

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
October 9, 2018
7:00 PM

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

2. PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Chairman Javier Barraza.

PRESENT: Chairman Javier Barraza
Vice Chairman Marco A. Pinzon
Commission Member Hugo Garcia
Commission Member Guillermina Fuentes
Commission Member Veronica Zavala

Absent: Commission Member Daniel Bazua
Commission Member Jose A. Ponce

Others Present: Jose A. Guzman, Director of Planning and Zoning
Roman Pacheco, Planning Technician
Gary Black, Comite de Bienestar
Kay Macuil, City Attorney
Ric Bauermann, Fire Department
Tadeo de la Hoya, City Manager
Vianey Vega, Vega & Vega Engineering

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held September 11, 2018

MOTION: Vice Chairman Marco A. Pinzon/Commission Member Hugo Garcia 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 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. (CONTINUED ITEM FROM REGULAR PLANNING AND ZONING MEETING HELD SEPTEMBER 11, 2018)

A. Open public hearing

Chairman Javier Barraza to open public hearing.

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated that the purpose of this Text Amendment Case is to make changes to the Light Industrial Zoning District, making it more compatible with the needs of the community based on the existing uses. He proceeded to list some of the possible uses that could be made to the facility, along with the requirements.

Chairman Javier Barraza asked that if on item 21 which stated storage yard for vehicles to Mexico, if we were exporting cars to Mexico, or just keep them there to sell locally.

Mr. Guzman asked if he recommended to take off the Mexico and just making it a storage facility.

Ms. Kay Macuil, City Attorney, suggested adding *“including, but not limited to.”*

Chairman Javier Barraza mentioned that people will complain if the cars are not being exported.

Mr. Guzman stated that there will be a limit of 30 days given.

Commission Member Guillermina Fuentes asked who was going to be in charge of enforcing the 30 days.

Mr. Tadeo de la Hoya, City Manager, added that the city does not have the resources available to hire someone to be in charge of that.

Mr. Guzman stated that it is required for the vehicles to be outside, or outside their fence if they have one, in order for it to be enforced. If the owner has them inside their fence, no enforcement can happen unless there is a complaint by the neighbors.

Commission Member Veronica Zavala stated that if the purpose of this amendment was to make it easier, since they were having a lot of cars parked in the residential area, causing complaints.

Mr. Guzman assured her this will be as stated in item 22.

Further discussion occurred about what would be considered a complaint. It was said that it will not be actively enforced, but rather then based upon a complaint basis.

Mr. Guzman added that he is adding this use as a permitted use, but not specifying what exactly is required.

Commission Member Veronica Zavala asked where the 30 day were taken from.

Mr. Guzman stated that during his meeting with the stakeholders, they mentioned that the average time was 30 days.

After further discussion, it was determined that someone would have to complain in order for it to be enforced.

Mr. Guzman added that after they receive a complaint, following code enforcement, a notice giving them 15 days to comply will be sent, and after a final notice giving them an additional 15 days. A total of 30 days.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

Chairman Javier Barraza to close public hearing.

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

MOTION: Commission Member Marco A. Pinzon /Commission Member Hugo Garcia to take action on Text Amendment Case No. 2018-0299 with item discussed on vehicles being more than 30 days showing proof that they attempted to cross the vehicle to Mexico. 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. 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. (CONTINUED ITEM FROM REGULAR PLANNING AND ZONING MEETING HELD SEPTEMBER 11, 2018)

A. Open public hearing

Chairman Javier Barraza to open public hearing.

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning requested to withdraw the item. He added that they are currently working on new State regulations regarding food trucks. Mr. Guzman added that he will be conducting research and come back once it is ready.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

Chairman Javier Barraza to close public hearing.

C. Action on Text Amendment Case No. 2018-0385

MOTION: Vice Chairman Marco A. Pinzon/Commission Member Hugo Garcia to accept applicants request to withdraw Text Amendment Case No. 2018-0385. Motion passed unanimously. (5-0)

4. C. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2018-0321. A request by Riedel Holdings LLC on behalf of Border Ranches AZ LLC, owner, to rezone 67.06 acres, located on the northeast corner of County 24th Street and 20th Avenue, from Medium-High Density Residential (R-2) to Medium Density Residential (R1-6).

A. Open public hearing

Chairman Javier Barraza to open public hearing.

1. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated that this request was to rezone 67 acres from R-2 to R1-6 located in the east mesa of the City of San Luis. He added that the current zoning is R-2, which was approved by Ordinance No. 250 in 2007. **Mr. Guzman** mentioned that it included some conditions, one of them being to have land dedicated to the city for parks, and recreational purposes at no cost to the city. He added that approval of this item had the condition that the applicant negotiates the development agreement, before taking it to council.

Commission Member Guillermina Fuentes asked how many houses could fit in 67 acres.

Mr. Guzman stated that anywhere between 270-275 lots. He added that they are also proposing a lot for a school.

Commission Member Guillermina Fuentes asked if the city has enough services to serve the subdivision.

Mr. Guzman stated that the city has enough facilities to serve the subdivision.

Vice Chairman Marco A. Pinzon asked if we were complete on the piping.

Mr. Guzman stated that the sewer diversion project was completed years ago, which gave more capacity to the east.

Commission Member Guillermina Fuentes asked why developers are always subject to negotiate conditions, and why is it that they do not do it first, but rather come to the Commission.

Ms. Kay Macuil, City Attorney stated that the contracts are approved by Council, and do not need the recommendation from the Planning and Zoning Commission.

Commission Member Guillermina Fuentes added that developers should be negotiating with the City. She added that with builders it is done like that, so it should be like that for developers as well.

