

Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WORK SESSION AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
TUESDAY-JANUARY 21, 2025, @ 5:00PM.

WORK SESSION – MINUTES

ATTENDEES

COMMISSIONERS Chairperson Alba
Vice Chair Walkinshaw
Secretary Miller
Commissioner Gallegos
Commissioner Mulvihill
Commissioner Reese – Alternate

STAFF Community/Economic Development (CED) Eddie Salazar

PUBLIC Mary H Ratje
Yolanda Lucero
Mary F Lucero
Rebecca Segovia
Nora L Barraza

LA POSTA, 2410 Calle de San Albino, submitted by Tom Hutchison. Submitted plans to renovate parking lot at location and also parking lot's entryway. Parking lot at restaurant location will be converted over to an outdoor dining along with a possible "panaderia."

Mr. Tom Hutchison proposed a project for La Posta (restaurant). The project consists of building a structure on each side of the street, from corner to corner. Where customers for his restaurant who park on the other side of the street, can walk safely across Calle de San Albino. It will also include crosswalk markings on the street from corner to corner. Each structure on each side of the street will be designed to fit the same design La Posta's structure is constructed. Structure would more than likely be made of adobe and have benches for visitors to sit.

An addition to La Posta is also being proposed possibly for a "taqueria" or "panaderia." The addition will need to conform with Mesilla's historic preservation ordinance. The current parking lot will be reconstructed and old asphalt removed and resurfaced with brick. This area will be used for the purpose of social gatherings of visitors as they enter or exit the restaurant.

Commissioners felt comfortable with the proposed project provided all parts of the code adhered to. Next step will be for Mr. Hutchinson to submit formal zoning permit and plans of the construction for consideration.

PZHAC CASE #061940 – 2615 Calle del Sur, Submitted by Sam Bernal. Requesting approval of a subdivision of his property. ZONE: Historical Residential (HR).

Follow up PZHAC work session from 1/15/2025.

CED Salazar stated more documents were submitted by Mrs. Segovia and neighboring properties. All new documents were reviewed by CED Salazar and town of Mesilla's attorney. CED Salazar handed everyone at the table a copy of all the new documents and also recommendation from town attorney. At the end of reading attorney's recommendation, CED Salazar as per the attorney's direction, requested the recommendation document from the attorney be returned back to him in lieu of attorney/client privileges. A few minutes was given for all to review.

For the purpose of transparency, CED Salazar read new letter of concern submitted by William & Amy Abruzzi. Letter attached as legal record to these minutes.

Following, CED Salazar read a letter from the law office of Matthew Hold, PC submitted by Ted Shelton owner of property just south of the private road in question regarding road access. Letter attached as legal record to these minutes.

CED Salazar continued to read another letter submitted by Rebecca Segovia also expressing concerns about her private road in question considering giving access to Mr. Bernal's proposed subdivision. Letter attached as legal record to these minutes.

Various dates of meeting minutes were discussed regarding case # 06-48 and highlights of those minutes were read to the commission by CED Salazar (April 21, 1986, May 5, 1986, May 19, 1986). On June 2, 1986, PZHAC regular meeting minutes stated a letter at the time was submitted by Dan Lorry offering the private road in question to the town of Mesilla. It was the consensus of the commission not to accept until building on Mr. Lucero's lots be completed and the town is able to accept and maintain the road.

After reviewing all the minutes, CED Salazar gave a quick review on how subdivisions typically happen. He discussed preliminary and final plats and the purpose for them.

CED Salazar stated based on the records gathered and attorney's recommendation, commission needs to give consideration based on Mesilla town code and if the subdivision meets all code requirements, the private subdivision road should give access to Mr. Bernal's proposed subdivision. All other legal disagreements should be resolved as a private civil matter by each party.

Commissioner Mulvihill asked if it matters whether both properties Mr. Bernal owns have the same address and why he can't use this property on Calle del Sur to give access to his proposed subdivision. He has plenty of room on his property for a private road.

CED Salazar stated that it was the original submission by Mr. Bernal in 2015, but it was advised there was not enough room to create a private road since it was under the 30 feet requirement. Doing so caused a landlock issue for that parcel depriving Mr. Bernal's right to have access to it. A private easement can be considered on his property according to fire code needing only 20 feet, but Mr. Bernal would have to create a turnaround on his subdivision for the fire truck to exit. Mr. Bernal feels he should not have to give up part of his property for that if he had legal access to use the private road Rebecca Segovia owns.

A recommendation was given by CED Salazar to try to relieve some tension between both parties. Mr. Bernal agreed to create a private road easement on his property and access his subdivision using Calle del Sur if Mrs. Segovia agrees to a gate between Mr. Bernal's private road easement and the subdivision private road she owns. This way, Mr. Bernal would not need to create a turnaround on his property. Fire Dept would only have access through that gate with the combination to a proposed lock. Mrs. Segovia did not agree.

Commissioner Miller requested attorney be present for direction when the formal preliminary plat is submitted.

Commissioner Walkinshaw also requested fire marshal be present as well. Also stated he seen a plat that had a hammer head type turn around for fire.

CED Salazar asked if there were any more questions or concerns from the commissioners and none did.

Meeting adjourned at 6:25 pm.

