



NOTICE OF REGULAR PLANNING AND ZONING COMMISSION MEETING

In accordance with Section 38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission of the City of San Luis, Arizona will hold a Regular Planning & Zoning Commission Meeting at 7:00 p.m., Tuesday, July 10, 2018. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 East Union Street, San Luis, Arizona 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents in order to exercise their rights may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Jose A. Guzman, Director of Planning and Zoning

AVISO DE JUNTA REGULAR DE LA COMISIÓN DE PLANEACIÓN Y ZONIFICACIÓN

De acuerdo a la Sección 38-431.01 de los Estatutos Revisados del Estado de Arizona, se les informa a los Miembros de la Comisión de Planeación y Zonamiento y al público en general que la Comisión de Planeación y Zonificación de San Luis, Arizona, tendrán una junta regular a las 7:00 p.m., el día Martes, 10 de Julio del 2018. La junta se llevará a cabo en la Cámara del Consejo de la ciudad, ubicado en el 1090 East Union Street, San Luis, Arizona, 85349. El público esta cordialmente invitado.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación de 1973, la Ciudad de San Luis no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la ciudad, contactar a: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, 1090 Este Calle Unión, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de éste aviso y de acuerdo con los Estatutos Revisados del Estado de Arizona, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar o no dar el consentimiento ante el Estado o alguna subdivisión política grabe a un menor de edad, ya sea en audio o video. Las juntas del Concilio se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden solicitar por escrito a la Secretaria de la Ciudad dicha grabación, o tomar acción personal para asegurarse que su hijo/hija menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con el Estatuto Revisado del Estado de Arizona §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Jose A. Guzman, Director de Planeación y Zonificación



AGENDA
Planning & Zoning Commission
Regular Meeting
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
Tuesday, July 10, 2018
7:00 P.M.

MEMBERS OF THE SAN LUIS PLANNING & ZONING COMMISSION WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION.

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

All matters are considered to be routine by the Planning & Zoning Commission and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

3. A. APPROVAL OF MINUTES -

-Regular Planning and Zoning Commission meeting held May 8, 2018

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 Text Amendment Case No. 2018-0298. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations by adding Section 152.301 Landscaping Exemptions and Waivers.

A. Open public hearing

1. Staff presentation
2. Call to the Public on this item

B. Close public hearing

C. Action on Text Amendment Case No. 2018-0298

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2018-0299. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations by amending and adding regulations to Section 152.121 Light Industrial (L-1) Zoning District.

A. Open public hearing

1. Staff presentation
2. Call to the Public on this item

B. Close public hearing

C. Action on Text Amendment Case No. 2018-0299

5. **CALL TO THE PUBLIC** - This is the time for the public to comment. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of comment will be limited to directing staff to study the matter, or scheduling the matter for further discussion and decision at a future date. All Planning & Zoning Commission meetings are recorded.

6. **ADJOURNMENT**



AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

3.A.

Meeting Date: 07/10/2018

Summary

APPROVAL OF MINUTES -

-Regular Planning and Zoning Commission meeting held May 8, 2018

Attachments

Minutes May 8, 2018

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.



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4.A.

Meeting Date: 07/10/2018

Submitted By: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

ITEM:

Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2018-0298. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations by adding Section 152.301 Landscaping Exemptions and Waivers.

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the Public on this item
- B. Close public hearing
- C. Action on Text Amendment Case No. 2018-0298

BACKGROUND:

The intent of this proposed amendment is to provide a more uniformed process regarding the landscape requirements and submittals. This amendment will help reduce the cost to the developers when installing landscape and reduce cost of future municipal maintenance.

The current regulations specify the location and amount of required landscape. Every development is different and sometimes requiring the specific amount of landscape on public right-of-way creates a burden to staff for future maintenance.

SUMMARY:

Rather than giving discretion to staff to deviate from the City Code requirements, this amendment allows staff to negotiate with the developer a design that looks good and requires minimum maintenance. Once staff and the developer agrees in a design, it will be presented to City Council at the time of approval of the development either through a rezoning, conditional use, or subdivision plat.

RECOMMENDED MOTION:

I MOVE TO FORWARD TEXT AMENDMENT CASE NO. 2018-0298 TO THE CITY COUNCIL WITH RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF.

Attachments

Proposed Amendment

**TEXT AMENDMENT CASE NO. 2018-0298
LANDSCAPE EXEMPTIONS AND WAIVERS
CITY OF SAN LUIS CODE- CHAPTER 152: ZONING REGULATIONS
PROPOSED AMENDMENT BY STAFF**

LANDSCAPE REGULATIONS

§152.301 LANDSCAPING EXEMPTIONS OR WAIVERS

An exemption or waiver from landscaping requirements of §152.298 may be sought from the City Council as part of any request for a rezoning, conditional use permit, or subdivision plat approval. Any such waiver or exemption may only be granted by the City Council and may only be granted at the time of the approval of a rezoning, conditional use, or subdivision plat.



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4.B.

Meeting Date: 07/10/2018

Submitted By: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

ITEM:

Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2018-0299. A request by the City of San Luis for a text amendment to the San Luis City Code, Chapter 152 Zoning Regulations by amending and adding regulations to Section 152.121 Light Industrial (L-1) Zoning District.

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the Public on this item
- B. Close public hearing
- C. Action on Text Amendment Case No. 2018-0299

BACKGROUND:

The purpose of the Light Industrial Zoning District is to provide for a mix of light manufacturing uses, offices park, and limited open land uses in an attractive business park setting with proper screening and landscaping; all compatible with adjoining uses. It is intended that this district allow for employment bases through the establishment of high quality, planned industrial centers for corporate offices and indoor manufacturing uses.

Staff have received several requests for uses that seem appropriate and meet the purpose for this zoning district but are not listed as permitted uses or are too restrictive.

SUMMARY:

The intent of this amendment is to make positive changes to the Light Industrial Zoning District and make it more compatible with the needs of our Community.

RECOMMENDED MOTION:

RECOMMENDED MOTION WILL BE PROVIDED TO THE COMMISSION AT THE TIME OF THE MEETING.
