

## MINUTES

SPECIAL MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
OCTOBER 15, 2019  
7:00 PM

**1. CALL TO THE ORDER /ROLL CALL:** The meeting was called to order at 7:07 PM, by Chairman Marco A. Pinzon.

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

**PRESENT:**

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

**ABSENT:**

**Staff Present:**

Jose A. Guzman, Director of Planning and Zoning  
Roman Pacheco, Planning Technician  
Kay Macuil, City Attorney  
America Cano, Administrative Coordinator  
Eulogio Vera, Public Works Director  
Jorge Mungaray, I.T. Department  
Sonia Cornelio, City Clerk

**Others Present:**

Buna George, Greater Yuma Port Authority  
Christian Cuevas, Interpreter  
Elizabeth Carpenter  
Frank Rascon, Industrial Park Association  
Gloria Torres, Council Member  
Joe Harper, Resident  
Mario Jauregui, San Luis Industrial Park  
Mark Concha, Riedel Holdings, AZ, LLC.  
Matias Rosales, Council Member  
Najeh K. Edais, Edais Engineering, Inc.  
Olivia Jenkins, Riedel Holdings AZ, LLC.  
Nieves Riedel, Riedel Holdings AZ, LLC.  
Russel L. Jones, RL Jones  
Susan K. Thorpe, Yuma County Administrator

**3. 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.

**3. A. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0394. A request by Edais Engineering, Inc. on behalf of San Luis Port, LLC, to change the land use designation from Business and Industrial to Neighborhood for 164.76 acres located at the northeast corner of Avenue E and County 24<sup>th</sup> Street.**

**A. Continuation of public hearing**

## **1. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning**, summarized staff report recommending to forward Major General Plan Amendment Case No. 2019-0394 to the City Council with recommendation of DENIAL.

**Najeh Edais, Edais Engineering**, stated that he is representing the owner of this item. I cannot attempt to agree with Mr. Jose Guzman analysis. However, I think his analysis does not apply to this piece of property. His analysis is good when you are talking about the industrial land that is surrounding the Port, that can develop in industrial and it is immediately next to the port. This property is about a mile ½ north of the Port (north of 24<sup>th</sup> Street). I think Mr. Guzman mentioned that there is already a 20-acre piece of residential that is on the north side. In addition, along the corridor off Avenue E and 24<sup>th</sup> Street that is commercial. Commercial is probably the best thing for the City of San Luis because this is something that would develop now. I envision that commercial, the minute this land gets change that you going to get up seen anything from gas stations, truck stops, hotels, and shopping centers that basically go to help the traffic that is on Avenue E (industrial traffic), the employees that will be working in this industrial area. In addition, anytime you have industrial you need places for people to live. In that area, although Mr. Guzman mentioned that we do have areas on the west side that is been filled, we need more. You need to support the industrial land that we have. We have on the south side one square mile and next to it another square mile, I would love to live and see that much industry in San Luis. The trucking that is coming from Mexico is not coming to San Luis is going to Calexico. You have to ask those people that are talking to you about this, why the trucks is not entering into the fancy state of the art Port that we have. There is many problems with that Port and trucking companies and the people that are going to come and speak behind me ask them that question. Calexico Port is a better port that they have lots of accommodation for the trucking. You people can continue to keep this land as Industrial, but that is not going to develop now. The industrial is going to start moving from the port and is going to start moving north. By the time, it gets to our piece of property that we have in this area we would all be gone. What we are trying to do is develop the commercial along Avenue E and County 24<sup>th</sup> Street and then develop the residential. The Magrino Park is been

