



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR BOARD MEETING ON MONDAY, MARCH 26, 2018 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES/APPROVAL OF THE AGENDA
4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.
5. ***APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *:**
 - a. ***BOT MINUTES – Regular Meeting** of Monday, March 12, 2018.
 - b. ***PZHAC Case 060660** - 2729 Calle de San Albino, submitted by Natalia Bustamante; a request for a demolition permit to demolish a dwelling on this property. Zoned: Historical Residential (HR).
 - c. ***PZHAC Case 060694** - 1985 Calle de Colon, submitted by David and Sylvia Fierro; a request for a building permit to allow the replacement of windows on a dwelling at this address, along with the provision for a water heater to be added to the exterior the dwelling. Zoned: Historical Residential (HR)
 - d. ***PZHAC Case 060699** – 2840 Calle Tercera, submitted by Jack and Lisa Kirby; a request for a building permit to allow construction of a single-family dwelling at this address. Zoned: Historical Residential (HR).
 - e. ***PZHAC Case 060700** - 2410 Calle de Parian, Suite C, submitted by Samuel Garcia for Four of a Kind Ventures, LLC DBA “Adobe Modern”; a request for a sign for a shop to be located at this address. Zoned: Historical Commercial (HC).
6. **NEW BUSINESS:**

*****A public hearing will be held prior to action on agenda item “6 (a)” *****

 - a. For approval: **PZHAC Case Z17-001** – 1971 Union Avenue (the NE Corner of Avenida de Mesilla and Union Ave), submitted by Arthur and Pete Jurado; a request for a Zone Change from Rural Farm (RF) to General Commercial (C) for a seven-acre property at this address. – **Larry Shannon, Community Development Coordinator.**
 - b. Appointment of representative(s) to the Southwestern Area Workforce Development Board - **Nora L. Barraza, Mayor**
 - c. Appointment of representative(s) to the South Central Council of Governments, Inc. - **Nora L. Barraza, Mayor**
 - d. Appointment of representative(s) to the Lower Rio Grande Water Users Organization - **Nora L. Barraza, Mayor**
 - e. Appointment of representative(s) to the Metropolitan Planning Organization (MPO) - **Nora L. Barraza, Mayor**
 - f. Appointment of representative(s) to the South Central Regional Transit District (RTD) - **Nora L. Barraza, Mayor**
 - g. Appointment of representative(s) to the MPO Technical Advisory Committee - **Nora L. Barraza, Mayor**

- h. Appointment of a representative(s) to the Viva Dona Ana/Camino Real Consortium – **Nora L. Barraza, Mayor**
- i. Appointment of a Mayor Pro-Tem to serve for one year pursuant to MTC 2.15.060 – **Nora L. Barraza, Mayor**
- j. Submission of names of persons who shall fill the appointive offices of the Town pursuant to MTC 2.10.060 and section 3-88-33 NMSA 1978 - **Nora L. Barraza, Mayor**
- k. Submission of names of persons who shall be employed by the Town pursuant to MTC 2.10.060, and section 3-88-33 NMSA 1978 – **Nora L. Barraza, Mayor**

7. BOARD OF TRUSTEE/ STAFF COMMENTS

8. 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. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of this agenda can be found online at www.mesillanm.gov. You may request to be added to the Mesilla Agenda E-Mailing list by calling or e-mailing Cynthia Stoechner-Hernandez, Clerk/Treasurer, at 524-3262 or cynthias-h@mesillanm.gov.

Posted 3/21/18 at the following locations: Town Clerk's Office 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.



Town of Mesilla, New Mexico

BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
MONDAY, MARCH 12, 2018
6:00 P.M.

MESILLA COMMUNITY CENTER, 2251 CALLE DE SANTIAGO

1. OPENING CEREMONIES

ADMINISTRATION OF OATH OF OFFICE BY THE HONORABLE MAGISTRATE JUDGE JOEL CANO

- Nora L. Barraza – Mayor
- Stephanie A. Johnson – Trustee
- Veronica S. Garcia – Trustee
- Recognition of Linda L. Flores – Trustee
- Pledge of Allegiance

Judge Cano administered the Oath of Office.

Mayor Barraza recognized Trustee Linda L. Flores for her valuable service to the town.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-Burick.

3. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

No Public Input

4. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve the agenda, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Arzabal.

Roll Call Vote: Motion passed (summary: Yes = 4).

Mayor Pro Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

5. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *:

1 **Motion: To approve the consent agenda, Moved by Trustee Caro, Seconded Mayor Pro Tem**
2 **Arzabal.**

3
4 **Roll Call Vote: Motion passed (summary: Yes = 4).**

5 **Mayor Pro Tem Arzabal Yes**

6 **Trustee Caro Yes**

7 **Trustee Garcia Yes**

8 **Trustee Johnson-Burick Yes**

- 9
10 a. ***BOT MINUTES** – Regular Meeting of February 26, 2018. *Approved by consent agenda*
11 b. ***PZHAC Case 060682** – 2417 and 2419 Calle de Parian, submitted by Davie and Kelly
12 Salas; a request for a building permit to allow the installation of a small tool shed in the rear
13 yard and construction of an adobe and latia wall across the front of two properties at these
14 addresses. Zoned: Historical Residential (HR). *Approved by consent agenda*
15 c. ***PZHAC Case 060691** – 2350 Calle de Parian, submitted by Joni Gutierrez; a request for a
16 building permit to construct a two-foot-high garden wall at the front edge of her property
17 along the road. Zoned: Historical Residential (HR). *Approved by consent agenda*

18
19 Trustee Johnson-Burick asked if this is for a retaining wall or is there going to be a second wall.

20
21 Ms. Stoechner-Hernandez responded the railroad ties are a retaining wall.

22
23 Ms. Lucero responded the applicant started the work prior to obtaining a permit; work was stopped. The
24 applicant has corrected the issued with this application.

- 25
26 d. ***PZHAC Case 060695 w/Conditions** – 1801 S. Highway 28, submitted by Dorianne Kabo;
27 a request for a building permit to construct a four-foot-high block wall along the north edge
28 of a commercial property at this address. Zoned: Commercial (C). *Approved by consent*
29 *agenda*
30 e. ***PZHAC Case 060696** – 2233 Calle de Parian, submitted by Gilbert Madrid; a request for a
31 building permit to change the use of a concrete block pool house located at the rear of the
32 property to a residential garage, storage for household items, and workshop. Zoned: Historic
33 Commercial (HC). *Approved by consent agenda*

34
35 **6. NEW BUSINESS:**

- 36 **A. For approval:** An Engineering contract with Molzen Corbin for design and to complete
37 contract documents, technical specifications and bid administration for the Town's Water
38 Trust Board Water System Improvements Project. – **Debbie Lujan, Public Works Director.**

39 Ms. Lujan stated the funding for Water Trust Board was brought to the board before. We now need to get
40 an engineering contract for design and construction manager.

41
42 **Motion: To approve the consent agenda, Moved by Mayor Pro Tem Johnson-Burick, Seconded by**
43 **Trustee Johnson-Burick. .**

44
45 **Roll Call Vote: Motion passed (summary: Yes = 4).**

1 **Mayor Pro Tem Arzabal Yes**

2 **Trustee Caro Yes**

3 **Trustee Garcia Yes**

4 **Trustee Johnson-Burick Yes**

5

6 7. **Resolution 2018-03:** Authorizing the Town's Participation in the New Mexico Department of
7 Transportation (NMDOT) 2018 Annual Hardship sale to apply for hardship funds up to \$25,000
8 for the purchase of Equipment from NMDOT. – **Debbie Lujan, Public Works Director.**

9 Ms. Lujan stated we have never applied for these hardship funds in the past. The New Mexico
10 Department of Transportation has a surplus of equipment each year. She is hoping to purchase
11 equipment, they asked us to make a wish list. There is no guarantee that we will receive anything.

12

13 **Motion: To approve Resolution 2018-03: Authorizing the Town's Participation in the New Mexico**
14 **Department of Transportation (NMDOT) 2018 Annual Hardship sale to apply for hardship funds**
15 **up to \$25,000 for the purchase of equipment from NMDOT, Moved by Mayor Pro Tem Arzabal,**
16 **Seconded Trustee Johnson-Burick.**

17

18 Trustee Johnson-Burick asked if we do not get all of the \$25,000, will we receive some of it?

19

20 Ms. Lujan responded she does not know since this is the first time she is applying. NMDOT will hold an
21 auction after the hardship for the equipment that is left.

22

23 Trustee Caro asked if there are any matching funds. He asked if they look at the town's financial history
24 in order to qualify? We just approved the purchase of 5 vehicles and now we are applying for a hardship.
25 He is concerned with any emergencies that may arise that may deplete our reserve or budget.

26

27 Ms. Lujan responded NMDOT looks at the DFA reserve requirements not at our current budget. The
28 reserve will cover emergencies.

29

30 **Roll Call Vote: Motion passed (summary: Yes = 4).**

31 **Mayor Pro Tem Arzabal Yes**

32 **Trustee Caro Yes**

33 **Trustee Garcia Yes**

34 **Trustee Johnson-Burick Yes**

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36

37 **8. *STAFF REPORTS:**

38 Community Development

39 Community Programs

40 Finance Department

41 Fire Department

42 Marshal's Department

43 Public Works Department

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9. BOARD OF TRUSTEE COMMENTS

Fire Chief Hoban congratulated the newly elected officials and stated that he looks forward to working with everyone.

Trustee Garcia stated she looks forward to working with the town.

Mayor Pro Tem Arzabal no comments.

Trustee Johnson-Burick stated saw in the paper where we received funding for Bowman Road and that the Taylor-Reynolds Home also received funding. She thanked the staff who worked so hard during the election. It is stressful for both the candidates and staff. Thanked Ms. Flores for all her work and dedication for the town. She is excited to serve the town and staff.

Trustee Caro thanked everyone for their support.

Mayor Barraza thanked Ms. Flores for her service as a trustee and she will be missed. She thanked the staff for their professionalism that they displayed during this process. It was a stressful six weeks. She thanked everyone for their support and she will continue to work to preserve the Town of Mesilla and looks forward to working with everyone.

10. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)

MEETING ADJOURNED AT 6:31 P.M.

APPROVED THIS 26th DAY OF MARCH, 2018.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoeher-Hernandez
Town Clerk/Treasurer

BOT ACTION FORM
DEMOLITION PERMIT 060660
[PZHAC REVIEW – 3/19/2018]
STAFF ANALYSIS

(Decision was based on information presented during the Work Session – Item 3)

Item:

Case 060660 - 2729 Calle de San Albino, submitted by Natalia Bustamante; a request for a demolition permit to demolish a dwelling on this property. 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 proposed demolition is warranted and will be 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 allow the proposal to proceed based on the Findings stated below.

If, on the other hand, it is determined that the proposed demolition of the existing dwelling is not warranted or 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.

PZHAC ACTION:

The PZHAC determined that the current condition of the dwelling, based on the photographs provided in the packet; along with the recommendations of the engineering report provided warranted demolition of the structure. The PZHAC voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

- 1. Approve the application as approved by the PZHAC.**
- 2. Approve the application with conditions.**
- 3. Reject the application.**

BOT ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Nu

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: [R0400390](#)

Parcel Number: 4006137322516

Owner: BUSTAMANTE IGNACIO &
NATALIA TRTEES BUSTAMANTE
FAMILY TRUST

Mail Address: 2300 W UNION

Subdivision:

Property Address: 2729 CALLE DE
SAN ALBINO

Acres: 0



TOWN OF MESILLA
DEMOLITION PERMIT APPLICATION



OFFICIAL USE ONLY:

Case # 060660

Fee \$ 100.00

CASE NO. 060660 ZONE: 477 APPLICATION DATE: 12/14/17

Name of Applicant & Business Name Natalia Bustamantes Loan Applicant's Telephone/Cell Number (575) 6808864

Mailing Address P.O. Box 457 Mesilla NM 88046 City Mesilla State NM Zip Code 88046

Contractor's Name & Address (If none, indicate Self) Natalia 2729 Calle de San Albano

Contractor's Telephone Number (575) 6808864 Contractor's Tax ID Number 9192.1 Contractor's License Number 9192.1

ADDRESS OF PROPOSED WORK: 2729 Calle de San Albano

DESCRIPTION OF PROPOSED WORK: Demolition the hole house
be to the home is falling on top of us

I have attached the following: photos of the building to be demolished, sketch plans and a brief historical description (if any) as required by MTC 18.33.090

Estimated Cost \$ 5,000.00

Signature of Applicant Natalia Bustamantes

Date Dec 7, 2017

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval (non-historic zones only) BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

CONDITIONS: PZHAC REVIEW & BOT APPROVAL REQUIRED

HISTORIC ZONES ONLY: IS LOCATED ON NATIONAL REGISTRY MAP REGISTRY MAP NUMBER: _____

IS THE PROPERTY: CONTRIBUTING (C) NON-CONTRIBUTING (N) INSIGNIFICANT (I)

REQUIRES ENGINEER/ARCHITECT CERTIFICATION BEFORE PERMIT CAN BE ISSUED

CONTRACTOR VERIFIED? YES NO STATUS: ACTIVE INACTIVE

REVIEW ISSUED BY: _____ ISSUE DATE: _____

PERMIT ISSUED BY: _____ ISSUE DATE: _____

**PZHAC WORK SESSION
MARCH 19, 2018
ITEM 3**

Submitted by Natalia Bustamante; a request to discuss demolition of a dwelling at 2729 Calle de San Albino. Zoned: Historical Residential (HR).

The applicant would like to demolish an existing dwelling on the property. According to the applicant, the dwelling is currently in disrepair and is not habitable due to the amount of deterioration that has taken place.

