED COMPANY REPRESENTATIVES.

TOWN OF BERM	ALILLO PUBLIC WORKS	100 to 100 100 100 100 100 100 100 100 100 10
QWEST CORPO	RATION D/B/A CENTURYLINK QC	
PNM ELECTRIC		
NEW MEXICO G	AS COMPANY	MERONE AREA OF
NEW MEXICO G	AS COMPANY	

Documents

- PLAT OF RECORD FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 10, 2018, IN VOLUME 3, FOLIO 4174.
- 2. WARRANTY DEED FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON JANUARY 25, 2022, AS DOC. NO. 2022002442.
- 3. AFFIDAVIT FOR SCRIVENER'S ERROR ON PLAT FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE, ON DECEMBER 2, 2022, BK. 425, PG. 31415,
- RECIPROCAL EASEMENT AND ENCUMBRANCE AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON FEBRUARY 1, 2018, IN BOOK 421, PAGE 2442, AS DOCUMENT NO. 2018002442 AND REPLACED BY RECIPROCAL ACCESS AND EASEMENT SUBSTITUTION AGREEMENT FILED IN THE SANDOVAL COUNTY CLERKS OFFICE ON SEPTEMBER 2, 2022 IN BOOK 425, PAGE 24581 AS DOCUMENT NO.
- 5. NEW MEXICO STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY MAP FOR NM550 HAVING PROJECT NO. "SP-GRF-033-1(204)" DATED MAY 4, 1984.

Surveyor's Certificate

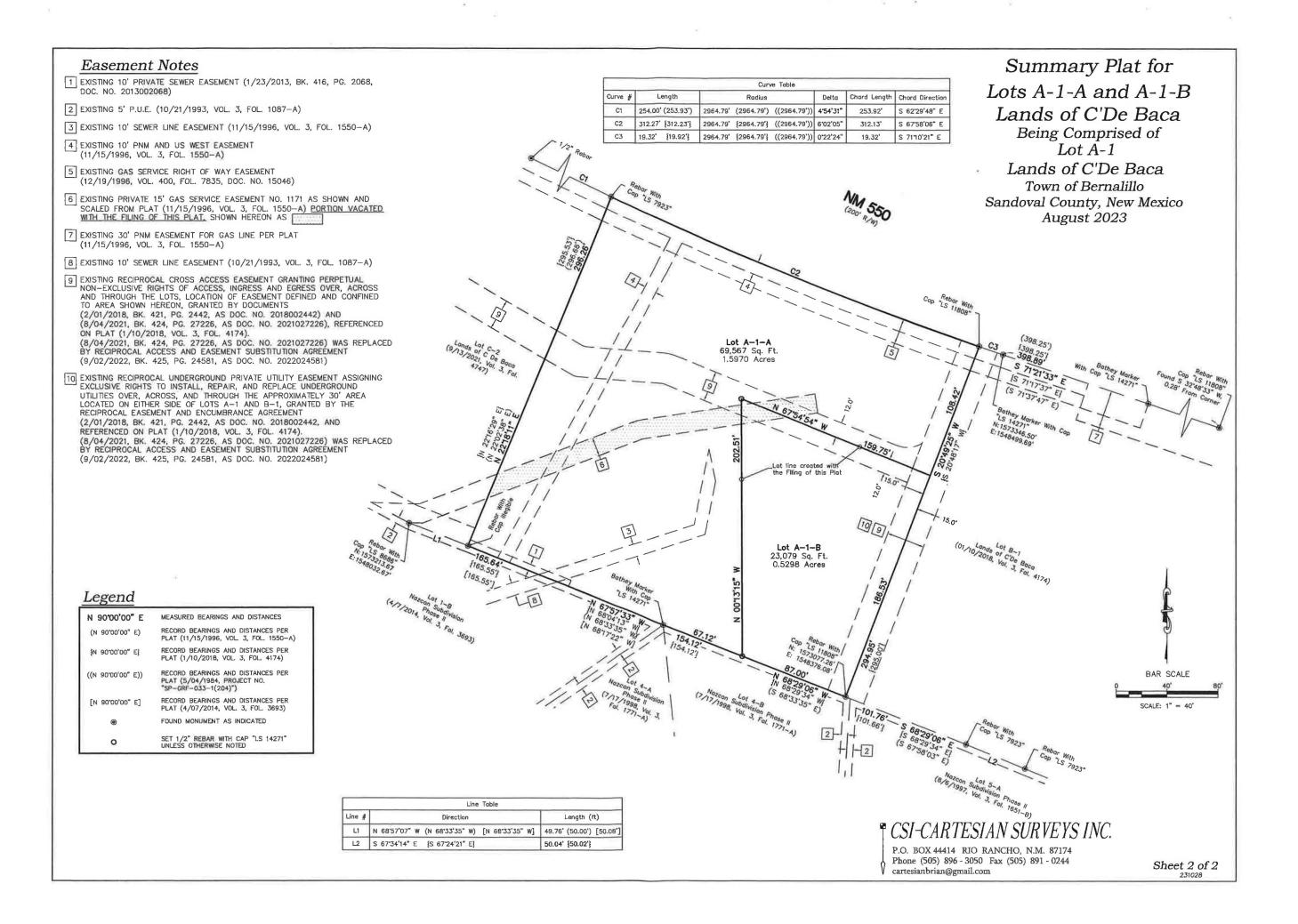
I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

