



Town of Mesilla, New Mexico

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) SPECIAL USE PERMIT (SUP) HEARING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.**

TUESDAY-FEBRUARY 18, 2025, @ 5:00PM.

****MINUTES****

COMMISSIONERS

Chair Walkinshaw	present
Vice Chair Alba	absent
Secretary Miller	present
Commissioner Gallegos	present
Commissioner Mulvihill	present

STAFF

Community & Economic Development (CED)Salazar
Historic Preservation Specialist Aguirre

PUBLIC

David Borunda	Yolanda Lucero
Mary Lucero	Robert Lopez
Nora Barraza	Dasa B.
Greg F.	Mary H. Ratje
Susie F.	

SPECIAL USE PERMIT CASE #061952 – 2662 Calle de Colon, submitted by David Borunda. Requesting approval for a special use permit to operate a car lift on premises with an issued home occupation business license. ZONE: Historical Residential (HR).

Chair Walkinshaw started meeting at 5pm. He asked if there was going to be anyone wishing to speak or give testimony during the hearing to please stand and be sworn in. There was no one wanting to speak or give testimony either supporting or opposing the SUP.

CED Salazar was given the floor to present the case as it is stated. The case presented is an unresolved matter approximately 10 years. Within that time frame, Mr. Borunda has been in and out of municipal court various times for code infractions. There were no records of minutes and or agenda when Mr. Borunda was approved by Board of Trustees as he had stated.

Mr. Borunda initial business application was in 2010. Last municipal court appearance was on March 21, 2023. At that time, town of Mesilla made a motion to Nolle Prosequi (drop all charges based on an agreement). The agreement of the court was submitted to commission for review during the hearing. The 2 out of 7 conditions set for Mr. Borunda was not to use the car lifts located on his property for commercial use until he applies for and is granted a new SUP.

According to the same court documents, Mr. Borunda received a special use permit called Home Occupation Use to allow minor repairs on 2-3 cars at any given time on his property. Mr. Borunda has renewed the SUP every year.

According to Mesilla town code 18.52.040(B)(2) – automotive related repairs are allowed under a special use permit. Court documents state the permit issued was a Home Occupation permit which is not the same thing as a special use. Special use permits do not need to be renewed as stated in the documents only Home Occupation business licenses do. This leads me to believe Mr. Borunda was never given a special use permit, only a Home Occupation license.

The purpose for the SUP hearing is to meet the Nolle Prosequi as motioned by the town of Mesilla and that is to obtain a SUP to be able to operate the lift commercially.

In order to screen the car lift from public's view, a metal building is being proposed to cover/screen the lifts. If approved, Mr. Borunda will be removing one of the 2 lifts on premises. Is a SUP even necessary being the lift will be inside a residential structure in which town code does not regulate?

Mr. David Borunda addressed the commission. Only comment he had was that the information presented by CED Salazar was factual. The metal building is being proposed because he had requested to build a fence to screen his property but was denied. No details were given as to who, why and what type of fencing was proposed.

There was no further discussion, meeting was adjourned @ 5:30pm.

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
TUESDAY-FEBRUARY 18, 2025, IMMEDIATELY FOLLOWING HEARING**

COMMISSIONERS

Chair Walkinshaw	present
Vice Chair Alba	absent
Secretary Miller	present
Commissioner Gallegos	present
Commissioner Mulvihill	present

STAFF

Community & Economic Development (CED)Salazar
Historic Preservation Specialist Aguirre

PUBLIC

David Borunda	Dasa
Mary Lucero	Mary H Ratje
Nora Barraza	Andrea Bryan
Susie F.	Greg Lester
Greg F.	Trina Witter
Yolanda Lucero	Susan Krueger

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

Chair Walkinshaw	present
------------------	---------

Vice Chair Alba	absent
Secretary Miller	present
Commissioner Gallegos	present
Commissioner Mulvihill	present

3. CHANGES / APPROVAL OF AGENDA

1st motion to approve made by Commissioner Gallegos
 2nd motion to approve made by Commissioner Miller

Commissioner Gallegos	yes
Commissioner Miller	yes
Chair Walkinshaw	yes
Commissioner Mulvihill	no

Motion passes 3-1, Approved.

4. 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.

Nora Barraza – stated she was very involved with the case and has answers to some of the questions you all have. The biggest comment she had was the commission needs to become familiar with Home Occupation (HO) section of the code.

Mr. Borunda was our mechanic for some time and this case caused tension between both families. She was the one that supported Mr. Borunda in getting the home occupation.

It is very complicated HO because it involves more than one property. The property is small and the rear yard setback is not big enough and would have to infringe on his mother’s property next door which has a concrete slab. It can’t also infringe on his own rear yard setback more than 50%.

Yolanda Lucero – Supported Nora’s comments. Asked if the commission needed 5 commissioners to be able to vote due to only having 4 commissioners and no alternate. In the past, all 5 commissioners were needed to be able to have a vote.

