



**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 (V19-002) 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.

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)

**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

III. CHANGES/APPROVAL OF THE AGENDA

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.*

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

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)
- 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)

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

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)

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)**

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**)

VI. PUBLIC COMMENTS

VII. PZHAC/STAFF COMMENTS

VIII. ADJOURNMENT

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.

PZHAC NEW BUSINESS

AUGUST 19, 2019

WORK SESSION

**PZHAC WORK SESSION
AUGUST 19, 2019
ITEM 1**

A discussion of a zone change (**V19-002**) 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.

(This case was postponed until this work session in order for staff to provide information on compatibility with the Comprehensive Plan, how the “Dog House” received approval, and the definition of the “Rule of Precedent”. This information will be provided on Thursday as part of a completed write-up for this case.)

Description of Request:

The property in question is located immediately adjacent to and behind Palacio’s Bar on Avenida de Mesilla. The property consists of a 7749 square foot (0.18 acre) parcel containing a 1378 square foot dwelling (see attached map). The bar is also zoned Historic Residential (HR) and has existed here continuously since 1936. The bar is currently considered legal non-conforming but should be zoned Historic Commercial (HC). (The owner of the bar, Velia Chavez, has been contacted about completing a zone change and was originally scheduled to be heard at this meeting, but has not completed the application process in time for this meeting.)

The applicants are seeking this zone change because the close proximity of the dwelling to the bar has made it almost impossible to rent the dwelling as a residence. The problem is that the noise, traffic, pedestrian and parking issues created by the bar at all hours on weekends has created a situation that is not conducive to normal full-time residential living on the property. The applicants believe that a commercial use such as an office that is generally closed during the bar’s normal hours of operation (weekends and weekdays after 5:00 pm) would a more compatible use of the property. The office operation could also share the bar’s parking facilities since their hours of operation are different, limiting the impacts of the office on the residential character of the neighborhood to the west.

The property would also tend to act as a buffer between the bar and residential properties on the west side of Calle de San Albino. The concept of being a buffer to an intrusive commercial use on Avenida de Mesilla would be a benefit that tends to fit in with the stated goal of the Comprehensive Plan by allowing commercial growth along Avenida de Mesilla while protecting residential development west of Avenida de Mesilla from the impacts of such commercial growth. (For this reason, and the fact that the property is adjacent to and immediately affected by commercial zoning or permitted commercial uses, the requested zone change does not appear to constitute spot zoning.)

Additional reasons for the zone change request are included in the applicants’ application. Some of these reasons include, but are not limited to the following:

- A. “...the property is located close to Avenida de Mesilla which is predominantly populated with Commercial Properties.”
- B. “Few changes would be required as there is sufficient parking available for commercial activity.”
- C. “The change would not increase of change the traffic pattern for the property.”
- D. “The proximity (of the dwelling) to the bar would not be a significant issue if the zone change is approved.”
- E. Queries about the potential renting of the property are from “office type” of businesses. Being close to a bar is not an issue to the potential commercial renters.”
- F. “...the financial impact of keeping the property vacant will be alleviated.”

Consistency with the Code:

The PZHAC will need to determine that the proposed zone change will be compatible with the Mesilla Comprehensive Plan and will not constitute “spot zoning”. The PZHAC will also need to determine that the requested zone change will not have a detrimental effect on the surrounding properties and the Town.

The PZHAC will need to make the following Findings for approval:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval to the BOT of application.
2. Recommend approval to the BOT of application with conditions.
3. Reject the application.

PZHAC ACTION:

**PLANNING ZONING HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC)**

RESOLUTION 2019-002

WHEREAS, the PZHAC convened on August 5, 2019 at a Public Hearing and Regular Meeting, to hear and determine the case regarding a Zone Change request from Historical Residential (HR) to Historical Commercial (HC) for a 0.18 acre parcel located at 1985 Calle de Colon; and

WHEREAS, the Zone Change was requested by Sylvia J. and David B. Fierro, owners of the property; and

WHEREAS, a quorum of the PZHAC were present at the Public Hearing and subsequent meetings; and

WHEREAS, the application for a Zone Change was filed on July 1, 2019; and

WHEREAS, neighboring property owners within 100 feet of the subject property were notified of the proposed special use permit by certified mail as per MTC 18.90.060 and the property was posted giving notice of the proposed hearing; and

WHEREAS, there were no negative responses from notified property owners; and

WHEREAS, the subject property is adjacent to Palacio's Bar, a commercial operation located on Avenida de Mesilla; and

WHEREAS, the close proximity of the dwelling to the bar has made it almost impossible to rent the dwelling as a residence; and

WHEREAS, a public hearing was held by the Planning, Zoning, and Historical Appropriateness Commission on August 5, 2019, according to the requirements of MTC 18.90, during their regular meeting; and

WHEREAS, the Public Hearing of August 5, 2019 was closed after taking public comments; and

WHEREAS, the case was considered at the regular meeting following the Public Hearing, and at a meeting held on August 19, 2019; at which meeting the PZHAC determined that the proposed Historic Commercial (HC) zoning will result in a zoning of the subject property that is beneficial to the Town; and

WHEREAS, the PZHAC voted to recommend the zone change for approval to the Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning, Zoning and Historical Appropriateness Commission of the Town of Mesilla recommends approval of the request for a Zone Change to Historical Commercial (HC), with findings for said approval as stated in "Attachment A" attached to this resolution.

RESOLVED on this 5th day of August, 2019.

Russell Hernandez
PZHAC Chairman

ATTEST:

Larry Shannon
Community Development Coordinator

ATTACHMENT A

Z19-002

PZHAC FINDINGS:

- The PZHAC has jurisdiction to review this request.
- The zoning code allows this type of zone change request.
- The application meets the requirements of the Code for a zone change.
- The requested zone change would not be out of character with the Comprehensive Plan, nor will it constitute “spot zoning”.
- The proposed zoning, as requested, or amended with conditions; will be beneficial to the Town.
- The proposed zone change meets all other applicable Code requirements.

DRAFT

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search

Maps | Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400386](#)
Parcel Number: 4006137305491
Owner: FIERRO SYLVIA J
Mail Address: P.O. BOX 1725
Subdivision:
Property Address: 1985 DALLE DE COLON
Acres: 0



Town of Mesilla, New Mexico

DATE July 19, 2019

Dear Property Owner:

In accordance with the Town of Mesilla regulations regarding variances, I am notifying you as, a neighboring property owner within 100 feet of the subject property, the Town of Mesilla Planning, Zoning and Historical Appropriateness Commission (PZHAC) will be holding a Public Hearing on:

Monday, August 5, 2019 at 6:00 PM
at: Town of Mesilla
2231 Avenida de Mesilla
Mesilla, NM 88046

to obtain input on the following zone change requests:

1. **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.
2. **Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 1552 square foot parcel that contains Palacio's Bar.

Anyone who is concerned with this matter may address the PZHAC at the Public Hearing, or send a written response to:

Town of Mesilla
Community Development Department
PO Box 10
Mesilla, NM 88046.

