

**THE PLANNING, ZONING AND
HISTORICAL APPROPRIATENESS COMMISSION (PZHAC)
MONDAY DECEMBER 19, 2022, 2:30 PM**

MINUTES

1. PLEDGE OF ALLEGIANCE

Chairperson Yolanda Lucero led the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

Mayor Nora L. Barraza took roll call.

Commissioner Danny Jones – Present
Commissioner Eric Walkinshaw - Present
Chairperson Yolanda Lucero - Present
Commissioner Davie Salas- Present
Commissioner Gerard Nevarez – Present

Mayor Barraza declared a quorum.

3. CHANGES / APPROVAL OF AGENDA

Motion to approve the agenda was made by Commissioner Nevarez and seconded by Commissioner Walkinshaw.

Roll Call Vote:

Commissioner Jones - Yes
Commissioner Walkinshaw – Yes
Chairperson Lucero - Yes
Commissioner Salas- Yes
Commissioner Nevarez – Yes

Motion passes.

4. PUBLIC INPUT

Susan Krueger commented on the Night Sky Ordinance. She reminded the Commissioners to review the lighting attached to any new houses to make sure it meets the ordinance. She also commented on demolition by neglect that she felt was going on in the Town such as the Butler house. Houses such as this which are not kept up with deteriorate over time.

Chairperson Lucero asked Mrs. Krueger to also share these comments to the Board of Trustees.

Marcia Toomey, President of the Mesilla Farms Home Owners Association (HOA) commented that the last case under New Items is located in Mesilla Farms and the HOA board is not in favor of short-term rentals of any kind and it violated their covenants and restrictions. She asked that the Town of Mesilla continues to be supportive of their opinion on this matter. She gave Clerk-Treasurer Rani Bush a copy of their covenant and her letter.

Cesareo Contreras, 2832 Erminda owner and applicant of the short-term rental in question, commented that he read through the convenient and found no restrictions to any type of rentals. He also provided a letter to Clerk-Treasurer Bush that he also sent to the Mayor and president of the HOA.

5. APPROVAL OF CONSENT AGENDA

I. *PZHAC MINUTES: December 5, 2022, Regular Meeting Minutes

Motion to approve the consent agenda and Cases #061495 & 061496 (which were administratively approved) was made by Commissioner Jones and seconded by Commissioner Nevarez.

Roll Call Vote:

Commissioner Nevarez – Yes
Commissioner Salas - Abstained
Chairperson Lucero - Yes
Commissioner Walkinshaw - Yes
Commissioner Jones - Yes

Motion passes.

6. INFORMATION FOR ADMINISTRATIVE APPROVALS

- a. **PZHAC Case #061495** – 1595 Paisano Rd, submitted by Frank and Chang Proctor to build a shed on the westside of property, not on a concrete pad. **Zoned: Rural Farm (RF)**
- b. **PZHAC Case #061496** – 2600 Avenida de Mesilla, submitted by Gilbert Chavez for emergency repair of structural damage due to a car accident including framing, stucco, and plumbing work to restore as existing. **Zoned Historical Commercial (HC)**

7. NEW BUSINESS

- a. **PZHAC Case #061493** – 2500 Calle de Colon, submitted by Maria Avalos, on SE side of property to remove dead tree, remove chain link fence, place culvert in ditch, and lay 4” base course on existing material (24’ wide x 50’ length on). **Zoned: Historical Residential (HR)**

Staff presented facts of the case.

Motion to approve was presented by Commissioner Nevarez and seconded by Commissioner Jones.

Discussion followed.

Roll Call Vote:

Commissioner Walkinshaw – Yes
Chairperson Lucero – Yes

Commissioner Salas- Yes
Commissioner Nevarez - Yes
Commissioner Jones – Yes

Motion passed.

- b. **PZHAC Case #061497** – 2214 Calle de Guadalupe, submitted by Pat & Wendy Taylor for a 360 square foot addition of a kitchen and bath where there is an existing storage shed. **Zoned: Historical Commercial (HC)**

Staff presented facts of the case.

Motion to approve was presented by Commissioner Salas and seconded by Commissioner Nevarez.

Discussion followed. Commissioner Jones questioned the parking situation since it will become two residences.

Motion to amend the motion by adding the condition of a parking fee of \$150 per unit was made by Commissioner Nevarez and seconded by Commissioner Salas.

Roll Call Vote on the amendment:

Commissioner Salas- Yes
Chairperson Lucero – Yes
Commissioner Walkinshaw – Yes
Commissioner Jones – Yes
Commissioner Nevarez - Yes

Motion passed.

Roll Call Vote on the amended motion:

Commissioner Nevarez – Yes with the condition
Commissioner Salas- Yes with the condition
Chairperson Lucero – Yes with the condition
Commissioner Walkinshaw – Yes with the condition
Commissioner Jones – Yes with the condition

Motion passed.

- c. **PZHAC Case #061498** - 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to replace evaporative cooler and gas furnace with ducted mini split HVAC unit. **Zoned: Historical Residential (HR)**

Staff presented facts of the case.

Motion to approve was presented by Commissioner Walkinshaw and seconded by Commissioner Jones.

Discussion followed.

Roll Call Vote:

Commissioner Walkinshaw – Yes
Chairperson Lucero – Yes
Commissioner Salas- Yes
Commissioner Nevarez - Yes
Commissioner Jones – Yes

Motion passed.

- d. **PZHAC Case #061499** - 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to raise the height of courtyard wall to 10 feet to match height of connected house. **Zoned: Historical Residential (HR)**

Staff presented facts of the case.

Motion to approve was presented by Commissioner Nevarez and seconded by Commissioner Walkinshaw.

Discussion followed. Commissioner Nevarez asked about the shed and a need for a right-of-entry letter. Mayor Barraza explained that the Marshall's department is following up about the shed and other issues with the adjoining property.

Motion to amend the motion by adding the condition of obtaining a right-of-entry letter before issuing the permit was made by Commissioner Nevarez.

Roll Call Vote on the amendment:

Commissioner Jones – Yes
Commissioner Walkinshaw – Yes
Chairperson Lucero – Yes
Commissioner Salas- Yes
Commissioner Nevarez - Yes

Motion passed.

Roll Call Vote on the amended motion:

Commissioner Nevarez - Yes with the condition
Commissioner Salas- Yes with the condition
Chairperson Lucero – Yes with the condition
Commissioner Walkinshaw – Yes with the condition
Commissioner Jones – Yes with the condition

Motion passed.

- e. **STR #1036** - 2832 Ermindia, submitted by Cesareo Contreras for a short-term rental, **Zoned: Historical Residential (HR)**

Staff presented facts of the case.

Motion to approve was presented by Commissioner Salas and seconded by Commissioner Walkinshaw.

Discussion followed. Mayor Barraza and Clerk-Treasurer Bush met with the town attorney regarding this issue. He explained to them that if short-term rentals are allowed in Mesilla Town Code, then the application should be approved. The Town should not get involved with covenants between HOA's and homeowners. Further disagreement between the two would have to be brought to civil court.

Roll Call Vote:

Commissioner Jones – No because it sets a precedent of going against an HOA covenant which he doesn't agree with.

Commissioner Walkinshaw – No because he is upset because they started renting without a permit.

Chairperson Lucero – Yes because of the Town's ordinances. She doesn't like going against the HOA, but it is her job to go by the Town's ordinances.

Commissioner Salas – Yes because it meets the Town's ordinances. The HOA regulations have nothing to do with this Board or the Town.

Commissioner Nevarez – No because he still sees some uncertainties and wants to make sure the Commission is not setting precedent.

Motion failed.

Mayor Barraza explained that the applicant has a right to appeal to the Board of Trustees.

8. COMMISSIONERS / STAFF COMMENTS

Commissioner Nevarez wished his fellow commissioners, the mayor, and staff a very happy holiday. Chairperson Lucero welcomed by Commissioner Salas back and wished all a merry Christmas.

Mayor Barraza explained that there are two applicants for the community development coordinator positions currently and interviews will be conducted soon.

Chairperson Lucero and Commissioner Nevarez asked about the number of short-term rentals allowed in Mesilla. Mayor Barraza noted that the Commission can review and recommend changes to the ordinances regarding short-term rentals to the Board of Trustees.

Chairperson Lucero is also concerned about the condition of the Butler house and the blacksmith shop. The Mayor is following up and will get the new Codes Enforcement officer involved as well.

Mayor Barraza mentioned that letters of interest for new commissioners have been extended until the end of this week. She is looking to extend term of the commissioners who service ends on December 31 until after the holidays so that she will have time to interview new commissioners in January. She thanked each commissioner for their commitment and dedication to the Commission. Chairperson Lucero thanked everyone for giving her the privilege to be on the Commission.

9. ADJOURNMENT

Roll Call Vote:

Commissioner Jones - Yes

Commissioner Walkinshaw - Yes

Chairperson Lucero - Yes

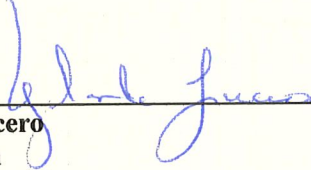
Commissioner Salas- Yes

Commissioner Nevarez - Yes

Motion passed.


Meeting was adjourned at 3:57 p.m.

APPROVED THIS 3rd DAY OF JANUARY 2023.



Yolanda Lucero
Chairperson

ATTEST:



Rani Bush
Town Clerk-Treasurer