This request was heard during the December 12, 2017 PZHAC Work Session at which time the applicant attempted to explain the need for demolition of the structure, but documentation from the engineer had not been fully reviewed or presented at that time. The applicant explained that the structure was falling apart and could not be economically salvaged. Upon a more thorough review of the engineering documents provided, this statement is actually supported by the General Structure Inspection performed by Southwest Engineering, Inc. (see attached, especially highlighted areas). According to the applicant, the structure will eventually be replaced with a new structure that meets the Town's requirements for new structures in the Historic Residential district.

The General Structure Inspection discusses the physical condition of the structure to be demolished. According to the applicant, the conditions found during this inspection support the contention that the structure requires a substantial amount of repair work in order to be safely inhabitable. She also stated that the costs involved with renovating the structure far outweigh the historic or architectural value of the structure. Although the dwelling was built around 1935 and is in the Historical Register (see attached), and it is recognized as being similar to other dwellings in the area; it is considered in the Register as being architecturally neutral, and the structure has no overall significance to the history or architecture of the Town. Also, the applicant stated at the last Work Session that the photos from the outside of the structure do not accurately reflect the conditions of the main elements of the structure, and that physically and structurally, the dwelling is in poor condition with portions in danger of collapsing.

The following are the sections of the Code that specifically address demolition and construction of structures in the Historic Zones.

18.33.120 Demolition.

A. The demolition of a significant or contributing structure within a historic district shall require a permit that includes verification by a qualified architect or certified structural engineer, with a background in architecture preferred, that the structure is not repairable or reusable.

The applicant shall provide the report containing the verification. The applicant shall also provide the plans for the site in order to demonstrate that it will not harm adjacent properties. The PZHAC may schedule a public hearing on the application. Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals, on said property, for large properties of more than 600 feet frontage. **(The structure is not contributing or significant, therefore this requirement does not apply.)**

B. Before voting on the demolition application, the PZHAC shall discuss with the applicant to see if an alternative to demolition can be found. The PZHAC may ask the applicant for additional information to be used in making its decision. **(See highlighted sections of the attached General Structure Inspection performed by Southwest Engineering, Inc.)**

C. The PZHAC shall study the question of financial hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. Using the record that was developed, the PZHAC shall vote on the application following the procedures in MTC [18.33.080](#), Historical appropriateness permit. Options to prove financial hardship shall be: (1) income of 50 percent or lower of the average median income standards established for Dona Ana County; (2) proof of income documented with tax returns and annual expenditures. **(See the highlighted section at the end of the attached General Structure Inspection in which the engineer states that repair of the structure would cost substantially more than replacement. This should be considered with the fact that the structure is not considered contributing or significant-see attached information from the Historical Register.)**

D. If a demolition permit is issued, prior to the demolition the structure shall be documented with photographs, sketch plans and a brief historical description.

E. Demolition of intrusive features on a structure for the purpose of restoring original historic features should be encouraged and shall be exempt from the architect/engineering requirement. Documentation of the original features shall be provided. [Ord. 2011-03]

This request is for a demolition permit only. Review of the plans for any replacement structure will be conducted by the PZHAC at such time as the applicant is ready to start that process.

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

PHOTO FROM CALLE DE SAN ALBINO OF STRUCTURE TO BE DEMOLISHED



PHOTO FROM CALLE DE SAN ALBINO OF FRONT OF STRUCTURE TO BE DEMOLISHED



PHOTO FROM CALLE DE SAN ALBINO OF SOUTH SIDE OF STRUCTURE TO BE DEMOLISHED



PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



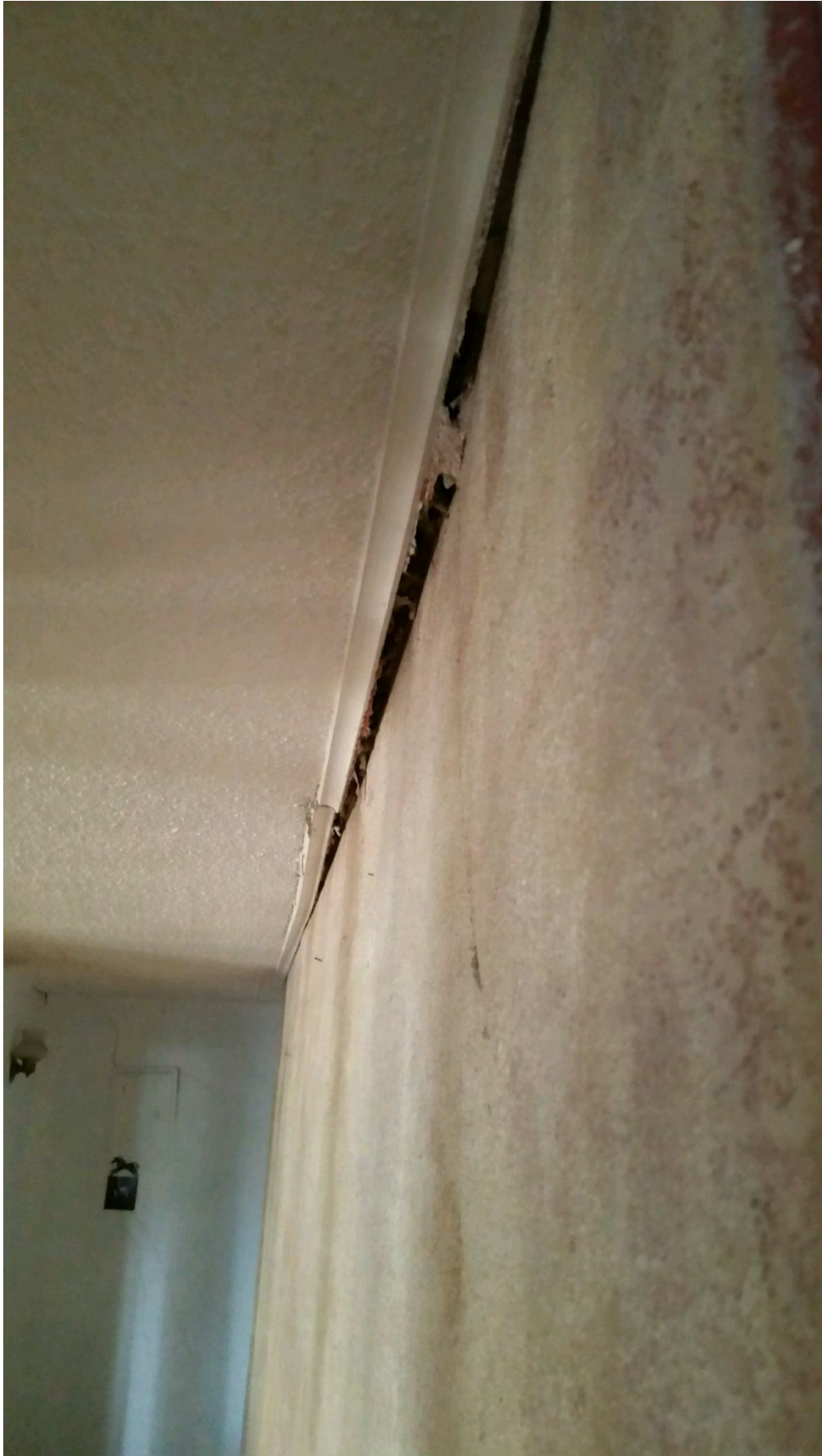
PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



PHOTOS SHOWING DAMAGE INSIDE STRUCTURE CAUSED BY SETTLING



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Nu

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: [R0400390](#)

Parcel Number: 4006137322516

Owner: BUSTAMANTE IGNACIO &
NATALIA TRTEES BUSTAMANTE
FAMILY TRUST

Mail Address: 2300 W UNION

Subdivision:

Property Address: 2729 CALLE DE
SAN ALBINO

Acres: 0





SOUTHWEST ENGINEERING, INC.

475 Archuleta Road
Las Cruces, New Mexico
88005

Phone 575-626-3381
Fax 575-626-1762

November 20, 2017

Ignacio L. Bustamantes
Natalia G. Bustamantes
2729 Calle de San Albino
Mesilla, New Mexico 88046

Re: Subsequent General Structure Inspection
2729 Calle de San Albino, Mesilla, New Mexico

Dear Ignacio & Natalia;

On November 16, 2014 Southwest Engineering, Inc. (SEI) performed a follow-up subsequent visual inspection of the residential home at the above referenced address. An outline of our findings are as follows.

SEI conducted an initial general visual inspection of the subject property in May of 2014. A copy of this report is attached. At that time, SEI has identified several significant structural deficiencies in the home and recommended that the structure be removed. At this time the previously identified deficiencies have increased in magnitude and SEI strongly recommends that the structure be razed as soon as practically possible.

If, after reviewing this report, you have any questions or require any further information, please do not hesitate to contact our office.

Sincerely;

SOUTHWEST ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read 'Paul J. Pompeo', is written over a horizontal line.

Paul J. Pompeo, P.E.
President

Enclosures

2729 Calle de San Albino Inspection 112017.doc



3/10/10

SOUTHWEST ENGINEERING, INC.

475 Archuleta Road
Las Cruces, New Mexico
88001

Phone 575-526-3388
Fax 575-526-1762

May 14, 2014

Ignacio L. Bustamantes
Natalia G. Bustamantes
2729 Calle de San Albino
Mesilla, New Mexico 88046

Re: General Structure Inspection
2729 Calle de San Albino, Mesilla, New Mexico

Dear Ignacio & Natalia;

On May 14, 2014 Southwest Engineering, Inc. performed a visual inspection of the residential home at the above referenced address. Find enclosed a copy of our report explaining our findings.

If, after reviewing this report, you have any questions or require any further information, please do not hesitate to contact our office.

Sincerely;

SOUTHWEST ENGINEERING, INC.

Paul J. Pompeo, P.E.
President

Enclosures

2729 Calle de San Albino Inspection 0428 14.doc

GENERAL STRUCTURE INSPECTION REPORT

FOR

2729 CALLE DE SAN ALBINO, MESILLA, NEW MEXICO

PREPARED FOR

Ignacio L. Bustamantes
Natalia G. Bustamantes
2729 Calle de San Albino
Mesilla, New Mexico 88046

May 14, 2014

This document was prepared under the supervision and direction of the undersigned whose seal as a Professional Engineer, licensed to practice as such in the State of New Mexico, is affixed below.



Paul J. Pompeo, P.E.

11490
N.M.P.E. Number

05/14/2014
Date

1.0 INTRODUCTION

The subject property is located at 2729 Calle de San Albino in the southern portion of Mesilla, New Mexico. For the purposes of this report, the front of the home faces west towards Calle de San Albino. As part of a renovation plan to remodel the existing home, an evaluation was required of damaged areas of the walls and roof area. This report outlines an evaluation of the damaged areas, an overall assessment of the structure and recommended corrective measures.

2.0 GENERAL CONSTRUCTION PRACTICES

The northern area of the home is constructed of traditional adobe brick with an exterior stucco veneer cover. The exterior foundation system is unknown but typically is large rock placed in the subgrade soils below the adobe brick. The floors are wood supported by underlying wood blocking. It is estimated this area of the home was constructed in the 1920's or 1930's. The southern area of the home is looks to have been built in the 1960's or 1970's. The construction of the exterior walls and foundation system is unknown.

3.0 VISUAL INSPECTION

The visual inspection of the home found several areas of distress in the structure. A summary of these areas is as follows:

3.1 WALLS

The inspection of the interior and exterior walls, primarily in the northern portion of the structure, found areas of severe cracking in the stucco and underlying adobe brick. The first item noted in these areas was evidence of vertical differential movement in the walls. These types of failures are accented by large pronounced cracks in the structure, usually in the upper portion of the wall. Signs of vertical settlement and lateral movement caused by a rotational foundation failure were also found. Although these types of damage are wide spread, the walls at this time are still structurally stable and not in immediate threat of failure. However, if additional significant differential settlement or rotation occurs in these walls, it may lead to structural failure.

3.2 ROOF

The inspection of the exterior roof found severe warping of the exterior structure. Due to the settlement in the wall sections, the wood truss roof is being stretched laterally and vertically. Evidence that the underlying trusses are coming apart was found.

3.3 WOODEN FLOOR

The inspection of the interior wooden floor found severe settlement along the northern edge of the structure. This settlement ranges from 2 to 5 inches. This vertical movement is caused by the settlement of the adjacent adobe walls pulling the floor down vertically. In addition, the intermediate blocking supports of the underlying wood trusses are also settling.

4.0 INSPECTION FINDINGS

The damaged areas of the home are caused by differential settlement of the foundation system. Settlement at this location is primarily caused by bearing capacity reduction on the underlying subgrade soils.