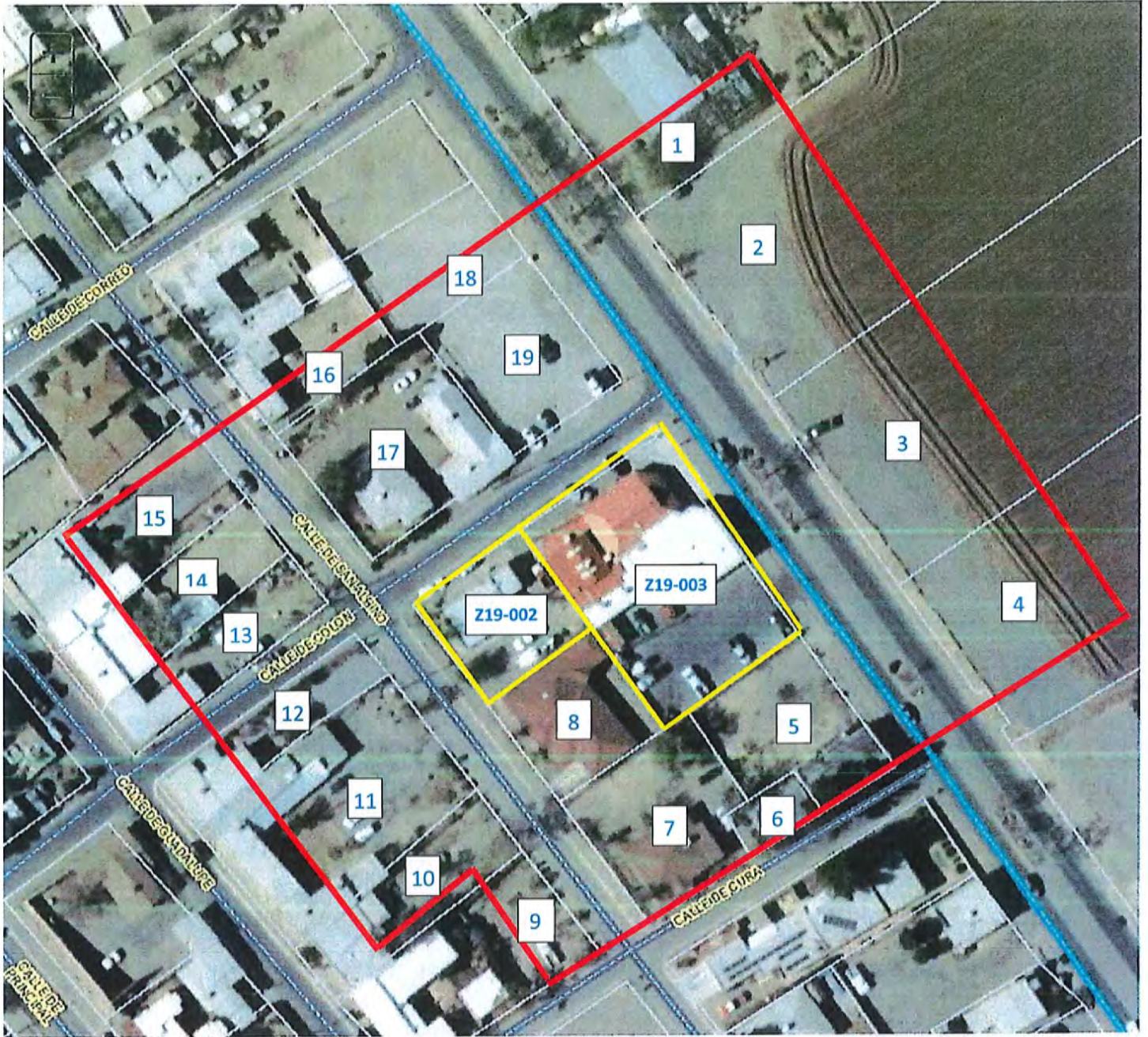
Letters or comments must be received before the Public Hearing. In addition to mailing the letter, a copy may be faxed to Larry Shannon at 575-541-6327, or e-mailed to larrys@mesillanm.gov to ensure timely receipt of your comments.

Sincerely,



Larry Shannon
Community Development Coordinator
Town of Mesilla

ZONE CHANGE - NOTIFICATION MAP
[Z19-002, Z19-003]
HISTORICAL RESIDENTIAL (HR) TO HISTORICAL COMMERCIAL (HC)



APPLICANTS

Z19-002 : Sylvia J Fierro, PO Box 1725, Mesilla, NM 88046

Z19-003 : Velia Chavez (Palacio's Bar), 2600 Avenida de Mesilla, Las Cruces, NM 88005

NOTIFIED PROPERTY OWNERS

[Z19-002, Z19-003]

1. Mary V Alexander Farm Property
(Chris Alexander)
1912 Newton
Las Cruces, NM 88001
2. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
3. Tamara Alexander
1946 Mahogany Drive
Las Cruces, NM 88001
4. Mary Frances A Bird
1912 Newton
Las Cruces, NM 88001
5. Manuela C Orona
PO Box 87
Mesilla, NM 88046-0087
6. Nia Rucker
PO Box 1668
Mesilla, NM 88046
7. Jonathan E. Moore
PO Box 638
Mesilla Park, NM 88047
8. Jo Anna Maese
PO Box 300
Mesilla, NM 88046-0300
9. Antonia M Goodman
PO Box 130
Mesilla, NM 8806-0130
10. Sylvia M Saltero etal
PO Box 225
Mesilla, NM 88046-0225
11. J Paul Taylor
PO Box 113
Mesilla, NM 88046-0133
12. Emily Coss
404 North Armijo Street
Las Cruces, NM 88005
13. Ruben & Maria Rivera
PO Box 966
Mesilla, NM 88046
14. Stephen F Pate
PO Box 701
Mesilla, NM 88046
15. Ricardo Perez
2542 Vista de Dios
Las Cruces, NM 88005
16. ETMSS 3 LLC
PO Box 358
Mesilla Park, NM 88047
17. Laura M Lichtenstein Trustee
(Laura M Lichtenstein Rev Trust)
5 Cholla
Santa Fe, NM 87506
18. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074
19. Richard P & Clara M Lujan
PO Box 74
Mesilla, NM 88046-0074

**PHOTOS OF THE PROPERTY FROM AVENIDA DE MESILLA
SHOWING PROXIMITY TO BAR**



PHOTO FROM CALLE DE SAN ALBINO



PHOTO FROM CALLE DE COLON



Town of Mesilla, New Mexico

Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046



Application Form For Zone Change

Case # 060946 Date Submitted JULY 1, 2019

Discussed by: L. SHANNON Date (s) AUG. 5, 2019 (PZHA6)
PUBLIC HEARING

Section 1:

Name (s) of Property Owner (s) SYLVIA J FIERRO AND DAVID B. FIERRO

Address PO Box 1725 Mesilla Park, NM Phone 575 642 7964

Name of Applicant (s) SYLVIA J FIERRO AND DAVID B. FIERRO

Address Po Box 1725 Mesilla Park, NM Phone 575 642 7964

Section 2:

Property Description: Address 1985 Calle de Colon

Legal Description Lot (s) Sec 25 T.23S., R.1E., NMPM Block _____

Subdivision _____

If legal description is in metes and bound; is it attached to the application? Yes No _____

Survey Plat attached: Yes _____ No _____

Area (sq. ft. or acres) _____ Present Zone Res Present Land Use Residential (Rental)

Proposed Land Use:

Commercial Rental - CHANGE from Residential

1065

Section 3:

Why is this change of zoning status being requested?

See attached

Signatures: Property Owner Sylvia J. Ferris David B. Ferris
Applicant Sylvia J. Ferris David B. Ferris

NOTICE: NO APPLICATION WILL BE ACCEPTED WITHOUT THE SIGNATURE OF THE OWNER (S) OF RECORD OF THE ABOVE DESCRIBED PROPERTY. IF MORE THAN ONE, ALL OWNERS OF OR THEIR AGENTS MUST SIGN.

Fee Paid : Yes No Affidavit : Yes No

Received by: _____ Receipt #: _____ Amount: _____

Section 3: Why is the change in zoning being requested

1. Origin of the Property: Subject property is currently zoned as a residential property. It originally was built around the 1930's and owned and occupied by pioneer Mesilla Residents, i.e. Pablo and Alcaria Salcido. Through the inheritance process it was passed on to Edward and Virginia Maese, who subsequently legally passed on the property to their daughter and her husband, Sylvia and David Fierro, the requesters of this zone change.

2. Past Activity of the Property: Upon obtaining the property, we made substantial and much needed improvements to the property. We submitted our plans and complied with all of the requirements of the Town of Mesilla and the State of New Mexico. We replaced all of the original windows with wood windows as requested by the Town of Mesilla. We made substantial improvements to the interior and exterior of the building with the intent of renting the property. The property is currently under rental management contract with:

Ms. Beth Johnson – Las Cruces Homes and Land

NM License #16918

3. **Current Activity of the Property** - In conjunction with Ms. Johnson, we have been actively trying to rent the property and have encountered a significant hurdle. The property is adjacent to the Palacio Bar and this has made it difficult to rent as a residential rental property. When the potential renters learn that the property is next to the Bar, they are no longer interested due to the potential noise, parking issues, and the risk of renting the property next to the bar. It is causing us a financial hardship as the property has been vacant for an extended length of time.

