



**PZHAC MEETING
AGENDA
DECEMBER 7, 2015**

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, DECEMBER 7, 2015 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL AND DETERMINATION OF A QUORUM

All Commissioners were present. A quorum was present.

3. CHANGES TO THE AGENDA

4. *There were no changes to the agenda.*

5. *ACCEPTANCE OF THE CONSENT AGENDA

Note: Items on the agenda indicated by an asterisk () are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed.*

Commission chair Hernandez stated that the minutes for the November 16 PZHAC meeting needed to be changed to reflect the fact that Commissioner Apodaca had voted against tabling the Public Hearing for Special Use Permit SUP15-002.

The Consent Agenda, including the minutes as amended, was approved by the PZHAC by a vote of 4-0.

***PZHAC MINUTES:**

PZHAC Meeting Minutes of November 16, 2015

Approved as amended as part of the Consent Agenda.

***ADMINISTRATIVE APPROVALS:**

Building Permit Requests:

- a. Case 012460 – 333 Capris Arc Rd, submitted by Don Brooks of Affordable Plumbing; a request for a building permit to allow the applicant to conduct a gas pressure test at a dwelling at this address. Zoned: Single Family, one acre (R-1).

Approved as part of the Consent Agenda.

6. PZHAC NEW BUSINESS:

- a. **PUBLIC INPUT ON CASES** – *None outside of Public Hearing*

b. **CASES:**

Special Use Permit

*** A PUBLIC HEARING MUST BE HELD PRIOR TO ACTION ON THE FOLLOWING ITEM.**

1. SUP15-003 – Submitted by Jose Salazar of “A Striking Image Carpet Cleaning”, a request for a Special Use Permit to operate a carpet cleaning business as a business at his home at 320 W. University Ave. Zoned: Rural Farm (RF).

Staff provided a brief description of the request, including the fact that the applicant had been before the PZHAC on November 2, 2015 for a business permit as a Home Occupation. It was

determined by the PZHAC at that time that the business did not fit under the category of Home Occupation, but was more likely allowable with a Special Use Permit as a Cottage Industry. The applicant's request for a business permit was approved with the condition that the applicant obtain a Special Use Permit to allow the proposed use on the property. The current request is for a Special Use Permit.

Present at the meeting to speak against the case were Susan Krueger and Charles Bouger.

At the Public Hearing, it was stated by Susan Krueger that the proposed business is not an allowable or acceptable use for the RF zone as a Cottage Industry because the definition section of the Code states that cottage industries are only for uses related to "...the agro-residential use of the land", and the proposed use is not agricultural. Charles Bouger stated that the Cottage Industry provisions of the Code only allowed family members as employees.

After the Public Hearing was closed and the PZHAC reopened its regular meeting, Commissioner Apodaca reviewed the list of uses that were allowed in the RF zone by various processes and concluded that the proposed use did not create the negative impacts that other allowed uses in the RF district can create. This was especially true of Home Occupations, which are an allowed use in the RF district with certain conditions.

The reasoning of Commissioner Apodaca, and echoed by the PZHAC, was that Section 18.20 of the Code allows Home Occupations by right in the RF zone provided that certain provisions are met, and these uses are typically commercial in nature and not associated with an agricultural product. These uses include kennels and pet grooming, automotive related body repair and body work, bicycle repair, motorcycle repair, and appliance repair; all of which allow customers to come to the property and allow work to be done on the property. (The proposed use does not have customers coming to the property). Most of these uses can be more intensive than the proposed use.

According to the PZHAC, since the impacts (traffic, noise, customers, parking, etc.) created by the proposed use will be similar or less intensive than those created by uses allowed in the RF zone with or without a Special Use Permit, the use should be allowed as similar to those uses. Additionally, the proposed use will not have customers coming to the property, as allowed for certain uses.

The PZHAC determined, based on the overall impacts of the proposed use, that the use should be allowed as a home occupation with a Special Use Permit. Commissioner Apodaca made a motion, based on the discussion above, to recommend approval of the requested use with the provision that "...a written recommendation from the planning commission to the Board of Trustees is approved by the trustees, which states that the use is similar to and not more objectionable than the uses already listed" This motion was seconded by Commissioner Lucero, and approved by a vote of 4 – 0.

7. PUBLIC COMMENTS

Susan Krueger stated that she could not find the minutes of the last meeting posted on the web site. She also suggested that she would challenge the PZHAC's decision on the SUP to the BOT. There were no further comments.

8. PZHAC/STAFF COMMENTS

None

9. ADJOURNMENT OF THE PZHAC MEETING

The meeting was adjourned at 6:30 pm.