5.0 REMEDIATIONS

Due to the age of the structure and the lack of a monolithic perimeter foundation system, it is not possible to adequately stabilize or raise the adobe wall sections of the home. Even if this was possible, the roof system would need to be completely removed and replaced to mitigate the damaged areas. Based on this visual inspection, it is SEI's opinion that to adequately repair this structure would cost between 2 to 2.25 times the cost of constructing a new home. It is our recommendation that the structure be completely removed and replaced with a new home constructed with modern building materials.

| 1. ALERT SHEET? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | NEW MEXICO HISTORIC BUILDING INVENTORY FORM 1: BUILDINGS & STRUCTURES 6 6 79 <i>Pict 62</i> | | | | | | | | | | | | | | | | | | | | | | | |
|--|----|--|---|------------------------|--|---|---|--------------------------------|--|----|----|----|---|----|----|----|---|--------------|--|--|--|----------|--|--|--|
| 2. SURVEY DATE 3. BY <i>4/15/80 TD</i> | | 4. CHECK DATE 5. BY | | 6. COMPUTER DATE 7. BY | | 8. FILE DATE 9. BY | | 10. REVISION DATE 11. BY | | | | | | | | | | | | | | | | | |
| 7. COUNTY <i>Doña Ana</i> | | 13. FIELD MAP | | 14. NUMBER | | 15. UTM REFERENCE NUMBER <table border="1"> <tr> <td>13</td> <td>22</td> <td>20</td> <td>6</td> <td>35</td> <td>71</td> <td>80</td> <td>0</td> </tr> <tr> <td colspan="4">ZONE EASTING</td> <td colspan="4">NORTHING</td> </tr> </table> | | | | 13 | 22 | 20 | 6 | 35 | 71 | 80 | 0 | ZONE EASTING | | | | NORTHING | | | |
| 13 | 22 | 20 | 6 | 35 | 71 | 80 | 0 | | | | | | | | | | | | | | | | | | |
| ZONE EASTING | | | | NORTHING | | | | | | | | | | | | | | | | | | | | | |
| 16. SPECIFIC LOCATION <i>South east corner of Calle del Cura and Calle de San Albino</i> | | | | | | 17. CITY/TOWN <i>Mesilla</i> | | 20. I.D. # <i>183202058</i> | | | | | | | | | | | | | | | | | |
| | | | | | | 18. ZIP <i>88096</i> | | 22. ROLL # <i>90</i> | | | | | | | | | | | | | | | | | |
| | | | | | | 19. LAND GRANT OR RESERVATION <i>Mesilla Civil Colony</i> | | 23. NEG # <i>19</i> | | | | | | | | | | | | | | | | | |
| 20. LEGAL DESCRIPTION: TOWNSHIP NS RANGE EW SECTION $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ | | | | | | 24. LOCATION OF NEG. | | | | | | | | | | | | | | | | | | | |
| 25. ARCHITECTURAL STYLE <i>Hipped Adobe Box</i> | | | | | 26. NUMBER OF STORIES <i>One</i> | | | | | | | | | | | | | | | | | | | | |
| 27. FOUNDATION MATERIAL(S) <i>?</i> | | | | | <i>300 W. Union Las Cruces 88005</i> | | | | | | | | | | | | | | | | | | | | |
| 28. EXTERIOR WALL SURFACE(S) <i>Stucco / Adobe</i> | | | | | <i>4-006-137-322-516</i> | | | | | | | | | | | | | | | | | | | | |
| 29. FENESTRATION (TYPE, DIVISIONS, SURROUNDS/SILLS/ARRANGEMENTS) <i>Single aluminum vertical sliding windows w/o surrounds; concrete lug sills</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30. DOOR/ENTRANCE (TYPE/SURROUNDS) <i>Standard paneled wood door w/o surrounds; indented</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 31. ROOF(S) (NUMBER/SHAPE/MATERIAL DETAILS) <i>Single hipped roof w/ asphalt shingles; wood fascia</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32. CHIMNEY(S) (NUMBER/EXTERIOR-INTERIOR/MATERIALS) none <i>one / exterior Stucco</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 33. EXTERIOR DETAILS <i>Carved front door; buttresses; rock columns and decorative wrought iron fence; rock wall around back and side</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 34. COMMENTS | | | | | | | | | | | | | | | | | | | | | | | | | |
| DATE OF CONSTRUCTION | | | | | 45. IMMEDIATE SURROUNDINGS <i>Residential</i> | | | | | | | | | | | | | | | | | | | | |
| 35. ESTIMATED <i>1935</i> 36. ACTUAL | | | | | 46. RELATION TO SURROUNDINGS <input checked="" type="checkbox"/> SIMILAR <input type="checkbox"/> NOT SIMILAR | | | | | | | | | | | | | | | | | | | | |
| 37. SOURCE OF DATE | | | | | 47. ARCHITECTURAL CONTRIBUTION TO SURROUNDINGS <input type="checkbox"/> PLUS <input checked="" type="checkbox"/> NEUTRAL <input type="checkbox"/> MINUS | | | | | | | | | | | | | | | | | | | | |
| 38. ARCHITECT/ENGINEER/BUILDER | | | | | 48. OVERALL SIGNIFICANCE <input type="checkbox"/> NATIONAL <input type="checkbox"/> STATE <input type="checkbox"/> LOCAL <input checked="" type="checkbox"/> NONE | | | | | | | | | | | | | | | | | | | | |
| 39. SOURCE OF INFORMATION | | | | | 49. ASSOCIATED BUILDINGS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | | | | | | | | | | | | | | | | |
| 40. NAME | | | | | 50. WHAT TYPE? | | | | | | | | | | | | | | | | | | | | |
| USE 41. PRESENT 42. HISTORIC <i>Residential</i> | | | | | 51. IF INVENTORIED, LIST I.D. #'S | | | | | | | | | | | | | | | | | | | | |
| 43. CONDITION <input type="checkbox"/> EXCELLENT <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> DETERIORATED | | | | | 52. SEE BACK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | | | | | | | | | | | | | | | | | | |
| 44. DEGREE OF REMODELING <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MODERATE <input type="checkbox"/> MAJOR | | | | | | | | | | | | | | | | | | | | | | | | | |



- 53 This is a stuccoed adobe house with an asphalt shingle hip roof and aluminum frame windows. est. 1930. (C)
- 54 A rectangular plan gabled adobe with metal casement and aluminum frame windows, this building fronts the street. est. 1930. (C)
- 55 This stuccoed flat roof adobe has a rectangular plan. The house has tandem wood frame windows and rounded buttresses the height of the building on many of its corners. est. 1910. (C)
- 56 This is a stuccoed residence with metal frame windows and an asphalt shingled multi-hip roof. est. 1955. (N)
- 57 This Ranch Style house has exposed concrete block exterior wall surfaces and aluminum frame windows and is covered by an asphalt shingled hip roof. est. 1960. (I)
- 58 This stuccoed adobe residence has an asphalt shingled hip roof, aluminum windows, and a square floor plan. est. 1935. (N)
- 59 This small rectangular plan stuccoed house has a gabled roof, a gabled open front porch and aluminum frame windows. est. 1940. (N)
- 60 This stuccoed, flat roofed adobe house has metal casement windows and aluminum frame windows. est. 1920. (C)
- 61 This low gabled, stuccoed adobe residence has wood frame windows. est. 1910. (C)
- 62 This small adobe house, recently stuccoed, has metal casement windows and a flat roof with flat parapet. est. 1915. (C)
- 63 This Ranch Style house is of brick and has aluminum frame windows. est. 1965. (I)
- 64 This small stuccoed adobe house has wood frame windows and a square floor plan. est. 1930. (C)
- 65 A recently built duplex with an open shed roof front porch, this stuccoed frame structure has a flat roof and aluminum sash 6/6 double hung windows. est. 1978. (N)
- 66 This stuccoed adobe residence has a flat roof and flat parapet with tin canales on the facade. It has wood frame windows and is of a rectangular floor plan. est. 1910. (C)
- 67 This stuccoed, flat roofed residence with aluminum sash windows has an addition on the S.E. section with a low gable roof. A porch supported by squared beams fronts the house. est. 1935. (N)

BOT ACTION FORM
BUILDING PERMIT 060694
[PZHAC REVIEW – 3/19/18]
STAFF ANALYSIS

Case 060694 - 1985 Calle de Colon, submitted by David and Sylvia Fierro; a request for a building permit to allow the replacement of windows on a dwelling at this address, along with the provision for a water heater to be added to the exterior the dwelling. Zoned: Historical Residential (HR)

This case was heard during the March 5, 2019 PZHAC Work Session and Regular Meeting. The primary issue was the fear that the size of the plastic window frames around the windows would be too small, and the replacement windows would not have the same appearance as the windows being replaced. The PZHAC determined that wood framed windows would be more appropriate as replacement windows. The case was postponed in order to allow the applicant to change the request from plastic framed windows to wood framed windows. (The applicant has changed the proposed windows to wood framed windows. A description of the new windows is attached.)

The structure is in the Historic Register (see attached) and appears to have been built around 1910. It is considered to be an architectural plus to the Town. The structure does not appear to have been substantially modified since the inventory was taken, and many of the existing features appear to be original. The current windows that exist in the structure do not appear to be the original windows, although they are old (see attached photos). According to the applicant, the proposed windows will be very similar to the windows being replaced, including the number of panes in each window. The windows will be the same color as the original windows.

The applicant will also add a new water heater to the dwelling. The water heater will be added to the outside of the dwelling and will be located in a small enclosure attached to the dwelling. The enclosure will be stuccoed to match the appearance of the existing dwelling. It does not appear that the proposed work will change the style of the dwelling.

Estimated Cost: @ \$25,000.00

Consistency with the Code: The proposed windows and enclosure will be compatible with the style of the structure and the surrounding properties, and the proposed windows will be consistent with the following sections of the Code:

Chapter 18.35 HR – Historical Residential Zone

The addition could be compatible with the HR zoning of the property if the wood work is finished in the same style as the original woodwork, or it is repaired in place.

Chapter 18.33 – Historic Preservation

18.33.040 Declaration of purpose and statement of public policy.

A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

B. The board of trustees declares as a matter of public policy that the preservation, protection and use of historic landmarks and buildings in the historic districts are a public necessity because they have a special character or a special historic, architectural, aesthetic or cultural value and thus serve as visible reminders of the history and heritage of this town, state and nation. The board declares as a matter of public policy that this chapter is required in the interest of the health, safety, welfare and economic well-being of the public. The board declares as a matter of public policy that the identification and designation of historic landmarks and historic districts and the approval or disapproval of exterior changes to designated property or their demolition or relocation or new construction on the site are stated to be a public purpose. [Ord. 2011-03]

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of replacing windows and building a water heater enclosure.
- The PZHAC has determined that the proposed dwelling meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the proposed windows will be compatible with the dwelling, and meet the requirements of the Code, and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. Approve the application as approved by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

PHOTO OF DWELLING FROM CALLE DE COLON



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

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:

Acres: 0.17789256



PHOTO OF DWELLING FROM CALLE DE SAN ALBINO



PHOTO OF DWELLING FROM SOUTH SIDE



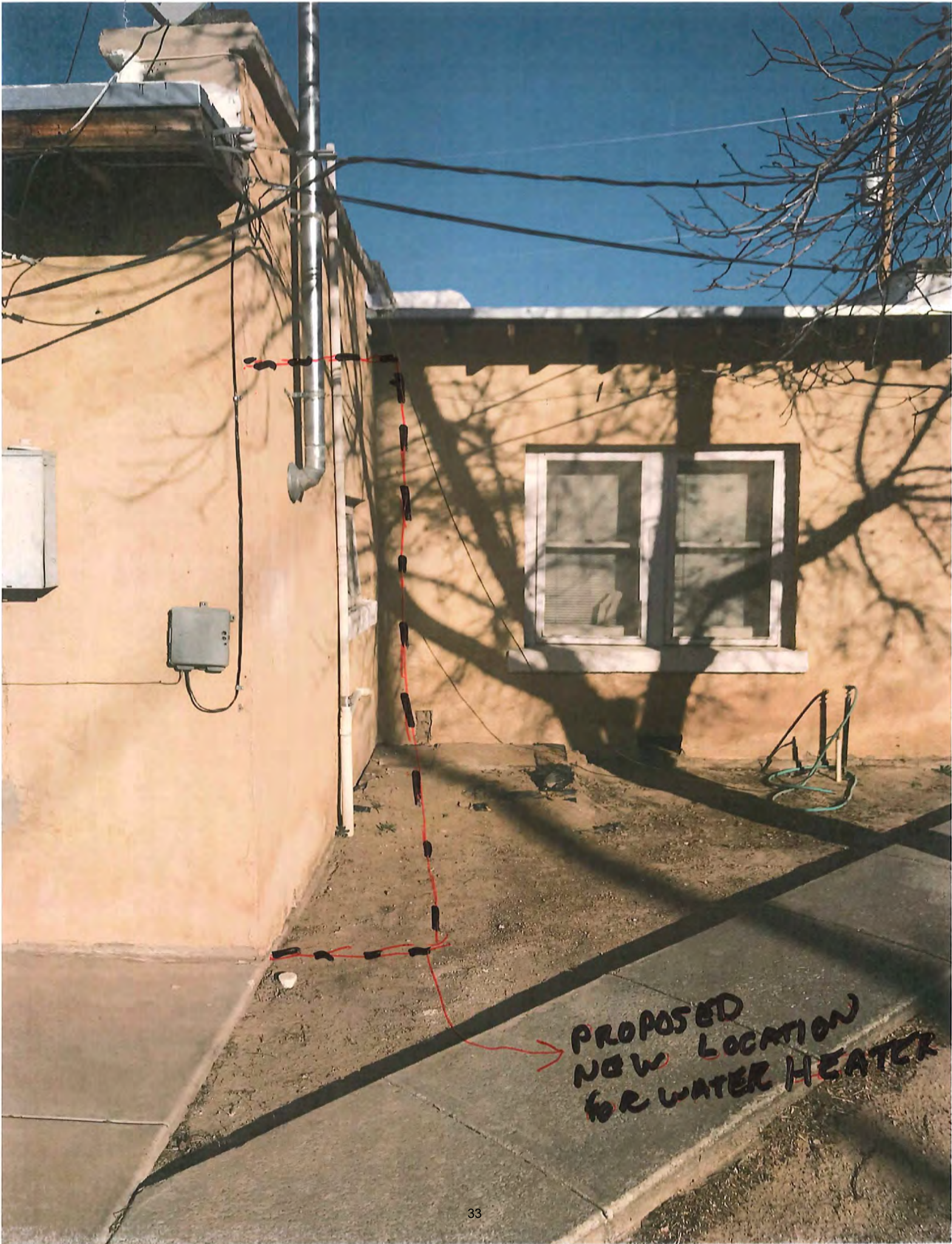
PHOTO OF DWELLING FROM EAST SIDE



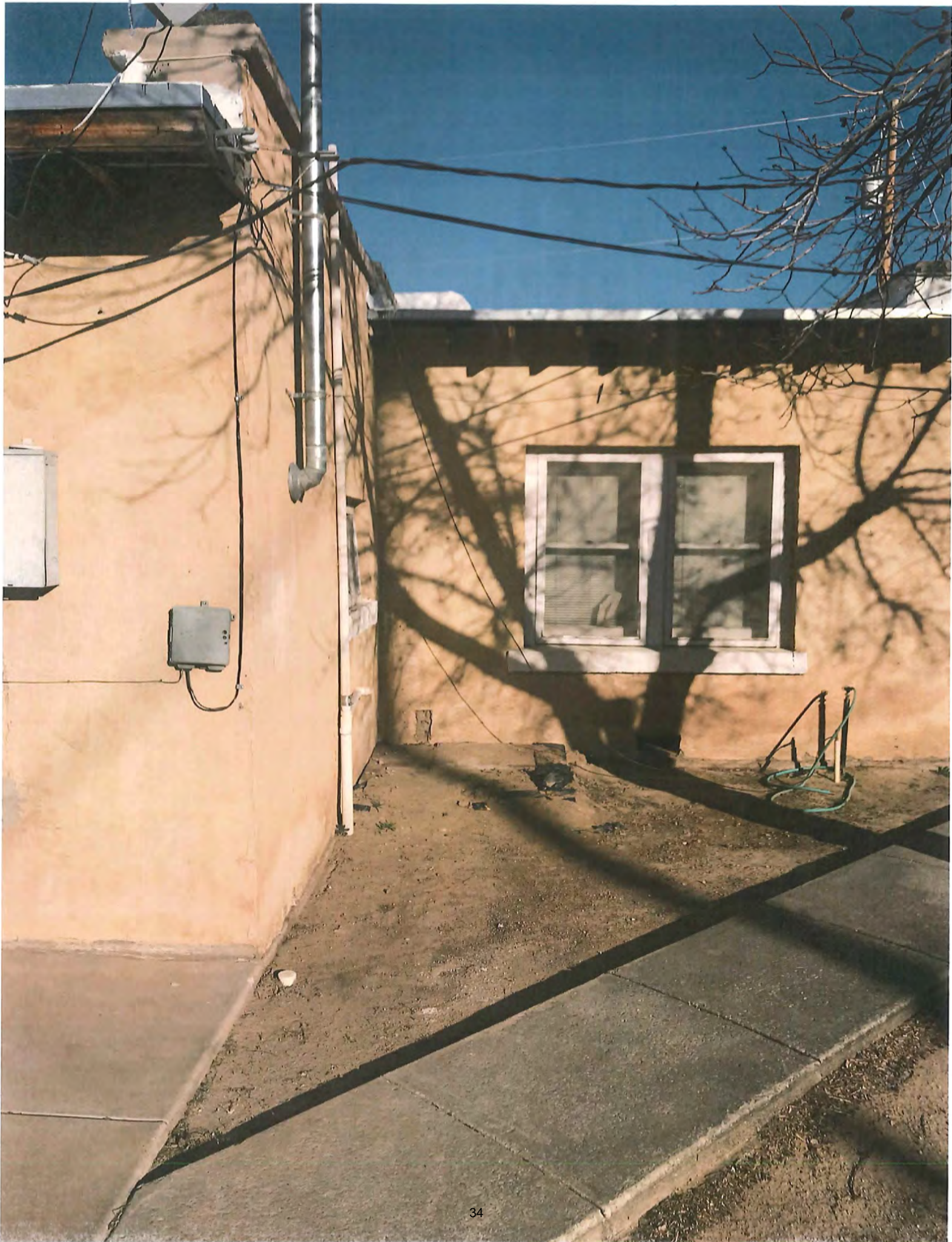
PHOTOS OF WINDOWS TO BE REPLACED







PROPOSED
NEW LOCATION
FOR WATER HEATER

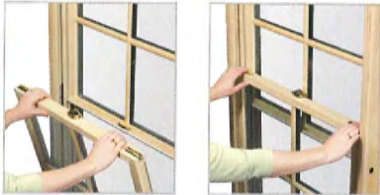


Concealed Jamb Liner provides a clean uniform appearance



TILT FEATURE

Ease of maintenance is built right into our double-hung windows. Simply slide in the tabs and tilt the sash in. No more climbing ladders to wash the windows.



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

OFFICIAL USE ONLY:

Case # 060694

Fee \$ 48.00

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

CASE NO. 060694 ZONE: HR CODE: 1001 01 APPLICATION DATE: _____

DAVID SYLVIA FIERRO (575) 496-1693
 Name of Applicant/Owner Applicant's Telephone Number

P.O. Box 1725 MESILLA PARK NM 88047
 Applicant's/Owner's Mailing Address City State Zip Code

DAVIDFIERRO@COMCAST.NET
 Applicant's/Owner's E-mail Address

FIERRO ENTERPRISES 650 MONTANA AVE STEB LC NM 880
 Contractor's Name & Address (If none, indicate Self)

(575) 650-3025 85-0417819 360488
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 1985 COLON

Description of Proposed Work: REMOVE EXISTING WINDOWS AND REPLACE WITH SIMILAR NEW ONES. RESTUCCO EXTERIOR OF HOUSE AND EXTERIOR ENCLYSURE FOR WATER HEATER

\$25,000.00 David Fierro 2/22/2018
 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: CID PERMIT MAY BE REQUIRED, PZHAC REVIEW ; BOT FINAL APPROVAL REQUIRED.

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

- 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:

BOT ACTION FORM
BUILDING PERMIT 060699
[PZHAC REVIEW – 3/19/18]
STAFF ANALYSIS

(Decision was based on information presented during the Work Session – Item 1

Item:

Case 060699 – 2840 Calle Tercera, submitted by Jack and Lisa Kirby; a request for a building permit to allow construction of a single family dwelling 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: \$217,000.00

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 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 ACTION:

The PZHAC determined that the proposed dwelling wall is compatible with the area and meets the Code, and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

1. **Approve the application as approved by the PZHAC.**
2. **Approve the application with conditions.**
3. **Reject the application.**

BOT ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type: Account Number

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: [R1901110](#)

Parcel Number: 4006138203084

Owner: KIRBY JACK F & LISA F

Mail Address: 1018 OLLA DE ORO

Subdivision: KIRBY SUBDIVISION (BK
24 PG 53 - 1603695)

Property Address: 2840 CALLE
TERCERA

Acres: 0.219



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

OFFICIAL USE ONLY:

Case # 060699

Fee \$ 336.00

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

CASE NO. 060699 ZONE: HR CODE: NR APPLICATION DATE: 3/2/18

Jack and Lisa Kirby 575-642-0558
 Name of Applicant/Owner Applicant's Telephone Number

1018 Olla De Oro Las Cruces NM 88005
 Applicant's/Owner's Mailing Address City State Zip Code

kirbyjack8@gmail.com
 Applicant's/Owner's E-mail Address

ViCa One Inc PO Box 669, Mesilla Park, NM 88047
 Contractor's Name & Address (If none, indicate Self)

575-611-3748 85-0479450 85982 GB98
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2840 Calle Tercera

Description of Proposed Work: New Construction -single family residence as per plans submitted

\$ 217,000.00 Jack J. Kirby 2/22/18
 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: PZHAC REVIEW ; BOT FINAL APPROVAL REQUIRED
CID BLDG PERMIT ; INSPECTIONS REQUIRED
JK 3/2/18

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 WORK SESSION
MARCH 19, 2018
ITEM 1

Submitted by Jack and Lisa Kirby, a request to discuss plans to construct a dwelling on a vacant residential property at 2840 Calle Tercera. (Case 060699) Zoned: Historical Residential (HR)

The subject property is on the west side of Calle Tercera, between Calle del Sur and Calle de Santa Ana. The properties to the east, along Calle de Santa Ana; and diagonally to the southwest on Calle del Sur are currently vacant. The remaining surrounding properties contain dwellings of various styles (see attached photos). The property immediately to the south contains several dwellings, including a duplex.

The property is about 0.219 acres in size. All necessary utilities are available to the property. Access to the property is by Calle Tercera. The property meets the off-street parking requirements of the Code (Section 18.60.170 - Parking requirements and fees) in that there are provisions for at least three off street parking spaces. The proposed dwelling will be Pueblo style with about 1751 square feet of heated area on one floor, an attached 736 square foot garage, a 230 square foot entrance porch, and a 247 square foot back porch. Construction will be wood frame with stucco, with a flat roof.

The property will be surrounded on three sides (two sides and rear) by a six foot high stucco and frame wall that will be painted to match the house. The front along Calle Tercera will remain open.

The proposed structure appears to be similar to other structures that have been built in the area. The PZHAC will need to determine if the style of the proposed structure, including the wall, 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.

Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type: Account Number

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: [R1901110](#)

Parcel Number: 4006138203084

Owner: KIRBY JACK F & LISA F

Mail Address: 1018 OLLA DE ORO

Subdivision: KIRBY SUBDIVISION (BK
24 PG 53 - 1603695)