4. **Reason For Requesting the Zone change** – In discussion with Ms. Johnson, she is confident that the property will rent as a commercial property if the change is approved.

a. It should be noted that the property is located close to Avenida De Mesilla which is predominately populated with Commercial Properties.

b. Few changes would be required as there is sufficient parking available for commercial activity.

- c. The change would not increase or change the traffic pattern for the property.
- d. The proximity to the bar would not be a significant issue if the zone change is approved.
- e. Queries about the potential renting of the property are from "office type" of businesses. Being close to a Bar is not an issue to the potential commercial renters.
- f. Finally, the financial impact of keeping the property vacant will be alleviated.

Thus based on the above, we respectfully request that a property change be granted for this property. We remain committed to following and adhering to the requirements requested by the Town of Mesilla.

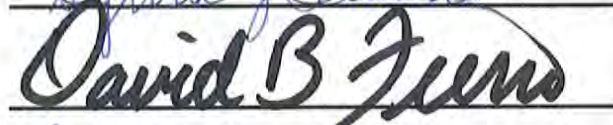
Signatures:

Property Owners:

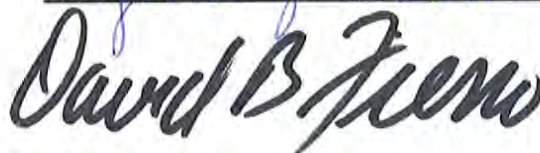
Sylvia J. Fierro



David B. Fierro



Applicants:



**PZHAC WORK SESSION
AUGUST 19, 2019
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 subject property is one of two remaining properties part of Calle Segunda that are currently vacant. The subject property is the second property to the south of Calle de Colon. There are dwellings on the properties to the north and west. The property to the south is vacant. Surrounding properties are either vacant or contain dwellings that are a mix of architectural styles. (Photos of some of the adjacent neighboring properties area attached.)

The property is about 0.22 acres in size. All necessary utilities are available to the property. Access to the property is by Calle Segunda. The proposed dwelling will be Pueblo style with about 2214 square feet in size with an attached 500 square foot garage 313 square feet of porches. The dwelling will be Pueblo style and construction will be wood frame with stucco, with a flat roof.

There is adequate space for the required parking of three off-street spaces. The height of the proposed dwelling will be compatible with other dwellings in the area.

Consistency with the Code:

The PZHAC will need to determine that the proposed structure, when finished, will be consistent with the following sections of the Code:

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 - 1. The historical and literary value and significance of the site, building, or structure;
 - 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 - 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 - 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 - 5. The commission shall also consider the applicable zoning and other laws of the town.
- C. In recommending approval of an application the commission may impose conditions which shall be binding upon the property. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action to solicit his opinion. The concurring vote of three members of the board shall be necessary to make a determination in favor of the applicant on any application.
[Ord. 2009-05 § 2]

Chapter 18.35 HR – Historical Residential Zone

In the HR zone, there is no size limit on either the primary or secondary dwelling as long as each dwelling unit has over 4000 square feet of property is **determined to be architecturally compatible and historically appropriate for the area** and meets building code requirements. The PZHAC will need to determine if the style of the proposed work is compatible with the development zone for the property. Since this construction is in a Historic zoning district, the following section of the Code applies:

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

The applicant will be present at the work session to provide further details about the proposed construction, and will be available to answer any questions that may arise.

VIEW OF THE SUBJECT PROPERTY FROM CALLE SEGUNDA



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400582](#)
Parcel Number: 4006138214045
Owner: GERMANI PAUL R
Mail Address: 2870 SPRINGS BLVD
Subdivision: SOUTHWEST ADDITION
TO MESILLA 201
Property Address: 2630 Calle
Segunda
Acres: 0





1915482 JUL 16, 2019 03:18:34 PM PAGES: 1
WARRANTY DEED Deputy: Gerardo Barrera
Amanda López Askin, County Clerk, Dona Ana, NM



Southwestern Abstract & Title Co.
1163-CM-2019

WARRANTY DEED

Paul R. Germani and Jane A. Germani, husband and wife, for consideration paid, grant to Theodore W. Calhoun, a married man, as his sole and separate property whose address is 33 West 35th Place, Eugene, OR 97405, the following described real estate in Dona Ana County, New Mexico:

Lot 2, Block C, SOUTHWEST ADDITION TO TOWN OF MESILLA, in Dona Ana County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said County on March 17, 1939, in Book 9 Page(s) 76 of Plat Records.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness hand and seal this 11th day of July, 2019.

Paul R. Germani

Jane A. Germani

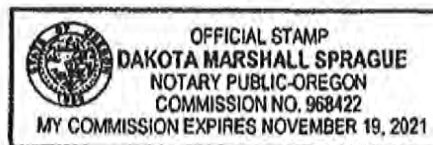
ACKNOWLEDGEMENT

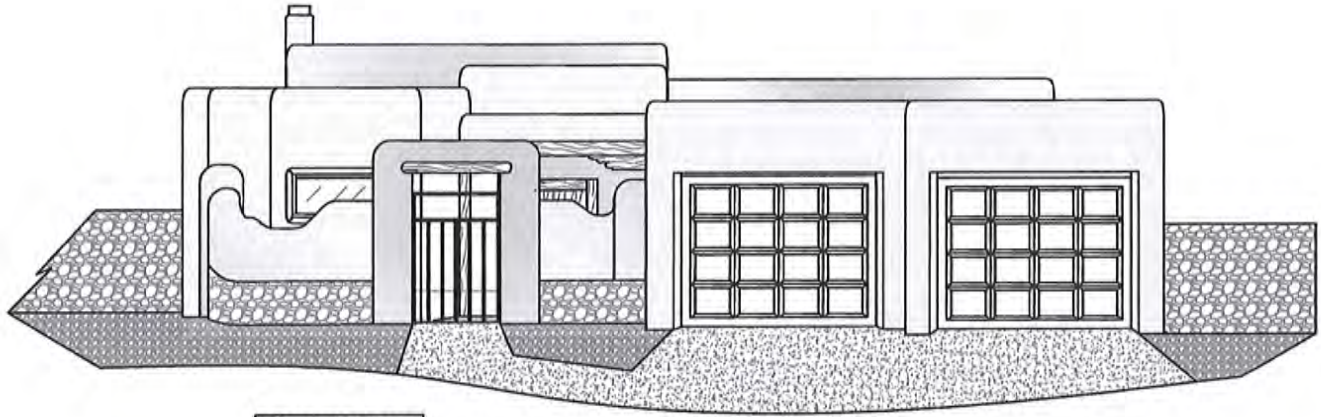
STATE OF OREGON
COUNTY OF LANE

This instrument was acknowledged before me on this 11th day of July, 2019 by Paul R. Germani and Jane A. Germani.

