



# 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.