sitting for how many years? How many people are there? Let us be realistic, if there are people that are interested in Industrial who are the people who are buying these lots. They like to tell you that there is people and leave this property available, for how many years? For the next 100 years we want to leave this piece of property sitting there waiting for industrial to come in. Furthermore, Mr. Edais explained that residential land bring lots of money to the City of San Luis. There is something called "Development Fees" and I think every time you develop a lot is over thirty-five hundred dollars per lot. And by the time you add all of the other monies that the City collect from water meters, sewer services and other fees it is an excess of five-thousand per lot that comes into the pocket of the City of San Luis to keep the city moving. Then on top of that, every time you sell a lot or build a house there is sales taxes that the City of San Luis harvest that sales tax. That money keeps all of the services in the City of San Luis moving. The residential traffic, that contribute to the HURF funds, every time somebody filled with gas monies comes in to the city, to improve and maintain the streets, to spend monies on Public Works Projects. How about the employment? Every time you build a subdivision, how many people actually have been employ in those subdivisions? The pavement crew, concrete crew, water and sewer crew. On top of that, you have hundred people in San Luis. City of San Luis has the best labor force for construction they are very busy doing framing, pouring concrete, electrical and mechanical work, which is all-good for the City of San Luis. You have a decision to make; you can either have somebody read from the book that the person from Scottsdale wrote for us. Nevertheless, what it is reality, go ahead and deny it the City of San Luis will stay poor, go ahead and approve it a dust will go all over the place, you will have people working and building. You have two choices you either you read from a book or look at reality of things. What is better for the City of San Luis today? We need the money today, we need the people today, and we do not need them 100 years from now. For the people who are supporting the port and what industrial for the port. I got nothing against that, please bring people in, we want those people but you got hundreds of acres that you can go all the way to Avenue B with industrial. Do not focus on a small piece of property over there, when you have thousands of acres that can be utilize?

**Chairman Marco A. Pinzon**, asked how long have you been part of this project? Edais responded for the past six months. **Pinzon** asked what you people thought or feel that you are going build next to a detention center. **Edais** stated that when we are planning that we would have to create some type of a buffer between the detention center, the wastewater treatment plant and the subdivision such as a landscape area. **Pinzon** responded that he has a concern with that, and that there were some good points and it is growing slowly but the whole purpose was to move all the industrial from one area to another because there was chaos. There still a little bit of chaos because we still have drivers that do not pay attention when coming to town. We are not ready, we might be broke but not ready and we do not have the tools ready and development. **Edais** mentioned that the following question has always been ask. What comes first? The improvements? You improve the roads. Alternatively, you do the developments. Once you develop, the development improves the roads, water systems, and sewer systems. If you do nothing, nothing is improved because the city does not have the money to improve the roads. So who improves the roads? In any development that you look at, you will see the entire infrastructure around the development, which gets to be built by the developer. Whether that developer is X, Y, or Z. Again, if you do nothing, you do not have nothing. Furthermore, Edais mentioned investing in a roadway plan is good for the city. If it were not for the Detention Center the east, San Luis Water Treatment Plant would have never happened. If it were not for the subdivisions like the Bienestar 8B and 9B, we would not need a water treatment plant over there.

**Commission Member Veronica Zavala**, asked is the detention center is land leased. **Kay Macuil** responded that the Municipal Corporation of the City owns it.

**Commission Member Barraza** clarifies that the commission does recommendation and not approve or deny items. **Barraza** asked how many lots you think you can accommodate there. **Edais**, responded probably may 700 lots. **Barraza** then ask how many trips are there per day. **Edais** responded 6 to 10 and this project would take about 10 years to complete.

**Commission Member Hugo Garcia**, asked would you consider reducing that space, further away from the Detention Center? **Mr. Gill** responded that would probably be part of the planning process and more than likely you might want to design in a park or something to give a healthy buffer between housing and the Detention Center.

**Barraza** asked where those rezoning cases back in 2010, 2011, 2012 and 2013 where they denied? **Guzman** responded that they were approved with a development agreement. The Development Agreement specifically allow the 20 acres for residential for high density. If they were to do single residence houses you have to be at least 8,000 square feet and the houses had to be 1,750 feet the actual construction.

**Kay Macuil** informed that the detention facility is mostly minimum security it is rated medium security and the US Marshalls can bring a few high security inmates.

**Jose A. Guzman, Director of Planning and Zoning**, informed the following comment for the record, that at the last public hearing we received several comments from the public. There are not part of the report but will be as part when it goes to City Council. Most of the comments were concern with the impact of Avenue E. **Mr. Guzman** furthermore stated he wanted to clarify that development fees are onetime payment to the city to alleviate the impact of the construction of the subdivision for the house. In addition, the distance that the applicant is mentioning between residential and industrial it is also designated as industrial in the general plan. Both the business and industrial designation allow for industrial zoning.