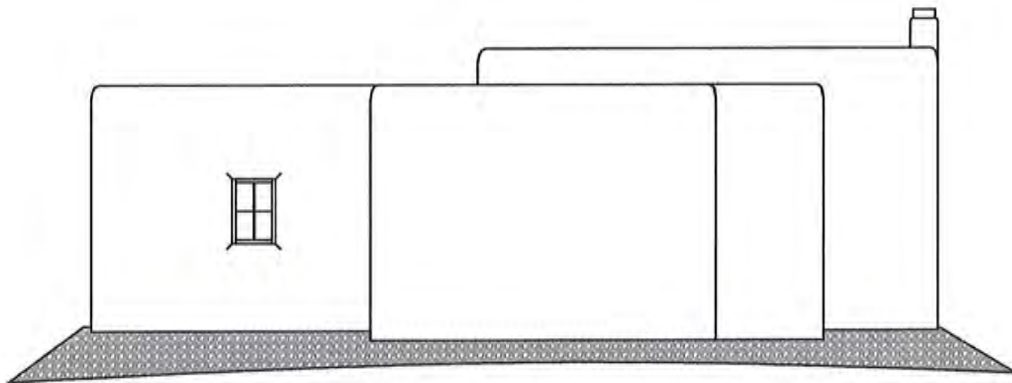
Signature of notarial officer

My commission expires: 11-14-2021





FRONT-EAST



BACK-WEST

Front and Back Elevations

Scale: NTS

June 28, 2019

Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM

Front and Back Elevations

Scale: NTS

June 28, 2019

Drawn By: Patrick Vigil

Drawn for: Theodore Calhoun

575-644-3748

2630 CALLE SEGUNDA

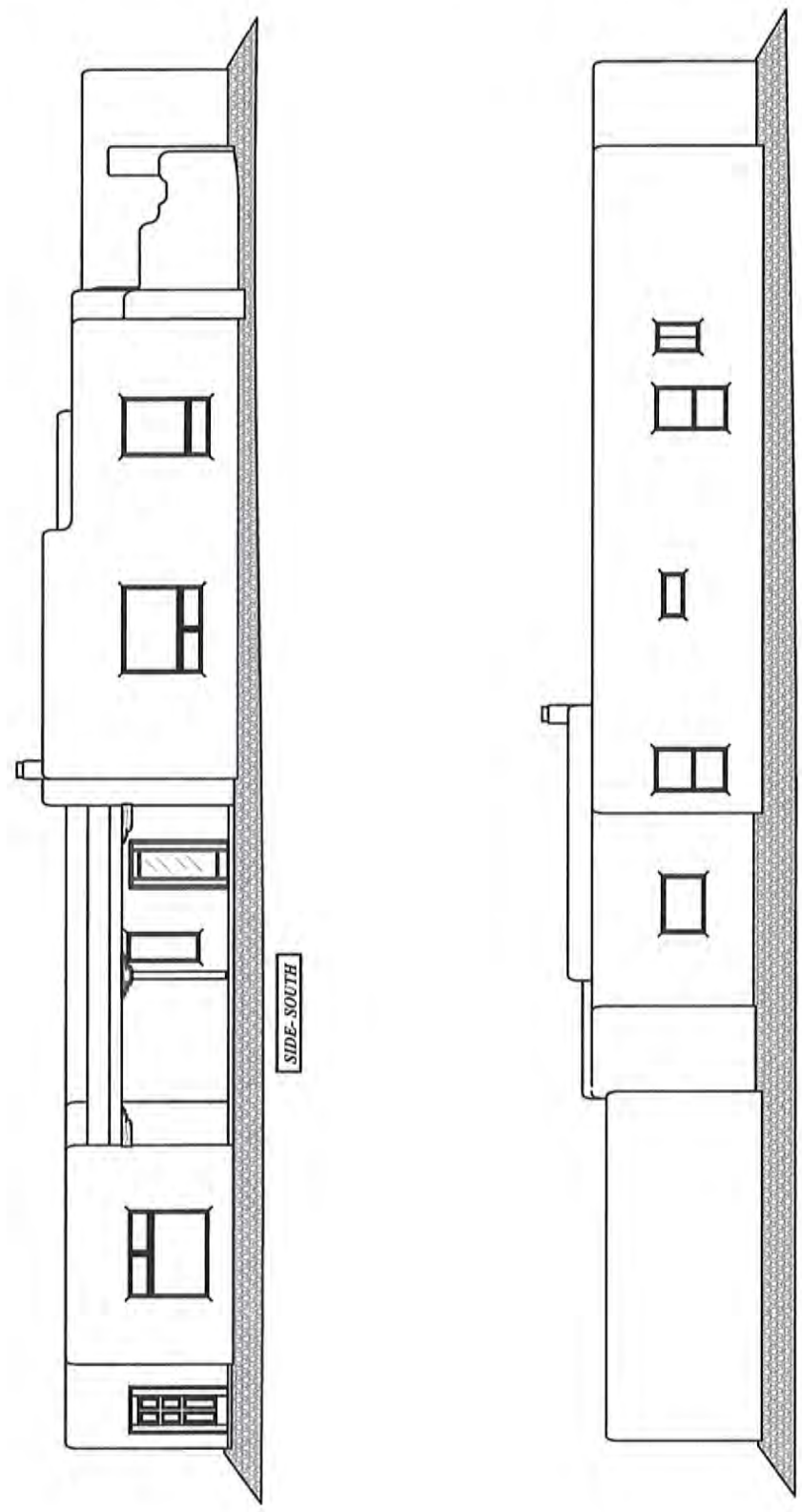
LOT 2 Blk C, SW Addition to Mesilla 201

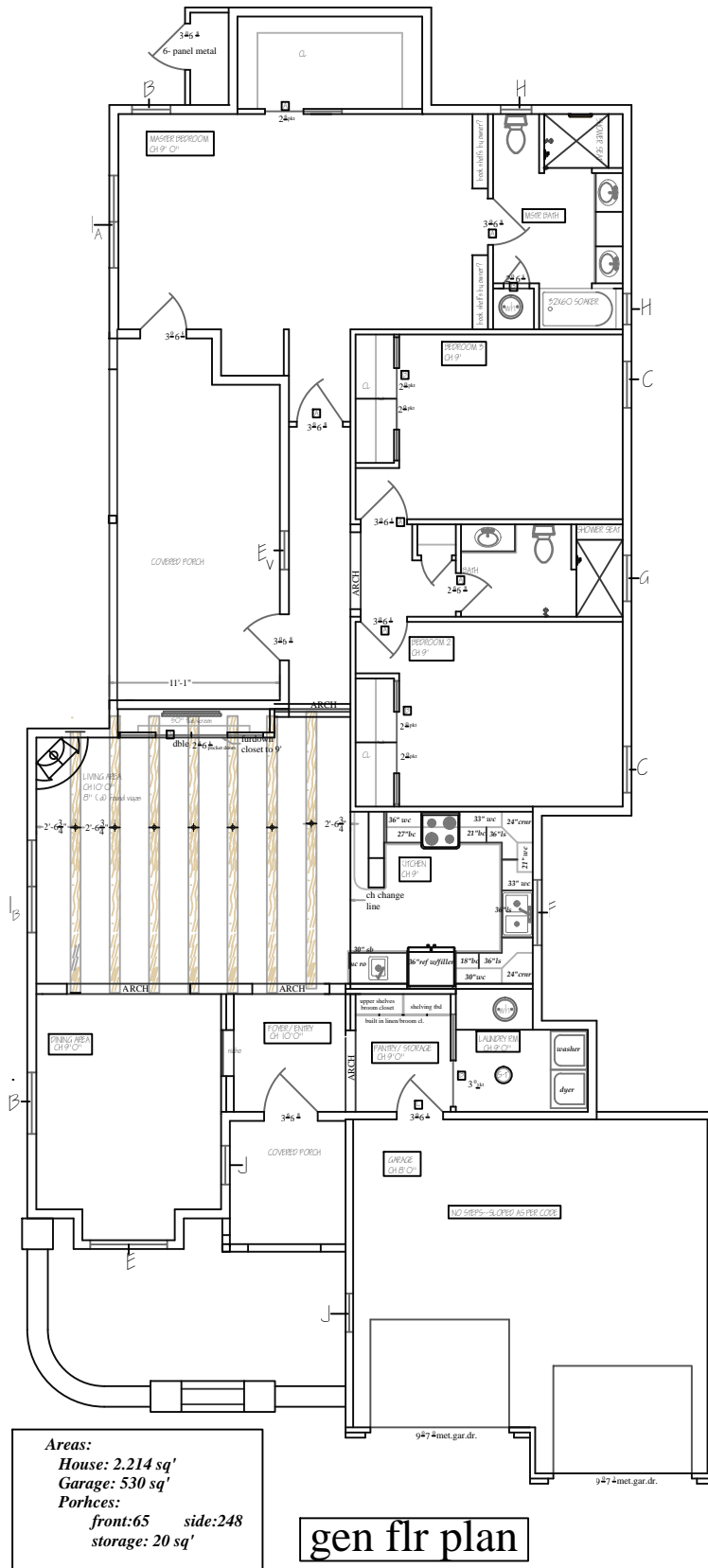
Town of Mesilla, NM 88046

Mesilla Park, NM

Vica One Inc.

