

1 **BOARD OF TRUSTEES**
2 **TOWN OF MESILLA**
3 **WORK SESSION**
4 **WEDNESDAY, APRIL 20, 2011**
5 **5:30 P.M.**
6
7

8 **TRUSTEES:** Nora L. Barraza, Mayor
9 Jesus Caro, Mayor Pro Tem
10 Carlos Arzabal, Trustee
11 Sam Bernal, Trustee
12 Linda L. Flores, Trustee
13

14 **STAFF:** Nick Eckert, Town Clerk/Treasurer
15 Jeff Gray, Marshal
16 Kevin Hoban, Fire Chief
17 Gina Gentile, Inspector
18 Debbie Lujan, Public Works Director
19 Gloria Maya, Recorder
20

21 **PUBLIC:** Paul Pompeo Jayne Hoover
22 Harvey White Romayne Thomas
23 Larry Ray Stacey Boswell
24 David Boswell Michael Cadena
25 Catherine Martinez Linda Montoya
26 Diana M. Johnson Alexandra Hall
27
28

29 **WORK SESSION:**

30 *I.* Discussion of Case 011013, Corner of Old Farm Road and University Ave., Faith Lutheran
31 Church of Las Cruces, Special Use Permit for a church pursuant to MTC 18.55.020 B and
32 18.85.190.
33

34 Mayor Barraza explained the process that would be followed.
35

36 Mayor Pro Tem Caro stated he would like to hear from the public.
37

38 Mayor Barraza responded the public will have a chance to speak. Ms. Gentile will give an
39 overview of what has been discussed.
40

41 Trustee Arzabal asked if a school will be housed at the site.
42

43 Mayor Barraza stated she asked that question at the last meeting of Mr. Pompeo and he assured us
44 that there would not be a school at the site; there will be Sunday school and Summer Bible Study.
45

46 Ms. Gentile responded that is correct.
47

48 Mayor Barraza stated there will be a presentation of questions and concerns that have not been
49 addressed. She reviewed the questions and concerns that were presented at the last meeting.
50

51 Ms. Gentile responded 1 individual has requested copies of the minutes and information.

1 Mayor Barraza encouraged the public to bring forth concerns that have not been addressed at
2 prior meetings.

3
4 Ms. Gentile reviewed the public's concerns and read the ordinances pertaining to this case. The
5 town's codes were met along with mandatory notification requirements. The Comprehensive
6 Plan must be adversely affected. Stated a Public Hearing is also a public meeting but a public
7 meeting is not always a Public Hearing.

8
9 Mayor Barraza stated the other comments included losing the view, devaluation value, traffic
10 concern, building size, desire for the lot to stay vacant, keep as agriculture use, not wishing to
11 have a church in the area, the chance that other commercial business would come in if the church
12 leaves the building, a school would come in at a later date. Each person will be given 3 minutes
13 to speak. She will not allow any outbursts or any criticism of staff or board of trustees.

14
15 Mr. Pompeo stated we have been very forthright with the information. We are here to answer any
16 questions and discuss any litigation factors that residents may have.

17
18 Mr. Larry Ray stated he is not physiologically against the church. He read his concerns and
19 questions: the long term plans, trips will increase due to an increase in membership, parking will
20 become an issue, a school, traffic will need to stay on university to get into the parking lot, Old
21 Farm Road is a private road; who is going to pay for the upkeep. People purchase their home in
22 ea green belt hoping it will stay a green belt.

23
24 Ms. Romaine Thompson stated she objects to the use of Special Use Permit. It will create a
25 precedent for others to request a Special Use Permit and it will use up quite a bit of land.
26 University Avenue is narrow and cannot be widen. So if there are other requests of this nature it
27 will take away quite a bit land and we need to decide if we want to do that.

28
29 Ms. Diana Johnson asked if a Traffic Impact Study had been done.

30
31 Mayor Barraza stated the information can be picked up at Town Hall.

32
33 Ms. Johnson asked if it addresses all the traffic issues that have been raised.

34
35 Mayor Barraza responded the study shows the impact of the traffic. She asked if Old Farm Road
36 is a private road.

37
38 Ms. Debbie Lujan responded it is a public road.

39
40 Mr. Pompeo indicated Old Farm Road is listed as a private road on the plat.

41
42 Ms. Stacey Boswell asked if the organization has tried to get a permit in the city or do they have
43 other land as well. Asked if the Comprehensive Plan applies to the Special Use Permit.

44
45 Ms. Gentile responded it is not a required consideration for approval or denial because of the
46 nature of Special Use Permit which is an exception and does not require that the Comprehensive
47 Plan be considered for those applications.

48
49 Mr. Pompeo responded the church does not own any other property in the City of Las Cruces and
50 does not have an application in the city of Las Cruces.

51

1 Mr. Ray read ordinance 18.55.010; if you sell one to a church you will need to sell the other
2 parcels to churches. Other things such as apartments could want to come in and the argument
3 could be that the Town had already gone against the comprehensive plan. The parcel the church
4 is trying to use is the same size of the land where Mesilla has their park on the corner of
5 University Avenue and Avenida de Mesilla; move the park and put the church on that corner.
6

7 Mr. John Nelson read ordinance 18.55 and believes this will affect the Comprehensive Plan.
8 Believes there are other zoning in Mesilla where a church fits in but it is outside what the
9 Comprehensive Plan intended to limit. This is an agricultural area and will potentially hurt the
10 area.
11

12 Ms. Gentile reviewed 18.55; 18.55.010; 18.55 020 and the Comprehensive Plan. The criteria for
13 consideration for granting those permits are in 18.85 and there is a definite difference in the
14 sections.
15

16 Inaudible
17

18 Mr. Michael Cadena stated even if you give Ms. Gentile the benefit of the doubt that 18.55.010
19 does not apply, look at 18.55.020. A 15,000 square foot building and a parking lot will alter the
20 area. You cannot ignore the Comprehensive Plan which was adopted in 1973, 1987, and 2010. It
21 applies to every application and every use. The RA Zone calls for 1 house and asked to preserve
22 agriculture. It reads may be permitted it does not read shall; so the board can deny it.
23

24 Mr. Nelson stated Mr. Cadena covered what he wanted to say. Read the section. One fact relates
25 to this case is the Comprehensive Plan.
26

27 Mrs. Ella Nelson asked for a thumbnail sketch about the Traffic Impact Study.
28

29 Mayor Barraza responded that would be provided.
30

31 Ms. Catherine Martinez pointed out Section 18.55.010. This constitutes Spot Zoning and it does
32 not fit into the Comprehensive Plan.
33

34 Mayor Barraza responded the request is not for a zone change but for a Special Use Permit. The
35 area will continue to be Zoned RA. This is not spot zoning because it will continue to be an RA
36 Zone. This is not a commercial building.
37

38 Mr. Michael Cadena indicated it constitutes spot zoning when you put a building that does not fit
39 with the surroundings when the intent is agricultural. The effect is re-zoning when you put a
40 building which is against all planning principles. Feels an official planner needs to be used.
41

42 Ms. Alexandra Hall stated she counts on the elected and appointed officials. She is concern with
43 the wording of the ordinances. Read the parts of the ordinance that she is concerned with. This is
44 a large structure and it will be there for a long time. Their object is to grow, offer more programs;
45 parking will become a bigger issue. She took issue when Trustee Arzabal stated why are we
46 discussing this when churches are allowed; the wording is terribly important. She felt the
47 questions are important and should be carefully reviewed by the board before making a decision.
48 Believes the church is a large alteration and will affect the character of the area.
49

50 Dr. David Rockstraw stated he sees 2 sides to this after taking time to review case law. He found
51 4 cases where a municipality denied a Special Use Permit according to their Comprehensive Plan.

1 The church appealed and in all cases it was denied suggesting that the church was not being
2 discriminated against. The Comprehensive Plan was the ordinance that permits the municipality
3 to make a decision with a Special Use.

4
5 Mayor Barraza responded Ms. Gentile also did research and found it to be the other way. At the
6 last meeting she requested that any questions be submitted prior to the worksession giving staff
7 time to do some research. Questions are going to come up at every meeting and we could go on
8 and on. Several of Mr. Ray's questions have already been addressed and answered. The Board
9 of Trustees needs to make a decision.

10
11 Ms. Gentile stated the applicant has informed them there are no plans for a school; the road is a
12 private road; Las Cruces required a secondary access; with the cost of land is very unlikely - not
13 feasible that someone will farm the 3 acres; there is a chance someone may build so it is not
14 likely to stay green. The residential uses are going to affect the character of that piece of land/site.
15 Explained the Special Use Permits. These are case by case – not a matter of precedent.
16 Standards that are to be considered with regarding to safety, welfare and not be a detriment to the
17 neighborhood.

18
19 Mayor Pro Tem Caro asked why we are considering 2 building on a lot that we normally would
20 approve for 1 building.

21
22 Ms. Gentile responded that is why it is a Special Use Permit application. If an application came
23 in for a 15,000 square feet house it would be on the agendas to be approved if it met building
24 codes and set backs it would be approved with out special considerations. They can request for
25 approval since it is one of the uses on the Special Use Permit 18.55.020.

26
27 Mayor Barraza asked if they will need to go through another process for the building if the
28 Special Use Permit is approved and can restrictions may be placed at that time.

29
30 Ms. Gentile responded since it is Zone RA there are no development standards for considering
31 architectural style. The applicant is willing to make the building compatible with the flavor of
32 Mesilla. A condition may be placed if approved.

33
34 Trustee Flores indicated she is concerned with the methodology used to arrive at the numbers in
35 the traffic study. Reviewed the numbers she came up with after consulting with the MPO. Asked
36 what is the maximum capacity and he could not answer that question. They felt this was a low
37 level of traffic for that road. She personally feels it is high.

38
39 Mr. Pompeo responded all the information is correct – the average is used. Described how the
40 numbers are calculated by the Department of Transportation. The level of service will not be
41 changed.

42
43 Trustee Bernal thanked everyone for all their research, Ms. Gentile for her research, and the
44 Board of Trustees for their questions and research. Feels it is a big impact. University Avenue
45 was denied by the MPO, we cannot get funding for the safety of our children. Be smart and we
46 need to look at it.

47
48 Trustee Arzabal asked if the church knew they could not open a school or a daycare would they
49 still choose to build there.

50

1 Mr. Pompeo reiterated there are no plans for a school; it will be a place of worship. It is his
2 understanding that if they want to expand it would need to come back to the town for approval.

3
4 Trustee Arzabal asked how many services will be held and the times of the services.

5
6 Unidentified responded there will be one service held at 10:30 a.m.

7
8 Mayor Pro Tem Caro stated he will be looking at everything.

9
10 Mayor Barraza indicated Ms. Gentile has prepared the information based on the questions that
11 had been asked by the Planning and Zoning. We are going to look at the ordinances. She spoke
12 to the Marshal who indicated that if students that eligible to ride the bus would ride the bus
13 everyday it would alleviate a lot of the traffic at Zia Middle School. The church may have
14 activities in the evening which will not contribute to the traffic in the peak hours.

15
16 Mr. Ray stated he would like to present a couple of facts.

17
18 Mayor Barraza responded he may do so at the Board of Trustee meeting on Monday.

19
20 **ADJOURNED AT 6:45 P.M.**

21
22
23 **APPROVED THIS 9TH DAY OF MAY, 2011.**

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27
28 _____
29 Nora L. Barraza
30 Mayor

31 **ATTEST:**

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33
34
35 _____
36 Nicholas Eckert
37 Town Clerk/Treasurer