



## MINUTES

### PZHAC WORK SESSION AUGUST 17, 2015

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION ON MONDAY, AUGUST 17, 2015 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA TO DISCUSS THE FOLLOWING:**

- a. **S15-001** - Submitted by Sam and Beatrice Bernal, a request to or the PZHAC to determine what requirements will be necessary to complete an application for a subdivision of property at and behind 2615 Calle de Sur. Zoned: Historic Residential (HR). **(20 min.)**

*Due to the fact that Commissioner Lucero owns property adjacent to the proposed subdivision and is an interested party, it was determined that she would be recused from voting on the subdivision. However, because she is an interested party, it was determined that she would be able to speak as an interested party at the work session, and at any point when input from interested or affected parties is allowed.*

*Staff provided a brief description of the request, including the fact that the purpose of this discussion was to determine what would be required by the PZHAC in order for the application to be accepted by the PZHAC for consideration. Staff reminded the PZHAC that the subdivision itself was not being reviewed at this time, just the requirements for the application, as required by Section 17.10.010(C)-Pre application Procedure of the Code. The subdivision itself would be reviewed once the application has been formally submitted. The PZHAC and staff then reviewed staff's evaluation of the application and information presented as to completeness as required by the Code. The resulting Code requirements for submission were then determined during the regular meeting and voted on at that time.*

- b. Submitted by Scott Bannister, a request to discuss the concept of using an approximately 52 acre parcel at 1113 S Hwy 292 owned by the Bombach Limited Partnership as a baseball and sports complex. Zoned: Rural Farm (RF). **(20 min.)**

*Mr. Bannister did not show up for the meeting, so the item was not discussed.*

- c. Submitted by Davie and Kelly Salas, a request to discuss a revised plan for the development of two parcels having a total of 0.55 acres at 2415 and 2417 Calle de Parian. (Permits for these properties will be voted on in the regular meeting.) Zoned: Historic Residential (HR). **(20 min.)**

*Neither Mr. nor Mrs. Salas showed up for the meeting, so the item was not discussed.*

*The work session was adjourned at 5:55 pm.*

**MINUTES  
PZHAC MEETING  
AUGUST 17, 2015**

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, AUGUST 17, 2015 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA**

*The meeting was convened at 6:00 pm.*

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL AND DETERMINATION OF A QUORUM**

*All Commissioners were present; a quorum was present.*

**3. CHANGES TO THE AGENDA**

*Items c and g were removed from the agenda because the applicants were not present. Motion to remove the items was made by Commissioner Lucero, seconded by Commissioner Prieto, and passed by acclamation.*

**4. \*ACCEPTANCE OF THE CONSENT AGENDA**

*Note: Items on the agenda indicated by an asterisk (\*) are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed.*

*A motion to approve the Consent Agenda was made by Commissioner Lucero, seconded by Commissioner Prieto, and passed by acclamation.*

**\*PZHAC MINUTES:**

Regular Meeting Minutes of August 3, 2015

*Approved as part of the consent agenda.*

**\*ADMINISTRATIVE (CONSENT) APPROVALS:**

**Building Permit Requests:**

- a. Case 012405 – 213 Capri Rd., a request by Bob Hamilton for a building permit to paint the trim on an existing dwelling at this address. Zoned: Single Family (SF).

*Approved as part of the consent agenda.*

**5. PZHAC NEW BUSINESS:**

**Discussion Item Decisions:**

- b. SUB15-001 - Submitted by Sam and Beatrice Bernal, a request to or the PZHAC to determine what requirements will be necessary to complete an application for a subdivision of property at and behind 2615 Calle de Sur. Zoned: Historic Residential (HR).