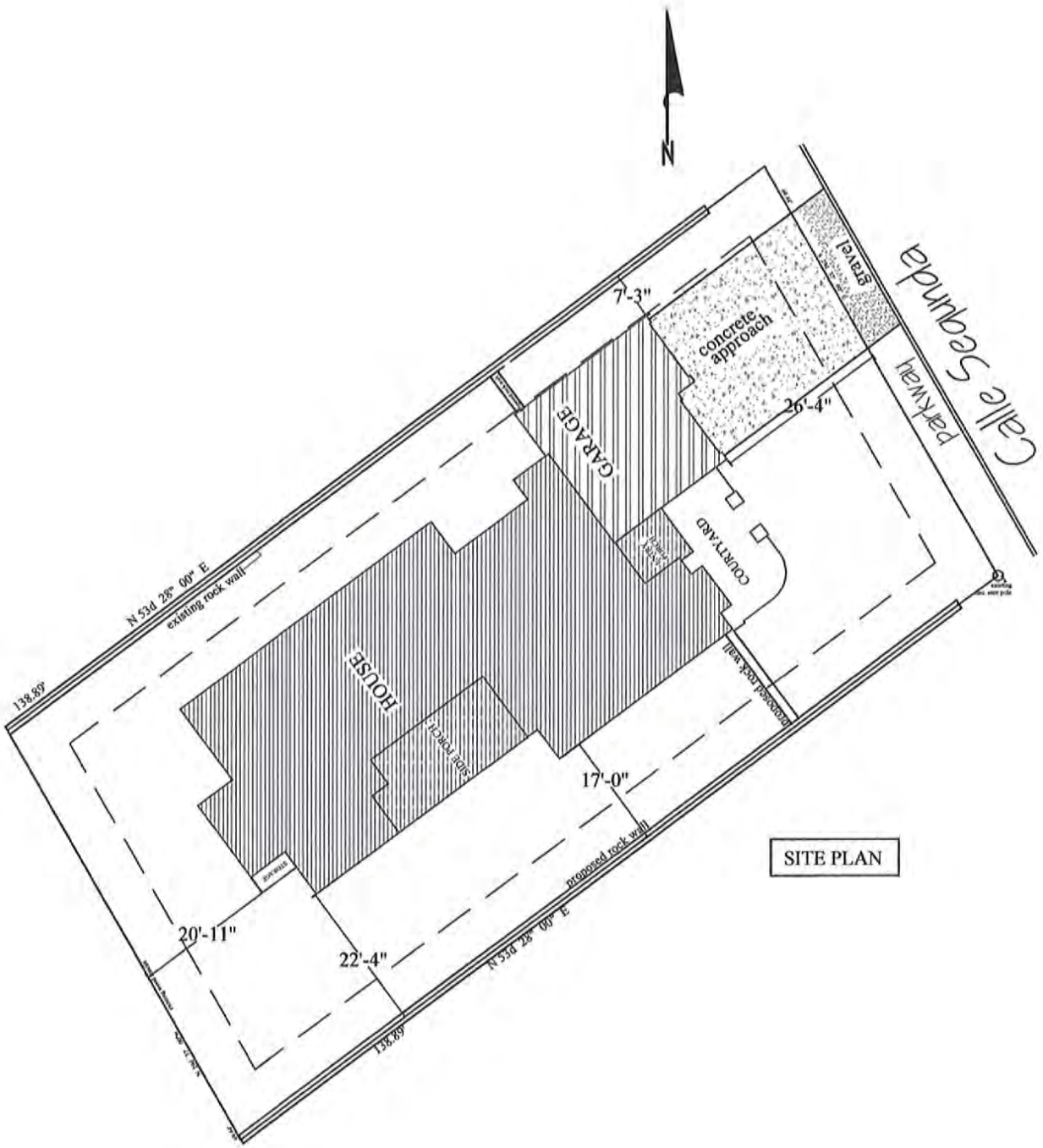
PO Box 669





Scale: NTS

June 28, 2019		
Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM



SITE PLAN

Scale: NTS

June 28, 2019

Drawn By: Patrick Vigil	2630 CALLE SEGUNDA	ViCa One Inc.
Drawn for: Theodore Calhoun	LOT 2 Blk C, SW Addition to Mesilla 201	PO Box 669
575-644-3748	Town of Mesilla, NM 88046	Mesilla Park, NM

PHOTOS OF OTHER DWELLINGS IN THE IMMEDIATE AREA



PHOTOS OF OTHER DWELLINGS IN THE IMMEDIATE AREA



OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

Fee \$ 330.00
060944

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060944 ZONE: UR CODE: UR APPLICATION DATE: 6-28-19

ViCa One Inc.--Patrick A. Vigil 575-644-3748
Name of Applicant/Owner Applicant's Telephone Number

PO Box 669 Mesilla Park NM 88047
Applicant's/Owner's Mailing Address City State Zip Code

vicaoneinc@aol.com
Applicant's/Owner's E-mail Address

ViCa One Inc.
Contractor's Name & Address (If none, indicate Self)

575-644-3748 85-0479450 (ein) 8592
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2630 Calle Segunda

Description of Proposed Work: New single family residence. Approximately 2,214 sq' with 530 sq' of garage and 313 sq' of porches

\$ 212,500.00 Patrick A Vigil 6-28-19
Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: TWCash

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. Plan sheets are to be no larger than 11 x 17 inches.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES NO ___ SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___ SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT FINAL APPROVAL REQ'D
CID PERMIT REQ'D

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

This Application will include the following, if checked:

1. ___ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. ___ Site Plan with dimensions and details.
3. ___ Proof of legal access to the property.
4. ___ Drainage plan.
5. ___ Architectural style and color scheme -- diagrams or elevations (Historical and commercial zones only).
6. ___ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
7. ___ Other information as necessary or required by the City Code or Community Development:

PZHAC MEETING

MINUTES

AUGUST 5, 2019

(PART OF CONSENT AGENDA)



Town of Mesilla, New Mexico

PZHAC WORK SESSION AGENDA AUGUST 5, 2019

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

Item 1: Submitted by Joseph W. Foster; a request to discuss plans to construct a pergola over an outdoor commercial patio to shield customers from the sun at 2461 Calle de Principal. (Case 060936) Zoned: Historical Commercial (HC)
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 pergola, if done as proposed would not be out of character with the property or the area. The only question that arose was whether or not a licensed contractor would be doing the work because there was no mention of a contractor on the application. There were no other issues.

Item 2: Submitted by Cecilia Quintana and Page Coleman; a request to discuss plans to construct a rock wall around two sides of a residential property at 2424 Calle de Parian. (Case 060938) 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 wall would be similar to other walls in the area, and that it is a type that is allowed by the Code. Tom Maese stated that the wall could require a permit from CID depending on its total height including the footing. There were no other issues.

Item 3: 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 parcel at 306 Capri Arc. (Case 060940) Zoned: Single Family Residential (R-1)
The applicant was not present, therefore there was no discussion of the case.

Item 4: Submitted by Felix Armijo; a request to discuss plans to add a walk-in freezer to a restaurant structure (Café Don Felix) at 2290 Calle de Parian, Suite D. (Case 060942) Zoned: Historical Commercial (HC)
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 addition was being added to the structure to house a walk-in freezer and refrigerator, along with a small food prep area. The addition would be to the side of the structure and will be constructed out of adobe and finished to match the existing structure. There will be no changes to the style or overall appearance of the structure. There were no issues.

PZHAC REGULAR MEETING AGENDA AUGUST 5, 2019

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, AUGUST 5, 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 Prieto was absent. All others were present. A quorum was present.

III. CHANGES/APPROVAL OF THE AGENDA

A motion was made by Commissioner Lucero to remove Case 060940 from the agenda since the applicant was not present for the Work Session. This was seconded by Commissioner Huston 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 Consent Agenda was made by Commissioner Houston, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.

A. *PZHAC MINUTES – PZHAC Work Sessions and Regular Meetings of June 17 and July 1, 2019

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVAL

Zoning Permits

- 1. Case 060934** – 2635 Calle de Parian, submitted by William McIlvaine; a request for a zoning permit to allow four exterior doors to be painted to match other exterior doors on the dwelling at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

- 2. Case 060935** – 2220 Calle de Parian, submitted by Sun Vista Construction for Teresa Sanchez; a request for a zoning permit to repair a sidewalk in front of a dwelling at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

- 3. Case 060937** – 298 Capri Road, submitted by Wiley Thompson; a request for a zoning permit to reroof a dwelling at this address. Zoned: Single Family Residential (R-1)

Approved as part of the Consent Agenda

- 4. Case 060939** - 2218 Calle del Oeste, submitted by Organ Mountain Solar and Electric for Hilary McDaniel; a request for a zoning permit to allow the installation of photovoltaic panels on a dwelling at this address. Zoned: Historic Residential (HR)

Approved as part of the Consent Agenda

- 5. Case 060941** – 2122 Calle de Los Huertos, submitted by Michael Radtke; a request for a zoning permit to reroof a dwelling at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

None

B. PUBLIC HEARING

Commissioner Nevarez made a motion to close the Regular Meeting and open the Public Hearing. This was seconded by Commissioner Lucero and approved by a vote of 3 – 0.

