APPROVED by Planning & Zoning Commission
Date: September 11, 2018
P&Z Office: /s/ Roman Pacheco

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
August 14, 2018
7:00 PM

1. CALL TO THE ORDER /ROL CALL: The meeting was called to order at approximately 7:03 PM., by Chairman Javier Barraza.

2. PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Commission Member Daniel Bazua.

PRESENT:	Chairman Javier Barraza Commission Member Daniel Bazua Commission Member Hugo Garcia Commission Member Jose A. Ponce Commission Member Guillermina Fuentes Commission Member Veronica Zavala
Absent:	Vice Chairman Marco A. Pinzon
Others Present:	Jose A. Guzman, Director of Planning and Zoning Roman Pacheco, Planning Technician Kay Macuil, City Attorney Jonathan Dumadag, I.T. Technician

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

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

MOTION: **Commission Member Jose A. Ponce / Commission Member Daniel Bazua** to approve the consent agenda as presented. Motion passed unanimously (6-0).

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 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

MOTION: **Commission Member Guillermina Fuentes/Commission Member Hugo Garcia** to open public hearing for Text Amendment Case No. 2018-0298. Motion passed unanimously (6-0).

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning explained the intent of the Text Amendment. He added that this was in order to provide a more uniform process in regards to the landscape revelation submittal. **Mr. Guzman** stated that when an application for a subdivision is submitted, the opportunity to submit the plans at a later time is given; but due to having issues in the past, this would require the applicant to submit the plans with the application, preventing issues in the future.

Chairman Javier Barraza asked if this was an exemption or a waiver to the plans. He added that this seems like the developers are allowed to request an exemption or a waiver at the time of submittal.

Mr. Guzman explained cases where subdivisions only have 1-2 feet of right-of-way from the fence to the side walk, leaving no space for landscape. If this was the case it could be exempted, or waived.

Chairman Javier Barraza asked about what the case would be if a subdivision purposely left 1-2 feet of right-of-way.

Mr. Guzman stated that no specifics are determined, that the right-of-way is based upon the design of the subdivision.

Commission Member Guillermina Fuentes asked about what the purpose of requiring a landscape is. She added that when waivers are involved, because so many citizens are not used to them, citizens are going to be requesting not to do them. **Commission Member Fuentes** asked if the waiver was going to be an application, or if it was going to be very specific as to who could request it.

Mr. Guzman stated that the idea of the Text Amendment is to waive, or exempt the number of trees required or the actual design. He added that the current regulations require for a lot of trees, which in the long run requires a lot of maintenance from the city. **Mr. Guzman** mentioned that this is the first time the city is implementing the landscape requirement, which is why they have been having issues with developers. He added that by doing so, this will give council the opportunity to approve or deny the landscape design, if not, it would be up to staff.

Commission Member Veronica Zavala asked if the retentions would be considered part of the landscape.

Mr. Guzman assured her that retentions would be following the landscape plans. He added that no there are no requirement for the retention basin landscape, therefore they will work with the developer to come up with a design. Overall the decision will be up to them or staff to approve the design, so council can look at the plans before approving the subdivision.

Chairman Javier Barraza stated that the City Code 152.298 talks about the landscape that is fronting, not the inferior. He added the landscape and retention basins are paid for by the improvement districts.

Mr. Guzman stated that the maintenance of the subdivision landscape is charged to the improvement district. He added that when a subdivision is built, the developer installs the landscape or the retention.

Chairman Javier Barraza asked if subdivisions can apply for the waiver at the time of submittal or after.

Mr. Guzman sated that ideally staff should go with the developer to settle plans that will work for both, and the plan will then be presented to council for exemption.

A discussion about the difference between waive, and exempt occurred.

Kay Macuil, City Attorney proceeded to explain the difference of waiver, and exempt in legal terms.

Chairman Javier Barraza asked if there was a possibility of using a variance.

Macuil stated that for a variance, you have to have different criteria, therefore it is not a good idea.

Chairman Javier Barraza added that if after the request is reviewed will they have the opportunity to exempt or waive it completely.

Mr. Guzman assured him that this would go through them during the subdivision process.

Commission Member Veronica Zavala mentioned that in Somerton they did a nice job in the retention, but the city ended having to do a lot of work on the trees.

Chairman Javier Barraza mentioned the many places in the city that have trees, and he added that without the landscaping requirements, it will look sad.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

MOTION: **Commission Member Guillermina Fuentes/Commission Member Daniel Bazua** to close public hearing for Text Amendment Case No. 2018-0298. Motion passed unanimously (6-0).

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

MOTION: **Commission Member Hugo Garcia/Commission Member Jose A. Ponce** to forward Text Amendment Case No. 2018-0298 to the City Council with recommendation of approval as presented by staff. Motion passed unanimously (6-0).

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2018-0385. 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 152.106(C) relating to conditional uses in the Neighborhood Commercial (C-1) Zoning District.

Staff requested to move item to next Regular Planning & Zoning Meeting.

Mr. Jose A. Guzman, Director of Planning and Zoning explained that this Text Amendment is in regards to food trucks. He added that there is a new state law, and in order to assure that they are following it correctly they are requesting to move it to the next meeting.

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. 2018-0385

MOTION: **Commission Member Hugo Garcia/Commission Member Jose A. Ponce** to continue item 4.B with Text Amendment Case No. 2018-0385 to the September 11, 2018 Regular Planning & Zoning Meeting. Motion passed unanimously (6-0).

4. C. 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.

Staff requested to move item to next Regular Planning & Zoning Meeting.

Mr. Jose A. Guzman, Director of Planning and Zoning explained that this Text Amendment is in regards to the Light Industrial Zoning District, and to make changes in order to make it more compatible with the needs of the city.

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

MOTION: **Commission Member Jose A. Ponce/Commission Member Daniel Bazua** to continue item 4.C with Text Amendment Case No. 2018-0299 to the September 11, 2018 Regular Planning & Zoning Meeting. Motion passed unanimously (6-0).

5. CALL TO THE PUBLIC

There was no comment from the public.

6. ADJOURNMENT

MOTION: **Commission Member Guillermina Fuentes/Commission Member Hugo Garcia** to adjourn the regular Planning & Zoning Commission Meeting at approximately 7:25 pm. Motion passed unanimously (6-0).