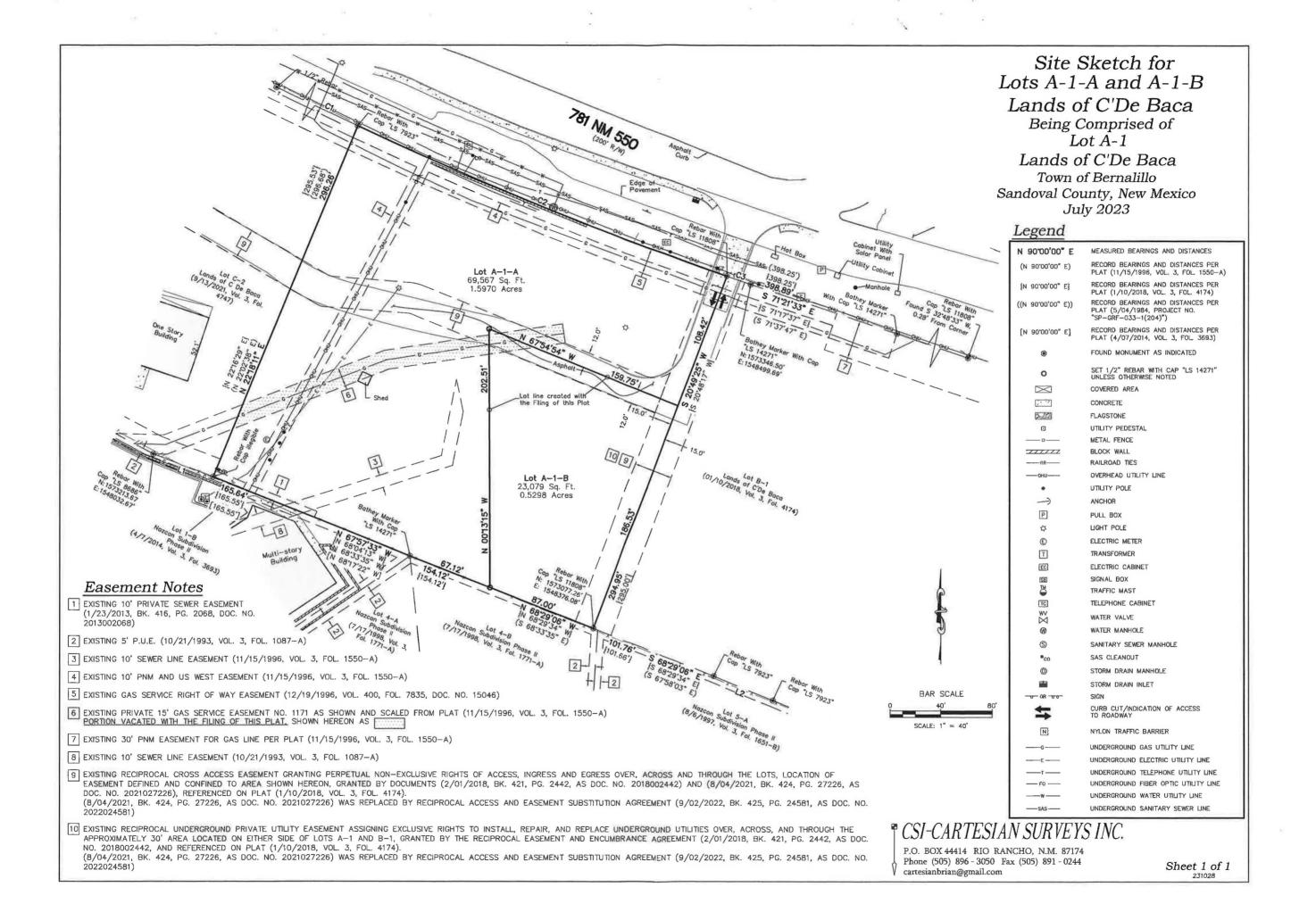
BRIAN J. MARTINEZ

CSI-CARTESIAN SURVEYS INC

P.O. BOX 44414 RIO RANCHO, N.M. 87174 Phone (505) 896 - 3050 Fax (505) 891 - 0244 cartesianbrian@gmail.com

Sheet 1 of 2





PUBLIC HEARING: ITEM 6G



SUMP23-004 - REQUEST FOR FILING EXTENSION

Stephanie Shumsky

From: Ryan Mulhall <cartesianryan@gmail.com>
Sent: Thursday, October 5, 2023 9:23 AM

To: Stephanie Shumsky

Cc: Honora Langwell; Charlie Calderon; Brian Martinez

Subject: Re: 656 Camino Vista Rio - Extension possible for ~3-month plat approval rec. deadline?