- 1. 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.

Staff gave a brief presentation of the case, explaining that the applicants were requesting the zone change because the noise, traffic, parking, and other issues created by the neighboring bar (Palacios) was making it almost impossible to use the property as a residence. They believed that it would be better suited for use as a commercial office. Public input followed.

Beth Johnson, Real Estate agent for the applicants

Stated that she was responsible for renting the property and that she has not been able to find a renter for most of the past year due to the neighboring bar.

David Fierro, applicant and owner of the property

Spoke about the history of the structure and the fact that it was built by the original owner of the bar for use as his residence. He also mentioned that recent renovations were done according to Town historic preservation requirements in order to maintain the historical character of the structure, and now it cannot be rented. He stated that he would like to rent the structure as a professional office since there is ample parking, and the hours of operation as an office would be different than those of the bar.

Anton Magallenes, Moy Surveying

Stated that he is the son of Henry Magallenes, the owner of Moy Surveying, and that the company is very interested in renting the property as the office for the company. The company's hour of operation would not be affected by the impacts from the bar, since their hours would be completely different than the main operating hours of the bar and they will be closed when the bar does the bulk of its business.

Susan Krueger, resident

Stated that the Code required two weeks for a zone change so that staff could investigate other similar cases in the area. She mentioned that there were two prior requests for zone changes along Avenida de Mesilla. One was a property across from Spotted Dog that was turned down. The other was from the owners of the property that Chala's Restaurant is on.

She also stated that the bar should not be called "intrusive" since it is a use that is allowed in the HC zone. Any impacts should be mitigated by foliage between the properties. Also, approval of the zone change could result in spot zoning, as the property is surrounded on three sides by residential zoning and the comprehensive plan does not support this change. This could set a precedent.

There were no other comments.

2. **Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 15512 square foot parcel that contains Palacio's Bar.

Staff gave a brief presentation of the case, explaining that the bar existed on this property since 1936 and is considered a legal non-conforming use of the property. The zone change was being requested in order to bring the zoning of the property into compliance with the use of the property. Public input followed.

Susan Krueger, resident

There is no need for a zone change for this property because the bar is allowed to operate as a result of the "Rule of Precedent". She stated that when the bar was damaged by fire, the owner was given just six days to reconstruct the bar.

Anton Magellenes, Moy Surveying

Stated that he wished that other businesses could operate under the "Rule of Precedent".

There were no other comments.

Commissioner Houston made a motion to close the Public Hearing and reopen the Regular Meeting. This was seconded by Commissioner Lucero and approved by a vote of 3 – 0.

C. DECISIONS:

Zone Changes:

1. **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.

Staff provided a brief review of this request, explaining that this case was heard during the Public Hearing. The PZHAC discussed several issues. Commission Chair Hernandez brought up the fact that the BOT stated in the Master Plan that properties along Avenida de Mesilla should be commercial. A question was raised about the structure having to meet ADA requirements. Tom Maese, Chief inspector for CID stated that historical buildings can try to meet the intent of the ADA but can be relieved from many of the requirements if it can be shown that an attempt was made to comply while still meeting historic requirements. Another question that was brought up was how the "Dog House", which is on Calle de San Albino, received approval. Commissioner Lucero stated that the zone change is not allowed by the Comprehensive Plan.

A motion was made by Commissioner Nevarez to postpone the case until the August 19 PZHAC meeting in order to obtain further information and address certain issues that were brought up. This was seconded by Commissioner Houston and postponed by a vote of 3 – 0. Information to be provided by staff included compatibility with the Comprehensive Plan, how the "Dog House" received approval, and the definition of the "Rule of Precedent". This information is to be presented at the next Work Session.

2. **Z19-003** – 2600 Avenida de Mesilla, submitted by Velia Chavez; an application for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a 15512 square foot parcel that contains Palacio's Bar.

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 Lucero to approve the request, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.

Cases:

3. **Case 060936** – 2461 Calle de Principal, submitted by Joseph W. Foster; a request for a zoning permit to construct a pergola over an outdoor commercial patio to shield customers from the sun at this address. Zoned: Historical Commercial (HC) **(This case was discussed 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 with the proposed request. A motion was made by Commissioner Houston to approve the request with the condition that a licensed contractor do the work, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.
4. **Case 060938** – 2424 Calle de Parian, submitted by Cecilia Quintana and Page Coleman; a request for a zoning permit to construct a wall on two sides of a residential property at this address. Zoned: Historical Residential (HR) **(This case was discussed 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 with the proposed request. A motion was made by Commissioner Houston to approve the request, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.
5. **Case 060942** – 2290 Calle de Parian, Suite D; submitted by Felix Armijo; a request for a zoning permit to construct an addition to a restaurant structure (Café Don Felix) at this address. Zoned: Historical Commercial (HC) **(This case was discussed during the Work Session – Item 4)**
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 with the proposed request. A motion was made by Commissioner Houston to approve the request, seconded by Commissioner Nevarez, and approved by a vote of 3 - 0.
6. **Case 060943** – 2920 Camino Castillo, submitted by Justin Bannister; a request for a zoning permit to allow construction of an in-ground pool behind a dwelling at this address. Zoned: Single Family Residential (R-1)
Staff provided a brief review of this request. The PZHAC determined that there were no issues with the proposed request. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Houston, and approved by a vote of 3 - 0.

Summary Subdivision

7. **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) **(This case was discussed during the Work Session – Item 3)**
This case was removed from the agenda.

VI. PUBLIC COMMENTS

Susan Krueger, resident

Questioned how streets in the Town are named, referring to Snow Court. Stated that Chapter 12 of the MTC requires that the PZHAC be part of the street naming process.

VII. PZHAC/STAFF COMMENTS

Attached is information obtained by Commissioner Nevarez at the NMLZO semi-annual meeting held May 1 through May 3, 2019 in Albuquerque, NM (separate attachment).

Commission Chair Hernandez mentioned that the PZHAC is an appointed board that makes recommendations to the Board of Trustees, and that an applicant who does not agree with a decision of the PZHAC can appeal the decision to the Board of Trustees.

VIII. ADJOURNMENT – The meeting was adjourned at 7:45 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; Ristramnn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.

PZHAC NEW BUSINESS

AUGUST 19, 2019

ADMINISTRATIVE APPROVALS

(PART OF CONSENT AGENDA)

**ADMINISTRATIVE APPROVAL
BUILDING PERMIT REQUEST CASE 060945
[PZHAC CONSENT AGENDA – 8/19/2019]**

Item:

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)

Description of Work Done:

The applicant intends to repair a wooden gate and part of a wall at the east side of a dwelling at his address. The repairs will be painted to match the color of the dwelling. The repairs will not change the appearance or style of the structure.

Consistency with the Code:

Since this is a repair that will not affect or change the appearance of the structure, according to the applicant; and since the work will not consist of any additions or changes to heated/cooled areas of the structure, the permit may be approved administratively. [(15.15.030(B) - Application for building permit, Administrative Approval). Administrative Approval Permit – “Applications that are minor repairs or maintenance and do not alter or create additions to structures (buildings), walls or any other permanent fixtures on site may be approved administratively by staff.... Once all required information is provided, the community development staff may approve and issue the permit.”]

**PHOTO OF DWELLING FROM CALLE DE PARIAN SHOWING GATE AND WALL
TO BE REPAIRED AND REPAINTED**



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number ▾ Enter

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400299](#)

Parcel Number: 4006137219509

Owner: SANCHEZ ERIC L

Mail Address: PO BOX 32

Subdivision:

Property Address: 2231 CALLE DE

PARIAN

Acres: 0



**TOWN OF MESILLA
ZONING APPROVAL**
PERMISSION TO CONDUCT WORK
OR

OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:
Case # 060945
Fee \$ 59.00

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060945 ZONE: HC CODE: M1 APPLICATION DATE: 7/31/19

Teresa Sanchez Name of Applicant/Owner 915-313-1973 Applicant's Telephone Number

PO Box 32 Mesilla NM 88046 Applicant's Mailing Address City State Zip Code

etmss@aol.com Applicant's/Owner's E-mail Address

Sun Vista Const. Gilbert Madrid PO Box 732 Contractor's Name & Address (If none, indicate Self)

(575) 650-7963 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2231 Calle de Parian

Description of Proposed Work: Repair + paint to match the new color of house to exterior wall.

