

## **MINUTES**

REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
AUGUST 8, 2017  
7:00 PM

**1. CALL TO THE ORDER /ROL CALL:** The meeting was called to order at approximately 7:00 PM., by Chairman Bill Cordova.

**2. PLEDGE OF ALLEGIANCE:** Pledge of Allegiance was led by Commissioner Jose A. Ponce.

### **PRESENT:**

Chairman Bill Cordova  
Vice Chairman Javier Barraza  
Commission Member Hugo Garcia  
Commission Member Guillermina Fuentes  
Commission Member Jose A. Ponce

### **ABSENT:**

Commission Member Marco A. Pinzon  
Commission Member Daniel Bazua

**OTHER PRESENT:** Jose A. Guzman, Acting Planning and Zoning Director  
Roman Pacheco, Planning Technician  
Kay Macuil, City Attorney  
Ray Urias, Attorney  
Rich Bauermann, Fire Department  
Arely Cardenas, Resident

### **3. CONSENT AGENDA:**

#### **3. A. MINUTES OF**

- [Regular Planning & Zoning Commission Meeting held June 13, 2017](#)
- [Regular Planning & Zoning Commission Meeting held July 11, 2017](#)

**MOTION:** **Jose A. Ponce / Hugo Garcia** to APPROVE the Consent Agenda as presented. Motion passed unanimously (5-0).

### **4. PUBLIC HEARINGS**

**4. A. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit No. 2017-0432. A request by Arely Cardenas on behalf of Robert Bruce and Ivone Jackson, property owners, for a conditional use permit to allow outdoor sales and displays on property located at 588 N. Main Street, San Luis, Arizona. ([Item Continued from July 11, 2017 Commission meeting](#))**

#### **[A. Open Public Hearing](#)**

**MOTION:** **Javier Barraza / Jose A. Ponce** to open public hearing. Motion passed unanimously (5-0).

**Jose A. Guzman, Acting Planning and Zoning Director,** summarized staff report recommending DENIAL of Conditional Use Permit Case No. 2017-0432.

**Viridiana Monreal, Representative of Gomart, 588 N. Main Street,** stated that what they are requesting is a Conditional Use Permit to allow outdoor sales. Our display products will not cause any health problems to our customers. We will be putting about 10 -15 % display products. Our sales has been decreasing and this the reason why we need to put our items outside on an area of 5 ft. X 14 ft. And due to the new downtown improvements it has impacted our businesses, which include the store and parking lot business. We have less customers and our sales have decreased.

**Commissioner Guillermina Fuentes** asked Ms. Cardenas on the site plan where it shows the entrance. Is the entrance as shown in the site plan is that outside of the store and are those the 5 feet. Ms. Cardenas responded yes that is where I indicated where we want to have our merchandise. Fuentes asked what about the glass area where the mannequins are. **Commissioner Barraza** asked where the property line is. **Guzman** responded the property line is as stated by Ms. Fuentes, where the mannequin are, they are already in the property line.

**Furthermore Cardenas**, stated that usually our products that we want to put outside is clothing and electronics like rechargeable speakers where we would not need to connect to an electrical outlet.

**Fuentes** asked if the ordinance allows outdoor displays like on holiday or special occasion that is something I understood on the last meeting. **Guzman** responded no what the ordinance states is that they have to comply with the criteria but because this is a conditional use the commission can recommend to approve certain days but this will be City Council decision. City staff recommendation is based on the comments of the Fire Department such as safety, general plan, and zoning regulations.

**Commission Member Jose A. Ponce** stated are you aware of all the department that are not in favor with this project.

**Cardenas** stated that she was not present at the previous meeting but they informed her that some of the members of the Commission were indecisive. If the commission wishes to ask me or let me know what their concern are I be more than happy to answer them.

**Ponce** stated that he was referring to the comments received from the Fire Department and Building Safety. The Commission recommendation also is based on the safety concerns from these departments

**Furthermore Ms. Cardenas** stated that the day when the fire department went to do an inspections I explained to them how we wanted to set up out there.

**Furthermore Guzman** stated that he wanted to point out that all those businesses that have the wall all the way the property line are non-conforming uses. Right now the ordinance requires a 15 ft. front setback. So if they were to re-build or remodel they would have to go 15 feet inside of the business. Also, the Community Development Division is currently working on a redevelopment plan for the downtown area, so we are probably going to have new regulations applying to just that area. We are in the process of starting working on the redevelopment plan and probably something that we are going to talked about is having zero (0) setbacks on the front.

### **B. Close Public Hearing**

**MOTION: Jose A. Ponce / Hugo Garcia** to close public hearing. Motion passed unanimously (5-0).

### **C. Action**

**MOTION: Jose A. Ponce / Javier Barraza** to move forward Conditional Use Permit Case No. 2017-0432 to the City Council with recommendation of DENIAL. Motion passed unanimously (5-0).

**4. B. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2017-0457. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations, by adding the definition and regulations regarding personal dog kennels. (Item continued from July 11, 2017 Commission meeting)**

### **A. Open Public Hearing**

**MOTION: Bill Cordova / Guillermina Fuentes** to open public hearing. Motion passed unanimously (5-0).

**Jose A. Guzman, Acting Planning and Zoning Director**, summarized staff report recommending APPROVAL of Text Amendment Case No. 2017-0457.

There were no public comments.

**Guillermina Fuentes** asked is the definition on the ordinance. **Guzman** responded that proposed ordinance is attached to the report. There was an issue with the over population of dogs. There was this resident that had over 14 dogs.

### **B. Close Public Hearing**

**MOTION**: **Jose A. Ponce / Javier Barraza** to close public hearing. Motion passed unanimously (5-0).

### **C. Action**

**MOTION**: **Jose A. Ponce / Javier Barraza** to forward Text Amendment Case No. 2017-0457 to the City Council with recommendation of APPROVAL. Motion passed unanimously (5-0).

## **6. CALL TO THE PUBLIC**

There were no public comments

## **7. ADJOURNMENT**

**MOTION**: **Javier Barraza / Hugo Garcia** to adjourn the Regular Planning & Zoning Meeting at approximately 7:40 p.m. Motion passed unanimously.