

## **MINUTES**

REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
JANUARY 14, 2020  
7:00 PM

**1. CALL TO THE ORDER /ROLL CALL:** The meeting was called to order at 7:00 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:**

**Others Present:**

- Jose A. Guzman, Director of Planning and Zoning
- Roman Pacheco, Planning Technician
- Kay Macuil, City Attorney
- Christine Hagen, Management Analyst
- Eulogio Vera, Director of Public Works
- Ralph Velez, City Consultant
- Richard Bauermann, Fire Inspector
- Aurora Pena, Resident

Buna George, Yuma Greater Port Authority  
Elizabeth Carpenter, Developer  
Josefina Villa, Resident  
Kevin Burge, Core Engineering Group, PLLC  
Martin Scribner, Matrix Design Group, Inc.  
Matias Rosales, Resident

### **3. CONSENT AGENDA**

#### **3. A. APPROVAL OF MINUTES**

-Regular Planning and Zoning Commission meeting held December 10, 2020

**MOTION: Commission Member Javier Barraza / Vice Chairman Daniel Bazua to approve the consent agenda as presented. 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

**4. ITEMS REQUIRING DISCUSSION AND/OR** - 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. Presentation followed by discussion on any and all matter regarding the San Luis General Plan Update 2040.**

**Martin Scribner, Matrix Design Group, Inc.** stated that they are very close to having a draft ready for the public. **Scribner** provided an update and presentation to the Planning Commission regarding where we are now and the process. The power point presentation cover the following information:

- Project Team
- General Plan Update
- Public Outreach
- Goals and Policies
- Future Land Use
- Next Steps

**4. B. Discussion and possible action on any all matters regarding Subdivision Case No. 2019-0825P. A request by Core Engineering Group, PLLC, on behalf of Greater Yuma Port Authority, property owner, for the preliminary plat approval for Magrino Industrial Park Unit 3 Subdivision. The property is located east of the commercial port of entry and south of County 25<sup>th</sup> Street.**

**A. Staff presentation**

**Jose A. Guzman, Director of Planning and Zoning,** summarized staff report recommending approval of Subdivision Case No. 2019-0825P with the condition that the applicant addresses review comments letter dated January 13, 2020.

**B. Action on Subdivision Case No. 2019-0825P**

**MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia** to approve Subdivision Case No. 2019-0825P with the condition that the applicant addresses review comments letter dated January 13, 2020. 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

**4. C. Discussion and possible action on any and all matters regarding Subdivision Case No. 2019-0826F. A request by Core Engineering Group, PLLC, on behalf of Greater Yuma Port Authority, property owner, for the preliminary plat approval for Magrino Industrial Park Unit 3 Subdivision. The property is located east of the commercial port of entry and south of County 25<sup>th</sup> Street.**

#### **A. Staff presentation**

##### **1. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning**, summarized staff report recommending approval of Subdivision Case No. 2019-0826F with the condition that the applicant addresses review comments letter dated January 13, 2020 and negotiates a development agreement with staff prior to scheduling the Final Plat to be presented to City Council.

**Commission Member Javier Barraza** asked what the expiration time for a tentative plat was if they do not comply with it. **Mr. Guzman** responded one to two years. The preliminary plat for this project was approved but it has been a while, and it is already expired that is why they had to apply for a preliminary.

#### **B. Action on Subdivision**

**MOTION: Commission Member Daniel Bazua/Commission Guillermina Fuentes** to forward subdivision Case No. 2019-0826F to City Council with the recommendation of approval with conditions as presented by staff. 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

## **5. PUBLIC HEARINGS**

**5. A. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2019-0770. A request by Sebastian and Aurora G. Peña, owners, for a conditional use permit to allow outdoor live entertainment on property located at 780 N. Cesar Chavez Street, San Luis, Arizona.**

### **A. Open public hearing**

**MOTION: Commission Member Guillermina Fuentes / Commission Member Daniel Bazua 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 approval of Conditional Use Permit Case No. 2019-0770.

**Aurora Pena, 1195 America Street, San Luis, Arizona** stated that she has been a San Luis resident for over 14 years and is an accountant and has an income tax service office. I was renting before I acquired this property and her intention when she acquired this business is to rent the garden for events as they did before. Furthermore, Mrs. Pena stated that when she started looking into what kind of permits were required she found out that in order to operate this type of business she needed to apply for a conditional use permit. I also believe that this type of businesses are needed, because of the long lines to go and have an event in Mexico and the security.

**Chairman Marco A. Pinzon** thanked Mrs. Pena and stated that this is something that we need. Because we live in a border town we have pro's and con's and of course right now we have more con's than pro's because of what it is going on. We would like to see more on this side, I think my board members here agree the same and we all been to this place and it has enough space to do these types of events.

