

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
MAY 8, 2018
7:00 PM

1. CALL TO THE ORDER /ROL CALL: The meeting was called to order at approximately 7:01 PM., by Chairman Javier Barraza.

2. PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Vice Chairman Marco A. Pinzon.

PRESENT:

Chairman Javier Barraza
Vice Chairman Marco A. Pinzon
Commission Member Daniel Bazua
Commission Member Jose A. Ponce
Commission Member Guillermina Fuentes (arrived @ 7:06 p.m.)

ABSENT:

Commission Member Hugo Garcia
Commission Member Veronica Zavala

OTHER PRESENT:

Jose A. Guzman, Director of Planning and Zoning
Roman Pacheco, Planning Technician
Kay Macuil, City Attorney
Rick Bauermann, Fire Department
Gary Black, Comite de Bienestar
Michelle Lamoureux, Pinnacle Consulting, Inc.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held April 10, 2018.

MOTION: **Jose A. Ponce / Daniel Bazua** to approve the consent agenda as presented. Motion passed unanimously (5-0).

4. PUBLIC HEARINGS – the Planning & Zoning Commission will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case.

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Case No. 2018-0155. A request by Sun State Tower, on behalf of The City of San Luis, owner, for a Conditional Use Permit to allow the construction of a 80-foot cell tower to be located at 821 N. Garcia Lane, San Luis, Arizona.

A. Open public hearing

MOTION: **Marco A. Pinzon / Jose A. Ponce** to open public hearing for Conditional Use Permit Case No. 2018-0155. Motion passed unanimously (5-0).

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending APPROVAL of Conditional Use Permit Case No. 2018-0155 as presented by staff.

Vice Chairman Marco A. Pinzon asked is this tower going to have a fence around it. **Mr. Guzman** responded that there is going to be an 8 foot high CMU wall for security purposes.

Michelle Lamoureux, Pinnacle Consulting, Inc., representing Sun State Tower and Verizon Wireless stated that this is an 80 foot mono-elm, top of steel is 75 feet, and the break point will be mid-way. So it would fall within the 40 foot fall zone. They are built to the 2012 IBC codes which means they will sustain winds up to 90 miles per hour with 115 mile per hour, with three second wind gust.

Commission Member Daniel Bazua asked what would be that it would extend the coverage to the east side of San Luis Arizona.

Steven Keddie Consulting Engineer for Pinnacle and Verizon stated that the site coverage is going farther down the high way to the east. But do to design it is more of a capacity site. So it will increase coverage in that area, more building filtration coverage in site house. The main draw of the site is to cover as shown in the green area which is portable coverage inside buildings that is what is going to be increase towards the east.

Commission Member Jose A. Ponce, asked what about the long term regarding radiation? **Keddie** responded that there are two types of energy. There is ionizing and non-ionizing energy, radio signals are non-ionizing so that is light bulb. The cell tower radio signal is non-ionizing. The ionizing would be like the X-rays. The FCC made very specific guidelines and rules called OET 65 which was put out around 1996 and all wireless carrier had to follow these rules and these rules are very conservative. So the amount of energy that comes off of these down the ground are very low.

B. Close public hearing

MOTION: **Marco A. Pinzon / Jose A. Ponce** to CLOSE public hearing. Motion passed unanimously (5-0).

C. Action on Conditional Use Permit Case No. 2018-0155

MOTION: **Marco A. Pinzon / Daniel Bazua** to forward Conditional Use Permit Case No. 2018-0155 to the City Council with recommendation of APPROVAL as presented by staff. Motion passed unanimously (5-0).

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2018-0115. A request by Vega and Vega Engineering PLC on behalf of Comite de Bienestar, owner, to rezone Tract "A" of Bienestar Estates 9B from High-Density Residential (R-3) to Medium Density Residential (R1-6).

Jose A. Guzman Director of Planning and Zoning, summarized staff report recommending APPROVAL of Rezoning Case No. 2018-0115 as presented by staff.

Chairman Javier Barraza asked if the existing improvement districts are going to be reduced to the existing residents.

Kay Macuil, City Attorney, responded that she did not know if the assessments are reduced by additional lots, because the assessments were recorded. It is my understanding that this particular tract is in the CC&R's for park. The city does not enforce CC&R's.

A. Open public hearing

Commission Member Marco A. Pinzon asked do we have to open public hearing. **Chairman Barraza** responded I believed I have open public hearing.

Vianey Vega, Vega and Vega Engineering, 1846 S. 8th Avenue, representing the developer mentioned that in regards to the assessments it would not affect your assessments because those are already establish and recorded. So there will be no modifications. There will be some assessments to these new lots. We are still working on the name for this area.

Commission Member Jose A. Ponce, asked what is the reason you are requesting to change this area from high-density to medium-density residential. **Mr. Vega** responded with the new zoning regulations the code does not allows you to have any lots for a single resident dwelling to have anything less than 6,000 square feet. So in order to accomplish that this area needs to be medium density to R1-6.

B. Close public hearing

MOTION: Jose A. Ponce / Marco A. Pinzon to CLOSE public hearing. Motion passed unanimously (5-0).

C. Action on Rezoning Case No. 2018-0115

MOTION: Marco A. Pinzon / Daniel Bazua to forward Rezoning Case No. 2018-0115 to the City Council with recommendation of APPROVAL as presented by staff. Motion passed unanimously (5-0).

4. C. Public hearing followed by discussion and possible action on any and all matters regarding Minor General Plan Amendment Case No. 2018-0183. A request by Vega and Vega Engineering PLC to amend the 2020 General Plan by changing the Land Use Designation of 4.54 acres of land, located on the southeast corner of County 24th Street and Avenue F, from Neighborhood to Activity Center.

A. Open public hearing

MOTION: Marco A. Pinzon / Jose A. Ponce to open public hearing for General Plan Amendment Case No. 2018-0183. Motion passed unanimously (5-0).

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending APPROVAL of Minor General Plan Amendment Case No. 2018-0183 as presented by staff.

B. Close public hearing

MOTION: Jose A. Ponce / Daniel Bazua to CLOSE public hearing. Motion passed unanimously (5-0).

C. Action on Rezoning Case No. 2018-0183

MOTION: Jose A. Ponce / Daniel Bazua to forward Minor General Plan Amendment Case No. 2018-0183 to the City Council with recommendation of APPROVAL as presented by staff. Motion passed unanimously (5-0).

4. D. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2018-0127. A request by Vega and Vega Engineering PLC to rezone approximately 160 acres of land located on the southeast corner of County 24th Street and Avenue F.

A. Open public hearing

MOTION: Marco A. Pinzon / Jose A. Ponce to open public hearing for Rezoning Case No. 2018-0127. Motion passed unanimously (5-0).

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending APPROVAL of Rezoning Case No. 2018-0127 with conditions as presented by staff.

Commission Member Marco A. Pinzon asked if the city had adequate water and sewer. **Mr. Guzman** responded yes. He also stated that request for comments were sent to the Public Works Director and he stated everything was fine. **Chairman Barraza** asked will this traffic study if it calls for to connect 24th all the way to the west. **Mr. Guzman** responded it will be for the commercial property. Barraza asked is County 24th Street connected to San Luis going west. **Mr. Guzman** responded probably it will.

Vianey Vega, Vega and Vega Engineering, 1846 S. 8th Avenue, mentioned that they don't have a problem with condition number two. But have a concern with condition number 1 as we were not aware of it. **Mr. Guzman** responded that because there were no specific use that you are going to do on the commercial area, and that is speculating zoning. And to avoid any impact on the traffic that is why we request that condition and is the same condition we kept on the property owners in front of this property. **Vega** mentioned that the C-2 allows you to certain uses, that doesn't give you what can be develop. **Guzman** responded that is a different requirement, if you are going to put offices that requires 1 parking space for every 300 square feet. It will make a big difference if you are going to put a restaurant that required 1 parking for every 70 square feet, so that is why we are requesting the traffic study based on the use. **Commission Member Guillermina Fuentes,** stated that to her understanding this is not required until you know what you are going to develop there. **Guzman** responded yes.

Furthermore, Mr. Guzman explained that on the northwest corner the applicant submitted a rezoning application and they stated that they wanted to do a gas station. Therefore we approved the rezoning with the condition that it was going to be used for the gas station/convenient store. The property to the northeast they applied for a rezoning and they did not stated the use and that is why we required the traffic study before building permits. **Vega** asked the intent of for the use in that area is retail office that still going to trigger the traffic study, is that what it summited for permit. **Guzman** explained that if two years later you close the store and you want to do a bar, restaurant or a school that will make a big difference. **Vega** also stated that this is a 4.5 acre the traffic that you can generate is not a whole lot. Furthermore, Mr. Guzman stated that the idea was to have the condition in case the propose use trigger a traffic study base on the engineer of the city. **Vega** asked is that recommendation coming from Public Works. **Guzman** responded yes. **Vega** stated that he would like the chance to discuss the condition with the Director of Public Works. But at this time, we are not in agreement of this condition as we were not aware of it, and for a 4.5 acre parcel it does not make sense that it will trigger for a traffic study.

Chairman Barraza asked Mr. Vega are you asking the commission to recommend the removal of that condition, or you do you still want to talk to the Public Works Director and see if you can common ground on this and continue this item.

Gary Black, Deputy Director of Comite de Bienestar, stated that the condition is a little bit strong for that area right now. It is hard to even visualize it for me. Furthermore, Mr. Vega stated that when you submit for a development as you submit for building permit if whatever you developing trigger the requirement for a traffic study at that time it can be requested, not going into the rezoning with a condition. **Guzman** also mentioned that the reason for the condition is that currently the city is working on the amendment for the building code to be able to request a traffic study at the time of the building permit with the regulation that we have right now, we currently not able to request a traffic study and that is why we add this condition at the rezoning stage. **Mr. Guzman** suggested to the commission if desire they could change the language of the condition to add “the traffic study will be required if necessary based on the use, or if the engineer thinks it is required”.

Mr. Vega asked Mr. Guzman you mentioned you are in the process of updating to the 2012 building code, currently your staff is working with the City of Yuma. So, the adoption of this code is going to be here in the next year. **Guzman** responded yes. **Vega** then stated that this will give you the tool you need to request a traffic study, this land is not going to be develop in the next year. We barely on the rezoning case, by the time we do rezoning and apply the final plat construction there goes a year. By the time we start and finish construction your codes are going to be in place, so at that time you are going to have a mechanism to require a traffic study at the time of building permit. So you can strike that recommendation and now you will have a tool when we submit for development of those 4.5 acres. Staff will have opportunity to review what is going to be develop and determine if a traffic study would be required.

B. Close public hearing

MOTION: **Marco A. Pinzon / Jose A. Ponce** to CLOSE public hearing. Motion passed unanimously (5-0).

C. Action on Rezoning Case No. 2018-0183

MOTION: **Guillermina Fuentes / Marco A. Pinzon** to forward Rezoning Case No. 2018-0127 to the City Council with recommendation of APPROVAL with the following conditions:

1. Prior to the issuance of any building permit, as deem necessary by the city engineer a traffic study shall be conducted at owner's expense.
2. Commercial uses to exclude City Code §152.107(B) 6-Mortuaries and §152.107(B) 20-General Auto Repair.

Motion passed unanimously (5-0).

6. CALL TO THE PUBLIC

Gary Black, Deputy Director of Comite de Bienestar, 962 B Street, thanked the city, planning and zoning department and public works for all the hard work and gave special thanks to Mr. Eulogio Vera, Director of Public Works.

Commission Member Marco A. Pinzon stated that he would like to recommend that when we have items that involves engineering maybe your engineer should be here, it will really help.

7. ADJOURNMENT

MOTION: Marco A. Pinzon / Jose A. Ponce to adjourn the Regular Planning & Zoning Meeting at approximately 7:54 p.m. Motion passed unanimously.