**Mario Jauregui, Yuma County Resident**, stated that he owns and operate a business here in San Luis for the past 30 years. A lot of information is being presented to you and it is important that we make sure that the information being presented is as accurate as it can be, so you can make a wise and educated decision. The Port is alive and vibrant it is not a dying Port. It is underutilized

because it was built knowing that it was going to grow. In addition, that it was going to grow in years to come, and that it was not built with the idea it was going to be an overnight success. I was talking to a local investor and he was telling me that he travels the completely southern border from Tijuana all the way to Matamoros and he said he kept coming back to San Luis with an investment he wanted to do. He then came back to San Luis and build a plant right across the border for about 40 million dollars. He was also one of those people that was involved in the building of another plan in Algodones; this one is about over 100 million dollars of investment. Both of whom are going to be use the Port of San Luis for probably 80 percent of their crossings. One already is 100 percent and the other one is 80 percent. This is translating to about 28 percent of an increase in crossings through the Port of San Luis. This means that the economic impact is just tremendous. The Port has become very attractive; we knew that it was going to take time. My colleague Russ Jones invested over 8 million dollars. I invested about 5 million, and the lots that can be used, have been sold already or are in the process to be sold. As far as the effect is commercial traffic, right now you have 120 trucks crossing the border northbound, which means we have another 120 trucks crossing southbound, so all together we have close to 300 trucks every day. Coming winter, you're going to see 250 coming north, and 250 going south, 500 trucks loads on Avenue E every single day. **Mr. Jauregui** furthermore, stated what is it that we want to see in that area. What we have right now is an Industrial Park that is surrounded by houses. Do we want to see an area that is vibrant with business. The minute that we bring in housing and with housing comes schools, and Taquerias this is not a good mix. Jauregui furthermore stated that he hopes that the commission make the right recommendation.

**Commission Member Zavala** asked if San Luis Cooling is still operating in town. How long to start building on the Industrial site? **Jauregui** responded that it took them 3 years to purchase the land. In addition, it is going to take us about a year and half to build the building we are going to have. The 25,000 square foot building we are not moving, instead we are expanding. **Zavala** are you not in favor to be open to the pedestrian or private vehicles. **Jauregui** responded that he hopes that it does happen very similar to Calxico east.

**Commission Member Garcia** asked how many people are employ in your industrial area. **Jauregui** responded 60 full-time employees. How many of the trucks that use Avenue E they come to San Luis and gas up here? **Jauregui** responded the local trucking about 80 percent. **Garcia** furthermore asked are guys thinking about building another road in there, because a least fifteen days ago cops had to show up to that street because it is always packed with trucks. **Jauregui** responded that this would be alleviated once we move the whole Industrial Park to the new one. What we have propose is that we connect our industrial park to 24<sup>th</sup> and all the way to the new industrial park, and get trucks out of the neighborhood as fast as we can.

**Dr. Laura Noel, Somerton School District, Superintendent**, stated that several times schools have been mentioned and I feel that I need to make sure I step up and allow you to ask questions if you have some. My concerns range, I found interesting people working in the commercial centers and industrial areas were not very important but people living in the area were very important. Therefore, if there were a chemical spill, I would think that the furniture factory employing fifteen hundred people would be a dangerous place to be just as much as a house would be. So, I am thinking that, I really do not think that is the issue at all, I think that the Commercial Port of Entry is a good business center and that the good planning that the City of San Luis can do for that area and infrastructure can protect all the people with all the various interest. Mr. Jones has mentioned the idea of protecting Avenue E as maybe having one stop light in all of Avenue E and have it be the corridor for trucks and maybe Avenue D and Avenue F are routes that residential customers take to US-95. It seems to me a toss-up between having fifteen hundred people driving into the area, parking in there to go to their work and going to lunch and then leaving from their work as to having people living in the area, they leave to go to work and then they come back at the end of the day. I was thinking if I was a city planner, I would be worried about where do I get the money to do this with roads. However, it seems like if you have developers, who would actually begin to put in some housing, protecting some of those corridors that you think in the future you going to need for the transportation. Then you would have a tax base to help pay for that function.