**Commission Member Veronica Zavala** stated that she agrees with Chairman Pinzon, we really need some place and I love it, my daughter had a Quinceañera there. However, the only concern is the house next to it, which is on the backside there. This is the only close to the business, where there any concerns. **Chairman Pinzon** stated that letters were sent out to property owners and they have not responded.

**Commission Member Guillermina Fuentes** asked what the occupancy is. **Mrs. Pena** responded it is about 200 to 250 depending on the setting of how many tables are going to be in the event.

**Commission Member Javier Barraza** asked city staff if there were any conditions like time of operations. **Mr. Guzman** responded there is some concerns that we have such as the time that they are allow having the music. Another one is the parking that I am evaluating because this area is part of the mixed-use project that we want to be more development friendly and have reduction on the parking requirements. In addition, the visibility triangle on D Street and Cesar Chavez, there supposedly be a visibility triangle of 25 feet. That is something that we are evaluating, this will be part if anything is required it will be part of the recommendation when we take this

to City Council. **Commission Barraza** asked if time of operation is already part of the conditions. **Guzman** responded we have not set up the time, does the Commission have a time that they would like to recommend for hours operations.

**Commission Member Fuentes** asked do you have the date when this was built. **Guzman** responded no, but I know that when this building was done it got a business license for selling party supplies it never got a permit for these type of events. About two to three years ago there was a neighbor that complaint about having the loud music, we look into it and we find out that they did not have the business license for that type of business. Therefore, we talked to the owner and we mentioned the process about the conditional use permit that they needed. In addition, at that time the previous property owner decided to sell the property and not go with the conditional use permit.

**Vice Chairman Bazua** asked were there any complaints from the neighborhood. **Guzman** responded back then there was one complaint, and that is how we found out that this place was being used as event venue.

Furthermore, **Mr. Guzman** stated that staff sent out 42 letters to property owners within the 300 feet and I believe there is one neighbor here present.

**Chairman Pinzon** asked staff if this project was doable. **Mr. Guzman** responded yes, if we have the certain conditions of the time if the owner does not comply with those conditions, we can revoke the conditional use permit and business license. **Vice Chairman Bazua** asked what are is the recommendation. **Mr. Guzman** responded that the commission could make a recommendation regarding the time of operations. I am still working with the Police Department to see if we can set up a time. After I speak to the police department, staff will then recommend a time. Furthermore, **Mr. Guzman** stated that if the commission wishes to make a recommendation regarding the time of operation for this business, they could do it at this time. **Chairman Pinzon** responded they were going to leave it up to city staff. **Fuentes** asked staff is going to be working on conditions from now. Alternatively, does staff have already the conditions that are going to be address to the owner?

**Mr. Guzman** responded that he had the concerns but he has not finish talking with the Police and Public Works Department on the visibility triangle so I do not have a final answer on the exact conditions but will have them before we take them to council. **Bazua** stated that it would be nice to get some conditions at this time so we can either add to it or deem as good especially in this type of uses that it is going to be affecting residents. **Mr. Guzman** responded the commission could forward it to the City Council with the condition that they address all the concerns that I mentioned or if you want the exact conditions, you can continue the item.

**Matias Rosales 1509 N. 7<sup>th</sup> Avenue, San Luis Resident**, stated that he received a letter and he is in favor of this project. I do ask staff to work with applicant in regards to the triangle right-of-way.

**Jose and Josefina Villa 763 N. Cesar Chavez Street, San Luis Residents**, stated we had called when Pro-Eventos was in, there was many complaints and you can probably check with the Police Department. We took the time to check everybody not only us, were just next to them. We had a lot of issues parking, and trash. We took pictures; we got signatures from many neighbors. Even though you might think that San Luis needs recreation areas, I do not think that area will be a good one; there are many people living as residence. The noise of that music can be loud, we called the police, they showed up, and I guess they go. In addition, the music keeps getting louder and louder. At one point, there was a city party in there. We asked the police that they needed to keep it down. Eventually it got to a point where it was maybe midnight and they started saying that people had complaint on the microphone cussing because somebody had complaint about their party. Sometimes people needs to sleep, I live next to that business in a mobile home, the noise gets so loud that it vibrates my home. Furthermore, Mrs. Ramirez stated that she had signatures when it was Pro-Eventos. Then what you disclose it is right, they decided they did not meet the requirements and did not have a license. This business has been sold for the wrong business, because there are in the middle of houses. I also agree that we need areas for this type of business but that is not one of them.

**Sergio Pena, San Luis Resident**, stated that to his understanding the previous owner sold because they knew they had to get this conditional use and them just rather not

do it, and that is what we are temping to do. We are just trying go about this the right way and more than anything I wanted to say that any regulations and limitations we may have with the place we are definitely willing to comply with them. I do understand the neighbor concerns and we definitely are willing to work them as well.