Mr. Guzman stated that the purpose is to have the approval of the Commission, and also for them to ask questions, or add any conditions if they want. He added that once the rezoning goes to the City Council they take the development agreement and the rezoning at the same time.

2. Call to the Public on this item

There was no comment from the public.

B. Close public hearing

Chairman Javier Barraza to close public hearing.

C. Action on Rezoning Case No. 2018-0321

MOTION: Commission Member Hugo Garcia/Vice Chairman Marco A. Pinzon to forward Rezoning Case No. 2018-0321 to the City Council, with an approval recommendation subject to the condition that the developer negotiates a development agreement with staff. Motion passed unanimously with 4 ayes and 1 nay from Commission Member Guillermina Fuentes. (4-1)

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION – 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.

5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2018-0440P. A request by Vega and Vega Engineering PLC on behalf of Comite de Bienestar Inc., property owner, for the preliminary plat approval for Bienestar Estates Condos. The property is located at 495 N. Janet Napolitano Boulevard, San Luis, Arizona.

A. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning, stated that the subject property is located on the east mesa of the City of San Luis within Bienestar Estates 9B Subdivision. He added that the preliminary plat approval is for the layout, and the applicant still needs to comply with all of the applicable City regulations at the time of the final plat. **Mr. Guzman** proceeded to mention that the property was originally designated as Tract B, which are usually tracts that are intended for public purpose such as parks or retention basins. He added that this particular tract was not designated with a specific public use when the final plat was recorded. **Mr. Guzman** stated that it is recommended that the adjacent property owners be notified, since during the process of the preliminary plat the notices are not sent to the adjacent owners.

Commission Member Guillermina Fuentes stated that whenever they file an application, they should send the adjacent owners a letter of intent. She added that she feels the process is done backwards, since she believes that by the time this is discussed the letter should have been sent out already.

Chairman Javier Barraza stated that the process is done that way only for Rezoning cases.

Mr. Guzman stated that the adjacent property owners are notified during Rezoning, Conditional Use, or Variance cases, because that is the state law. He further

explained that for Preliminary Plat, and Subdivision cases, it is not required to notify the adjacent owner.

Commission Member Veronica Zavala stated that for the people that live around, it would be nice to know what is happening. She added that she understands this is not a rezoning, but she believes the letter should be sent out of consideration.

Mr. Guzman stated that he added notifying the adjacent owners to the motion, therefore owners within 300 feet of the proposed area will be notified. He added that if the Commission feels like more should be notified, it can be arranged.

Commission Member Hugo Garcia asked how wide was the notification going to be made, and how was it going to be.

Mr. Guzman stated that the same procedure followed for rezoning would be used, and it would be sent to adjacent owners within 300 feet.

Mr. Vianey Vega, Vega and Vega Engineering, represents Comite de Bienestar, and is the developer for the project. He proceeded to explain what the plats and the tracts are dedicated for. He specified that because it's a tract, it doesn't mean it is for public use. **Mr. Vega** stated that the notification is not a requirement, since by law they are allowed to use it with the current zoning. He added that by sending the notification, it would create problems, since residents will start to ask questions and complain.

Vice Chairman Marco A. Pinzon stated that it was clear that the notifications were not required, but it was a good gesture and to not throw things out of proportion.

Commission Member Guillermina Fuentes asked **Mr. Guzman** to explain why notification were being sent out since it was not required.

Mr. Guzman stated that it was better to let the neighbors know about what is going on next to their house. This will allow the neighbors to express any concerns they might have.

Commission Member Guillermina Fuentes asked that if a resident were to come with an issue, what the city would do.

Mr. Guzman stated that the purpose of the notification is to avoid those type of questions once the condominiums are being built. He added that this will allow resident to express concerns before they start to be built.

Fuentes further more asked is this a requirement or not? **Guzman** responded no this is not a requirement.

Further discussion of whether the notification should be sent out and if it is a requirement occurred.

Mr. Vega stated that when resident complain the city cannot do anything, since by law Comite de Bienestar is allowed to develop on that property under this regulation.

Gary Black, Comite de Bienestar, stated that if the Commission opposes to send out notifications, they are doing their job, since they will also be backed up by law.

Commission Member Veronica Zavala stated that 10 years ago the plat was not yet designed for condominiums, but residents were sent out a letter then.

Mr. Vega stated that the designation of the zoning was emplaced when the plat was recorded.

Vice Chairman Marco A. Pinzon asked if the people that sell houses notify the buyers about the lot and what it could be used in the future.

Mr. Guzman stated that when people buy houses they get a copy of their CC&R where it states it.

Commission Member Veronica Zavala stated that although it says it on their CC&R, residents might not know what it is, so sending a notification is courtesy or like a

reminder. She understands that the city cannot do anything, but it is still right to make a notification.

Further discussion about how people would react and how the city could not do anything about it occurred.

Mr. Vega expressed how he did not agree with the notification to the adjacent owners.

B. Action on Subdivision Case No. 2018-0345P

MOTION: Commission Member Hugo Garcia/Commission Member Guillermina Fuentes to approve Subdivision Case No. 2018-0440P- Preliminary Plat for Bienestar Estates Condos and direct staff to not notify adjacent property owners of the proposed project. Motion passed unanimously. (5-0)

6. CALL TO THE PUBLIC

There was no comment from the public.

7. ADJOURNMENT

MOTION: Commission Member Guillermina Fuentes/Vice Chairman Marco A. Pinzon to adjourn the meeting at approximately 8:01 p.m. Motion passed unanimously. (5-0)