*Based on information presented and discussed at the work session, a motion was made by Commissioner Prieto and seconded by Commissioner McLeod to provide the applicants with a list of specific requirements that will be required from the applicants when their subdivision request is formally submitted for review. (See attached requirements at the end of these minutes.) The motion was approved to require the items on the attached list, which is from the Subdivision Code, to be included as part of the proposed subdivision application.*

*Due to the fact that Commissioner Lucero is a property owner having a direct interest in this subdivision, she was recused from voting on the subdivision. However, as stated at the work session, she would be able to speak as an interested party at any point when input from interested parties is allowed.*

- c. A determination as to whether or not Scott Bannister should pursue the concept of a baseball and sports complex for the approximately 52 acre parcel at 1113 S Hwy 292 owned by the Bombach Limited Partnership. Zoned: Rural Farm (RF).

*This case was removed from the agenda because the applicants were not present to answer questions about the proposal.*

## Special Use Permit

**\*\* A PUBLIC HEARING MUST BE HELD PRIOR TO ACTION ON THE FOLLOWING ITEM.**

- d. **S15-001** – Submitted by Roxanna Gates for the “Roundtable Children’s Academy Daycare and Preschool”, a request for a Special Use Permit to allow a day care center and preschool to operate at a former restaurant at 1750 Calle de Mercado. **The SUP includes a request for approval of a Business Permit and a Sign Permit (Case 012407) for the proposed use. Zoned: General Commercial (C).**

*A motion to close the Regular Meeting was made by Commissioner Lucero, seconded by Commissioner Prieto, and approved. The Regular Meeting was closed, and Commission Chair Hernandez opened the Public Hearing for this case.*

*Staff presented a brief description of the case, along with the fact that two e-mails (J.B. Pruett, Meson de Mesilla) had been received from notified property owners expressing concern that the proposed school would hinder future commercial tenants of properties that are currently vacant from being able to obtain liquor licenses, or that there would be noise from the recess area that could affect customers of existing tenants (Meson de Mesilla). These concerns were also expressed by several people present: Susan Krueger who also said the school is a bad idea; Eddie Binns, owner of several of the vacant properties; Javier Mendoza, potential tenant of one of the properties. Vincent Gutschick, owner of the property containing the Las Cruces Academy, a private school located across the street from the proposed school, expressed support for the proposal.*

*Other issues brought up were the number of children that would be attending the school, ages, hours of operation, and a question as to whether the proposed school will meet State CYFD, CID and Fire Code requirements for the operation.*

*The public hearing was closed and the regular meeting was reopened. A motion to postpone a decision on the case in order to gain more information was made by Commissioner Lucero, seconded by Commissioner McLeod, and postponed until the September 8, 2015 PZHAC meeting by acclaim.*

## Building Permit Requests:

- e. **Case 012388** – Submitted by G.L. Green and Associates for David and Joan Hirsch, a request for a building permit to allow construction of a pool cabana and an addition to a house located at 2979 Camino Castillo. Zoned: Single Family (R-1).

*Staff presented a brief description of the case. Concerns expressed by the PZHAC were primarily based on the fact that the footprint and the price of the structure have remained the same, and that the size of the structure has not been changed.*

*Mr. Hirsch explained that several items were removed from the proposed structure that would make it a guest house, including the stove and the closet that were originally considered. According to Mr. Hirsch, since the structure no longer meets the requirements to be considered living quarters, it should no longer be considered a guest house, and the size limit imposed on guest houses should not apply. Since there is no size limit placed on other accessory structures allowed in this zone, the size of the proposed structure should be allowable. Also, according to Kelly Fort, designer of the structure, the footprint has remained the same because any alterations to the overall dimensions or outside design of the structure would result in substantial increases to the design costs of the structure. It was also stated that a large part of the cost on the permit was for the two story garage addition to the main house, which is also part of the permit being requested.*

*Commissioner Apodaca made a motion to approve the requested permit, seconded by Commissioner Prieto, and approved by a vote of 3 – 2. (Commissioners Apodaca and Prieto voted for approval of the permit, Commissioners Lucero and McLeod voted against approval of the permit, and Commission Chair Hernandez voted for approval to break the tie.)*

