



Town of Mesilla, New Mexico

PZHAC WORK SESSION AGENDA APRIL 2, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION, **TUESDAY, APRIL 2, 2019 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.**

Item 1: Submitted by Jorge Larrazabal; a request to discuss plans to construct a carport, garage, and storage structure as a 720 square foot addition to an existing dwelling on a residential at property at 2195 Calle del Norte. (Case **060852**) Zoned: Historical Residential (HR)

The applicant was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, stating that the applicant originally intended to build a metal carport and storage structure on the property. This proposal was originally heard by the PZHAC at their March 18 Work Session and denied because the proposed metal structure would be out of character with the Development Zone for the property. The applicant has returned with a new set of plans for the carport/storage structure. According to the applicant, the carport/storage structure would be a site-built addition to the dwelling and would be finished to match the dwelling completely. The style would also very be similar to other carports in the area. The proposal appeared t address all of the issues that were brought up at the March 18 Work session about the original proposal. There were no other issues.

Item 2: Submitted by Jake Quinones of Quinones Design/Build for Emilie Cano; a request to discuss plans to repair the adobe walls and roof on a dwelling at 2206 Avenida de Mesilla. (Case **060862**) Zoned: Historical Commercial (HC)

The applicant' contractor was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, stating that the purpose of the request was for the applicant to repair serious issues with various parts of the structure that were added in the 1960's. According to the contractor, the proposed work would various problems and deficiencies that have occurred over time but would not affect the overall historic character or style of the dwelling. Issues addressed were the extent of the repairs, what would be replaced, and if there would be any changes t the appearance of the dwelling.

Item 3: Submitted by George A. Klebansky, a request to discuss plans to install a temporary 15-18 foot wide four foot high above ground pool on a residential property at 3116 Avenida de Mesilla. (Case **060868**) Zoned: Rural Agricultural (RA).

The applicant was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, stating that the applicant intended to set up a temporary four-foot high pool in the backyard of the dwelling. According to the applicant, the pool would be the type that you buy at Walmart for about \$350 and set up within several hours. The pool can be taken down at the end of each season. According to Tom Maese, Chief Inspector for CID, since the pool would be at a height of four feet above ground without a deck and with a folding ladder, a fence for security was recommended, but not required by the Building Code for this type of pool. Since pools are ancillary to the residential use of the property, they are allowed by the RA zoning of the property. There were no issues with the proposal.

PZHAC REGULAR MEETING AGENDA APRIL 2, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING **TUESDAY, APRIL 2, 2019 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Commissioners Houston and Prieto were absent. Commission Chair Hernandez and Commissioners Nevarez and Lucero were present. A quorum was present.

III. CHANGES/APPROVAL OF THE AGENDA

In order to expedite the meeting and take care of regular business promptly, Staff recommended that the agenda be amended to allow the Public Hearing to be held after all of the regular cases were heard and disposed of. A motion to approve the agenda as amended was made by Commissioner Nevarez, seconded by Commissioner Lucero, and approved by a vote of 3-0.

IV. *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 for discussion.*

There were no changes to the Consent Agenda. A motion to approve the agenda was made by Commissioner Nevarez, seconded by Commissioner Lucero, and approved by a vote of 3 - 0.

A. *PZHAC MINUTES – PZHAC Work Session and Meeting minutes of March 18, 2019.

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVAL

Zoning Permits

1. **Case 060864** – Northwest corner of Avenida de Mesilla and Calle de Santiago, submitted by Patrick Taylor for Robert Tustin; a request for a zoning permit to repair the base of an adobe wall on a dwelling on this property. Zoned: Historic Residential (HR)

Approved as part of the Consent Agenda

2. **Case 060866** – 2878 Calle de San Albino, submitted by Jorge Larrazabal; a request for a zoning permit to allow the replacement of an evaporative cooler with a refrigerated air conditioner and upgrade the electric panel on a dwelling at this address. Zoned: Residential Farming (RF)

Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. **PUBLIC HEARING AND DECISION** *(The Public Hearing was held after the other cases had been heard.)*

Z19-001 – Submitted by Jesus Caro, an application for a zone change from Rural Farm, five acre minimum lot size (RF) to Residential, one acre minimum lot size (R-1) for a 4.36 acre residential parcel located at the west end of Fresquez /Snow Road (a private easement).

The PZHAC closed the Regular Meeting and opened the Public Hearing. The applicant was present to provide information, and to answer any questions that might arise. Staff provided a brief description of the request and provided the PZHAC with the applicant's rationale for requesting the zone change.

Input taken from the public during the Public Hearing consisted of:

Solomon Perez - notified property owner and neighbor of applicant

Located just west end of the R-1 zoned properties, but is not zoned R-1, and is not in the farming business. Stated that the Town needs to grow and needs revenue. Farming will not provide the revenue the Town needs, therefore property owners should be able to subdivide their land to provide more property tax for the Town. Stated that he supports the zone change application wholeheartedly.

Chris Alexander – Town Business Owner and former PZHAC Commissioner

Stated that people are not aware of the concept of weighted zoning in which the Town is zoned from dense use to sparse use. Said that the Town had tried to protect farming through zoning and created a “greenbelt” around the Town. Many lots were zoned RF even though they did not meet the five acre size requirements and that protection of the RF zoning in order to protect the existence of Mesilla. However, since the Town allowed the R-1 zoning in the first place, it should be fair to the other small property owners and “support” the zone change.