CED Salazar – stated not necessary to have all five. At least 3 commissioners are needed to have quorum.

5. 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. *February 3, 2025, Work Session Minutes
- b. *February 3, 2025, Regular Meeting Minutes
- c. * **BUSINESS LIC #1311** – 457 W Broadway St, Joshua TX 76058, submitted by American Steel Carports Inc. Is requesting for a business license.
- d. ***BUSINESS LIC # 1309** – 698 Double Creek Rd, Dobson, NC 27017, requesting approval for a Mesilla business license to perform work in Mesilla.

1st motion to approve made by Commissioner Miller
 2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos	yes
Commissioner Miller	yes

Chair Walkinshaw yes
Commissioner Mulvihill yes

Motion passes 4-0, Approved with conditions on:

1. Meeting day of the week to Monday, February the 3rd rather than Tuesday, February the 3rd.
2. Page one, switch chair/vice chair title between Commissioner Walkinshaw and Commissioner Alba as the change of seats had not occurred yet.
3. Business license #0519 – 1st and 2nd motion need to show which commissioner.

6. ACTION AND CONSIDERATION

- a. **SUP # 061952** - 2662 Calle de Colon, submitted by David Borunda. Requesting approval for a special use permit to operate a car lift on premises with an issued home occupation business license. ZONE: Historical Residential (HR).

1st motion to discuss made by Commissioner Miller

2nd motion made by Commissioner Gallegos

Discussion.

Another motion made by Commissioner Mulvihill to postpone case until she has a chance to review information presented to include home occupation section of our code as proposed by Nora Barraza. Did not get a 2nd motion. Motion dies.

Commissioner Miller amended her first motion to include as a condition something practical to screen property from public. There was no second motion to her amendment. Motion dies.

Discussion.

1st motion to approve case as it is presented, for use of car lift with a SUP made by Commissioner Gallegos

2nd motion to approve case as it is presented, for use of car lift with a SUP made by Commissioner Miller

Commissioner Gallegos yes
Commissioner Miller yes
Chair Walkinshaw yes
Commissioner Mulvihill no

Motion passes 3-1, Approved.

- b. **PZHAC CASE #061950** – 1364 Paisano Rd, submitted by Jason Lopez. Requesting approval to build a 30' x 80' x 14' metal building on his 5-acre parcel. ZONE: Rural Farm (RF).

1st motion to approve made by Commissioner Miller

2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos yes
Commissioner Miller yes
Chair Walkinshaw yes
Commissioner Mulvihill yes

Motion passes 4-0, Approved with condition contractor submits proper paperwork to NM CID.

- c. **PZHAC CASE #061953** – 3080 Snow Rd, submitted by Greg Harding. Requesting approval to construct an agricultural metal building approximately 24' x 50'. ZONE: Rural Farm(RF).

Salazar CED requested this case be postponed due to not all information submitted by applicant.

1st motion to postpone made by Commissioner Miller
2nd motion to postpone made by Commissioner Mulvihill

Commissioner Gallegos	yes
Commissioner Miller	yes
Chair Walkinshaw	yes
Commissioner Mulvihill	yes

Motion passes 4-0, Postponed

- d. **Business License #1310** – 1730 Tierra de Mesilla, submitted by Enchanted Garden Massage de Mesilla. Requesting business license to do business. ZONE: Commercial (C).

1st motion to approve made by Commissioner Miller
2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos	yes
Commissioner Miller	yes
Chair Walkinshaw	yes
Commissioner Mulvihill	yes

Motion passes 4-0, Approved.

7. DISCUSSION – Mesilla Town Code (MTC) 15.15.030 building permit approval process.

CED Salazar presented a discussion regarding his perspective on MTC zoning permit approval process and business license approval. Takeaways on this presentation were as follows;

1. Administrative approvals reporting to PZHAC are only for Historic districts
2. PZHAC to review applications for historic and commercial zones. Any applications for heated space outside these two zones will require PZHAC review as well.
3. Staff to submit BOT monthly report to PZHAC for informational use.
4. Staff to submit draft policy to commission for consideration to approve permit procedures according to MTC.

8. COMMISSIONERS / STAFF COMMENTS

CED Salazar – need invoices for webinar training. Also, need picture of commissioner along with bio. Need to update our online website.

9. ADJOURNMENT

1st motion to approve made by Commissioner Mulvihill
2nd motion to approve made by Commissioner Miller

Commissioner Gallegos	yes
Commissioner Miller	yes

Chair Walkinshaw yes
Commissioner Mulvihill yes

Motion passes 4-0, Adjourned.


Gloria Maya-Town Clerk Treasurer


Eric Walkinshaw-PZHAC Chairperson



NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 524-3262 at least 48 hours prior to the meeting.

Posted on **2/13/2025** at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office – 2253 Calle de Parian; Mesilla website <https://www.mesillanm.gov/minutes-agendas/>