

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
JANUARY 8, 2019
7:00 PM

1. CALL TO THE ORDER /ROL CALL: The meeting was called to order at approximately 7:02 PM., by Chairman Javier Barraza.

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

PRESENT:

- Chairman Javier Barraza
- Vice Chairman Marco A. Pinzon
- Commission Member Daniel Bazua
- Commission Member Hugo Garcia
- Commission Member Guillermina Fuentes
- Commission Member Veronica Zavala

Others Present:

- Jose A. Guzman, Director of Planning and Zoning
- Roman Pacheco, Planning Technician
- Kay Macuil, City Attorney
- Ric Bauermann, Fire Department
- Concepcion R. Ulloa, San Luis Resident
- Gary Black, Comite de Bienestar
- Vianey Vega, Vega & Vega Engineering, PLC.
- Elizabeth Carpenter, Sam Group
- Council Member Matias Rosales
- Council Member Jose A. Ponce

3. PRESENTATIONS

Presentation of plaque to Jose A. Ponce in recognition of his years of service to the Planning and Zoning Commission.

A plaque was presented to **Mr. Jose A. Ponce** by **Mr. Jose A. Guzman, Director of Planning and Zoning** to thank him for his years of service to Planning and Zoning Commission Meeting and to wish him good luck as a Council Member.

4. CONSENT AGENDA

4. B. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held October 9, 2018

MOTION: Vice Chairman Marco A. Pinzon/Commission Member Daniel Bazua to approve the consent agenda as presented. Motion passed unanimously (6-0).

5. 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.

5. A. Public hearing followed by discussion and possible action on any and all matters regarding Minor General Plan Amendment Case No. 2018-0682. A request by Vega and Vega Engineering PLC, on behalf of Sam Group Investment Company LTD Partnership, property owner, to amend the 2020 General Plan by changing the Land Use Designation of 18.76 acres from Business to Neighborhood.

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 that is being made by Vega and Vega Engineering in which the main purpose of the Minor General Plan Amendment is to change the land use from business to neighborhood. He further explained that the current zoning of the 18.76 acres is Light Industrial (L-I) to be changed to Medium Density Residential (R1-6). He added that in order to do so the land designation of the general plan had to be changed, therefore needing a minor amendment.

Chairman Javier Barraza addressed some of the concerns staff had regarding the difference between a Minor and a Major General Plan Amendment. He added that the threshold is 20 acres therefore in the future if the reminder come back it has to be a Major General Plan Amendment.

Mr. Guzman certified that the applicant was made aware of the case and agreed to submit an application for this coming year.

Chairman Barraza had a concern of if there were to be a change of ownership, if that would affect the Major General Plan Amendment.

Ms. Kay Macuil, City Attorney assured him that a change of ownership would not affect the requirements.

2. Call to the Public on this item

Mr. Vianey Vega, Vega & Vega Engineering stated that he is aware that the remainder of the land will be handled through a Major General Plan Amendment. He added that the purpose of the Minor General Plan Amendment is to allow them to be able to get started on the first phase of the project.

Chairman Barraza asked what the area of the parcel was, to which **Mr. Vega** replied was 40 acres including some right-of-way dedication.

B. Close public hearing

Chairman Javier Barraza to close public hearing.

C. Action on Minor General Plan Amendment Case No. 2018-0682

MOTION: Commission Member Guillermina Fuentes/Commission Member Daniel Bazua to forward Minor Amendment request to City Council with approval recommendation. Motion passed unanimously. (6-0)

5. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2018-0683. A request by Vega and Vega Engineering PLC, on behalf of Sam Group Investment Company LTD Partnership, property owner, to rezone 18.74 acres from Light Industrial (L-I) 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 item is the same as the previous item. He added that this is the change of Light Industrial (L-I) to be changed to Medium Density Residential (R1-6) after the Minor General Plan Amendment is in place making it compatible with the general plan.

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. 2018-0683

MOTION: Commission Member Guillermina Fuentes/Vice Chairman Marco A. Pinzon to forward Rezoning Case to City Council with approval recommendation. Motion passed unanimously. (6-0)

6. 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.

6. A. Discussion and possible action on any all matter regarding request to accept application for property concerning Rezoning Case No. 2018-0321 in accordance with City Code Section 152.042(I).

A. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning stated that this item was presented to the Commission back in October 18, 2018, and was requested to be withdrawn by the applicant. He added that according to the City Code whenever a Rezoning application is withdrawn after a public hearing, there has to be a waiting period of 12 months in order for it to be resubmitted or have the commission accept the application by majority vote. **Mr. Guzman** stated that this was a request to accept the application before the 12 month waiting period.

Commission Member Guillermina Fuentes asked how many times an item has been presented and pulled back and been presented again.

Mr. Guzman stated that this was the first time someone was reapplying before the 12 month waiting period.

Commission Member Fuentes stated that for the record she abstains from voting on this item.

Commission Member Marco A. Pinzon asked since we are missing a member should it be better to table this item until we have the position filled.

Kay Macuil, City Attorney, responded I have not seen case law on our situation as to whether we vote now with one remaining vacant seat or we still consider it a commission of seven, so if you like to move this to another meeting so I can look into that or until we get another member.

After further discussion between the commission members it was decided that a vote would take place once the Commission Board was complete, therefore moving this item to the next Regular Planning and Zoning Commission Meeting.

B. Action on Application Acceptance Request.

MOTION: Vice Chairman Marco A. Pinzon /Commission Member Hugo Garcia to continue this item to the next Regular Planning and Zoning Commission Meeting. Motion passed unanimously. (6-0)

6. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2018-0633F. A request by Vega and Vega Engineering PLC on behalf of Comite de Bienestar Inc., property owner, for the final plat approval for Bienestar Estates 9C Subdivision to be located at 3415 E. Janet Napolitano Boulevard, San Luis, Arizona.

A. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning stated that this Subdivision is proposed to be in one of the tracts in Bienestar 9B, and to be divided into 16 lots with a minimum lot size of 6,000 square feet. He further added that review comments have been sent to the engineer and there were some comments that had to be more proactive and development friendly. Therefore recommendation of the approval of the request is with the condition that they need all of the comments before taking this item to council.

Chairman Javier Barraza asked if this would be part of the new improvement district of part of the existing one for 9B.

Mr. Guzman stated that after further research he did not find something regarding changing the specific number of lots within the district.

B. Action on Subdivision Case No. 2018-0633F

MOTION: Vice Chairman Marco A. Pinzon /Commission Member Hugo Garcia to forward Subdivision Case No. 2018-0633F with an approval recommendation to the City Council. Recommendation subject to the attached conditions of approval. Motion passed unanimously. (6-0)

6. C. Discussion and possible action on any and all matters regarding Subdivision Case No. 2018-0634F. A request by Vega and Vega Engineering PLC, on behalf of Comite de Bienestar Inc., property owner, for the final plat approval for Bienestar Estates Condominiums to be located at 495 N. Janet Napolitano Boulevard, San Luis, Arizona.

A. Staff presentation

Mr. Jose A. Guzman, Director of Planning and Zoning stated that this proposed Subdivision will be for 12 condominiums and within the same Subdivision as the previous item. He further showed a site plan showing the way lots are going to be divided. **Mr. Guzman** added that there are a few comments that still need to be addressed before going to council, therefore recommendation of this request is for approval with the condition that they need to address all comments before

taking this item to Council. He added that since they are governed by a State Law they will be following different regulations.

Mr. Vianey Vega, Vega & Vega Engineering state that the project was going to be handled as condominiums at the beginning, but has been changed to town homes since. He further explained the exact measurements of the lots. **Mr. Vega** mentioned that he will be working on addressing the comments before going to council.

B. Action on Subdivision Case No. 2018-0634F

MOTION: Commission Member Hugo Garcia/Vice Chairman Marco A. Pinzon to forward Subdivision Case No. 2018-0634F with an approval recommendation to the City Council. Recommendation subject to the attached conditions of approval. Motion passed unanimously. (6-0)

6. D. Election of Officers.

MOTION: Chairman Javier Barraza/Commission Member Guillermina Fuentes to appoint **Marco A. Pinzon** to serve as Chairperson of the Planning and Zoning Commission. Motion passed unanimously. (6-0)

MOTION: Commission Member Guillermina Fuentes/Vice Chairman Marco A. Pinzon to appoint **Daniel Bazua** to serve as Vice-Chair-Person of the Planning and Zoning Commission. Motion passed unanimously. (6-0)

7. CALL TO THE PUBLIC

Vice Chairman Marco A. Pinzon thanked Jose A. Ponce for his time serving the commission and wished him luck in his time serving the city.

8. ADJOURNMENT

MOTION: Vice Chairman Marco A. Pinzon/Commission Member Guillermina Fuentes to adjourn the meeting at approximately 7:31 p.m. Motion passed unanimously. (6-0)