- f. **Case 012406** – Submitted by Fred Flores for Armando and Judy Alba, a request for a building permit to allow a rear patio on an existing dwelling at 2691 McDowell Rd. to be fully enclosed. Zoned: Single Family R-1).  
*A brief presentation was given by staff. Staff explained that the applicant's contractor had done the work without a permit, and was now subject to additional fees as well as inspection by the State CID. There were no other issues. Commissioner Prieto made a motion to approve the building permit, seconded by Commissioner Apodaca, and the permit was approved by acclim.*
- g. **Case 012410** – Submitted by Davie and Kelly Salas, a request for a building permit to construct a house and accessory dwelling on a 0.23 acre property located at 2419 Calle de Parian. Zoned: Historic Residential (HR).  
*This case was removed from the agenda because the applicants were not present to answer questions about the case.*

**6. PUBLIC COMMENTS**

*None*

**7. PZHAC/STAFF COMMENTS**

*None*

**8. ADJOURNMENT OF THE REGULAR PZHAC MEETING**

*A motion to adjourn the PZHAC regular meeting was made by Commissioner Lucero, seconded by Commissioner Prieto, and approved by acclim. The meeting was adjourned at about 7:05 pm.*

**SPECIAL BOT/PZHAC WORK SESSION  
AUGUST 17, 2015**

**THE MESILLA BOARD OF TRUSTEES (BOT) AND THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A SPECIAL WORK SESSION ON MONDAY, AUGUST 17, 2015 IMMEDIATELY FOLLOWING THE REGULAR MEETING OF THE PZHAC (@ 7:00 P.M.) IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA TO DISCUSS THE CODE AMENDMENT FOR TEMPORARY AND ITINERANT VENDORS**

*The Special BOT/PZHAC Work Session was held from 7:05 pm to about 8:15 pm. Trustee Johnson-Burick was absent. Items discussed included the question as to whether the amendment should just refer to food trucks, since other types of vendors have been addressed in the past by the business licensing and registration requirements of the Code. Mayor Barraza explained that food trucks were already allowed in Town for special events. The overall need for the amendment at this time was questioned. A future work session date was not set at this time.*

**CASE S15-001  
PZHAC DECISION  
SUBDIVISION SUBMITTAL REQUIREMENTS**

*The requirements for a subdivision application by Sam and Beatrice Bernal were discussed at a work session held by the PZHAC on August 17, 2015 to determine what would be required, as per Chapter 17 (Subdivisions) of the MTC, for the application to be considered and accepted by the PZHAC as complete.*

*Based on the information submitted by Sam and Beatrice Bernal to the PZHAC at their work session and meeting on August 17, 2015; the PZHAC determined that the diagram of the subdivision that was submitted with the application was incomplete, and that additional items required by the Code were not included on the diagram. (Required items that need to be included and were not, or require further documentation, are highlighted in yellow in the list that follows.)*

*The following Sections are taken from the Town Code for Subdivisions and were included by Staff in the August 17, 2015 PZHAC Packet. These sections list what is required for a subdivision application. The sections listed here were used by the PZHAC for their determination of requirements for submittal.*

**Chapter 17.20  
PLATS AND DATA FOR PRELIMINARY APPROVAL**

**17.20.010 Preliminary plat.**

The preliminary plat shall be at a minimum scale of one inch equals 100 feet. In no case shall it be on less than 18-inch by 24-inch sheets of paper. It shall show existing conditions and all proposals, including the following:

- A. Name of proposed subdivision, name and address of subdivider, agent, and principal persons preparing the preliminary plat.
- B. Scale and north arrow.
- C. Proposed benchmark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.
- D. Plat boundary lines: bearing in degrees, minutes, and seconds; distances in feet and hundredths.
- E. Existing conditions of the site and its environs shall include the following:
  - 1. Present site designation or subdivision name.
  - 2. Easements on site: location, width and purpose.
  - 3. Public right-of-way on and within 150 feet of the site: name, type, and width of paving.
  - 4. Utilities on and adjacent to the site: location and size of water wells, water reservoirs, water line, sanitary and storm sewers; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance, and size of nearest lines.
  - 5. Ground elevation on the side based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:

a. For land that slopes less than approximately one percent, show contour lines at intervals of not more than one foot and spot elevations at all breaks in grade along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.

b. For land that slopes approximately between two percent to five percent, show contour lines at intervals of not more than two feet.

c. For land that slopes more than five percent, show contour lines at intervals of not more than five feet.

6. Existing storm drainage facilities on and adjacent to the site.

7. Conditions on adjacent land significantly affecting design of the subdivision. Approximate direction and gradients of ground slope, character and location of development, and building types.

8. Zoning on and adjacent to the site. If the area proposed to be subdivided is zoned Single-Family Residential, Historical Residential, Commercial or Historical Commercial and is adjacent to active agricultural operations, then the subdivider shall be responsible for the installation of a wall or fencing between the subdivision and the agricultural operation. The planning and zoning commission shall determine if the standards proposed for the wall/fence are adequate during the preliminary plat stage of development. Cross reference: MTC [18.45.040\(N\)](#), Perimeter wall or fencing.

9. A statement of ownership, signed by the subdivider.

10. Total area of the proposed plat to the nearest one-tenth acre.

F. Location map showing location of the site in relation to well-known landmarks and town boundaries.

G. Proposed lot lines and public right-of-way lines; street names; right-of-way and street widths; indicate roadways intended to be private, rights-of-way for public services or utilities, and any limitations thereof.

H. All lots in any subdivision shall meet the requirements of the zoning ordinance and each lot shall be dimensioned in such a manner that setbacks as required by the ordinance shall be met for any structure or building that may be or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by MTC Title [18](#), Zoning.

I. Number or letter to identify each proposed lot and block.

J. Locations, dimensions, approximate areas, and purpose of lots proposed to be reserved for the public.

K. Sites and approximate area for any multifamily dwellings or nonresidential uses.

L. Every lot shall front on or have access to a public street.

M. All public entity easements and improvements. [Ord. 2001-09 § 2; Ord. 89-01; prior code § 11-5-4.A]

#### **17.20.020 Storm drainage analysis plan.**

A storm drainage analysis and plat shall be prepared and signed by a professional engineer registered in New Mexico to include the following:

**(If the engineer determines that a storm drainage analysis is not needed for this subdivision, this should be stated in a letter or statement sign and stamped by the engineer.)**

A. An up-to-date topographic survey or contour map of the area to be subdivided and contributing watershed showing existing structures and pavement and denoting existing elevations above mean sea level of all land features and improvements that would affect drainage.

B. An aerial photograph at the scale of one inch equals 100 feet or one inch equals 200 feet showing the area to be subdivided.

C. A drainage report with a map identifying and locating all rivers, creeks, arroyos, draws, washes or any other channel having definite banks and bed with visible evidence of the occasional flow of water. It shall include computations of the watershed area draining into each watercourse, identification and analysis of permeability of soils in each watershed, and calculations based on the S.C.S. Engineering Field Manual procedures for estimating runoff from a 100-year frequency storm of:

1. The volume and peak discharge of storm surface waters emanating from higher lands and drainage through the area to be subdivided (external drainage).

2. The volumes and peak discharges of internal drainage originating from the land to be subdivided prior to and after completion of the proposed development.

D. A detailed storm drainage plan showing how the runoff from a 100-year frequency storm will be maintained on the property being subdivided. Means of detention basins, retention basins, swales on lots or any other method approved by the commission so as to insure that new development will not increase the peak discharge load on the existing drainage system or cause damage to properties at lower elevations. A map submitted with the plan shall indicate all points of entry and discharge of storm runoff prior to and after development, as well as proposed easements and structures provided for containment or controlled discharge of storm drainage. Points of discharge of natural watercourses shall not be altered by the development.