**Mr. Guzman** mentioned to the commission that he had put together a motion in case the commission wanted to approve this item with the condition that the applicant addresses all the concerns of the parking, visibility triangle, and hours of operations. The second option is that the commission can continue the item if they want to see the specific conditions that we put before it goes to council.

**Kay Macuil** explained to the commission that the biggest concern of the neighbor seems to be the noise often noise ordinances are written with the distance you can hear because that is easier for police to enforce.

**Chairman Pinzon** asked do we have a noise ordinance. **Macuil** stated that it was talked about when she came as the Assistant Attorney and I do not think we ever got it on the books but I can check. **Mr. Guzman** responded that the Police Chief told him that we do not have anything in place.

**Rick Bauermann, Fire Inspector**, stated that he does not know if we have a noise nuisance or noise abatement on the books it is something to look at. I think we need to get staff together, sit down, and look at the conditions that may need required.

**B. Close public hearing**

**MOTION: Commission Member Daniel Bazua / Commission Member Guillermina Fuentes** to close 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

**C. Action on Conditional Use Permit Case No. 2019-0770**

**MOTION: Commission Member Guillermina Fuentes / Commission Member Hugo Garcia** to forward Conditional Use Permit Case No. 2019-0770 to the City Council with recommendation of approval with condition, that applicant addresses staff concerns. The Motion passed with five aye votes and one nay vote.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
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

**5.B. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2019-0835. A request by the City of San Luis for a text amendment to the San Luis Code Chapter 152 Zoning Regulations §152.221, Home Occupations by adding language regarding number of taxicabs allowed per business in a residential district.**

**A. Open public hearing**

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

The vote was as follows:

Chairman Marco A. Pinzon	Aye
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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 approval of Text Amendment Case No. 2019-0835.

**Commission Member Veronica Zavala** asked how about if the property owner has a three-car garage. **Mr. Guzman** responded that he has provided examples of properties with four taxicabs. **Commission member Barraza** asked how many complaints were received. **Mr. Guzman** responded from what I know there were about two-three. However, the idea of the home occupation is not having the business be visible in the residential area. The office use is allow and they should not have any business from the customers but having four taxicabs park in front of your yard is like having a commercial business. **Chairman Pinzon** asked how many Code Enforcement Officer we have. **Mr. Guzman** responded one.

## 2. Call to the Public on this item

**Matias Rosales, 1902 San Pedro Avenue, San Luis Resident** mentioned that for the ones can have their vehicle two or under and have it on the home business maybe they should be a requirement that those two vehicles need to be park on site not on public right-of-way.

## B. Close public hearing

**MOTION: Commission Member Daniel Bazua / Commission Member Hugo Garcia** to close 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

C. Action on Conditional Use Permit Case No. 2019-0835

**MOTION: Commission Member Hugo Garcia / Commission Member Daniel Bazua to forward Text Amendment Case No. 2019-0385 to the City Council with recommendation of approval with condition that those business eligible for home occupation need to park their taxis inside their property and not on public right of way. 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

## **6. CALL TO THE PUBLIC.**

Elizabeth Carpenter, 10602 S. Camino Del Sol, Yuma, AZ, mentioned to the commission that she went to the committee meeting this afternoon, the presentation that was done earlier. I do have some concerns about it, that I would really like for the members of the commission to study it. In my opinion that the land use plan that they put together, contradicts what their goals are. Just as an

example, one of their comments they did not want agricultural land to be taken out. They wanted to keep it in the agricultural land so that employment must be still there. However, most of the residential is in agricultural land or it is in the areas where Bureau of Reclamation land or state land. State land can be purchase but it is long process to do that. The area where they have for employment they talk about opportunity zones, those opportunities zones are not available on that area that they have identify. I really encourage to study really carefully because I know from my experience with the general plan amendment that we went through, the Planning and Zoning Board and City Council looked at that very strongly as they died. Even though it can be amended, it is very difficult to do. **Ms. Carpenter** furthermore, stated that her door is open and that she encourage members of the commission to call her. Because, they do have a vested interest in the city and we do have a lot of land that needs to be develop.

**Jose A. Guzman Director of Planning and Zoning**, mentioned to the commission that when we are going through the General Plan update process we have to take in consideration the welfare of the city as a whole and not specific developer or property owner.

## **7. ADJOURNMENT**

**Chairman Marcos A. Pinzon** called to adjourn the meeting at 8:43 p.m.

**MOTION: Commission Member Daniel Bazua / Commission Member Hugo Garcia** to adjourn the meeting. 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

APPROVED:

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Marco A. Pinzon, Chairman

ATTEST:

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Roman Pacheco, Planning Technician

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA HELD ON JANUARY 14, 2020. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

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Roman Pacheco, Planning Technician