



**PZHAC WORK SESSION
MINUTES
MAY 16, 2016**

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION ON MONDAY, MAY 16, 2016 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

1. Submitted by Lonnie Gallegos, a request to discuss the requirements necessary to conduct personal or commercial repair of vehicles on a property located at 2391 Calle de Santa Ana. Zoned: Historical Residential (HR). **(15 min.)**

Mr. Gallegos was not present for the work session and a presentation was not heard.

2. Submitted by Francisco Torres for Chala's Restaurant at 2790 Avenida de Mesilla, a request to discuss his plans to expand the restaurant by adding an outdoor seating area. Zoned: Historical Residential (HR). **(15 min.)**

Mr. Torres provided a brief description of his plans to add an outdoor patio seating area to the front of the area, and enclose the meat smoking operation at the rear of the restaurant with a six foot high wooden fence. Mr. Torres explained that he would like to add a 20 ft. by 25 ft. (500 square feet) patio addition at the front of the restaurant to accommodate an outdoor dining area. The area will be surrounded by a six foot high wooden privacy wall along the north side of the patio, and a four foot high wooden wall along the south and east sides of the proposed area. There will be a gate in the south wall. The patio will be on a concrete slab that will be poured over the parking area at this location. Mr. Torres has been made aware that this area and wall will need to be approved by the State Alcohol and Gaming Commission if there will be future alcohol sales or consumption in this area.

Mr. Torres also explained that the meat smoker at the rear of the property will need to be enclosed by a wall in order to meet health requirements that limit access by outsiders to food being produced or processed here. To meet these requirements, Mr. Torres is proposing that this area will be surrounded by a six foot high wooden wall. This wall will enclose about 20 square feet of area.

The wood pattern in both fences will be built to match the design that has been used throughout the restaurant, and will not be out of character with the restaurant or its surroundings.

Mr. Torres was informed by staff that one person in the immediate area had complained about the smoke created by the restaurant, and that, although there is no ordinance that specially address cooking smoke, the operation would be monitored by staff to ensure that it does not become a perpetual nuisance. Mr. Torres stated that he was trying to design the wall in such a way that it would lessen the impacts of the smoke on neighboring properties. Additionally, since the construction of the wall will not create additional smoke impacts, and may solve some of the problem, it should not be denied as a result of the smoke complaint..

3. Submitted by Yolanda Lucero, a request to add an addition onto an existing dwelling located at 2392 Calle de Parian. Zoned: Historical Residential (HR). **(15 min.)**

Commissioner Lucero, who is the owner of the subject property, explained that she would like to add a 265 square foot addition to an existing dwelling she occupies at this location. The addition will consist of a kitchen area, a bathroom, and a living room with a fireplace. There will be a six foot high wall at the front of the addition enclosing a patio that will have a gate to the front yard. Currently, in addition to the existing dwelling, the 0.522 acre property contains a rental duplex and a small storage building. The proposed addition will be done in the same style and color as the original structure, and will meet all requirements of the Code.

She also stated that since she is the owner of the property, she will recuse herself from any deliberations and decisions by the PZHAC concerning the proposal.

4. Submitted by John Wright, a request to discuss proposed alterations to a dwelling at 2782 Calle de San Albino; including the addition of a garage/storage unit, a stand-alone casita, and upgrades and changes to the existing dwelling. Zoned: Historical Residential (HR). **(15 min.)**

Mr. Wright was not present for the work session and a presentation was not heard.

**PZHAC MEETING
MINUTES
MAY 16, 2016**

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, MAY 16, 2016 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Commission chairperson Hernandez was absent, Commissioner Lucero assumed the role of acting chairperson. A quorum was present.

III. CHANGES/APPROVAL OF THE AGENDA

Decisions on Work Session Items 1(2391 Calle de Santa Ana) and 4 (2782 Calle de San Albino) in New Business were removed from the agenda because the applicants were not present to provide information about their cases. A motion to approve the agenda as amended was made by Commissioner Prieto, seconded by Commissioner McLeod, and approved by a vote of 3-0.

IV. *ACCEPTANCE OF THE CONSENT AGENDA

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

Commissioner Prieto made a motion to approve the Consent Agenda with the minutes as corrected, seconded by Commissioner McLeod, and approved by a vote of 3 – 0.

A. *PZHAC MINUTES:

PZHAC Meeting Minutes of April 18, 2016

Approved as part of the Consent Agenda.

B. *ADMINISTRATIVE APPROVALS:

Building Permit Requests:

1. Case 012531 – 107 Capri Rd., submitted by OR&L Construction for Nancy Matteucci; a request for a building permit to replace the roof on a dwelling at this address. Zoned: Residential One Acre (R-1).
Approved as part of the Consent Agenda.
2. Case 012532 – 200 Capri Rd., submitted by Gardea Roofing for Jeanne Medina; a request for a building permit to replace the roof on a dwelling at this address. Zoned: Residential One Acre (R-1)
Approved as part of the Consent Agenda.
3. Case 012537 – 2586 Calle de Principal., submitted by Leopoldo Lucero for Aurelia L. Uribe; a request for a building permit to replace a small front porch at this address. Zoned: Historical Residential (HR).
Approved as part of the Consent Agenda.
4. Case 012540 – 2950 Bowman, submitted by B&L Roofing; a request for a building permit to repair and replace the roof on a dwelling at this address. Zoned: Residential One Acre (R-1).
Approved as part of the Consent Agenda.
5. Case 012541 – 214 Capri Rd., submitted by Desert Song for Mary Ersinghaus; a request for a building permit to replace the shingles on a dwelling and a storage structure at this address. Zoned: Residential One Acre (R-1).

Approved as part of the Consent Agenda.

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

Susan Krueger

Ms. Krueger stated that she is concerned with outdoor porches for restaurants along Highway 28. She said that they should be more uniform with the area; and that they promote crossing Highway 28 to reach parking areas, creating a hazardous situation and a liability. The PZHAC needs to consider the future of Highway 28 with respect to safety.

Jorge Raul Puentes, owner of Silver Studio 925

Mr. Puentes stated that he operates Silver Studio 925 at 2489 Calle Principal, and that he is in the process of opening a second location on the Plaza at 2309 Calle de Guadalupe. Unfortunately, he missed the deadline to have his business application on this agenda, and would like the PZHAC to approve the application at this time so that he could open the store prior to the next meeting, which will be on June 6. Staff advised the PZHAC that they could not approve the case since it was not on the agenda, and it could not be added to the agenda since it was not advertised. The PZHAC then stated that it would be up to staff's discretion to allow the business to open temporarily under the old license until the new license is officially approved by the PZHAC.

B. CASES:

Work Session Items

1. **Work Session Item 1** - 2391 Calle de Santa Ana, requested by Lonnie Gallegos; a decision as to whether the existing operation on the property is a personal or commercial repair operation, and what approvals and licenses will be required. Zoned: Historic Residential (HR)

Removed from the agenda.

2. **Work Session Item 4** - 2782 Calle de San Albino; a decision as to what changes, if any, may be necessary to make the proposed alterations and additions to the dwelling at this address historically appropriate for the area. Zoned: Historic Residential (HR)

Removed from the agenda.

Building Permit Requests:

3. **Case 012543** – (Work Session Item 2) 2790 Avenida de Mesilla, submitted by Francisco Torres for Chala's Restaurant; a request for a building permit to add a 20 ft. x 25 ft. serving patio with privacy walls at the front of the restaurant; and a six foot high wall enclosure around a meat smoker on the west side of the restaurant. Zoned: Historic Residential (HR)

The decision on this case was based on information and responses to questions provided by the applicant during the work session, as well as input provided by the public during the Public Input section of this meeting.

Further discussion included concerns about smoke on neighboring properties, and the effect of the proposed wall around the smoker on the distribution of the smoke. Since there are no ordinances outside of the nuisance ordinances outside of the nuisance ordinances, and since the wall would not add to the smoke problem and could possibly divert some of the smoke, a motion to recommend approval of the case to the BOT was made by Commissioner Prieto, seconded by Commissioner McLeod, and approved by a vote of 3–0.

4. **Case 012558** – (Work Session Item 3) 2392 Calle de Parian, submitted by Yolanda Lucero, a request for a building permit to allow an addition to an existing dwelling at this address. Zoned: Historic Residential (HR).

The decision on this case was based on information provided during the work session. Since Commissioner Lucero is the owner of the property, she recused herself from any decision making or deliberations concerning the case. The PZHAC determined that the proposed addition would maintain the style of the existing structure and would not be out of compliance with the Historic

Preservation section of the Code (Chapter 18.33). The PZHAC also determined that the proposed addition was allowed in the Historic Residential (HR) zoning district. There were no issues brought u, and a motion to recommend approval of the case to the BOT was made by Commissioner McLeod, seconded by Commissioner Apodaca, and approved by a vote of 3-0.

Special Use Permit

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

The PZHAC voted 3-0 to close the Regular Meeting and open the Public Hearing.

5. **SUP16-001** – Submitted by Anna Biad, a request for a Special Use Permit to allow a private school to operate in a former office building at 1730 Tierra de Mesilla. The SUP includes a request for approval of a Business Permit for the proposed use, and includes the use of the property to the east and part of the property to the north of the subject properties. Zoned: General Commercial (C).

Staff gave a brief presentation of the request, explaining that the SUP would involve the applicant's property, the property immediately to the east owned by Jack Pruett, and part of a property to the north owned by Garry Coppedge. Staff stated that each of the other property owners was aware of the application and the intent of the applicant to acquire the properties. The properties will be used as part of the playground area for the school as well as provide some space for any drop-off areas required for the students. In order to acquire part of the property to the north, a summary subdivision would be necessary to allow a lot line adjustment. This would be conducted if the SUP is approved by the BOT, and was mentioned here because it is part of the process in which land will be acquired to meet the needs of the SUP.

According to the applicant, the school will be a for-profit school for grades K-6th, and will contain up to 40 children in its first year of operation (2016/2017 school year), including 5 of the applicant's own children. The existing two story office building owned by the applicant will be converted for use as a school building. At least one of the existing tenants will be reopening in another location in Mesilla.

Several local residents spoke against the proposed SUP. Their comments are listed below.

Cali Szczawinski (Owner of the Mesilla Grill, formerly the Meson de Mesilla)

She stated that she was concerned with the limitations that a school within 300 feet of her business would have on alcohol sales if she were to amend her liquor license in the future, or if she were to sell the property. Another concern was that the noise generated by the school, especially the playground area, would bother her tenants. Cali said that she wanted to point out that, under state law, a school will prohibit any future liquor licenses or expansions of liquor license holders, which means that no new liquor license establishments can come into the area.

Susan Krueger (Resident)

Susan stated that the Town's Ordinance did not allow subdivision and other requests to be put together in one package for a Special Use Permit request.

Philip Born (Notified owner of property adjacent to the subject property)

Mr. Born stated that he owns property adjacent to the subject property and is concerned that the proposed use will create future limits on the use or sale of his property.

Anna Biad (Applicant)

Ms. Biad stated that she was one of the original owners of property in the Mercado and was a real estate agent, and that she is also concerned with property values in the area. She stated that she wants to be a good neighbor, and that her school would operate on week days while most of the restaurants business would be on week-ends. She also stated that she would be willing to provide a blanket waiver to allow alcohol permits to any legitimate commercial business in the area.

Steve Newbie (Architect for the applicant)

Mr. Newbie stated schools have been located in urban areas surrounded by commercial operations, and have resulted in increased property values. He also said that schools have often invigorated

dying areas. Also, since the state considers Mesilla to be a “Local Option District” the local elected officials (the BOT) is allowed to override distance limitation and allow alcohol sales around schools and churches.

There were no further comments.

The PZHAC voted to close the Public Hearing and reopen the Regular Meeting.

A motion was made by Commissioner McLeod to recommend approval of the SUP to the BOT, seconded by Commissioner Prieto, and approved by a vote of 2-1 (Commissioner Apodaca voted against.)

Commissioner Apodaca also stated that, according to Section 18.55.040 of the Code, the BOT will need to amend the Code and include the proposed use in the list of uses permitted by right. (This suggestion will be looked into by staff.)

Summary Subdivision

6. Submitted by Anna Biad, a request for a lot line adjustment through the summary subdivision process to adjust a lot line at the north side of the subject properties for SUP16-001.

Staff explained that this case was placed on the agenda because it is an integral part of the SUP being requested due to the fact that the property in question will be part of the playground and parking for the proposed school. Since the actual acquisition of the property and the necessary lot line adjustment are dependent on approval of the SUP by the BOT, the summary subdivision request will be completed only if the SUP is approved, therefore the case will be formally heard at a future meeting providing that the SUP is approved. A decision on this case was not made at this time.

Business Permit:

7. 2310 Avenida de Mesilla, submitted by Yvonne Bower for Gumbo Lilies; a request for a business license to allow a shop for rustic and southwestern décor, old time photos, accessories, and refreshments to operate at this address. Zoned: Historical Commercial (HC)

A brief description of the case was provided by Staff. There were no issues. A motion was made to approve the case by Commissioner Prieto, seconded by Commissioner McLeod, and approved by a vote of 3-0.

Sign Permits:

8. **Case 012526** – 2310 Avenida de Mesilla, submitted by Yvonne Bower for Gumbo Lilies; a request for permit to place two hanging business signs on a commercial building at this address. Zoned: Historical Commercial (HC).

A brief description of the case was provided by Staff. There were no issues. A motion was made to recommend approval of the case to the BOT by Commissioner McLeod, seconded by Commissioner Prieto, and approved by a vote of 3-0.

VI. PUBLIC COMMENTS

There were no comments.

VII. PZHAC/STAFF COMMENTS

There were no comments

VIII. ADJOURNMENT

The meeting was adjourned at 7:17 pm.