I know that someone had mentioned creating a special district for the taxes that will be needed to provide the infrastructure to ongoing to construct and building. I can see a great master plan develop in that way, but I think by allowing the construction that is ready to go to get started you actually begin to build that tax base. Our Somerton School District goes all the way down from Somerton all the way to the border. There are 380 to 400 students right now in Bienestar Estates. About 300 of them are going into Gadsden School District under open enrollment, about 80 we bus to Orange Grove School. It supposed to be the taxpayers who live in those houses in Bienestar Estates. Their tax money goes to support Somerton School District. Gadsden gets the per pupil amount from those students who attend their school. The school facility boards realize because the list of open enrollment students coming to Gadsden them applying for new schools for enrollment they realize this problem that you have a tax base supporting Somerton School District and the Arizona School Facility Board been asked to build schools for kids that are not in that district. We qualify for a large school in Somerton to be added. We ask the School Facility Board how about we build a small school in Somerton, and we build a small school in east San Luis where we have land donated. You do not have to worry about the cost of the land and so they allow us to do that. So we have the funding, we have 3.3 million dollars to build a small school in east San Luis. If this goes through and everything goes alright, we can be built within two years. Our expectation is that with the growth the additional housing that is opening up next to Bienestar that already exists as the housing opening up; we are seen growth in many students. Our expectations is that we are going to bus those students. We are required to provide busing for students outside of a mile from the school which most of Bienestar Estates is over a mile from where the school is going to be built. We can also say that Avenue E would be a dangerous barrier to their access to school. The land was donated to us and we are happy to have received it and use it to the benefit of the students. When we look at growth we are responding to the growth that exists if we open that small school of 250 kids it will probably filled immediately because it will be so close to the housing that exist there. Then we will qualify immediately to be able to expand that school

because the numbers will be there from the School Facility Board. Right now, we already been given approval from Arizona School Facility Board. We are in architectural drawings, we began doing surveys and we are getting things set up for actual build. I would like to say that for a school district we really need you to work on infrastructure things. There needs to be a solution to how all of us are going to contribute, to whom is in the area, residential, industrial, commercial whatever is you decide on the zoning. All of us are going to need to contribute to make the pathways that are needed. In addition, if Avenues D and F are going to be the main thoroughfare to S95 then all builders who went to build residential homes, will they need to know where the traffic flow needs to go. And the earlier that you set that in play, then the better everything could be designed to work around that and keep it available for the trucking traffic. You can make sure that other residential streets do not come out on E. When I was looking at the pattern where you have the space between where the neighborhood needs to be built and that area on the map and that supposed to be commercial/Industrial I couldn't help to think, there is a McDonalds there you are going to have people coming in and out of McDonalds onto Avenue E. And I don't know how you going control for that, but I don't think a house is going to be more traffic than your industrial or commercial sites that you making available there. If you have the companies that are employing large numbers of people, they are going to want to go and have lunch somewhere. Moreover, if they are going to have lunch in that area along Avenue E, that is going to be a problem. Therefore, I think as you are doing your master planning that might be helpful to get all that in order.

**Pinzon** asked Mrs. Noel if it does not bother you that is too close to the Detention Facility Center and to the State Correction Facility. **Noel** responded no it does not; we are a half of mile away. **Pinzon** reminded Dr. Noel that two years ago, there was chaos in the State Correction Facility and it was bad management. **Noel** stated that they would have security of their own, we are careful about how we construct the school. In our architectural designs, nowadays when you build a school you build it so you can protect, so we are not concern about the Detention Facility, which will be a half of mile away from us.