Property Address: 2840 CALLE
TERCERA

Acres: 0.219



VIEW OF THE SUBJECT PROPERTY FROM CALLE TERCERA



PHOTOS OF OTHER DWELLINGS IN THE AREA



PHOTOS OF OTHER DWELLINGS IN THE AREA

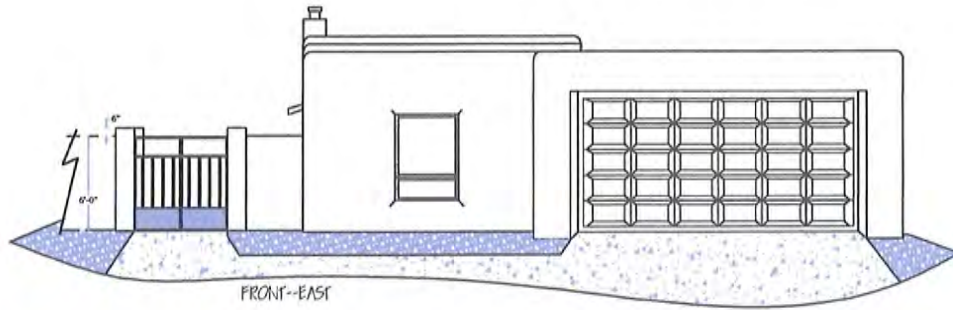


PHOTOS OF OTHER DWELLINGS IN THE AREA

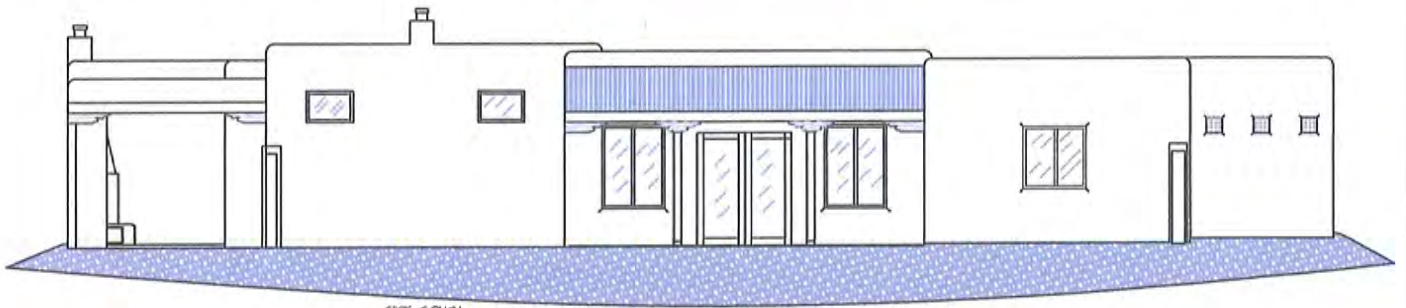


PHOTOS OF OTHER DWELLINGS IN THE AREA

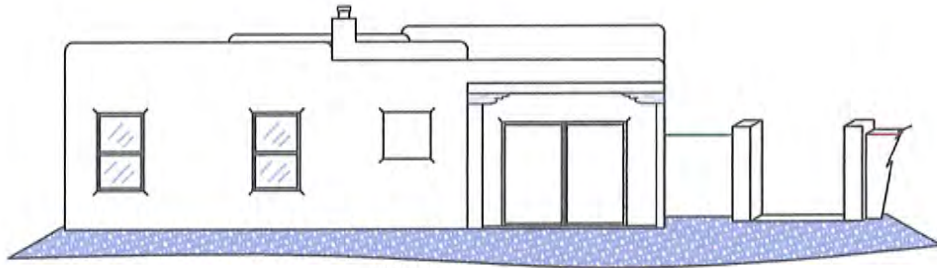




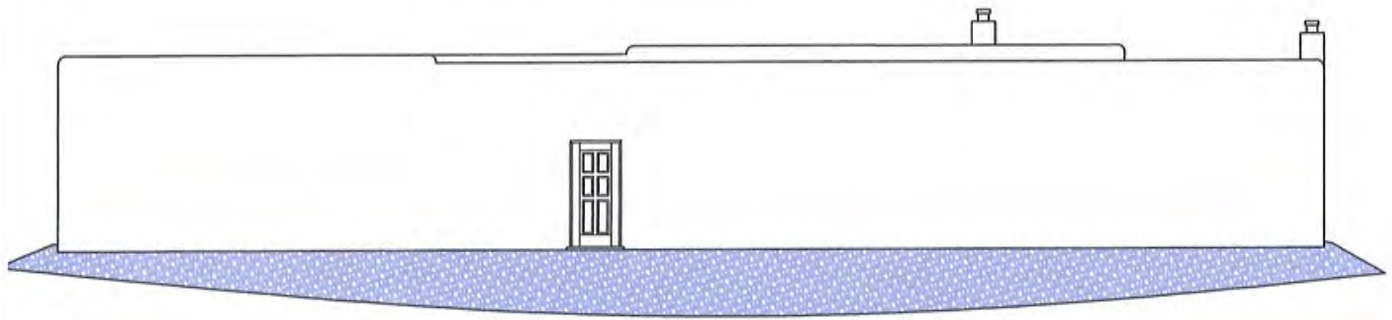
FRONT-EAST



SIDE-SOUTH



BACK-WEST

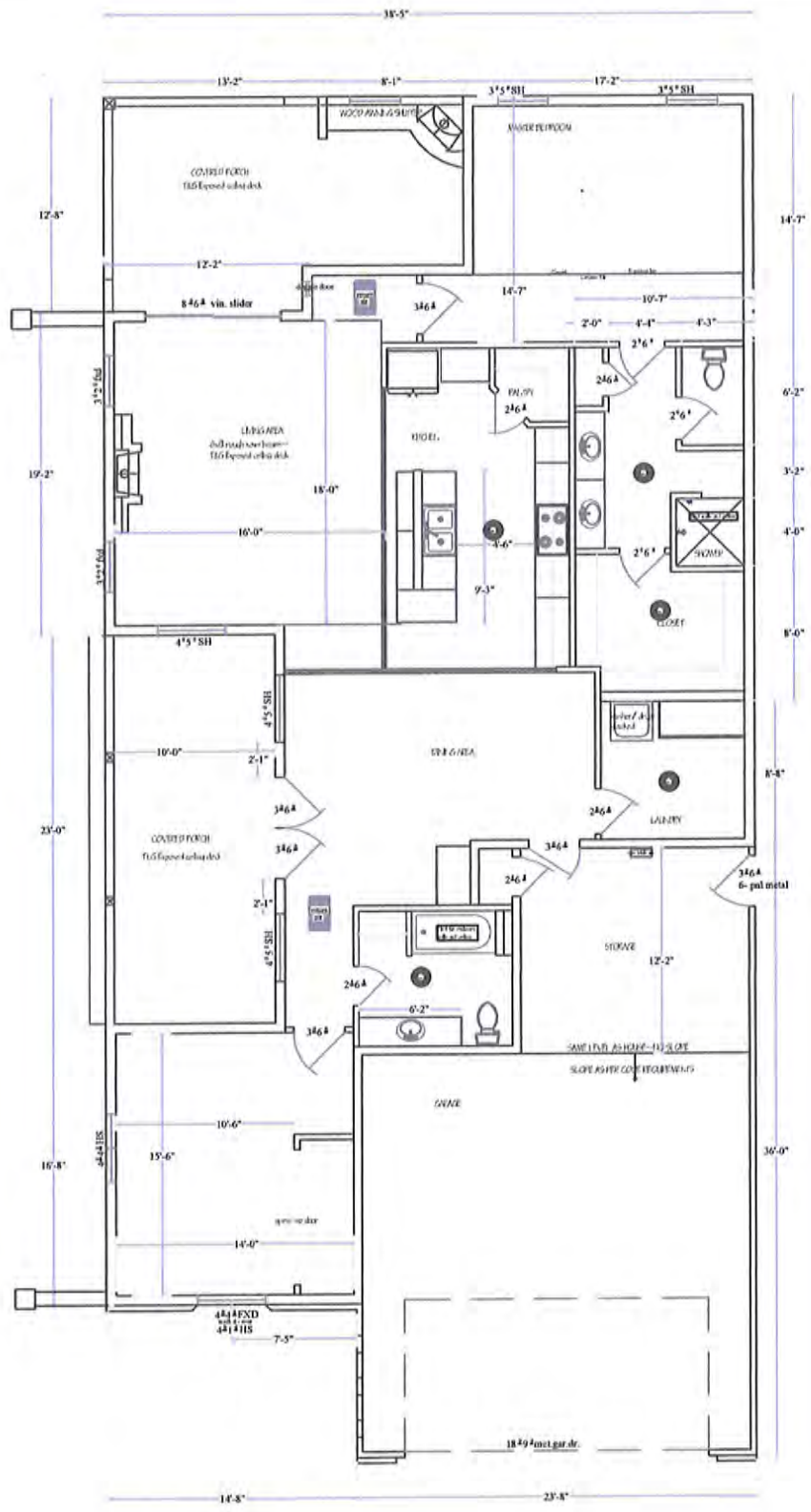


SIDE-NORTH

Feb. 24, 2018

NTS

| | | |
|---------------------------------------|----------------------------------|-------------------------|
| <i>Drawn By: Patrick Vigil</i> | <i>2840 Calle Tercera</i> | <i>ViCa One Inc.</i> |
| <i>Drawn for: Jack and Lisa Kirby</i> | <i>Lot 1, Kirby Subdivision</i> | <i>PO Box 669</i> |
| <i>575-644-3748</i> | <i>Town of Mesilla, NM 88046</i> | <i>Mesilla Park, NM</i> |

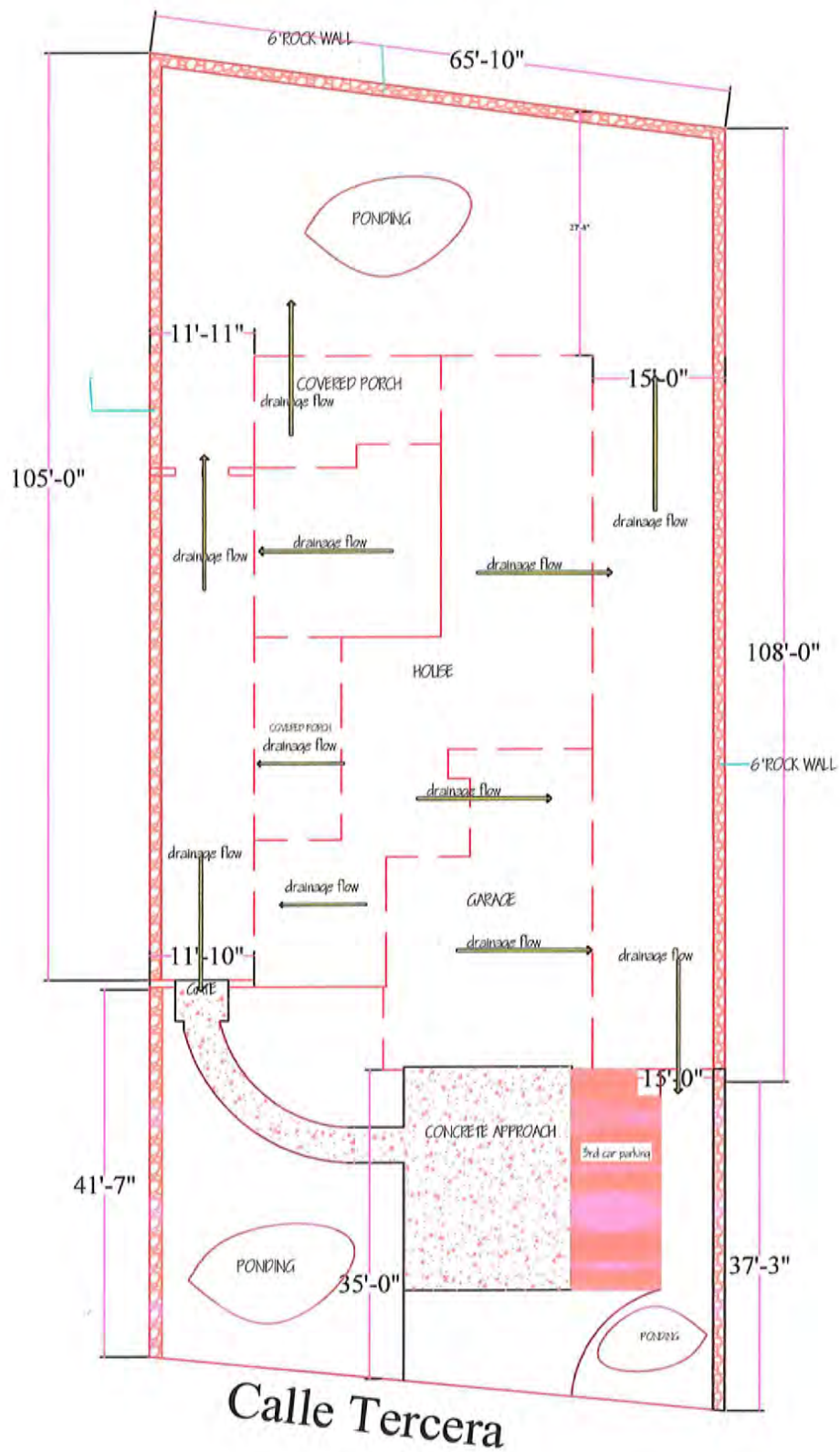


HOUSE: 1,751 SQ'
 GARAGE: 736 SQ'
 ENTRANCE PORCH: 230 SQ'
 BACK PORCH: 247 SQ'

Feb. 24, 2018

NTS

| | | |
|--------------------------------|---------------------------|------------------|
| Drawn By: Patrick Vigil | 2840 Calle Tercera | ViCa One Inc. |
| Drawn for: Jack and Lisa Kirby | Lot 1, Kirby Subdivision | PO Box 669 |
| 575-644-3748 | Town of Mesilla, NM 88046 | Mesilla Park, NM |



Feb. 24, 2018

NTS

Drawn By: Patrick Vigil

2840 Calle Tercera

ViCa One Inc.

Drawn for: Jack and Lisa Kirby

Lot 1, Kirby Subdivision

PO Box 669

575-644-3748

Town of Mesilla, NM 88046

Mesilla Park, NM

KIRBY SUBDIVISION

A 0.29 ACRE TRACT OF LAND,
BEING PART OF U.S.R.S. TRACT 11A-177,
SITUATE WITHIN SECTION 36, T.23S., R.1E., N.M.P.M.
OF THE U.S.R.S. SURVEYS,
TOWN OF MESILLA
DONA ANA COUNTY, NEW MEXICO
OCTOBER 2016

UTILITY UTILITIES
THIS PLAN HAS BEEN APPROVED FOR GARMENT PURPOSES ONLY. THE SERVICES OF THIS PLAN DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.

UTILITY JURISDICTION
EASMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PROVIDED TO GARMENT, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION AND MAINTENANCE OF UNDERGROUND, OVERHEAD, AND FIBER OPTIC/ELECTRIC/TELEPHONE LINES AS APPLICABLE.

EL PASO ELECTRIC COMPANY
BY: *SEP* DATE: 4/10/15

CONCRETE
BY: *JP* DATE: 11-11-15

EASMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PROVIDED TO GREAT CORPORATION D/B/A/ CERTAIN LINK OF ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION AND MAINTENANCE OF UNDERGROUND OVERHEAD, AND TELEPHONE TELEPHONE FACILITIES AS APPLICABLE.

CREDIT CORPORATION D/B/A/ CENTURY LINK OF
BY: *JP* DATE: 12/19/15

EASMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PROVIDED TO SA MASONRY GAS COMPANY FOR THE INSTALLATION AND MAINTENANCE OF UNDERGROUND GAS UTILITIES.
BY: *R. B. B.* DATE: 11/20/16

THE ACCEPTANCE SUBDIVISION BEING WITHIN THE CORPORATE LIMITS OF THE TOWN OF MESILLA HAS BEEN PREPARED TO AND APPROVED FOR FILING BY THE BOARD OF PROSPECTS OF THE TOWN OF MESILLA.
ATTEST: *Alisa X. ...* DATE: 10/14/16

THIS PLAN HAS BEEN SUBMITTED TO AND ORDERED BY THE TOWN OF MESILLA, COUNTY OF DONA ANA, THAT THIS INSTRUMENT BE FILED FOR RECORD ON THIS 23rd DAY OF February, 2016, AT 2:28 PM AND DAILY RECORDED IN PLAT BOOK NO. 24, PAGE(S) 33 AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO.
BY: *...* DATE: 1/14/16

PLAT NO. 51457 RECEPTION NO. 03695
STATE OF NEW MEXICO }
COUNTY OF DONA ANA }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS 23rd DAY OF February, 2016, AT 2:28 PM AND DAILY RECORDED IN PLAT BOOK NO. 24, PAGE(S) 33 AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO.
COUNTY CLERK

STATE OF NEW MEXICO }
COUNTY OF DONA ANA }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS 23rd DAY OF February, 2016, AT 2:28 PM AND DAILY RECORDED IN PLAT BOOK NO. 24, PAGE(S) 33 AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO.
COUNTY CLERK

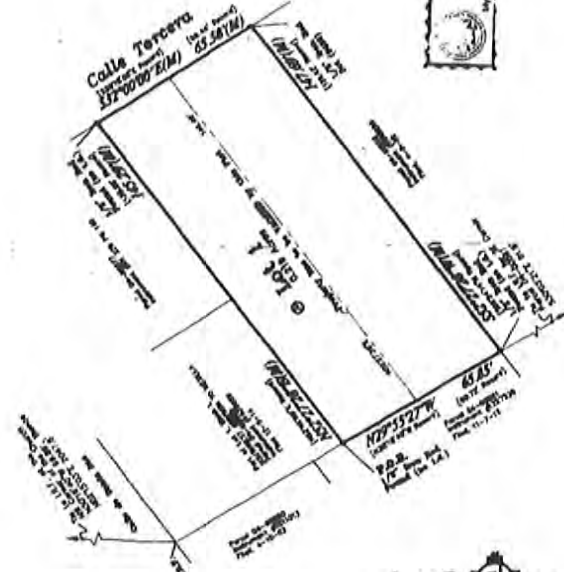
STATE OF NEW MEXICO }
COUNTY OF DONA ANA }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS 23rd DAY OF February, 2016, AT 2:28 PM AND DAILY RECORDED IN PLAT BOOK NO. 24, PAGE(S) 33 AND FILED IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO.
COUNTY CLERK

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COUNTY OF DONA ANA }
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COUNTY CLERK

STATE OF NEW MEXICO }
COUNTY OF DONA ANA }
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COUNTY CLERK



DEDICATION:
THE CLEAR ACRES TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS "KIRBY SUBDIVISION".
UTILITY EASMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE NEARBY TO THE PLAT AND TO THE TOWN OF MESILLA. ALL RULES AND REGULATIONS OF THE TOWN OF MESILLA AND THE UTILITY COMPANIES SHALL APPLY TO THESE EASMENTS. ALL OTHER EASMENTS SHOWN HEREON ARE GRANTED TO THE UTILITY COMPANIES THAT BELONG TO THE TOWN OF MESILLA.
THE SUBDIVISION HAS BEEN APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE UNDERGROUND UTILITY ACT, P.L. 90-540, AS AMENDED.
IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Dona Ana, New Mexico, this 12th day of February, 2016.
COUNTY CLERK
STATE OF NEW MEXICO }
COUNTY OF DONA ANA }

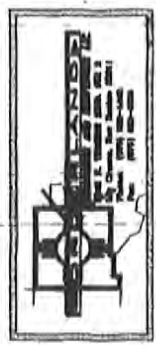


THE UNRECORDED ORDERS HEREBY SET BY HAND AND SEAL THIS 23rd DAY OF February, 2016.
BY: *...* DATE: 11-11-15

THE UNRECORDED ORDERS HEREBY SET BY HAND AND SEAL THIS 23rd DAY OF February, 2016.
BY: *...* DATE: 12-19-15

THE UNRECORDED ORDERS HEREBY SET BY HAND AND SEAL THIS 23rd DAY OF February, 2016.
BY: *...* DATE: 1-14-16

THE UNRECORDED ORDERS HEREBY SET BY HAND AND SEAL THIS 23rd DAY OF February, 2016.
BY: *...* DATE: 1-14-16



1. THE PLAN AND INSTRUMENT BEING PART OF GARMENT PURPOSES ONLY.
2. THE PLAN DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.
3. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
4. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
5. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
6. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
7. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
8. THE PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

ARCHITECTURAL STYLES AND STANDARDS

18.33.170 Appendix A – Design standards with compliance checklist for the following architectural styles: Spanish Pueblo, Territorial, Spanish Mission, Northern New Mexico and Ranch Style.

