



Town of Mesilla, New Mexico

PZHAC WORK SESSION AGENDA AUGUST 19, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION, MONDAY, AUGUST 19, 2019 AT 5:30 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

Item 1: A discussion of a zone change (**Z19-002**) from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel owned by Sylvia J. and David B. Fierro, located at 1985 Calle de Colon.

The applicant was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, explaining that the case was postponed from the previous PZHAC meeting in order to allow Staff to respond to several questions that were brought up at the meeting. These included: compatibility with the Comprehensive Plan, how the “Dog House” received approval, and the definition of the “Rule of Precedent”.

Staff explained that the future “preferred” land use map used in the packet showing the property as becoming commercial in the future was from a draft Comprehensive Plan dated November 6, 2017 that had not yet been granted final approval. The next draft, which was the final dated November 17 did not show the property as becoming commercial, and in the Plan that was finally approved, the map was not very clear.

The property the “Dog House” now occupies had been rezoned from HR to HC in 1995, but remained residential in use until 2010. At that time a request for a change in occupancy of the existing dwelling from residential to commercial was requested to allow the “Dog House” to use the structure as a restaurant.

Staff also explained that the “Rule of Precedent” was a concept that applied strictly to upper court decisions (case law), and did not apply to land use planning.

There was also discussion about whether a zone change for this property would result in spot zoning, since Velia Chavez, owner of Palacio’s Bar, had decided not to rezone the bar to commercial, and there were no other commercial zoned properties adjacent to the applicant’s property. There were no other issues.

Item 2: Submitted by Patrick A. Vigil for Theodore Calhoun; a request to discuss plans to construct a new dwelling on a vacant residential property at 2630 Calle Segunda. **Case 060944** –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, explaining that the proposed dwelling will be done in “Pueblo” style, and that it will meet the requirements of the Code, and that the dwelling will not be out of character with the other dwellings in the area. There were no issues.

PZHAC REGULAR MEETING AGENDA AUGUST 19, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, AUGUST 19, 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

Commissioner Houston was absent. All others were present. There was a quorum.

III. CHANGES/APPROVAL OF THE AGENDA

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

A. *PZHAC MINUTES – PZHAC Work Session and Regular Meeting of August 5, 2019

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVAL

Zoning Permits

1. **Case 060945** – 2231 Calle de Parian, Teresa Sanchez; a request for a zoning permit to repair and repaint a gate and wall to match a wall of an existing dwelling at this address. Zoned: Historical Residential (HR)
Approved as part of the Consent Agenda
2. **Case 060948** – 2260 Calle de Santiago, submitted by Bill and Janice Cook; a request for a zoning permit to reroof a commercial structure at this address. Zoned: Historical Commercial (HC)
Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

Susan Krueger – resident

Z19-002: Stated that consistency is important and that the argument for the zone change for 1985 Calle de Colon is not valid due to the fact that the property is not adjacent to any properties zoned HC, it is surrounded by HR zoning. She compared the present zone change request with the one requested by Jesus Caro in the RF zone (Z19-001) and stated that they could both set a precedent.

David Fierro – Z19-001 Applicant

Stated that a Comprehensive Plan should be used to encourage economic development.

B. DECISIONS:

Summary Subdivision:

1. **Case 060940** – 306 Capri Arc, submitted by Suzanne M. Brannan for Joseph W. Rogers; a request to discuss plans to eliminate a lot line between two parcels to create one residential parcel at this address. Zoned: Single Family Residential (R-1)
Staff provided a brief review of this request, explaining that the reason for this request is to eliminate a lot line between a residential lot in a subdivision and a smaller vacant lot to create one parcel. The PZHAC determined that there were no issues. A motion was made by Commissioner Lucero to approve the request, seconded by Commissioner Prieto, and approved by a vote of 3 - 0.

Zone Changes:

2. **Z19-002** – 1985 Calle de Colon, submitted by Sylvia J. and David B. Fierro; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 7749 square foot residential parcel located adjacent to the west side of Palacio's Bar. **(This case was discussed during the Work Session)**
Staff provided a brief review of this request, explaining that this case was heard during a Public Hearing and regular PZHAC meeting held August 5, 2019, and during the Work Session heard prior to this meeting. There were no new issues discussed. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Lucero and approved by a vote of 3 - 0.

Zoning Permit:

3. **Case 060944** – 2630 Calle Segunda, submitted by Patrick A. Vigil for Theodore Calhoun; a request for a zoning permit to construct a new dwelling on a vacant residential property at this address. Zoned: Historical Residential (HR) **(This case was discussed during the Work Session)**

Staff provided a brief review of this request, explaining that this case was heard during the Public Hearing. The PZHAC determined that there were no issues. A motion was made by Commissioner Prieto to approve the request with the following conditions: 1. The wall on the property line be considered under a second permit; 2. The applicant will provide staff with an “Architectural Checklist” for the style of dwelling proposed. This was seconded by Commissioner Lucero and approved by a vote of 3 - 0.

VI. PUBLIC COMMENTS

Susan Krueger – resident

Referencing Section 18.45.040 of the Code, stated that a rock wall is required between all development in the General Commercial zone (Mercado) and the adjacent residential zone, and that the PZHAC should hold a work session to discuss this requirement.

David Fierro - Z19-001 Applicant

Stated appreciation for the PZHAC’s time and that he would uphold the requirements of the Code for commercial development in the HC zoning district.

VII. PZHAC/STAFF COMMENTS

Commissioner Nevarez stated that the zone change form should be standardized to include the information normally asked at the meetings.

VIII. ADJOURNMENT – The meeting was adjourned at 6:44 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 8/1/19 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; Ristramn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.