**Commission Member Guillermina Fuentes** stated that the General Plan was meant exactly as veronica stated to do good planning and to be able to determine which area was designated for industrial and commercial and do we want San Luis to grow. There are plenty of areas out there that there are not develop, why developers do not buy those areas that are categories residential. They want to go up there and finished our industrial commercial that we have. Because some people has the money to buy land and then sell for double the amount, that is ok they come here to make money. However, we are here to protect he citizens of the city. If we have a general plan, we should stick to that because hundreds of people work in that for the benefit of people. If they have their land, they should use their land as it is. **Dr. Laura Noel** furthermore stated that she appreciates the work that went into creating the original general plan. I also at 59 years old have had times when something I decided 20 years ago change and later I needed to make a small adjustment. I get it both ways, and I appreciate and respect your opinion.

**Russel Jones, 3644 West Brandi Lane, Yuma, AZ,** stated that his family has been in business since 1951 and I been in business since 1974. I remember as a small boy and the payment stop at the Port of Entry and there was no payment in San Luis Rio Colorado and no other paved street. I am not against growth, schools or houses. Modern urban planning provides for housing and other amenities for the work force but they also respect the integrity and the type of transportation requirements that heavy industry and trucks require. Mixing trucks that need one thousand feet to stop with school buses, privately owned vehicles or pedestrians, they are always a dangerous situation. What I am opposed to is I don't believe unplanned development without providing for the future, not really thinking ahead or what the impacts are. There are many things said here tonight that I do not agree with. I was in the state legislature for nearly 8 years and I know how the tax structure works. Houses do not pay for themselves; we do not have a property tax in which was sadly defeated by the citizens of San Luis. Houses do not pay for ongoing fire protection, police, and other types of services. They do pay fees for water, sewer, and such, but they do not pay their own way. That is just like commercial and industrial properties pay much higher taxes because they are require to pay their way unlike residential, which is set in State

Statutes is the way that works. So that is not true, when you are talking about cleaning the dust, what happens when the dust settles? When the workers have built houses and then go away? Their impact fees? you spend it. Therefore, who pays for 5 or 15 years unless you build more houses? Unless you can keep building more houses, you cannot pay for what you got, which means you have to build more houses until you stop and think about how we grow, where we want to be, that is why we have a general plan. Why do we build San Luis east? Because of the trucks, we did not have enough trucks crossing 20 years ago to justify a new Port of Entry. It was because we were mixing truck, cars and people and it was a huge problem and the solution was to move the trucks out so we can just deal with the cars and the people. We still have not figure out the cars and people so now we have to build San Luis I over again so we can separate the cars and the people let alone the trucks. Therefore, what we are proposing up here is history repeating itself. Is anyone here happy with the transportation works in San Luis on Juan Sanchez, how much money do we have spent to fix Archibald, Main Street, and First Street to make kind of work. Are we doomed to repeat ourselves every so many years and make the same mistakes all over again? We do need housing out here; I understand the dilemma that the Somerton School District has. If you build all these homes out here it would not be Somerton School District it will be the San Luis District #2 because there will be more residents and voters in San Luis than in Somerton, we really need to plan this well. As an investor in the area the development is going, I had people try to buy my land that I bought for my own self because there is no more land out there that is develop that has water and sewer. I am planning a second 50,000 square feet building as we speak because I am out of room. **Mr. Jauregui** is building his facility and others; this is a great thing for San Luis. What we really need to do, is good planning so we protect the integrity of 25<sup>th</sup> Street, which is the primary industrial area. In addition, the reason it was not develop further is that they did not have the money to build a bridge so you had access to the industrial park. Because people like myself, Frank Rascon, Mario Jauregui, Henry Chavez and others contributed funds along with the Greater Yuma Port Authority, which you all belong to and are beneficiary of and we put that money together to build the infrastructure and get that bridge across so we can build the land and move out there. We put out money, no development fees, we put it out of our pocket, we

put it in the project, and we build it. What we want to do is keep it protected so it continues to do what it is supposed to do. I am glad I do not have your job or the council is like the vision of the baby. The question is how wide you open and the can all the parties in all these three projects and the ones that already there, can we all sit down and figure out a way to build infrastructure that is necessary. Because the impact fees are not going to pay for D, they are not going to pay for overpasses and all the other things we will need to protect Avenue E and 25<sup>th</sup> Street. Where is the money coming from, I do not see the money.