Each style and its design standards with compliance checklist are listed below with instructions for completing the checklist. The styles appear on separate pages for ease in copying for individual use.

SPANISH PUEBLO

Design standards with compliance checklist for the Spanish Pueblo architectural style.

When completing a checklist, applicants shall circle all the components within individual items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked "n/a."

A "1" in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

COMPLIANCE

YES NO

Design Components

Building Height: **One** or two stories, to be determined by development zone.

Setback: For commercial usage, can be built to property line;
for residential, meets prevailing setback in the development zone. N/A

Proportion, relationship of height to length: Buildings are long and low (1).

In the case of a two-story application of this style, the second level occurs over only a portion of the lower level. N/A

The overall proportion of the building is dependent in part on the height of the firewall or parapet which is a continuation of the exterior walls extending beyond the roof line on three or more sides (1).

Walls, historically, are reduced in thickness towards the top to form a battered silhouette.

Parapets will be rounded—approx radius 6"
Portales or porches, if used, create a lower profile than the basic building (1).

The character of the **building's shapes is rounded or softened** without sharp lines.
all outside corners and parapets rounded

Pattern and Rhythm

Solid wall space is greater in any facade than window and door space combined (1).

Window and door openings are small and randomly, not symmetrically, placed on the facades. Bedroom windows to be sized as per code

Window heights from grade are uneven.

Canales, or drainspouts, pierce the parapet and are spaced in an uneven pattern as required for drainage.

| | Number | Proportion | Size |
|---------|--------|------------|--|
| Doors | 3-each | | 2each 3-0,6-8, one double 6-0,6-8 none visible from street |
| Windows | 11 | | 1ea. 4-0,5-0 pict ovr slider, 1ea, 4-0,4-0 HS brm access, 2ea 3-0,50sh brm acces, 2ea 3-0,2-0 clerestory 3ea. 4-0,5-0 hs sliders..entry porch |
| Gates | 1 | | dble 3-0,6-0 |
| Walls | 13 | | as per plan—heights vary |

SPANISH PUEBLO (CON'T.)

Roof Type

Flat with a slight slope for drainage.

Parapet or firewall: roofs are surrounded on at least three sides by a parapet or firewall.

Surface Texture of Walls

Mud plaster (Hard plaster, SAND FINISH) smoothly applied, is acceptable.

Color

Exterior walls must be of a same single color. Acceptable colors are those of natural adobe, ranging from a light earth color to a dark earth color. Flat white is also acceptable. (See color charts)

The protected space under portales may be painted white or a contrasting color or a mural may be used. N/A

Site Utilization

Follows development zone. Historically, examples of this style are seen most often in a rural setting or with setbacks if sited in an urban location.

Projections and Cavities

Historically, windows are usually deep set defining, 7" WALL WINDOWS RECESSED 2 1/2" BULLNOSE FINISH from the exterior, the wall thickness.

wall heights vary according to room shapes or additions.

Buttresses, fireplace outlines and chimneys are massive and important facade elements.

Vigas, or beams, round or rectilinear, sometimes project through exterior walls or are sometimes cut flush with the unplastered adobe walls and plastered over for protection. N/A

Architectural Details

Wood trim is minimal around window and door openings with a rounding of the wall creating a transition from wall surface to window surface. NO WOOD TRIM

Canales are built up of saw timber, hollowed out from logs, or sheet metal bent to shape, or ceramic pipe sections or other materials as long as they are encased in one of the above materials.

Lintels above windows and door openings are exposed wood. N/A

Portales or covered porches, either inset or projecting, have posts of round logs capped with a corbel and square beams. N/A

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BOT ACTION FORM
SIGN REQUEST
[PZHAC REVIEW]
“Caliente de Mesilla”

STAFF ANALYSIS

Item:

Case 060700 - 2410 Calle de Parian, Suite C, submitted by Samuel Garcia for Four of a Kind Ventures, LLC DBA “Adobe Modern”; a request for a sign for a shop to be located at this address. Zoned: Historical Commercial (HC).

Description of Work to be Done:

The applicant would like to install a 3 feet by 5 feet wall black-and-white wall sign (see attached diagram) above the awning at the front of the store, and a small (about 2 square feet) two sided hanging sign on the Calle de Parian side of the structure (see attached photo). The hanging sign will be a smaller, elongated version of the wall sign. This sign will also be black-and-white.

Consistency with the Code:

The PZHAC will be consistent with the following Sections of the Sign Code (Chapter 18.65) that specifically apply to this project.

18.65.100 Wall signs.

1. Within the Historical Commercial (H-C) zone, the wall sign area, on any given house or building, shall in no case exceed 10 percent of any wall area including apertures or 15 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area

(The proposed wall sign is 15 square feet in area. The sign will not project above the side of the building.)

18.65.150 Projecting signs (hanging sign)

- A. No projecting sign may rise above the level of the first story of the building to which it is attached. All projecting signs must be at least seven feet above sidewalk or ground level, and must be located within the central one-third of the facade length so as not to obstruct neighboring signs.

(The proposed wall sign will be at least 7 feet above the sidewalk.)

- B. Projecting signs shall be limited in area as follows:

1. A maximum of four feet projecting from the wall of the building;
2. A maximum of eight square feet of total sign space including frame. Both sides of a projecting sign may be used for advertisement.

(The proposed hanging sign will project only 3.5 feet from the wall and will be only about 2 square feet per side.)

- C. The supporting structure of any projecting sign must be of adequate strength so as to have no need for guy-wires or wire reinforcement. [Ord. 94-08; prior code § 11-3-15]

(The wrought iron bracket used to hang the sign will not have any guy wires or other supports.)

Findings of Fact:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing a 15 square foot wall sign on the building and a two sided 2 square foot per side hanging sign at the side of the building at this address.
- The subject property is zoned Historical Commercial (HC)
- The proposed sign will not have negative impacts on the surrounding businesses in the area.
- The proposed signs will be consistent with the Code.

PZHAC ACTION:

The PZHAC determined that the proposed signs will be compatible with the area and meets the Code, and voted 3 – 0 to recommend APPROVAL of this request to the BOT.

BOT OPTIONS:

- 1. Approve the application as approved by the PZHAC.**
- 2. Approve the application with conditions.**
- 3. Reject the application.**

BOT ACTION:



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type: Account Number

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: [R0400315](#)

Parcel Number: 4006137229477

Owner: ARMIJO FELIX M &
GUADALUPE R

Mail Address: 2004 W UNION

Subdivision:

Property Address: 2410 CALLE DE
PARIAN

Acres: 0.56999541



QUOTATION SHEET

Since 1953



OUTDOOR ADVERTISING, INC.
ELECTRIC & COMMERCIAL SIGNS
LED & NEON CHANNEL LETTERS • WOOD
ELECTRICAL SIGNS • COMMERCIAL AWNINGS
2525 MAYFIELD LANE, LAS CRUCES, NM 88001
PHONE (575) 650-3900
LICENSE # 25623

Date 2/22/13

Customer Adobe Modern Phone 318 6711
Address 2410 Calle de Principal City L.P.
Our quotation to perform the following work: C/O PHIL SAM

FABRICATE 3' x 5' Sign as per SKETCH
w/ HIGH GRADE EXTERIOR PLYWOOD 1"
THICK MDO (Medium Density Overlay)

FABRICATE 10" x 2'8" Double Sided
Sign as per SKETCH
w/ MEGABOND MATERIAL

FABRICATION 460.00

INSTALLATION of the 2 Signs 220.00

50% DOWN PAYMENT REQUIRED. BALANCE DUE UPON COMPLETION OF JOB. 10% PER MONTH
LATE CHARGE WILL BE ASSESSED IF NOT PAID WITHIN 10 DAYS. THIS QUOTE DOES NOT
INCLUDE ANY ELECTRICAL WIRING BEYOND THREE FEET OF THE ABOVE SIGN DESCRIBED.
SIGN WILL REMAIN THE PROPERTY OF BURKE OUTDOOR ADVERTISING UNTIL PAID IN FULL.

Total \$ 680.00
Tax % \$ 56.52
Grand Total \$ 736.52

This quote good for 15 days from above date.
Thank you for this opportunity to quote. May we be of service?

By [Signature] BURKE OUTDOOR ADV. INC.

This quotation accepted by customer _____ Date _____



OFFICIAL USE ONLY:

Case # 060700

Fee \$ 38.00

CASE NO. 060700 ZONE: HC APPLICATION DATE: 3/8/12

Business Name FOUR OF A KIND VENTURES LLC Business Telephone Number _____
DBA ADOBE: MODERN
Business Address 2410 CAMEL DE PRINCIPAL City MESILLA, NM State _____ Zip Code 88046

Applicant Name SAMUEL GARCIA Applicant Telephone/Cell Number 305-528-2032
Mailing Address 4759 FALCON DRIVE City LAS CRUCES, NM State _____ Zip Code 88011

Description of sign: _____

Please include dimensions, lettering, shape, material, texture, colors, and/or finish to be used on the diagram below.



Colors: _____

FOR OFFICAL USE ONLY

- | | | | |
|-------|---|-----|---|
| PZHAC | <input type="checkbox"/> Administrative Approval | BOT | <input type="checkbox"/> Approved Date: _____ |
| | <input type="checkbox"/> Approved Date: _____ | | <input type="checkbox"/> Disapproved Date: _____ |
| | <input type="checkbox"/> Disapproved Date: _____ | | <input type="checkbox"/> Approved with Conditions |
| | <input type="checkbox"/> Approved with conditions | | |

CONDITIONS: _____

PERMIT ISSUED BY: _____ ISSUE DATE: _____

Community Development Department
2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104
www.mesilla-nm.gov

**ZONE CHANGE Z17-001
(MINUTES OF 3/5/18 PZHAC DECISION)**

A PUBLIC HEARING FOR THIS CASE WAS HEARD BY THE PZHAC ON AUGUST 21, 2017.

Z17-001 – 1971 Union Avenue (the NE Corner of Avenida de Mesilla and Union Ave), submitted by Arthur and Pete Jurado; a request for a decision on a Zone Change request from Rural Farm (RF) to General Commercial (C) for a seven acre property at this address.

Staff stated that a Public Hearing was held by the PZHAC for the proposed Zone Change on August 21, 2017. The PZHAC voted to postpone a decision on the case until a legal opinion could be obtained to clarify whether or not the zone change could be considered “spot zoning”, and what the legality of allowing the cell towers would be. Staff explained that a legal opinion was returned explaining that the issue of spot zoning was typically addressed on a case-by-case basis, and that the issue was usually decided by whether or not the proposed zoning was supported by the entity’s comprehensive plan for the area. Staff also explained that a legal opinion on the towers had not been returned.

Another issue that was discussed was the provision of a specific plan for the development of the property. The PZHAC spoke briefly about requiring a plan, but it was determined that since any uses allowed in the General Commercial (C) zone require review and approval by the PZHAC, this requirement would be covered at the time the applicant has a specific use for the property. There was no further discussion.

A motion was made by Commissioner Lucero to recommend approval the request to the BOT, seconded by Commissioner Prieto, and approved by a vote of 3 – 0 with the following CONDITION:

The existing structures are allowed to remain on the property.

ZONE CHANGE REQUEST Z17-001
[PZHAC REVIEW – 8/21/17 and 3/5/18]
STAFF ANALYSIS
(PRESENTED TO PZHAC 3/5/18)

Item:

Z17-001 – 1971 Union Avenue (the NE Corner of Avenida de Mesilla and Union Ave), submitted by Arturo and Pete Jurado; a request for a Zone change from Rural Farm (RF) to General Commercial (C) for a seven acre property at this address.

Description of Request:

According to the applicants, the zone change is being requested in order to bring the zoning of the property into conformity with the historic use of the property. The applicants believe that the property has always been used commercially, and was improperly zoned RF when the property was first zoned. Other than the cotton gin, which might be considered an agricultural use although it is actually commercial in nature, the property has never been used for true agricultural or residential purposes. The applicants have stated that a cotton gin has existed on the property since the 1930's, and that the property has been used for processing cotton and storing equipment since then.

Additionally, property across Union Avenue to the south, which is in Dona Ana County, is zoned C2 (Community Commercial) which allows a variety of moderately intensive commercial uses up to 40 feet in height with no lot coverage limitations. According to the applicants, the current zoning of RF on their property unfairly restricts the use of the property compared to those properties.