E. A grading plan showing any proposed alteration, including finished elevations of areas to be graded, paved areas, building sites, retention or detention areas retaining walls and other structures. It shall be accompanied by a signed agreement by the owner of the lands being platted binding on his heirs or subsequent owners, that no grading, land filling, excavating or other alteration will be done except pursuant to the approved or amended grading plan.

F. The plan shall show that all property within the subdivision is developed in such a manner the flood damage will be minimized and that construction and substantial improvements are elevated to the 100-year flood level, if the property lies in an area which has been designated a floodplain under the National Flood Insurance Program. New water and sewer systems (including on-site systems) shall be located to avoid impairment or contamination during flooding.

G. Areas which will be inundated by runoff from a 100-year or greater frequency storm shall not be divided into lots for sale in any proposed subdivision.

H. A copy of the subdivision plat and drainage plan will be provided to any public entity with holdings in the area for their review in order to avoid urban conflicts with the operation and maintenance of utility systems. Their review shall be advisory only. [Ord. 89-01; prior code § 11-5-4.B]

#### **17.20.030 Improvements.**

A report on the proposed method of installing utilities, street paving, curb and gutter, sidewalks, and sewer service shall be prepared and submitted to include the approximate time for accomplishing such improvements. Such improvements shall be based on the maximum population density allowed in the zoning district in which the subdivision is located. [Ord. 89-01; prior code § 11-5-4.C]

**Additionally, the PZHAC determined that the following requirements of the Code also need to be met:**

**Chapter 17.40**  
**VARIANCES AND EXCEPTIONS**

**17.40.010 Allowed when.**

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in inhibiting the achievement of the objectives of these regulations, the planning commission may vary, modify, or waive the requirements. No variance shall be allowed when such variance is requested because of inadequate drainage. [Ord. 89-01; prior code § 11-5-8.A]

**17.40.020 Application.**

Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plat is filed, and shall state fully the grounds for the application and the facts relied upon by the subdivider. [Ord. 89-01; prior code § 11-5-8.B]

*Also, according to the PZHAC, in addition to the requirements of the Town Code listed above, a letter will need to be submitted by the applicants with the application specifically stating what waivers and variances are being requested, along with the justifications for the requests. In this case, it appears that the following waivers or variances will need to be addressed:*

1. Roadway and cul-de-sac dimensions  
A variance or waiver to the Subdivision Code for width of roadways to two or more parcels (Section 17.30.040 – Street and Alley Standards) which requires 55 feet of ROW width for Minor Residential Streets, and a 50 foot radius for Cul-de-sacs. The proposed roadway is only 20 feet in total width.
2. Lot Frontage  
A variance to the requirements of the Zoning Code for lot frontage (Section 18.35.070 - Development Standards of the Zoning Code) requires that “Each lot or parcel to be developed in the H-R zone shall have a minimum of 80 feet of frontage on a public street...”. Two of the lots appear to have less than the required frontage.
3. A request for a waiver or exception to any of the above listed requirements of the Subdivision Code for plats.

*In summary, the PZHAC required that the subdividers (Sam and Beatice Bernal) would be required to meet all the requirements of Town Subdivision Code pertaining to subdivisions. If there are any requirements of the Code that the applicants cannot meet, or the applicants would like variances or waivers to certain portions of the Codes; the applicants will need to provide a rationale in writing for the variances or waivers, and explain how the subject requirement will be addressed. (In some cases, an explanation may need to be signed and stamped by the Surveyor or an engineer certified in the State of New Mexico).*

**Waivers (or variances) to various requirements in the Subdivision Code (street width, sidewalks, etc.) may be granted by the PZHAC.**

**Variances to development requirements of the Zoning Code (lot size, frontage, etc.) may be granted by the Board of Zoning Adjustment through the Variance process.**

(A draft of these requirements has been provided to Mr. Bernal at his request so that he could have his surveyor prepare a complete application that will address the listed requirements.)