ATTENDEES

COMMISSIONERS Chairperson Alba
Vice Chair Walkinshaw
Secretary Miller
Commissioner Gallegos
Commissioner Mulvihill
Commissioner Reese – Alternate

STAFF Community/Economic Development (CED) Eddie Salazar

PUBLIC

Mary H Ratje	Annete Granado
Yolanda Lucero	Gary Rogers
Mary F Lucero	Tom Hutchinson
Rebecca Segovia	Sam Bernal
Nora L Barraza	Dasa Bausova
Jeannie Lucero	Adriana Bowen
Andrea Bryan	Trina Witter
Greg Lester	

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
TUESDAY-JANUARY 21, 2025, IMMEDIATELY FOLLOWING WORK SESSION**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL AND DETERMINATION OF A QUORUM**

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes
Alt. Commissioner Reeves – yes

Motion passes 5 – 0.

- 3. APPOINTMENT OF NEW COMMISSIONERS; VOTE FOR SEAT ON COMMISSION**

Commissioner Mulvihill nominated Commissioner Alba as chairperson.

1st motion to nominate Commissioner Alba made by Commissioner Mulvihill

2nd motion to approve made by Commissioner Walkinshaw

Commissioner Gallegos – yes
Commissioner Miller – no

Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes

Motion passes 4 – 1. Commissioner Alba has been selected as chairperson.

Vice-Chair seat nomination, Commissioner Mulvihill nominated commissioner Walkinshaw as vice-chair.

1st motion made by Commissioner Mulvihill

2nd motion to approve by Madam Chair Alba

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes

Motion passes 5 – 0, Commissioner Walkinshaw has been selected as vice-chairperson.

Secretary seat nomination, Commissioner Mulvihill nominated Commissioner Miller.

1st motion made by Commissioner Mulvihill

2nd motion to approve by Madam Chair Alba

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes

Motion passes 5 – 0, Commissioner Miller has been selected as secretary.

4. CHANGES / APPROVAL OF AGENDA

1st motion to approve agenda made by Commissioner Miller

2nd motion to approve made by Madam Chair Alba

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes

Motion passes 5 – 0.

5. PUBLIC INPUT

The public is invited to address the commission regarding items listed on the agenda as allowed by the chair. You can also email your comments to clerktreasurer@mesillanm.gov at least seventy-two (72) hours prior to the meeting.

No public input.

6. APPROVAL OF CONSENT AGENDA

**Note: Items on the Consent Agenda, indicated by an asterisk (*), will be voted on with one motion unless the commissioner requests that a specific item be removed for discussion.*

- a. * December 16, 2024 – PZHAC Regular Meeting Minutes

1st motion to approve consent agenda made by Commissioner Walkinshaw

2nd motion to approve made by Commissioner Miller

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Alba – yes

Commissioner Walkinshaw - yes

Commissioner Mulvihill – yes

Motion passes, 5 – 0.

7. DISCUSSION

- a. Mesilla Town Code – review setback requirements within our code for clarification.

Reviewed sections of the code for clarification on some possible controversial sections of the code. Also, to familiarize commissioners with setbacks within the zones of Mesilla.

A specific section of the code, Mesilla Town Code (MTC); General Provisions, 18.60.310.

Canopies or roofs and accessory buildings in a rear yard shall not be more than 50 percent required area.

Under this section, discussion was held to determine if structures such as canopies and accessory buildings allowed within the setback such as the 30 ft requirement for the RA/RF and 7 ft requirement for the HR/R-1/HC/C zones. The consensus of the commission is as stated in our code allowed.

Right of entry was also discussed in relation to setbacks requirement. If an adjacent property to the applicant do not agree to the right of entry form. The applicant's options would be to build the fence meeting the 7 feet setback from the property line. Why is it needed to meet the setback and not able to build inside your property line? Will be investigated by staff and follow up discussion will be scheduled. MTC 18.40.040(D)

Zero lot lines in the commercial, historic commercial and historic residential zones. A structure can be built on the property line if a right of entry agreement form between adjacent properties is approved by both parties. MTC18.40.040(A)

8. ACTION AND CONSIDERATION

- a. **PZHAC CASE #061942** – 2600 Camino de Bodegas. Submitted by Taylor and Sarah Gobble. Requesting permission to finish existing barn. ZONE: Rural Farm (RF).

1st motion to approve made by Commissioner Walkinshaw

2nd motion to approve made by Commissioner Miller

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Alba – yes

Commissioner Walkinshaw - yes

Commissioner Mulvihill – yes

Motion passes, 5 – 0.

- b. **PZHAC CASE #061943**- 2100 Stithes Rd. Submitted by Adrian Aguirre. Requesting permission to install a swimming pool. ZONE: Residential/Agricultural (RA)

Mr. Maese gave input regarding NM CID requirements. Safety features are met and above what is required. Some updates on plans need to be submitted to include rebar specs. No issues or comment regarding meeting Mesilla town code.

1st motion to approve made by Commissioner Walkinshaw

2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes

Motion passes, 5 – 0.

- c. **BUSINESS LICENSE#1302** – 2489 Calle de Principal. Submitted by Chantelle Thompson. Requesting permission to run a business in portion of an established restaurant. ZONE: Historic Commercial (HC).

1st motion to approve made by Commissioner Gallegos

2nd motion to approve made by Commissioner Miller

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Alba – yes
Commissioner Walkinshaw - yes
Commissioner Mulvihill – yes


Motion passes, 5 – 0.

9. COMMISSIONERS / STAFF COMMENTS

10. ADJOURNMENT @ 7:18 pm




Eric Walkinshaw - Chairperson


Gloria Maya – Town Clerk/Treasurer