Prior to the meeting and Public Hearing, Staff had sent a request for a legal opinion to Randy Van Vleck, NM Municipal League attorney, for a clarification as to whether such a rezoning would constitute “spot zoning” in which a property in the middle of residential zoning is zoned commercial to the detriment of the surrounding property owners. According to his response to the Mayor, this rezoning could be considered “spot zoning”. (According to the applicant, the fact that the property is in close proximity to existing commercial property could be used to argue that this is not “spot zoning” in that there is commercial zoning directly across the street.)

Another issue that was brought up during the Public Hearing was that there are currently two cellular towers on the property that were allowed by Special Use Permit because the property was zoned RF, and cell towers are allowed on properties zoned RF as long as a Special Use Permit is approved by the Town for the towers. However, cell towers are “expressly prohibited” in Commercial (C) zones, according to Section 18.54.060 (Heights, placement provisions and setbacks) of the Code. Therefore, according to Susan Krueger, the requested Commercial zoning would require that the towers be removed if the zone change is approved. Additionally, staff also requested a legal opinion from the Town attorney with respect to “spot zoning”, along with a request as to how the two cell towers would be legally affected by the zone change. While the attorney did address the issue of “spot zoning” (see attached), there was no response as to the issue of the towers.

Although the 2017 update to the 2004 Comprehensive Plan appears to encourage economic (commercial) growth along Highway 28, it does not appear to encourage this type of zoning in the area of this property.

The issue of “Spot Zoning” was brought up during the Public Hearing for the zone change. This point was based on the fact that there are no properties in the Town adjacent to the subject property that are zoned commercially; they are either RF (Rural Farm) or RA (Residential-Agricultural). There is a property with commercial zoning across Union Avenue to the south, but this is in the County and cannot be considered as part of the “Development Zone” for the subject property, according to Susan Krueger. (Susan Krueger, a resident of the Town, was one of two people who spoke against the proposed zoning during the Public Hearing.)

Consistency with the Code:

The PZHAC will need to determine that the proposed zone change will not be “spot zoning”, and that commercial zoning in this location will be compatible with the Mesilla Comprehensive Plan. The PZHAC will also need to determine that the existing cell towers will be removed if the proposed commercial zoning is approved, or that the prohibition of towers in the C zone does not apply to these towers.

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 zoning on other properties in the area, nor will it constitute “spot zoning”.
- Section 18.54.060 of the Code does not apply to the existing cellular towers on the property, or the towers will be removed.
- The commercial zoning requested will be compatible with the Comprehensive Plan for the area.
- 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:

Recommend approval to the BOT of application.

Recommend approval to the BOT of application with conditions.

Reject the application.

PZHAC ACTION:

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

RESOLUTION 2018-01

WHEREAS, the PZHAC convened on August 21, 2017 at a Public Hearing and Regular Meeting; to hear the case regarding a Zone Change request (Z17-001) from Rural Fann (RF) to General Commercial (C) for a property at 1971 Union Avenue, also known as "The Four Points Cotton Gin"; and

WHEREAS, the Zone Change was requested by Arturo Jurado and Pete Jurado, owners of the property; and

WHEREAS, four of the current members of the PZHAC were present; and

WHEREAS, the application for a Zone Change was filed on August 10, 2017; 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 proposed hearing; and

WHEREAS, all of the surrounding properties in the area within Mesilla Town limits are zoned Rural Farm (RA) or Residential/Agricultural (RA); and

WHEREAS, a public hearing was held by the Planning, Zoning, and Historical Appropriateness Commission on August 21, 2017, according to the requirements of MTC 18.90, during their regular meeting; and

WHEREAS, the Public Hearing of August 21, 2017 was closed after taking public comments; and

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

WHEREAS, there were concerns expressed by two other Town residents that the cell towers on the property would not be legal under the proposed zoning; and

WHEREAS, these same two residents stated that the proposed zone change would not be in compliance with the 2017 Comprehensive Plan; and

WHEREAS, the case was considered at the regular meeting following the Public Hearing on August 21, 2017; and at the regular meetings of the PZHAC held on September 5, 2017 and March 5, 2018; and

WHEREAS, at the March 5, 2018 PZHAC meeting the PZHAC determined that the proposed General Commercial (C) zoning will result in a zoning of the subject property that will benefit the general well being of the Town; and

WHEREAS, the PZHAC voted 3 - 0 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 General Commercial (C), with findings for said approval as stated in "Attachment A" attached to this resolution.

RESOLVED on this 5th day of March, 2018.



Russell Hernandez
PZHAC Chairman

**PHOTOS OF THE POSTED NOTIFICATION SIGNS
(SIGN ALONG UNION AVENUE)**



COMMERCIAL STRUCTURE ACROSS UNION AVENUE (COUNTY)

ZONED C-2 – COMMUNITY COMMERCIAL



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 zoning on other properties in the area, nor will it constitute “spot zoning”.
- Section 18.54.060 of the Code does not apply to the existing cellular towers on the property, or the towers will be removed. will
- The commercial zoning requested will be compatible with the Comprehensive Plan for the area.
- 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:

Recommend approval to the BOT of application.

Recommend approval to the BOT of application with conditions.

Reject the application.

PZHAC ACTION:

**4 – POINT GIN
300 S. Motel Blvd.
Las Cruces, NM 88007
575-526-4971**

February 20, 2018

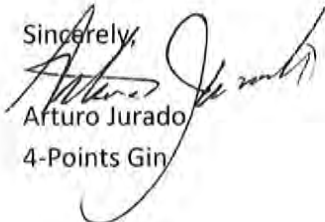
Town of Mesilla
Attn: Larry Shannon
2231 Avenida de Mesilla
Mesilla, NM 88046

Ref: Decision on 4-Point Zoning

Dear Mr. Shannon,

We would like to request that we be put on the agenda for the next planning and zoning meeting which will take place on March 5th, 2018. We would like to have a decision on the request that was made for the zoning change on the 4-Point Gin property a few months ago.

Sincerely,



Arturo Jurado

4-Points Gin

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

RESOLUTION 2018-01

WHEREAS, the PZHAC convened on August 21, 2017 at a Public Hearing and Regular Meeting; to hear the case regarding a Zone Change request (Z17-001) from Rural Farm (RF) to General Commercial (C) for a property at 1971 Union Avenue, also known as “The Four Points Cotton Gin”; and

WHEREAS, the Zone Change was requested by Arturo Jurado and Pete Jurado, owners of the property; and

WHEREAS, four of the current members of the PZHAC were present; and

WHEREAS, the application for a Zone Change was filed on August 10, 2017; 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 proposed hearing; and

WHEREAS, all of the surrounding properties in the area within Mesilla Town limits are zoned Rural Farm (RA) or Residential/Agricultural (RA); and

WHEREAS, a public hearing was held by the Planning, Zoning, and Historical Appropriateness Commission on August 21, 2017, according to the requirements of MTC 18.90, during their regular meeting; and

WHEREAS, the Public Hearing of August 21, 2017 was closed after taking public comments; and

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

WHEREAS, there were concerns expressed by two other Town residents that the cell towers on the property would not be legal under the proposed zoning; and

WHEREAS, these same two residents stated that the proposed zone change would not be in compliance with the 2017 Comprehensive Plan; and

WHEREAS, the case was considered at the regular meeting following the Public Hearing on August 21, 2017; and at the regular meetings of the PZHAC held on September 5, 2017 and March 5, 2018; and

WHEREAS, at the March 5, 2018 PZHAC meeting the PZHAC determined that the proposed General Commercial (C) zoning will result in a zoning of the subject property that will benefit the general well being of the Town; and

WHEREAS, the PZHAC voted 3 – 0 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 General Commercial (C), with findings for said approval as stated in “Attachment A” attached to this resolution.

RESOLVED on this 5th day of March, 2018.

Russell Hernandez
PZHAC Chairman

ATTACHMENT A

RESOLUTION 18-001 (ZONE CHANGE Z17-001)

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 zoning on other properties in the area, 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.

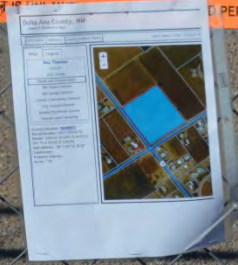
**PHOTOS OF THE POSTED NOTIFICATION SIGNS
(SIGN ALONG AVENIDA DE MESILLA)**



**NOTICE OF HEARING PETITION
TO REZONE PROPERTY
(RE RURAL FARM TO C-COMMERCIAL)
FOR: 1971 UNION AVENUE
(4 POINTS COTTON 61N)
THE TOWN OF MESILLA WILL HOLD A PUBLIC HEARING
BEFORE THE PZHAC IN THE TOWN HALL
CONFERENCE ROOM, ON 2231 AVENIDA DE MESILLA,
ON MON. AUGUST 21, 2017 AT 6:00 P.M.
ALL PERSONS ARE ENCOURAGED TO ATTEND THIS
MEETING. FOR INFORMATION ON THIS CASE OR
INSTRUCTIONS ON FILING WRITTEN COMMENTS, YOU
MAY CALL THE TOWN HALL AT (575) 524-3262.
REFER TO CASE # Z17-001**



**NOTICE OF HEARING PETITION
TO REZONE PROPERTY
(RE RURAL FARM TO C-COMMERCIAL)
FOR: 1971 UNION AVENUE
(4 POINTS COTTON 61N)
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**PHOTOS OF THE POSTED NOTIFICATION SIGNS
(SIGN ALONG UNION AVENUE)**



**COMMERCIAL STRUCTURE ACROSS UNION AVENUE (COUNTY)
ZONED C-2 – COMMUNITY COMMERCIAL**



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | **County Address Points**

Select Search Type: Account Number Enter V

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: [R0400872](#)

Parcel Number: 4007138006218

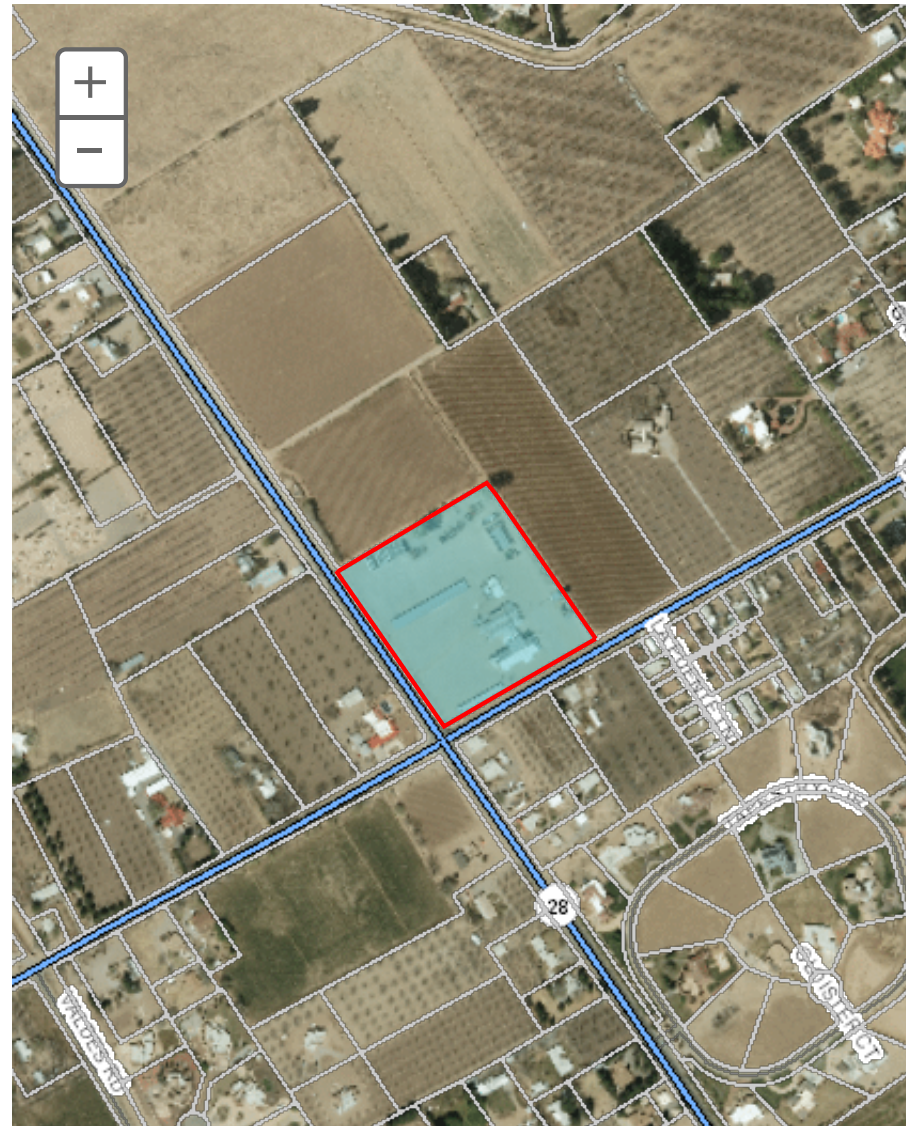
Owner: JURADO ARTURO & MARIA E
REV TR & PEDRO D JURADO