There were no other comments and the PZHAC voted to close the Public Hearing and reopen the Regular Meeting.

Commission Chair Hernandez asked for input from the PZHAC.

Commissioner Lucero

Expressed surprise that the applicant wants to change his view of preserving the “greenbelt” and create smaller properties, since he was a main proponent behind preserving it through the years. She does not want to see Mesilla become another Las Cruces. She will stand by the “greenbelt”. She stated that the Town has turned down other development in the RF zone, and she does not want to create a precedent with this case.

Commission Chair Hernandez

Stated that he would like to get legal clarification on some points and recommended postponing the case in order to obtain legal opinions.

Commissioner Lucero

Said that the Ordinance needs to be protected, and that we are not talking about a prior zone change that took place in 1980 or the subdivision of properties, the concern of the PZHAC should be the current zone change request.

Commissioner Nevarez

Would like more information

Juan Padilla – Property owner in the R-1 zone

Stated that the subdivision of the properties zoned R-1 was done prior to the R-1 zoning of the property.

Commission Chair Hernandez

Called for a postponement of the case in order to get legal opinions on: would this be considered spot zoning; whether the case would set a precedent; and whether the applicant’s parcel should be considered contiguous to the parcels zoned R-1. This was seconded by Commissioner Nevarez. A vote was taken with Commissioner Nevarez voting for postponement and Commissioner Lucero voting against postponement. Commission Chair voted for postponement and the case was postponed.

There were no other comments.

B. PUBLIC INPUT ON CASES

None

C. CASES:

- 1. Case 060821** - Submitted by Christina DiMatteo; a request for a summary subdivision to allow for a lot line adjustment to combine a 0.18 acre property at 3066 Snow Road with a 0.30 acre property immediately to the south and to adjust the western lot line of the two properties to create a single 0.69 acre property. Zoned: Rural Agricultural
Staff provided a brief review of this request, explaining the applicant’s reasons for the request. Staff also included the fact that the proposed lot size of 0.69 acres was approved by the Board of Adjustment (BOA) as a variance to lot size approved after a Public Hearing held March 26, 2019; although this information was not in the written agenda packet. The PZHAC determined that there were no issues. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Lucero, and approved by a vote of 3 - 0.
- 2. Case 060852** – 2195 Calle del Norte, submitted by Jorge Larrazabal; a request for a zoning permit to allow the construction of a carport, garage, and storage structure as an addition to an existing dwelling at this address. Zoned: Historical Residential (HR) **This case was heard during the Work Session – Item 1)**
Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The PZHAC determined that there were no issues. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Lucero, and approved by a vote of 3 - 0.

3. **Case 060862** – 2206 Avenida de Mesilla, submitted by Jake Quinones of Quinones Design/Build for Emilie Cano; a request for a zoning permit to allow the repair of the adobe walls and roof on a dwelling at 2206 Avenida de Mesilla. Zoned: Historical Commercial (HC) (**This case was heard during the Work Session – Item 2**)

Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The PZHAC determined that there were no issues. A motion was made by Commissioner Lucero to approve the request, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.

4. **Case 060868** - 3116 Avenida de Mesilla, submitted by George A. Klebansky, a request for a zoning permit to install a temporary 15-18 foot wide four foot high above ground pool on a residential property at this address. Zoned: Rural Agricultural (RA). (**This case was heard during the Work Session – Item 3**)

Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The PZHAC determined that there were no issues. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Lucero, and approved by a vote of 3 - 0.

VI. PUBLIC COMMENTS

Susan Krueger – resident

Referencing the dwelling proposed by the Kanes on Calle de Colon discussed by the PZHAC at the March 18 PZHAC Work Session, stated that the applicant had claimed that there are no particular architectural styles in Mesilla, reference the Yguado Plan and another “Style” document that she had.

Chris Alexander – Town Business Owner and former PZHAC Commissioner

Referencing the zone change for the property owned by Arturo Jurado, stated that the opinion for “spot zoning” was erroneous in that the commercial parcels in the County should never have been taken into account. Precedence was set. The property that is zoned R-1 is in the Comprehensive Plan because it was zoned R-1 in 1979, and a precedence was set. .

Jesus Caro – applicant

Stated that the “greenbelt” was no longer viable for farming.

Solomon Perez - notified property owner and neighbor of applicant

Stated that larger farmers can make a living from farming their properties, smaller farmers cannot, and that the “greenbelt” lots cannot be farmed anymore. He also stated that the young have left because they can’t afford to stay due to the rules, and that Mesillaros and small farmers have been run off.

VII. PZHAC/STAFF COMMENTS

Commissioner Lucero

Stated that preservation of Mesilla is important, and that even though mistakes were made in the past does not mean they should be repeated. Past boards have turned down applications in the RF zone. Jesus should be supporting the ordinance, not working against it. It is important to preserve Mesilla.

VIII. ADJOURNMENT

The meeting was adjourned at 7:26 pm.

NOTICE

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.

Posted on 3/28/19 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty’s Food Mart - 2290 Avenida de Mesilla; Ristramnn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.