**Pinzon** asked do you own the property on Cesar Chavez. **Jones** responded no that is all State Land on a 75-year lease. **Pinzon** also asked Jones would it be costly to move out. Jones responded no, the RL Jones the custom brokerage, freight and transportation has all moved out and all that piece of property has been release to other businesses, so it is been used.

**Gary Magrino** stated that when they did the general plan, a group of San Luis got together and said how far out do we have to go. We need to go east. Everyone say let go out up to Avenue E there is a dirt road, 24<sup>th</sup> was beat up asphalt, dirt all the way cattle crossing where there literally three stand of barbed wire and that was Avenue E. during the same period the Resolution Trust Authority took a bankrupt property in that area and sold it off. The other thing that occur was the Nedbank it was not necessary anybody, put the bridge in from San Luis Mexico, North American Development Authority did that. In addition, they had to make sure that bridge was paid for itself which it did not do, it went bankrupt so they had renegotiate that. While all these was going, we did not have any money to put in the infrastructure on E. So where did that come from. It came from the four participants, I remember standing in the same podium and the City of San Luis co-signed the note with Wells Fargo Bank so we can put the lift Station and pump the sewer water up from that area. That was all done,same period when all the developer out there standing watching. So it is somewhat ironic to me that we are going to be building houses which are your one time shots. You do not get any revenue, other than initial bill and sale. In addition, here it is the Port Authority Commercial people put in all the sewer, water, and roads. Now, the

Commercial Port is been encumbered upon. I am asking all of you to reconsider; I do not want to hurt Mr. Shadle, Mr. Loo and any of those folks. In addition, they said why it took so long to develop. I was the main cause of that because when I first took this job as Chairman of the Port of Authority way back in the beginning. I made a commitment to the elected officials of the City of San Luis not to allow any private vehicles through this port; it would all be commercial because they did not want to hurt the retail down in San Luis.

**Bazua** asked were you part of the selection part that selected where the commercial port was going to be. **Magrino** responded that is correct, this was where the cattle crossing was. This was the best selection. They had to negotiate to get it. The general plan was designed to protect this area.

**Chairman Pinzon** thanked all of them for the comments. Furthermore, Pinzon explained that as his colleague mentioned they stick to the general plan and the commission gives a recommendation. He understands the parties their concern is a slow growth and they want to see a different way out because of different reasons. However, we cannot repeat history and make the same mistakes.

**Mr. Guzman** stated that staff is currently working on the update of the General Plan, the new one will be adopted November of next year and this is a good time for the stakeholders to attend the meetings and participate.

## **B. Action on public hearing**

**MOTION: Commission Member Guillermina Fuentes / Vice Chairman Daniel Bazua** to close public hearing regarding Major General Plan Amendment Case No. 2019-0394 to the Planning and Zoning Commission meeting of October 15, 2019. The Motion passed unanimously.

The vote was as follows:

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

### **C. Action on Major General Plan Amendment Case No. 2019-0394**

**MOTION: Commission Member Guillermina Fuentes / Vice Chairman Daniel Bazua to forward Major General Plan Amendment Case No. 2019-0394 to the City Council with recommendation of DENIAL. The Motion passed unanimously.**

The vote was as follows:

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

**3. B. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0395. A request by Vega & Vega Engineering, PLC. on behalf of Sam Group Investment Company Partnership to change the land use designation from Business to Neighborhood for 18.44 acres located at the southeast corner of 20<sup>th</sup> Avenue and County 24<sup>th</sup> Street.**

### **A. Continuation of public hearing**

## 1. Staff Presentation

**Jose A. Guzman, Director of Planning and Zoning**, summarized staff report recommending APPROVAL of Major General Plan Amendment Case No. 2019-0395.

**Vianey Vega, Vega and Vega Engineering**, representing the developer and owner for this case. This is infill project for us, we were here beginning of the year with the rezoning of the first 20 acres, the north half of this property. We rezoned the property and subdivided into 90 lots, project is already been approved by the City Council. We are in the process of beginning construction of the first phase. We are just following the process of coming in front of the commission board and requesting this amendment to the general plan to complete the original plan of developing the other 20 acres of the project. As staff mentioned the project is surrounded by north side and west side by residential and we have the industrial to the east side. There is a buffer created between the industrial and residential that is required by code. To elaborate on the location of the Medical Plaza as shown on the screen it is lot #1. That is where the medical plaza is under construction, then we have the road and lots on the west side and then the buffer is it under the Industrial Park side that creates the separation of between the residential and industrial.

