

MINUTES

SPECIAL MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
JANUARY 19, 2021
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:

No Pledge of Allegiance was held due to all had been connected through technological means.

Chairman, members of the Planning and Zoning Commission and some members of staff participated remotely.

PRESENT:

- Chairman Marco A. Pinzon
- Commission Member Javier Barraza
- Commission Member Guillermina Fuentes (arrived at 7:16 p.m.)
- Commission Member Veronica Zavala
- Commission Member George Amaya

ABSENT:

- Commission Member Hugo Garcia
- Commission Member Case Van Veen

OTHERS PRESENT:

- Jose A. Guzman, Director of Planning and Zoning
- Roman Pacheco, Planning Technician
- Kay Macuil, City Attorney
- Tadeo A. De La Hoya, City Manager (remotely)

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held December 8, 2020.

MOTION: Commission Member Javier Barraza / Commission Member Veronica Zavala to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

4. PUBLIC HEARINGS

4. A. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2020-0661. A request by FM Group, on behalf of the State of Arizona, Department of Administration c/o General Services Division, owner, for a conditional use permit to allow the installation of a new wireless communication facility on property located 7125 East Cesar Chavez Boulevard, San Luis, Arizona.

A. Open public hearing

MOTION: Commission Member Javier Barraza / Commission Member George Amaya to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

1. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Conditional Use Permit Case No. 2020-0661.

Commission Member Barraza asked if this exemption from setbacks it is also applicable to the equipment of just to the pole. **Guzman** responded it will be for the facilities and equipment.

Michael Campbell, consultant for FM Group stated that this is a fairly standard site for us to utilize an existing APS power pole. The equipment is set in as secure facility, in this case is about 10 feet away from the pole. The intent of the coverage are is Highway 195 traffic and the prison facility.

2. Call to the Public on this item

There were no public comments

A. Close public hearing

MOTION: Commission Member Javier Barraza / Commission Member Veronica Zavala to close public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

C. Action on Text Amendment Case No. 2020-0661

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to forward conditional use permit case no. 2020-0661 to the City Council with recommendation of approval as presented by staff. Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

4. B. Public Hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2020-0795. A request by La Malquerida LLC, owners, for a conditional use permit to allow outdoor live entertainment on property located at 811 N. Cesar Chavez Street, San Luis, Arizona.

A. Open public hearing

MOTION: Commission Member George Amaya / Commission Member Javier Barraza to open public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, stated that this request for a conditional use does not mean that the city is giving permission to the owners to do any events, or gatherings of 50 people or more as stated in the Governor Executive Order. **Mr. Guzman** furthermore summarized staff report recommending approval of Conditional Use Permit Case No. 2020-0795 with the following conditions:

1. Conditional Use will be valid for 1 year. After the year, the applicant will resubmit the application, and staff will review any complaints during the said time frame.
2. Only ONE outdoor live entertainment event per week ending at 2:00 AM either Friday or Saturday. On regular days no loud music should be play after 10:00PM.

Commission Member Barraza asked how the request is regarding the conditional use for Jardin de Eventos Okasiones, have you received any complaints. **Mr. Guzman** stated that there had been no complaints received. **Mr. Barraza** also asked how many complaints they need for staff to revoke their conditional use permit. **Mr. Guzman** responded that what will happen is that after a year staff will review any complaints and will make a determination on the recommendation to the Commission and City Council at that time and it will be up to City Council. **Mr. Barraza** recommended to mail the hours of operations of events to property owners so they can be aware of the time.

Commission Member Guillermina Fuentes stated that this is a good thing that we grant a conditional use permit for a year because the applicants would have a year to see if there are going to be complaints.

Commission Member George Amaya asked how many complaints does the city has received since September 11, 2020 regarding La Malquerida Food Court. **Mr. Guzman** responded that the Planning and Zoning received one complaint but it was several neighbors that were complaining. The same thing happened with Jardin de Eventos was conducting events without a proper license. So the neighbor's complaint, they came to us and we follow the procedures and the event venue closed. In this case La Malquerida started doing outdoor live events without knowing that he needed a conditional use permit. When we received complaints by owners we sent a letter to the owner of La Malquerida and they immediately stop doing events and apply for a conditional use permit.

Commission Member Javier Barraza stated that just to clarify the letters received are not complaint letters, these are opposition letters.

Chairman Marco A. Pinzon asked staff if people were notified that there was going to be a meeting regarding this item. **Mr. Guzman** responded yes. Staff sent notification letters in English and Spanish. We only received a letter and an email from Alonso Villa as stated in the staff report.

3. Call to the Public on this item

There were no public comments

B. Close public hearing

MOTION: Commission Member Guillermina Fuentes / Chairman Marco A. Pinzon to close public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

C. Action on Conditional Use Permit Case No. 2020-0795

MOTION: Commission Member Guillermina Fuentes / Chairman Marco A. Pinzon to forward Conditional Use Permit Case No. 2020-0795 to the City Council with recommendation of approval as presented by staff. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

4. C. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2020-0793. A request by the City of San Luis for a text amendment to the San Luis Code Chapter 152 Zoning Regulations §152.243 to amend the Required Parking by Land Use Type.

A. Open public hearing

MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes to open public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman Director of Planning and Zoning requested to continue this item for the next February planning and Zoning Commission meeting.

C. Action on Text Amendment Case No. 2020-0793

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to continue this item to the next Planning and Zoning meeting. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

4. D. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2020-0794. A request by the City of San Luis for a text amendment to the San Luis Code Chapter 152 Zoning Regulations §152.047(D)(1) to amend the submittal deadline for Major General Plan Amendment Applications

A. Open public hearing

MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes to open public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman Director of Planning and Zoning requested to continue this item for the next February Planning and Zoning Commission meeting.

C. Action on Text Amendment Case No. 2020-0793

MOTION: Commission Member Guillermina Fuentes / Commission Member Javier Barraza to continue this item to the next Planning and Zoning meeting. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

5. A. Election of Officers

Jose A. Guzman summarized staff report.

MOTION: **Commission Member Guillermina Fuentes / Commission Member Javier Barraza** to appoint Marco A. Pinzon to serve as chairperson of the Planning and Zoning Commission. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

MOTION: **Commission Member Javier Barraza / Chairman Barraza** to appoint Veronica Zavala to serve as vice chairperson of the Planning and Zoning Commission. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye

6. ADJOURNMENT

MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes adjourn the Regular Planning and Zoning Commission meeting at approximately 7:41 p.m. Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

APPROVED:

Marco A. Pinzon, Chairman

ATTEST:

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 19, 2021. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician