



Town of Mesilla, New Mexico

PZHAC WORK SESSION MAY 18, 2015

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION ON MONDAY, MAY 18, 2015 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA TO DISCUSS THE FOLLOWING:

1. Submitted by David Borunda of 2662 Calle de Colon, a discussion of the legal status of using a portion of a property located across the street from an existing automobile repair operation as a parking area for automobiles awaiting repair. Zoned: Historical Residential (HR). (Further information will be provided by the applicant at or before the meeting.) **30 min.**

A brief presentation of the case was provided by Mr. David Borunda, owner of the repair business. According to Mr. Borunda, the parking in question on the lot across the street was approved by the PZHAC in August, 2010 as part of the approval of his legal non-conforming auto repair business on his lot. (Staff could not find any minutes of the PZHAC meeting in the files. However, the business license program used by the Town indicates that the business was approved by the Town at this time.) Mr. Borunda also stated that the only condition put on the business was that there was to be no parking in the street as a result of the business.

Issues brought up during discussion included: the business should have been approved under a Special Use Permit and not as a Home Occupation as the PZHAC did in 2010; no repairs related to the business should take place on the property in question; all repairs at the repair operation should actually take place in an enclosed building; there should probably be an enclosure around the parking area; there should be a time limit imposed on vehicles parked on the parking area in question; and that better records need to be kept regarding minutes of meetings. (Mayor Barazza stated that record keeping has been improved, and that microfiche records are now being kept of the Town records.)

There was no further discussion, and the PZHAC went on to the next discussion item.

2. Submitted by David Borunda of 2662 Calle de Colon, a request for a discussion to apply for a permit to keep a chain link fence in the front setbacks of a residential property at this address. Zoned: Historical Residential (HR). (Further information will be provided by the applicant at or before the meeting.) **30 min.**

A brief presentation of the case was provided by Mr. David Borunda, owner of the property. This is the same property that contains the auto repair operation discussed in Item 1. Mr. Borunda said that he installed the fence to protect his children from the dangerous roads around the property, and to keep his expensive dogs from getting off the property. Mr. Borunda stated that he built the fence without a permit because Larry Shannon, the person responsible for handling building permits at the Town, was in the hospital and that there was no one at the Town that he could talk to about building a fence or obtaining a building permit for a fence. He obtained a building permit application from the Town after the fence had been installed and a complaint had been filed.

Commissioner Apodaca, referring to a similar case that was brought up as an example during a Planning Commission training session in Albuquerque early in May, said that it was his opinion that the current case was now a criminal matter, since the fence was built without a permit. He believed that the case should be brought to court, and that the PZHAC was not the proper place to discuss allowing the fence to remain, even if Mr. Borunda was now trying to obtain a building permit to make the fence legal. He thought that Codes would need to ticket the fence.

There was further discussion as to whether or not there were any other ordinances that might be applied that would allow the fence to remain, including kennel ordinances. Nothing was found in the Codes at this time.

**PZHAC MEETING
MAY 18, 2015**

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, MAY 18, 2015 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA. *The meeting was convened at 6:02 pm.*

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

There were no changes to the agenda.

4. *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.*

A motion was made to accept the Consent Agenda by Commissioner Lucero, seconded by Commissioner Prieto, and accepted by a vote of 5 – 0.

***PZHAC MINUTES:**

Work Session and Regular Meeting Minutes of May 4, 2015
(Accepted as part of the Consent Agenda.)

***ADMINISTRATIVE (CONSENT) APPROVALS:**

Building Permit Requests:

- a. ***Case 012371***– 2261 Calle de Guadalupe; Submitted by Bob Hamilton for Josefina's, a request for a commercial building permit to allow various stucco cracks in exterior walls to be repaired with sand mix and repainted in the existing color. Zoned: Historical Commercial (HC).
(Accepted as part of the Consent Agenda.)

5. PZHAC NEW BUSINESS:

Discussion Items (decisions):

- b. Permission for David Borunda of 2662 Calle de Colon, to continue using a portion of a property located across the street from an existing automobile repair operation as a parking area for automobiles awaiting repair at the repair operation. Zoned: Historical Residential (HR). (Determination to be based on information discussed during the work session.)
The PZHAC agreed that the choice of the PZHAC in 2010 to allow the business itself as a Home Occupation was in error, but that the original decision was not an issue at this time. The PZHAC also considered requiring a fence around the off-site parking area, but ultimately decided to continue with the concept of the parking area being a legal non-conforming use as originally approved by the PZHAC in 2010.

A motion to allow the parking area to continue to be used was made by Commissioner McLeod, seconded by Commissioner Prieto, and approved by a vote of 5 – 0.

- c. Permission for David Borunda of 2662 Calle de Colon, to apply for a permit to keep a chain link fence in the front setbacks of a residential property at this address. Zoned: Historical Residential (HR). (Determination to be based on information discussed during the work session.)
The PZHAC again expressed dismay with the applicant that he had not consulted with the Town prior to installing the fence. One Commissioner insisted that this was now a legal issue and no longer a PZHAC issue, and should be taken through the court system since the fence was already installed before coming to the PZHAC.

A motion was made by Commissioner Lucero and seconded by Commissioner Prieto to postpone a decision on this case to allow further review of the case and legal recourses available to the PZHAC. Postponement was approved by a vote of 5 – 0.

Sign Permit Request:

- d. **Case 012365** – 2600 Avenida de Mesilla (Palacio's Bar and Grill), submitted by Velia Chavez; a request for a building permit to allow the owner to have a sign painted on the south wall of the structure facing an existing parking lot. Zoned: Historical Residential (HR).
The applicant was not present for the meeting, and the PZHAC had questions about the proposal that Staff could not answer. Commissioner Lucero , seconded by Commissioner McLeod, made a motion to table the case until the end of the meeting to allow time for the applicant to show up. The case was tabled by a vote of 5 – 0. At 6:34 pm, the applicant still had not arrived, so a motion was made by Commissioner McLeod, seconded by Commissioner Prieto to postpone a decision on the case until the applicant could appear at a meeting before the PZHAC. The case was postponed by a vote of 5 – 0.

Business Registration Requests:

- e. **Case B15001** – Submitted by Douglas Kevin Zimmerman for Toy Hauler, LLC; a request for a business registration and license to operate a Home Occupation in a dwelling at 102 Capri Rd. Zoned: Single Family (R1).
Staff presented a brief description of the case, and Mr. Zimmerman provided further information to the PZHAC, including the fact that the trailer and any cars that needed to be stored would be kept at a commercial facility on Carver Road in the County. Magnetic business sign would be used on the pick-up truck (Ford F150) that would be parked on the property; and there would be no outside indications of a business on the property. If there is any commercial expansion of the business, a commercial property will be used. There were no other issues or discussion items.
A motion was made by Commissioner Lucero to approve the case, seconded by Commissioner Prieto, and approved by a vote of 5 – 0.
- f. **Case B15003** – Submitted by Edmund Bailey Beacham for Epsilon Systems Solutions, Inc.; request for a business registration and license to operate an environmental consulting service as a home occupation at 3010 Mesilla Verde Terrace. Zoned Residential/Agricultural (RA).
Staff presented a brief description of the case. There were no issues or discussion items. A motion was made to approve the by Commissioner Lucero to approve the case, seconded by Commissioner Prieto, and approved by a vote of 5 – 0.

Code Amendments:

- g. **Amendment for Temporary and Itinerant Vendors**
Staff requested that the Commissioners consider the issues that the PZHAC has had, or can see occurring in the future, that might result from requests by temporary vendors in various areas of Town, and consider possible solutions to the problems envisioned. These solutions can be a conclusion that the existing Code is sufficient to address potential problems, or suggesting conditions or amendments that may be applied to the existing Code. Any suggestions should be e-mailed or otherwise submitted to Staff by the June 1 meeting.

6. PUBLIC COMMENTS - None

7. PZHAC/STAFF COMMENTS

Staff requested that the PZHAC members review any information that they have been given about food trucks and mobile vendors and submit any comments they may have to Staff for consideration in the writing of an amendment to the Code concerning food trucks and mobile vendors in the Town. Staff asked that the members look at actual impacts to the Town, including budgetary impacts and sanitary concerns, and suggest ways to mitigate these issues. One of the things to be considered was whether the Code, as it is currently written, is adequate in addressing and mitigating these potential problems without the need for any further amendments.

Other comments that were made included discussion of the Frontier Community Pre-application Workshop that took place at the Mesilla Community Center on Tuesday, May 12, 2015. Mayor

Barazza thanked all those who attended the meeting. (Attendees were Commissioners Don Apodaca and Yolanda Lucero; and Mesilla staff members Irene Parra, Special Events Coordinator; and Larry Shannon, Community Development Coordinator.)

Commissioner Apodaca mentioned that he had spoken to was interested in the idea of the Town mustering the necessary support and submitting an application to enhance any existing marketing plans for the Town by advertising the Town on billboard and other signs along the interstates to the area.

Commissioner Prieto suggested that the Town could look into becoming designated as an “Arts and Cultural” city, one of the designations presented at the NMLZO workshop that four of the PZHAC commissioners had attended the week before (May 5 – 7, 2015).

Mayor Barazza explained that, although both of these were good ideas, most of the initiatives that the Town has looked into, including these; require money, staffing, and time that the Town currently does not have. In many cases, due to per capita income, funding requirements, and other issues currently beyond our control; the Town simply does not qualify for the initiatives offered.

8. ADJOURNMENT – *The meeting was adjourned at 7:17 pm.*

**PZHAC MEETING
MINUTES
5/4/2015**

PZHAC
WORK SESSION
(DISCUSSION ITEMS)
5/18/2015

PZHAC
ADMINISTRATIVE (CONSENT) APPROVALS
5/18/2015

PZHAC NEW BUSINESS

5/18/2015