**Commission Member Fuentes** asked how many lots are in the second phase. **Vega** responded there are going to be 90 lots, as in phase 1.

**Russ Jones** stated that was the original Pandora's box we open that is creating the pressure to think about the future planning. The first 90 lots and the second 90 lots on phase two. If you see the other maps, is there a phase 3 or phase 4? So how many homes is that? What streets are they going to access?

**Vianey Vega** explained that the city has already a plan already (traffic light) on Avenue E and 24<sup>th</sup>. This development is contributing to that traffic light. There is a per acre cost that has been asses to the project in phase 1 and there will be per acre cost asses to phase two.

**Kay Macuil, City Attorney**, stated that the City will be paying half and developers in the area have already started will not be paying. It was estimated that it would cost \$510 per acre, and negotiated down to \$260 per acre. Therefore, the city will be picking up the remaining cost.

**Elizabeth Carpenter**, representing the developer, stated that the traffic light, when we got the approval for the first subdivision, that was told to us at the eleventh hour, so we did have to continued that discussion on the final approval for Belleza. Our request was not to negotiate down the amount we have no problem contributing to the traffic light. What we were concerned about was the area that was going to pay for the traffic light. We felt that the area should be larger and should include more land on the east and to the south, which would be benefiting from the traffic light. Therefore, it would include more of our land from the east and more of the land from the west, more land to the north and south that was our objection. Furthermore, Carpenter stated that she wants to clarify that we did not negotiate down - they offered it to us.

**Chairman Marco Pinzon**, asked does 24<sup>th</sup> Street goes all the way to F? **Guzman** responded yes and it is plan to go all the way to 10<sup>th</sup> Avenue. In addition, the City is going to be doing a traffic analysis on the area next year.

#### **B. Action on public hearing**

**MOTION: Commission Member Guillermina Fuentes/Commission Member Veronica Zavala** to close public hearing regarding Major General Plan Amendment Case No. 2019-0395. The Motion passed unanimously.

The vote was as follows:

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

**C. Action on Major General Plan Amendment Case No. 2019-0395**

**MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes** to forward Major General Plan Amendment Case No. 2019-0395 to the City Council with APPROVAL recommendation. The Motion passed unanimously.

Chairman Marco A. Pinzon requested a roll call vote.

The vote was as follows:

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

**4. C. Public hearing followed by discussion and possible action on any and all matters regarding Major General Plan Amendment Case No. 2019-0396. A request by Vega & Vega Engineering, PLC, to change the land use designation of 493 acres located at the southwest corner of County 24th Street and Avenue D.**

**A. Continuation of public hearing**

**MOTION: Commission Member Guillermina Fuentes/Commission Member Veronica Zavala** to open public hearing. The Motion passed unanimously

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice-Chairman Daniel Bazua	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye

Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye

### 1. Staff Presentation

**Jose A. Guzman, Director of Planning and Zoning**, summarized staff report recommending to forward Major Amendment Case No. 2019-0396 to the City Council with recommendation of DENIAL.

Elizabeth Carpenter, owner and representative of the development, stated that they have been working on this development for over 20 years that we have own this property since 1994. Carpenter presented a power point presentation to the Commission regarding this project. The power point presentation contains the following information:

1. History of project & Industrial Area Map
2. Magrino Industrial Park
3. Efforts to Create Industrial Demand
4. Letter of Support from GYEDC
5. General Plan Amendment
6. Potential Revenue Generated
7. Impact to San Luis without Major Amendment
8. Major Amendment Map
9. Conclusion

**Mr. Richard Ortiz**, business partner with Eddie Loo, stated that he has been an investor with the Loo family starting in 2001 -2002 on this specific project. I have been involved in the development in the project. We have funded it, continue to support it and we have brought the best in class industrial developers and industrial feasibility studies to develop this land. He agrees and respects the General Plan. They are not asking to throw away the General Plan. Nevertheless, we do understand that when you are doing this kind of development there are several pieces that need to be incorporated into this successful development plan. Plans need to be revised subject to the economics on what is happening in the macro market that we want to leave. What we are saying is that needs to be a

consideration, that a piece of this that can bring over ten millions of dollars of impact fees at least initially enough to mentioned jobs and commercial development that is going to come out right along with it. What we envision here is an integration and master plan development that has residential, industrial, and commercial. Most of the land will remain industrial.

**Russ Jones** stated that he has property within the 600 feet of this project unlike the other two projects that you are considering this evening. As a property owner, I own 30 acres and have an option on another 10 acres in the undeveloped portion of the Magrino Industrial Park. My initial investment so far has been fifteen million dollars in those projects. I have another building under construction; the Piana Building (old Meadowcraft Building) is now full. In fact, I had a client needing a 100,000 square feet, I did not had the space and when I try to find space in the old Meadowcraft Building as in totally rented out. The client is going either Mexicali, Calexico, or El Paso because we do not have the space. Another reason we delay getting that project going because putting the money together for the improvements on 25<sup>th</sup> Street and Mr. Loo was supposed to be involved in that but at the eleventh hour he pulled out, as of this day he has not put any money on the 25<sup>th</sup> Street which borders on his proposal. So I would a lest hope if you approve this, that he will reimburse the Greater Yuma Port Authority for his half off 25<sup>th</sup> Street. If you do not approve this project, you do not need a school where it is proposed, because the Yuma Greater Yuma Port Authority acquire right of way and property on the east side of D. That is because there is proposed gas lines and some point they talk about a rail corridor. In addition, GYPA purchase enough property to the east of D, to accommodate if there is an opportunity to put rail through San Luis so it meets up with the industrial areas with the Mexican side. I do not know how compatible a school would be with rail, gas lines, and other things.

**Eddie Loo, Sam Group Investment Company,** stated that he was not planning to talk today because of his voice. However, since Mr. Jones said I owe him money I have to stand here to defend myself. Talking about 25<sup>th</sup> Street, they got the grant to pay for 25<sup>th</sup> street and then they come to me for me to put the water on 25<sup>th</sup> street, I said fine, I will do that. However, the problem is this; we were

negotiating with a potential user on our 80 acres and I find out from a potential buyer that the Jones people offer them seven-thousand dollars cheaper than my land. I got upset, went to the person of the association I said, I do not want deal with you people. You people got a grant and you have the City and money. That is the reason why I did not do the water and not because I pulled back. It was because they crossed the line on me. Another thing about traffic, Nogales from the port to the freeway it takes six light stops. On Avenue E and 24<sup>th</sup>, it is only three stops until the next city. They are using 2,000 truck a day and the city is using maybe 160 truck a day.

**Buna George, Executive Director for the Greater Yuma Port Authority,** stated that with growth comes change, that is inevitable but the city has to ensure that the changes are maintains the integrity of the city but the designated land uses. Furthermore, George asked the commissioners to protect their current users and investors here in the city. We do not want to hinder the trade that is going between Sonora and Arizona.

#### **B. Action on public hearing**

**MOTION: Commission Member Guillermina Fuentes/Commission Hugo Garcia** to close public hearing regarding Major General Plan Amendment Case No. 2019-0396. The Motion passed unanimously.

The vote was as follows:

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

#### **C. Action on Major General Plan Amendment Case No. 2019-0396**

**MOTION: Vice Chairman Daniel Bazua / Commission Member Javier Barraza** to forward Major General Plan Amendment Case No. 2019-0396 to the City Council with recommendation of DENIAL. The Motion passed unanimously.

Chairman Marco A. Pinzon requested a roll call vote.

The vote was as follows:

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

## **5. CALL TO THE PUBLIC.**

There was no comment from the public.

## **6. ADJOURNMENT**

**MOTION: Vice Chairman Daniel Bazua/Commission Member Guillermina Fuentes** to adjourn the meeting at 9:50 p.m. Motion passed unanimously.

The vote was as follows:

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