Mail Address: 300 S MOTEL BLVD

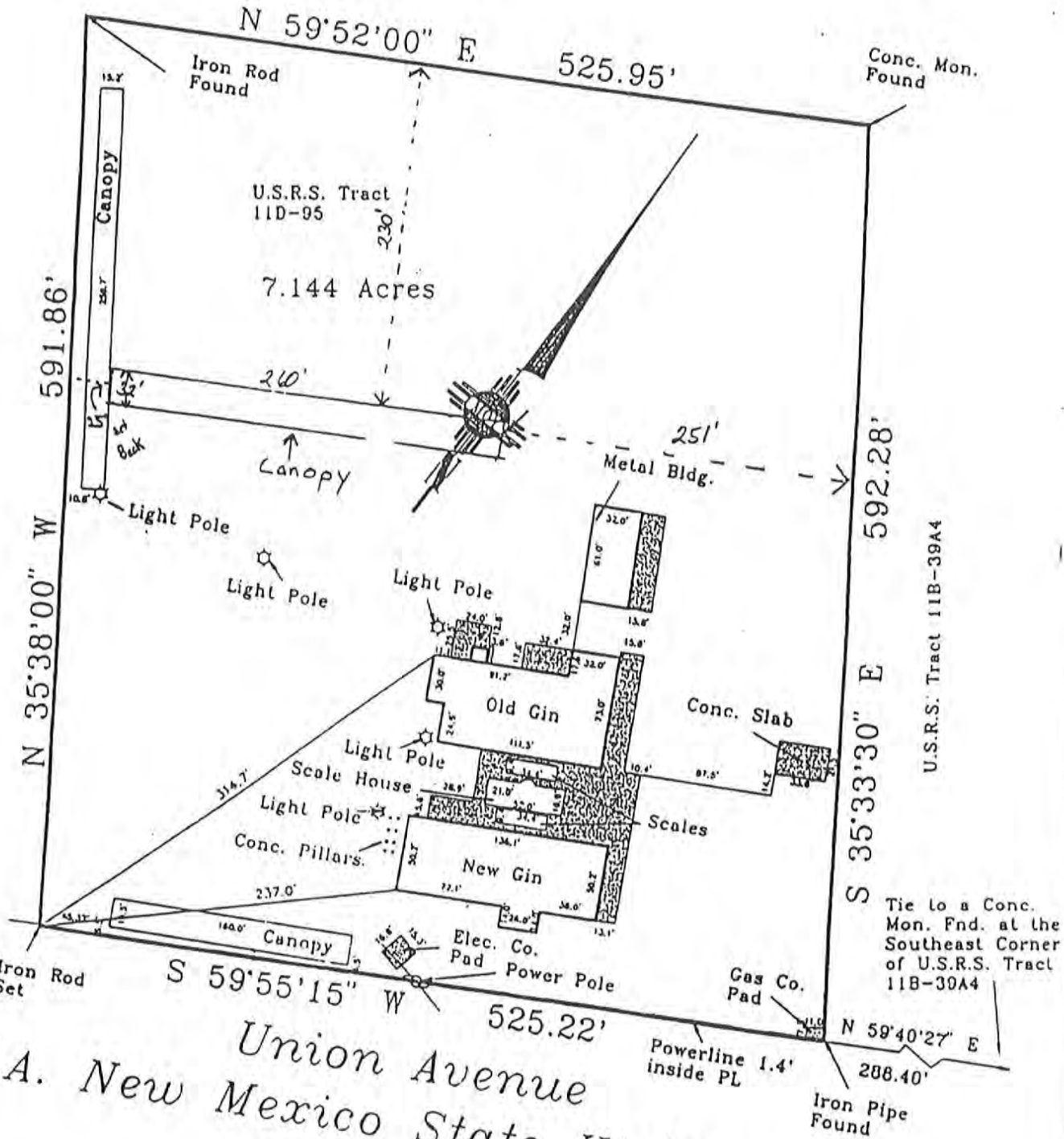
Subdivision:

Property Address:

Acres: 7.05



New Mexico State Road 28



Union Avenue
(A.K.A. New Mexico State Highway 373)

NOTE: INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED AUGUST 24, 1988, IN BOOK 325, PAGES 315-316, DONA ANA COUNTY RECORDS. A DESCRIPTION WAS PREPARED UNDER JOB NO. 93-126.

FEBRUARY 16, 1993

DESCRIPTION OF A 7.144 ACRE TRACT

A tract of land situated Southeast of Mesilla, Dona Ana County, New Mexico, in Section 36, T.23S., R.1E., and Section 31, T.23S., R.2E., N.M.P.M. of the U.S.R.S. Surveys, being U.S.R.S. Tract 11D-95 (formerly U.S.R.S. Tracts 11-131A2 and 11-131B) and more particularly described as follows, to wit:

Beginning at a iron pipe found on the North line of Union Avenue (A.K.A. New Mexico State Highway 373) for the Southeast corner of the tract herein described, whence a concrete monument found on the Southeast corner of U.S.R.S. Tract 11B-39A4, bears N.59°40'27"E., a distance of 288.40 feet;

THENCE from the point of beginning and along the North line of Union Avenue, S.59°55'15"W., 525.22 feet to an iron rod set on the East line of New Mexico State Road 28, for the Southwest corner of this tract;

THENCE along the East line of said New Mexico State Road 28, N.35°38'00"W., 591.86 feet to an iron rod found for the Northwest corner of this tract;

THENCE leaving said road, N.59°52'00"E., 525.95 feet to a concrete monument found for the Northeast corner of this tract;

THENCE S.35°33'30"E., 592.28 feet to the point of beginning, containing 7.144 acre of land, more or less. Subject to any easements and restrictions of record.

Information in the preparation of this description derives from Warranty Deed filed August 24, 1988, in Deed Book 325, Pages 315-316, Dona Ana County records. A plat was prepared under Job #93-126. Field notes by MOY SURVEYING CO. License #5939.

Job #93-126



A DESCRIPTION WAS PREPARED UNDER JOB NO. 93-126.



**PZHAC
PUBLIC HEARING
FOR ZONE CHANGE Z17-001
AUGUST 21, 2017**

(INFO)



Town of Mesilla, New Mexico

The Town of Mesilla PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) will be holding a Public Hearing on:

Monday, August 21, 2017 at 6:00 PM

at: Town of Mesilla

Town Hall

2231 Avenida de Mesilla

Mesilla, NM 88046

To obtain input on an application for a Zone Change on the property located at: 1971 Union Avenue (the intersection of Avenida de Mesilla and Union Avenue). The request is for a zone change from Rural Farm (RF) to General Commercial (C) to bring the zoning of the subject property into conformity with the historical use of the property.

Anyone who is concerned with this matter may address the PZHAC at the Public Hearing, or write to them at:

**TOWN OF MESILLA
Community Development Department
PO Box 10
Mesilla, NM 88046.**

Letters must be received before the Public Hearing. In addition to mailing the letter, a copy may be faxed to 575-541-6327 to ensure timely receipt. You may also contact Larry Shannon at larrys@mesillanm.gov.

POSTED: August 5, 2017



Town of Mesilla, New Mexico

DATE: August 5, 2017

Dear Property Owner:

A notification sent earlier contained the wrong date for the hearing on the zone change. The correct date is August 21, 2017. I apologize for any inconvenience this may have caused.

In accordance with the Town of Mesilla regulations regarding variances, we are notifying you as a neighboring property owner within a hundred foot radius of the subject property that the **Town of Mesilla PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC)** will be holding a Public Hearing on:

Monday, August 21, 2017 at 6:00 PM

at: Town of Mesilla
Town Hall
2231 Avenida de Mesilla
Mesilla, NM 88046

To obtain input on an application for a Zone Change on the property located at: 1971 Union Avenue (the intersection of Avenida de Mesilla and Union Avenue). The request is for a zone change from Rural Farm (RF) to General Commercial (C) to bring the zoning of the subject property into conformity with the historical use of the property.

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Sincerely,



Larry Shannon
Town Community Development Coordinator
Town of Mesilla
Office: (575) 524-3262 ext. 104
Fax: (575) 541-6327

Z17-001 (ZONE CHANGE)
NOTIFIED PROPERTY OWNERS



Imagery ©2017 Google, Map data ©2017 Google United States 200 ft

Erlinda & Charles Florez
(Co-guardians for Jesus Acosta)
812 S. Alamo Street
Las Cruces, NM 88001

Christopher Sims
1909 W. Union Avenue
Las Cruces, NM 88001

Nemecio L. Alvarado, Jr.
PO Box 361
Mesilla, NM 88046

Jacquez Demetrio
& Benita J. Dixon
PO Box 143
Mesilla, NM 88046-0143

Geronimo M. Garcia
PO Box 118
Mesilla, NM 88046

Remigio Verela
3421 S. Highway 28
Las Cruces, NM 88005-4369

Refugio B. Medina
PO Box 222
Las Cruces, NM 88004-0222

Felix M. & Lupe R. Armijo
2004 W. Union Avenue
Las Cruces, NM 88005

Indalecio G. & Dorothy B. Prieto
PO Box 286
Mesilla, NM 88046

SALLY'S LLC
8420 La Ventura Court NW
Albuquerque, NM 87120

TOWN OF MESILLA
REQUEST FOR
ZONE CHANGE

OFFICIAL USE ONLY:

Case # 060620

Fee \$ 350.⁰⁰

CASE NO. 060620 ZONE: RF SUBMITTED DATE: 8/10/17

Name of Applicant Arturo & Pete Jurado Applicant's Telephone/Cell Number 575-649-1038 or 575 649-1641

Mailing & Physical Address 300 S. Motel Blvd City Las Cruces State NM Zip Code 88007

Property Owner(s) Name (if different than above)

Mailing & Physical Address City State Zip Code

Property Description: 4-Points Cotton Gin (corner of Ave de Mesilla & Union Ave)

LEGAL DESCRIPTION: Lot(s) _____ Block(s) _____
Subdivision _____

- Attached legal description in metes and bound to this application
- Attached survey plat to this application

Area (sq. ft. or acres) 7 Present Zoning Classification R-F Present Land Use Equipment Storage Yard

Proposed Land Use: Commercial Property (C - GENERAL COMMERCIAL)

Why is this change of zoning status being requested? Property misclassified

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 or their agents must sign.

Arturo Jurado
Property Owner Signature (if different than Applicant)

Pete Jurado
Applicant Signature

FOR OFFICIAL USE ONLY

- | | | | |
|-------|--|-----|---|
| PZHAC | <input type="checkbox"/> Administrative Approval (N/A) | BOT | <input type="checkbox"/> Approved Date: _____ |
| | <input type="checkbox"/> Approved Date: _____ | | <input type="checkbox"/> Disapproved Date: _____ |
| | <input type="checkbox"/> Disapproved Date: _____ | | <input type="checkbox"/> Approved with Conditions |
| | <input type="checkbox"/> Approved with conditions | | |

CONDITIONS: PUBLIC HEARING REQUIRED. PZHAC REVIEW AND BOT APPROVAL REQUIRED.
OTHER CONDITIONS MAY APPLY IF REQUIRED BY PZHAC AND/OR BOT. JL

ISSUED BY: _____ ISSUE DATE: _____



TOWN OF MESILLA BOARD ACTION FORM

ITEM:

APPOINTMENT OF A MAYOR PRO-TEM TO SERVE FOR ONE YEAR PURSUANT TO MTC
2.15.060

BACKGROUND:

Per MTC 2.15.060. The Board must agree upon and approve a Mayor Pro-tem to serve for one year.

BOT ACTION:

Approve
Approve with changes
Deny

Reviewed by: Cynthia S-Hernandez

Town Clerk/Treasurer

Email: cynthias-h@mesillanm.gov



TOWN OF MESILLA BOARD ACTION FORM

ITEM:

J. SUBMISSION OF NAMES OF PERSONS WHO SHALL FILL THE APPOINTIVE OFFICES OF THE TOWN PURSUANT TO MTC 2.10.060 AND SECTION 3-88-33 NMSA 1978

MTC 2.10.060 Mayor – Appointment of officers after election.

A.) At the organizational meeting of the board of trustees, which shall be held pursuant to Section 3-8-33 NMSA 1978, the mayor shall submit, for confirmation by the board of trustees, the names of persons who shall fill appointive offices of the municipality and the names of persons who shall be employed by the municipality. If the board of trustees fails to confirm any person as an appointive official or employee of the municipality, the mayor at the next regular meeting of the board of trustees shall submit the name of another person to fill the appointed office or to be employed by the municipality.

Appointive Offices of the Town of Mesilla:

Public Works Director
Fire Chief
Town Clerk/Treasurer
Marshal

Debbie Lujan
Kevin Hoban
Cynthia Stoehner-Hernandez
Kevin "KC" Alberg



TOWN OF MESILLA BOARD ACTION FORM

ITEM:

K. SUBMISSION OF NAMES OF PERSONS WHO SHALL BE EMPLOYED BY THE TOWN PURSUANT TO MTC 2.10.060, AND SECTION 3-8-33 NMSA 1978

MTC 2.10.060 Mayor – Appointment of officers after election.

A.) At the organizational meeting of the board of trustees, which shall be held pursuant to Section 3-8-33 NMSA 1978, the mayor shall submit, for confirmation by the board of trustees, the names of persons who shall fill appointive offices of the municipality and the names of persons who shall be employed by the municipality. If the board of trustees fails to confirm any person as an appointive official or employee of the municipality, the mayor at the next regular meeting of the board of trustees shall submit the name of another person to fill the appointed office or to be employed by the municipality.

Regular Town Employees:

| | |
|---|------------------------|
| Community Development | Larry Shannon |
| Community Programs/Spec. Events | Irene Parra |
| Deputy Clerk/Treasurer/ Human Resources | Gloria S. Maya |
| Accounts Payable | Vacant |
| Public Works Foreman | Jack "JD" Younker |
| Custodial | Dorothy Villa |
| Maintenance/ Water Operator | Nestor Esparza |
| Maintenance/Water Operator | Vacant |
| Grounds/Facilities | Lorenzo Astorga |
| Grounds/Facilities | Vacant |
| Utility Clerk | Selia "Sally" Mariscal |
| Full-time Court Clerk | Andrea Carbajal |

Court:

Marshal’s Department:

| | |
|------------------------------------|---------------|
| DeputyII | Ben Azcarate |
| DeputyII | Edward Madson |
| DeputyI | Ryan Nanez |
| Lieutenant | Enrique Salas |
| Sergeant | Lance Shepan |
| School Resource Officer/ Detective | Manuel Cortez |