Caution! This message was sent from outside your organization.

Good morning,

I neglected to ask. Is there any charge we should be aware of for this extension of summary plat approval for Ms. Leyba's 656 Camino Vista Rio property or is it just procedural to add it to the November hearing?

Thank you, Ryan Mulhall



On Wed, Sep 27, 2023 at 12:52 PM Stephanie Shumsky <sshumsky@tobnm.gov> wrote:

No, since you requested the extension prior to the filing deadline. I'll schedule it on the Nov. PZ agenda. Thanks.

-Stephanie Shumsky

From: Ryan Mulhall <<u>cartesianryan@gmail.com</u>>
Sent: Wednesday, September 27, 2023 10:51 AM
To: Stephanie Shumsky <<u>sshumsky@tobnm.gov</u>>

Cc: Honora Langwell < hlangwell@tobnm.gov >; Charlie Calderon < cartesiancharlie@gmail.com > Subject: Re: 656 Camino Vista Rio - Extension possible for ~3-month plat approval rec. deadline?

Thank you for confirming that an extension of approval is an option. There's no issue that the next hearing is just a little over the 3 month approval date since we're requesting the extension now?
Thanks,
Ryan M
On Wed, Sep 27, 2023 at 9:27 AM Stephanie Shumsky < <u>sshumsky@tobnm.gov</u> > wrote:
Thanks for letting me know. I will place the request for a 3 month filing extension (to Feb. 2, 2024) on the next (November) PZ agenda.
-Stephanie Shumsky
From: Ryan Mulhall < cartesianryan@gmail.com >
Sent: Tuesday, September 26, 2023 3:13 PM To: Honora Langwell hlangwell@tobnm.gov >; Stephanie Shumsky sshumsky@tobnm.gov >
Cc: Charlie Calderon < cartesiancharlie@gmail.com > Subject: 656 Camino Vista Rio - Extension possible for ~3-month plat approval rec. deadline?
Good afternoon,
We received approval for the summary plat consolidating lots at 656 Camino Vista Rio back on August 1st. However, our client was a bit surprised by the high amount of taxes due for the 2023 prepayment, which is a state condition of signature on our plats. Our client was hoping her mortgage's normal payment date could be processed ahead of what funds she would need to pay for the treasurer's signature on the plat.

So, is there any way we could get an extra month or two of time to record this plat before the approval is voided? December 18th is the county treasurer deadline for treasury payments for plats, so that would be the most we'd need to ask for but the November 10th payment deadline for first half taxes seems more realistic.

Please let us know if there's any process or flexibility with the 3 month recording deadline. Thank you for your consideration,

Ryan Mulhall

--

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(f)<u>505-891-0244</u>

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PUBLIC HEARING: ITEM 6H





TOWN OF BERNALILLO

PLANNING AND ZONING COMMISSION 2024 MEETING SCHEDULE

(ADVERTISED – PUBLIC HEARING DATES)

APPLICATION SUBMITTAL DEADLINE 1st Wednesday of each month at Noon (for the following month's meeting)	NOTIFICATION & POSTING (Internal Deadline)	PUBLIC HEARING DATES* 1st Tuesday of the month at 6:30pm (unless otherwise noted)
December 6, 2023	December 15	January 2
January 3	January 19	February 6
February 7	February 16	March 5
March 6	March 15	April 2
April 3	April 19	May 7
May 1	May 17	June 4
June 5	June 14	July 2
July 3	July 19	August 6
August 7	August 16	September 3
September 4	September 13	October 1
October 2	October 18	November 5
November 6	November 15	December 3
December 4	December 20	January 7, 2024
January 3, 2025		

*Meetings will take place electronically via Microsoft Teams and in-person, as permitted.

The Planning and Zoning Commission may change a meeting date in accordance with the Open Meetings Act.

If necessary, Special Meetings may be scheduled by the Planning and Zoning Commission in accordance with legal notice requirements.

The application deadline is the first Wednesday of each month at noon for the Planning and Zoning Commission hearing the following month.