\$ 800.00 Estimated Cost Teresa Sanchez Signature of Applicant 7-31-2019 Date

Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. **Plan sheets are to be no larger than 11 x 17 inches.**

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval Approved Date: _____ Disapproved Date: _____ Approved with conditions
BOT Approved Date: _____ Disapproved Date: _____ Approved with Conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES NO ___ SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: ___ YES NO ___ SEE CONDITIONS

CONDITIONS: NO CHANGES TO STYLE OF APPEARANCE OF PROPERTY

PERMISSION ISSUED DENIED BY: T. Sanchez ISSUE DATE: 7/31/19

This Application will include the following, if checked:

1. ___ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **legally** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. ___ Site Plan with dimensions and details.
3. ___ Proof of legal access to the property.
4. ___ Drainage plan.
5. ___ Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
6. ___ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
7. ___ Other information as necessary or required by the City Code or Community Development:

**ADMINISTRATIVE APPROVAL
BUILDING PERMIT REQUEST CASE 060948
[PZHAC CONSENT AGENDA – 8/19/2019]**

Item:

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)

Description of Work Done:

The applicant intends to repair the roof on a commercial structure at this address in order to repair storm damage to the roof. The replacement roof will be a GACO roof coating system installed over existing buildt-up roofing on a flat roof, and there will be no changes to the structure. The repairs will not be visible from the ground. There will be no change to the appearance or style of the structure. The applicant has been informed that a permit from CID will be needed.

Consistency with the Code:

Since this is a repair that will not affect or change the appearance of the structure, according to the applicant; and since the work will not consist of any additions or changes to heated/cooled areas of the structure, the permit may be approved administratively. [(15.15.030(B) - **Application for building permit, Administrative Approval**).Administrative Approval Permit –“Applications that are minor repairs or maintenance and do not alter or create additions to structures (buildings), walls or any other permanent fixtures on site may be approved administratively by staff.... Once all required information is provided, the community development staff may approve and issue the permit.”]

PHOTO OF PROPERTY FROM CALLE DE SANTIAGO



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number Enter Value:

Maps Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0401274](#)
Parcel Number: 4006137182455
Owner: COOK WILLIAM D JR CO-TRUSTEE
Mail Address: PO BOX 859
Subdivision:
Property Address: 2260 CALLE DE SANTIAGO
Acres: 0



**TOWN OF MESILLA
ZONING APPROVAL**
PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:

Case # 060948

Fee \$ 27.00

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060948 ZONE: HC CODE: RR APPLICATION DATE: 8/13/19

BILL & JANICE COOK 575-202-8794
Name of Applicant/Owner Applicant's Telephone Number

BOX 859 MESILLA NM 88046
Applicant's/Owner's Mailing Address City State Zip Code

THEPOTTERIESMESILLA@GMAIL.COM
Applicant's/Owner's E-mail Address

PIONEER ROOFING & SPECIALTIES, INC. 1191 KING BIRCH CT., LAS CRUCES NM 88001
Contractor's Name & Address (If none, indicate Self)

575-649-9829 02-172-122-000 033981
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

2260 CAÑE DE SAN TIAGO
Address of Proposed Work:

GACO ROOF COATING SYSTEM OVER EXISTING BUILT UP ROOFING
Description of Proposed Work:

\$10,668⁷³ [Signature] 8-12-19
Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. **Plan sheets are to be no larger than 11 x 17 inches.**

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES NO ___ SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___ SEE CONDITIONS

CONDITIONS: NO CHANGES TO APPEARANCE OR STYLE OF STRUCTURE
CID PERMIT REQUIRED
///

PERMISSION ISSUED/DENIED BY: [Signature] ISSUE DATE: 8/13/19

- This Application will include the following, if checked:
- Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
 - Site Plan with dimensions and details.
 - Proof of legal access to the property.
 - Drainage plan.
 - Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
 - Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
 - Other information as necessary or required by the City Code or Community Development:

PZHAC NEW BUSINESS

AUGUST 19, 2019

DECISION ITEMS

SUMMARY SUBDIVISION

PZHAC ACTION FORM
SUBDIVISION CASE 060940
SUMMARY SUBDIVISION
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

Item:

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)

The current properties consist of two properties, one of which contains the applicant's dwelling and is 16337 square feet in size (0.38 acres) and the other which is vacant and is 6226 square feet in size (0.14 acres), for a total of 22,563 square feet (0.52 acres). The applicant owns both properties and would like to combine these two properties by eliminating the existing lot line between the two properties. There will no changes to the use of the final property. The applicant no longer lives on the property and would like to combine the properties in order to be able to sell the property more efficiently. (Ms. Brannan is Mr. Rogers' daughter and is representing him in this case.)

Attached are surveys showing the existing lot lines and the proposed lot lines, photos of the properties, and legal descriptions of the properties involved in this case.

This summary subdivision will result in two lots being combined into one lot, with no additional lots being created. Also, there will be no adverse effect to neighboring lots.

CONSISTENCY WITH THE CODE:

The request is being presented under the Alternate Summary Subdivision Procedure because there are no other procedures in the Town of Mesilla Subdivision or Zoning Codes that address replats of lot lines in which no new lots are created, nor are there any changes to the boundaries of neighboring properties. The request is consistent with the following section of the Code:

Chapter 17.35 - ALTERNATE SUMMARY PROCEDURE
MTC 17.35.010 Requirements.

- A. Plats of survey with a metes and bounds description with a minimum scale of one inch equals 100 feet certified by a registered land surveyor in the state of New Mexico with accompanying land description will be a suitable means of description for the purposes of this chapter. Final **approved** plats shall be submitted on 18-inch by 24-inch reproducible mylar. **(This will be done upon approval of this request.)**

Disclosure statements will not be required unless specifically requested by the planning commission.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of the elimination of a lot line between lots in the R-1 zone in order to create a single parcel.
- The PZHAC has determined that the proposed lot line adjustment meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested lot line elimination to the BOT.
2. Recommend approval of the requested lot line elimination to the BOT with conditions.
3. Reject the permit.

PZHAC ACTION:

PHOTO OF THE LARGER PROPERTY CONTAINING THE APPLICANT'S DWELLING



PHOTO OF THE SMALLER VACANT PROPERTY ADJACENT TO THE LARGER PROPERTY



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes

Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400749](#)
Parcel Number: 4007137159419
Owner: ROGERS JOSEPH W
Mail Address: 306 CAPRI ARC
Subdivision: MESILLA PARK MANOR
PL 3C 622
Property Address: 306 CAPRI ARC
Acres: 0



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes

- Parcels
- UDC Zoning
- Roads and Transportation
- NM House Districts
- NM Senate Districts
- County Commission Districts
- City Council Districts
- Median Household Income
- General Land Ownership

Account Number: [R0400751](#)
Parcel Number: 4007137160413
Owner: ROGERS JOSEPH W
Mall Address: 306 CAPRI ARC
Subdivision: MESILLA PARK MANOR
PL 3C 622
Property Address: 306 CAPRI ARC
Acres: 0



NEW MEXICO STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your primary, or first named, agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. If your primary agent is unwilling or unable, your successor agent will be able to make decisions and act with respect to your property whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of an agent; you may name successor agents.

If your primary agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent.

This power of attorney is effective immediately.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.



COUNTY OF DONA ANA) STATUTORY POWER OF A
STATE OF NEW MEXICO) ss PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On MAR 14, 2012 02:47:05 PM
And Was Duly Recorded as Instrument # 1206555
Of The Records Of Dona Ana County



Witness My Hand And Seal Of Office,
Lynn J. Ellins, County Clerk, Dona Ana, NM

Page 1 of 7 Deputy

Reena Rodriguez

DESIGNATION OF AGENT

I, **Joseph Wilson Rogers a/k/a Joseph W. Rogers** (d/o/b: 10/13/1925), currently of 306 Capri Arc, Las Cruces, New Mexico 88005, name the following person as my primary agent:

Name of Primary Agent: **Suzanne Marie Brannan** (d/o/b: 4/3/1961)
Primary Agent's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112
Primary Agent's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my primary agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: **Jefferson Sanford Rogers** (d/o/b: 9/14/1962)
Successor Agent's Current Address: Post Office Box 827, Martin, Tennessee 38237
Successor Agent's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403:

(**INITIAL** each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

- Real Property
- Tangible Personal Property
- Stocks and Bonds
- Commodities and Options
- Banks and Other Financial Institutions
- Operation of Entity or Business
- Insurance and Annuities
- Estates, Trusts and Other Beneficial Interests
- Claims and Litigation

- Personal and Family Maintenance
- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes
- All Preceding Subjects**

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- Create or terminate an inter vivos trust
- Make a gift, subject to the limitations of Section 217 of the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403, and any special instructions in this power of attorney
- Create or change rights of survivorship
- Create or change a beneficiary designation
- Authorize another person to exercise the authority granted under this power of attorney
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate
- Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions in the following space: **I hereby revoke any power of attorney signed by me prior to this date for the authorities granted herein.**

EFFECTIVE DATE

This power of attorney is effective immediately; this power of attorney is intended to be durable, and the authority of an agent shall extend through any disability or incapacity sustained by or affecting me.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for such appointments:

Name of Primary Nominee for conservator of my estate: **Suzanne Marie Brannan**

Primary Nominee's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112

Primary Nominee's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

If my Primary Nominee for conservator of my estate is unable or unwilling to act, I nominate as my alternate for appointment as conservator of my estate:

Name of Alternate Nominee for conservator of my estate: **Jefferson Sanford Rogers**

Alternate Nominee's Current Address: Post Office Box 827, Martin, Tennessee 38237

Alternate Nominee's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

Name of Primary Nominee for guardian of my person: **Suzanne Marie Brannan**

Primary Nominee's Current Address: 12304 Pine Ridge NE, Albuquerque, New Mexico 87112

Primary Nominee's Telephone Number: home telephone: (505) 294-3644, cell telephone: (505) 228-4269

If my Primary Nominee for guardian of my person is unable or unwilling to act, then I nominate as my alternate nominee for appointment as guardian of my person:

Name of Alternate Nominee for guardian of my person: **Jefferson Sanford Rogers**

Alternate Nominee's Current Address: Post Office Box 827, Martin, Tennessee 38237

Alternate Nominee's Telephone Number: home telephone: (731) 588-0035, work telephone: (731) 881-7430

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature: Joseph W. Rogers

Date: March 14, 2012

Your Name Printed: **Joseph Wilson Rogers a/k/a Joseph W. Rogers**

Your Current Address: 306 Capri Arc, Las Cruces, New Mexico 88005

Your Telephone Number: (575) 524-3281

State of New Mexico

ss.

County of Doña Ana

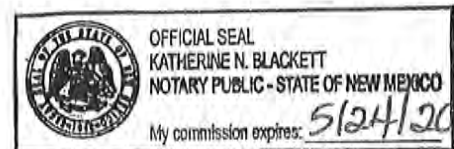
This instrument was acknowledged before me on March 14, 2012, by Joseph Wilson Rogers a/k/a Joseph W. Rogers.

(Seal)

Signature of notarial officer:

Katherine N. Blackett

Notary Public



IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

1. do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

2. act in good faith;

3. do nothing beyond the authority granted in this power of attorney; and

4. disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: by _____ (name) as Agent of _____ (Principal's Name),
_____ (Your Signature)

Unless the Special Instructions in this power of attorney state otherwise, you must also:

1. act loyally for the principal's benefit;

2. avoid conflicts that would impair your ability to act in the principal's best interest;

3. act with care, competence and diligence;

4. keep a record of all receipts, disbursements and transactions made on behalf of the principal;

5. cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

6. attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney.

Events that terminate a power of attorney or your authority to act under a power of attorney include:

1. death of the principal;
2. the principal's revocation of the power of attorney or your authority;
3. the occurrence of a termination event stated in the power of attorney;
4. the purpose of the power of attorney is fully accomplished; or
5. if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, NMSA 1978, §§ 45-5B-101 through 45-5B-403. If you violate the Uniform Power of Attorney Act NMSA 1978, §§ 45-5B-101 through 45-5B-403, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

SUBDIVISION APPLICATION

OFFICIAL USE ONLY:

Case # 060940
Fee \$ 150.00

CASE NO. 060940 ZONE: R-1 CODE: SUB APPLICATION DATE: 7/23/19

Preliminary Plat Summary Subdivision Final Plat Vacation of Lot Line

Suzanne M. Brannan (505)228-4269
Name of Applicant Applicant's Telephone/Cell Number

12304 Pine Ridge Ave, NE Albuquerque, NM 87112
Mailing Address City State Zip Code

Joseph W. Rogers (306 Capri Arc Las Cruces, NM 88005)
Owner of Record: Address City State Zip Code

N/A
Name of Engineer License # of Engineer Address Telephone/Cell Number

Emerick
Name of Architect License # of Architect Address Telephone/Cell Number

Mesilla Park Manor Mesilla Park
Subdivision Name Subdivision Location

Total Acreage 22,563.00 Number of Lots: 2
Acreage of Largest Lot 16,337.00 Acreage of Smallest Lot: 6,226.00
Legal Description _____

Tax Map Property Code (s) PC 04-00749 PC 04-00751 Jacob's Map # _____

A ZONE CHANGE, VARIANCE, EXEMPTION, OR SPECIAL PERMIT IS ALSO BEING REQUESTED WITH THIS PROPERTY.

EXPLAIN: _____

By signing this application, you hereby acknowledge that ALL the information submitted on and with this application is true and correct to the best of your knowledge and that all provisions of the Town of Mesilla shall be met. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, ALL owners must sign the application. (Attached an additional sheet if necessary).

Owner(s) Suzanne M. Brannan Suzanne M Brannan Date July 23, 2019
Applicant(s) (if different than owner) _____ Date _____

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

CONDITIONS: _____

PZHAC NEW BUSINESS

AUGUST 19, 2019

DECISION ITEMS

ZONE CHANGE

PZHAC ACTION FORM
ZONE CHANGE Z19-002
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

(Decision to be based on information provided during the Work Session – Item 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.

Staff Analysis:

The proposed zone change was discussed in a PZHAC Public Hearing and Regular meeting held July 15, 2019 and at the Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the requested zone change is acceptable to the Town as proposed, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the attached Resolution and Findings, with amendments if necessary.

If, on the other hand, it is determined that the requested zone change is not be acceptable to the Town, and no other solution can be reached, then the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Consistency with the Code:

The PZHAC will need to determine that the requested zone change will be consistent with the requirements of Section 18.90 of the Code for a zone change. Additionally, the PZHAC will need to determine that the request meets all other development and application requirements of the Code.

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The request is for a zone change from Historical Residential (HR) to Historical Commercial (HC) for a property located at 1985 Calle de Colon.
- The PZHAC has determined that the zone change meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested zone change to the BOT.
2. Recommend approval of the requested zone change to the BOT with conditions. (Conditional Zoning)
3. Reject the permit.

PZHAC ACTION:

PZHAC NEW BUSINESS

AUGUST 19, 2019

PZHAC DECISIONS

ZONING PERMIT

PZHAC ACTION FORM
ZONING PERMIT 060944
[PZHAC REVIEW – 8/19/19]
STAFF ANALYSIS

(Decision to be based on information presented during the Work Session – Item 2)

Item:

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)

Staff Analysis:

The proposed work was discussed in the PZHAC Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the construction and/or style of the proposed dwelling is architecturally appropriate or acceptable for the zoning of the area as proposed, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings of Fact stated below.

If, on the other hand, it is determined that the proposed dwelling would not be architecturally appropriate or acceptable to the zoning of the area, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings of Fact as listed.

Estimated Cost: \$212,500.00

The PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review this request.
- The proposed dwelling will be compatible with the surrounding area.
- The PZHAC has determined that the proposed dwelling meets all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the proposed dwelling as being Historically Appropriate for the area.
2. Approve the proposed dwelling with conditions as being Historically Appropriate for the area.
3. Reject the request.

PZHAC ACTION: