



NOTICE OF REGULAR PLANNING AND ZONING COMMISSION MEETING

In accordance with Section 38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission of the City of San Luis, Arizona will hold a Regular Planning & Zoning Commission Meeting at 7:00 p.m., Tuesday, June 8, 2021. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 East Union Street, San Luis, Arizona 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents in order to exercise their rights may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Roman Pacheco, Planning Technician

AVISO DE JUNTA REGULAR DE LA COMISIÓN DE PLANEACIÓN Y ZONIFICACIÓN

De acuerdo a la Sección 38-431.01 de los Estatutos Revisados del Estado de Arizona, se les informa a los Miembros de la Comisión de Planeación y Zonificación y al público en general que la Comisión de Planeación y Zonificación de San Luis, Arizona, tendrán una junta regular a las 7:00 p.m., el día Martes, 8 de Junio del 2021. La junta se llevará a cabo en la Cámara del Consejo de la ciudad, ubicado en el 1090 East Union Street, San Luis, Arizona, 85349. El público esta cordialmente invitado.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación de 1973, la Ciudad de San Luis no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la ciudad, contactar a: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, 1090 Este Calle Unión, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de éste aviso y de acuerdo con los Estatutos Revisados del Estado de Arizona, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar o no dar el consentimiento ante el Estado o alguna subdivisión política grabe a un menor de edad, ya sea en audio o video. Las juntas del Concilio se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden solicitar por escrito a la Secretaria de la Ciudad dicha grabación, o tomar acción personal para asegurarse que su hijo/hija menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con el Estatuto Revisado del Estado de Arizona §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Roman Pacheco, Técnico en Planeación



AGENDA
Planning & Zoning Commission
Regular Meeting
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
Tuesday, June 8, 2021
7:00 P.M.

For the safety of the public during the COVID-19 pandemic, members of the public may attend the Regular Planning and Zoning Commission meeting of June 8, 2021, in person if the 6-foot distance can be maintained, which is 27 people.

However, members of the public may listen to the meeting's live audio stream on the City of San Luis' website <https://sanluisaz.gov/listenlivepz>. Recordings of the meetings will be available on the city's website <https://sanluisaz.gov/listenlivepz> after the meeting.

Por la seguridad del público durante la pandemia COVID-19, habrá asistencia en persona para los miembros del público en la junta regular de Planeación y Zonificación del 1 de Junio del 2021, si la distancia de 6 pies puede mantenerse, que serian 27 personas.

Sin embargo, los miembros del público pueden escuchar el audio en vivo de la reunión transmitido en el sitio web de la Ciudad de San Luis <https://sanluisaz.gov/listenlivepz>. Las grabaciones de las reuniones estarán disponibles en el sitio web de la ciudad <https://sanluisaz.gov/listenlivepz> después de la reunión.

MEMBERS OF THE SAN LUIS PLANNING & ZONING COMMISSION WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION.

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

All matters are considered to be routine by the Planning & Zoning Commission and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held May 11, 2021

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 Minor General Plan Amendment Case No. 2021-0336. A request by Core Engineering Group LLC on behalf of Border Ranches II AZ LLC to change the land use designation of 19.95 acres from Commercial (C) to Medium Density Residential (MDR). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

A. Open public hearing

1. Staff presentation

2. Call to the Public on this item

B. Close public hearing

C. Action on Minor General Plan Amendment Case No.2021-0336

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2021-0243. A request by Core Engineering Group LLC on behalf of Border Ranches II AZ LLC to rezone a parcel 19.95 acres from Light Industrial (L-I) to Medium Density Residential (R1-6). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

A. Open public hearing

1. Staff presentation

2. Call to the Public on this item

B. Close public hearing

C. Action on Rezoning Case No. 2021-0243

5. ADJOURNMENT



AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

3. A.

Meeting Date: 06/08/2021

Summary

APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held May 11, 2021

Attachments

P&Z Minutes

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
MAY 11, 2021
7:07 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
Vice Chairman Veronica Zavala
Commission Member Javier Barraza
Commission Member Guillermina Fuentes (arrived at 7:21 p.m.)
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
Fernando Villegas, Principal Planner
Glenn Gimbut, Assistant City Attorney

Kay Macuil, City Attorney
Elizabeth Carpenter, Long Realty (remotely)
Najeh Edais, Edais Engineering, Inc. (remotely)
Salmos 127:1 LLC, San Luis Resident (remotely)
Tadeo A. De La Hoya, City Manager (remotely)

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held February 9, 2021.

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to approve the consent agenda as presented. The 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 George Amaya	Aye

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2020-0474B. A request by Edais Engineering, on behalf of, Riedel Holdings, LLC, owner, to amend conditions on Low Density Residential (R1-20) zoning as approved by Ordinance No. 402. The property is located at Quintero Avenue & County 22nd Street.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to open public hearing. The Motion passed unanimously.

The vote was as follows:

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

1. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval subject to the Conditions set by in the Development Agreement approved by City Council in Resolution No. 2058 or any amendment approved by Council.

Commission Member Barraza asked so then the rezoning will be coming back to the commission. **Guzman** responded no, this will go to the City Council. If the commission wants to add or change any conditions we would make sure we added to the report that goes to the city council.

2. Call to the Public on this item

Glenn Gimbut, 1534 9th Avenue, San Luis, Arizona stated that he wanted to make a public comment with respect to the proposal on erosion control. Unfortunately I had a very bad experience on my house which is in Las Quintas I with the erosion control that was done for Las Quintas II. The issue is that the system of a master plan, leaving it up to each individual homeowner to build according to the master plan, engineer plans and drawings and all of that, CC&R's to protect people does not work. If you looked at the houses that got developed in Las Quintas II, they each backyard was left with maybe a stem wall in the whole back slope of about three and one half feet, then you had glance sloping up to the top held back by the stem wall below. Leaving each homeowner with a practical back yard about eight feet, as their back yard. Sure enough, as I predicted in an email in the year of 2016, the homeowner below me decided he wanted a bigger back yard. So

rather than hired an engineer and come in and get building permits, submit engineering plans and drawings. He just hire somebody an unlicensed contractor with a Bobcat to go digging into the slope and removing what wall for protection existed. When that happened my house shook like it was in a level 7 earthquake, my backyard fence is now leaning and threatened to go down the hill. Our ability to enforce and protect from erosion control seems to be almost close to non-existing. Therefore, this system of erosion control that we did for las Quintas 2 does not work. I sent emails to Najeh Edais, left him phone messages, he did not return the calls, Mrs. Nieves Riedel did not respond to emails either. The only thing that you are left to do is to go back to a more traditional approach for holding back the slope and for las Quintas it will be the east side. To have a true retaining wall built on the get go, having be at common property, and be common wall, maintain by a homeowners association. And that is the only thing is going to work.

Commission Member Javier Barraza, asked was this reported to the Code Enforcement Officer?

Kay Macuil, City Attorney, responded that there was a red tag a soon as we made aware of it, there was communications with the home owner. He did bring back the dirt that was removed and now we are in the process of working with the home owner with getting the engineering that it is required.

Gimbut, explained that the dirt that was brought back was not the original dirt. It does not comply with proper engineering standards. It requires a certain amount of compaction and soil testing geo technical that comes with it for a temporary slope protection according to basic engineering guide, I sent that to staff and was not follow. Mr. Campa has been more or less begging this guy to comply, to this date to my knowledge he has not hire an engineer or lifted a finger to do anything.

Najeh Edais, Edais Engineering, Inc., mentioned that staff did a good job presenting the case.

A. Close public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala to close public hearing. The 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

C. Action on Rezoning Case No. 2020-0474B

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to forward Rezoning Case No. 2020-0474B to City Council with recommendation of approval with the condition that council approves any amendments to the Development Agreement. 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

4. B. Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2021-0293. A request by the City of San Luis for a text amendment to the San Luis City Code Chapter 18 Zoning Regulations Section 18.30.020(E)(7) and 18.30.030(E)(6) by amending the requirements for covered parking on Multiple Residential Zoning Districts.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala to open public hearing. The 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

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Text Amendment Case No. 2021-0293.

Commission Barraza asked what the cause of this amendment was, was it a group of people that cause this? **Guzman** explained that staff had received an application and plans for an apartment complex and when I was reviewing the plans and reviewing the parking spaces I notice the requirements that all parking had to be covered. We always stand to try to be development friendly. And I think this regulation was against our beliefs. Since on the single family homes we required at least for one parking that how I came up with that number to a least have each unit have the opportunity to have one parking space, but we have not received any complaints. I checked with other municipalities and some of them required less covered parking and other do not required parking at all. But do to the weather we have here in the summer at least having one would be sufficient and it is a reasonable requirement.

Commission Member Fuentes, stated that she also believes that the current requirement is too much.

Vice Chairman Zavala, mentioned that she is also agrees with Mrs. Fuentes, some other cities does not have any requirements to have a shade. If we are going to be development friendly we do not have that many space for other developers to

build big buildings, complex and we are need of rentals. I am thinking about the need from the community, that there is no rentals.

1. Call to the Public on this item

Mr. Pacheco stated for the record that there have been no comments received from the public via email.

2. Close public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala to close public hearing. The 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

3. Action on Text Amendment Case No. 2021-0293

MOTION: Chairman Marco A. Pinzon / Commission Member Guillermina Fuentes to forward Text Amendment Case No. 2021-0293 to the City Council with approval recommendation as presented by staff. The Motion carried 4-1.

The vote was as follows:

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

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0181F. A request by Vega & Vega Engineer, PLC, on behalf of Sam Group Investment Co., owner, for the final plat approval for Belleza Del Desierto Phase 2 Subdivision. The property is located at the southeast corner of 20th Avenue and San Antonio Street.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of final plat Subdivision Case No. 2021-0181F, approval subject to the condition that the applicant addresses review comments on letter dated May 7, 2021.

Commission Member Guillermina Fuentes asked does the applicant has done the traffic study the City is requesting? **Guzman** responded they are going to make a contribution for the improvements for the signal of Avenue E and County 24th Street.

Commission Member Fuentes asked did the owner make a traffic study on Phase I. **Guzman** responded that he was not sure if they did a traffic study. I remember that the City was going to make study for the whole east area, and place on the condition on the rezoning at that time and it is the one mentioned on the report.

Glenn Gimbut, Assistant Attorney, explained that he drafted the ordinance in question, I think it was my comment that I made as a staff member on this one. The ordinance that requires a traffic study, requires a traffic study if your proposes subdivision or development has a number of trips per day by what your bringing forward. A traffic study for say the first phase if its limited for just the first phase then it does not covered the second phase but a traffic study may not be necessary because it does not have much trips per day in the propose subdivision.

Vianey Vega, Vega and Vega Engineering, explained that going back to the comment that we are now in agreement and to answer commission member Fuentes. The phase I of the project the requirement was the contribution per acre that it was established by ordinance number 398 and that ordinance states that there is a per acre contribution that the project needs to pay in lieu of contribution of a traffic signal in a regional circulation study that the city is going to perform on the east area on the next twelve months. With this requirement of the contribution the traffic study it takes away the requirement, that is our understanding. By us paying this contribution it will be towards the traffic signal that it will be required at one point on County 24th Street and Avenue E. that is why we are not agreeing to provide another traffic study because same for Phase II, we are going to have that contribution per acre that is going to be also going to that streetlight and the study that is going to be performed in that area. Therefore, that is why we are not agreeing in that comment number 5, we did get clarification from the Planning and Zoning Director as far of the requirement and he pointed out that Public Works is to determine if the traffic study is required or not. We also received a response from Public Works Director that the project does not warrant the need for a traffic study as the city has the requirement, we are still going to contribute because of that ordinance. Therefore, it is up to City Council if that study is required or not. The recommendation by staff will be that it is not required, and we should do the contribution and move forward.

Mr. Guzman stated that just for clarification Belleza Del Desierto Phase I was approved almost at the same time when the ordinance of requesting traffic study was approved. Since we did not have regulations to request a traffic study, we added that condition in the rezoning that they have to contribute but that is a separate condition than the traffic study. The traffic study ordinance was a new regulation that council approved, that is why a made that comment and it will be up to Public Works Director and as he answered it would be up to City Council, since any deviation from our regulations will have to be approved by City Council.

Mr. Gimbut explained that Mr. Vega is confusing two separate distinct requirements the assessment for the traffic light is one requirement but that stands alone or different from the ordinance that's talks about a traffic study, that ordinance applies to all subdivisions period. Now, the way it gets implemented is

it refers to a standard in the Public Works standards that refers to a certain number of trips per day. If your proposed subdivision tripwires a certain number of trips per day then we want a traffic study but now, in this particular case I cannot think of what improvements in the world would ever be required by that traffic study that aren't being put in the ground as proposed in the current design. I cannot think of one and so that may be one reason that Mr. Vera determined that one's not needed here but we leave it to him to make the decision is this ordinance does it required a traffic study yes or no under the circumstances that are presented and that is separate from the contribution for the traffic light at County 24th.

B. Action on Subdivision Case No. 2021-0181F

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to move forward Subdivision Case No. 2021-0181F to City Council with condition that the applicant addresses review comments on letter dated May 7, 2021 before presenting item to the City Council. 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

5. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0307P. A request by Edais Engineering, Inc, on behalf of the owner, for the preliminary plat approval for Palencia Hills Subdivision. The property is located north of County 22nd Street and alignment of Quintero Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Subdivision Case No. 2021-0307P, with the condition that the applicant addresses review comments on letter dated May 10, 2021.

Najeh K. Edais, Edais Engineering, Inc., stated that they received the comments and they do not have any problem resolving these issues.

B. Action on Subdivision Case No. 2021-0307P

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to approve Subdivision Case No. 2021-0307P with the condition that the applicant addresses review comments letter dated May 10, 2021. 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

5. C. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0308F. A request by Edais Engineering, Inc, on behalf of the owner, for the final plat approval for Palencia Hills Subdivision. The property is located north of County 22nd Street and alignment of Quintero Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Subdivision Case No. 2021-0308F, with the condition that the applicant negotiates the development agreement with City Council and any deviation from existing agreement is approved by City Council. And if the conditions of the agreement are changed, staff recommends including the following conditions:

- The Development Agreement was approved based on a layout with 10 lots, the new proposal is 19 lots. The plat is part of the agreement as "Exhibit 2: Conceptual Plan" and will be updated with the new conceptual plan.

- The name for the future subdivision was changed from "Las Quintas de San Luis 3" to "Palencia Hills" and agreement needs to be change appropriately.
- The applicant must provide to the City any documentation regarding the Home Owners Association including but not limited to Declaration of Covenants, Conditions and Restrictions (CC&Rs), the articles of incorporation, the bylaws, and the rules and regulations. The applicant must provide an acceptable mechanism to generate funds necessary to maintain any private streets, landscape, retention, common areas and amenities associated with the development including the landscape in the adjacent public right-of-way. The applicant agrees to submit a petition to create any applicable improvement district, dedicate easements to the City, and make changes to the plat as deem necessary by the City. If applicant is not in agreement with any requirement or administrative interpretation, then the appeal process shall be followed in accordance with City Code Section 152.045.

B. Action on Subdivision Case No. 2021-0308F

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to move forward Subdivision Case No. 2021-0308F to City Council with recommendation of approval with the condition that any change of the existing Development Agreement is approved by the City Council and includes the conditions proposed by staff. 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

6. ADJOURNMENT

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon adjourn the Regular Planning and Zoning Commission meeting at approximately 8:02 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 MAY 11, 2021. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4. A.

Meeting Date: 06/08/2021

Submitted By: Fernando Villegas, Principal Planner, Planning & Zoning Department, Development Services

ITEM:

Public hearing followed by discussion and possible action on any and all matters regarding Minor General Plan Amendment Case No. 2021-0336. A request by Core Engineering Group LLC on behalf of Border Ranches II AZ LLC to change the land use designation of 19.95 acres from Commercial (C) to Medium Density Residential (MDR). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the Public on this item
- B. Close public hearing
- C. Action on Minor General Plan Amendment Case No.2021-0336

BACKGROUND:

Lot Split Case No. 2021-0275 has been approved to split the subject property into two new parcels. The applicant is requesting a minor amendment to the City of San Luis 2040 General Plan for the north half only. If this minor amendment is approved the applicant is requesting the rezoning of the north half from Light Industrial (L-I) to Medium Density Residential (R1-6) for the construction and development of a residential subdivision. (Rezoning Case No. 2021-0243).

The applicant submitted a Major Amendment application to change the land use designation of the south half from Commercial (C) to Medium Density Residential (MDR) (Major Amendment Case 2021-0337). The City of San Luis 2040 General Plan requires a major amendment for any change in a non-residential land use category of 20 or more contiguous acres to a residential land use category.

GENERAL PLAN:

The existing land use category for the subject property is Commercial (C) as shown on the land use map.

Existing Land Use category

Commercial (C):The Commercial land use category is intended to provide for the primary commercial areas serving the community including neighborhood, community, and regional-scale development. Commercial areas provide convenient community access to goods and services and may include retail, service commercial, professional offices, light industrial and employment uses.

Zoning districts permitted within C: MU, C1, C2 and LI

Proposed Land Use Category

Medium Density Residential (MDR):The Medium Density Residential (MDR) land use category is intended to provide for detached single family residential development on moderately sized lots.

Zoning districts permitted within MDR: R1-6, R1-8, R1-12, R1-20, R1-35, R2, MHS, MHP and PUD.

The approval of this minor amendment will allow the applicant to rezone the north half of the subject property to Medium Density Residential zoning districts. The existing condition of the subject property is native desert undeveloped land zoned Light Industrial (L-I). The subject property is located inside the Central Growth Area identified in the 2040 General Plan.

ANALYSIS:

In determining whether the proposed General Plan Amendment shall be approved, The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all of the following criteria:

1. The development pattern contained in the existing San Luis General Plan-Land Use Plan does not adequately provide appropriate optional sites for the use or change proposed in the amendment.
2. The amendment constitutes an overall improvement to the San Luis General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
3. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - a. Significantly altering acceptable existing land use patterns.
 - b. Requiring additional and more expensive improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas.
 - c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on the existing systems, or
 - d. Affecting the livability of the area or the health and safety of the residents.
4. The amendment is consistent with the General Plan's overall intent, vision, goals and objectives as well as being compliant with other adopted plans, codes, and ordinances.

Furthermore, the General Plan states that any change to the land designation of more than 20 acres from non-residential to residential triggers a Major Amendment. Major Amendments, by state law, may only occur once per calendar year and minor amendments may be processed throughout the year.

This request for land use designation change qualifies as a minor amendment since it is for less than 20 acres. However, a subsequent application will have to be processed as a Major Amendment. A memorandum for the City Attorney attached to this report, gives a detailed explanation.

CRITICAL ISSUES:

The developer must provide all the necessary improvements including road construction, water, wastewater and open space.

General Plan Policies:

Policy G-7.1 The City of San Luis should only prioritize growth in areas with existing infrastructure or areas where infrastructure can be expanded in a fiscally sound manner.

The subject property is located inside the Central Growth Area identified in the 2040 General Plan where infrastructure can be expanded. Existing development in the area have provided access to the infrastructure needed for residential development.

Policy G-8.1 New development should provide a transition between uses with differing densities/intensities by incorporating compatible land use strategies.

The subject property is located adjacent to a compatible land use category to the north and west. However, the subject property is located adjacent to an industrial subdivision to the east. Existing residential subdivisions located to the north, adjacent to industrial zoning, have provided a 20' buffer setback to separate the future industrial land uses from residential uses.

Policy G-9.3 Ensure growth areas are served and connected by major transportation routes and other modes of transportation.

Subdivisions in the central growth area are served and connected by Avenue F and County 24th Street. Both arterial roads are not fully improved. However, the City has requested traffic studies for all the

proposed subdivisions in the area. The traffic study will ensure that all the improvements necessary are done to provide connection to Cesar Chavez Boulevard and Avenue E.

AGENCY REVIEW:

As part of the review process, all land use cases are reviewed by various city and outside agencies. We have received comments from the following agencies:

1. The Yuma County Airport Authority (5-17-2021)

As required by State Statute, staff sent notification letters to property owners within 300 feet of the proposed project (7 letters)

The City has not received any other significant concerns or objections from the various review agencies or adjacent property owners.

CITIZEN REVIEW MEETING:

As required by State Statute and the City Code, a Citizen Review meeting was held at the City Hall on June 1, 2021 at City Hall Council Chambers at 6:00 p.m. The intent of this meeting was to allow the public to learn about the project, ask questions and express any comments. There were no people from the public present or connected via Zoom.

SUMMARY:

The applicant has provided the information and materials necessary for the review of the Minor General Plan Amendment.

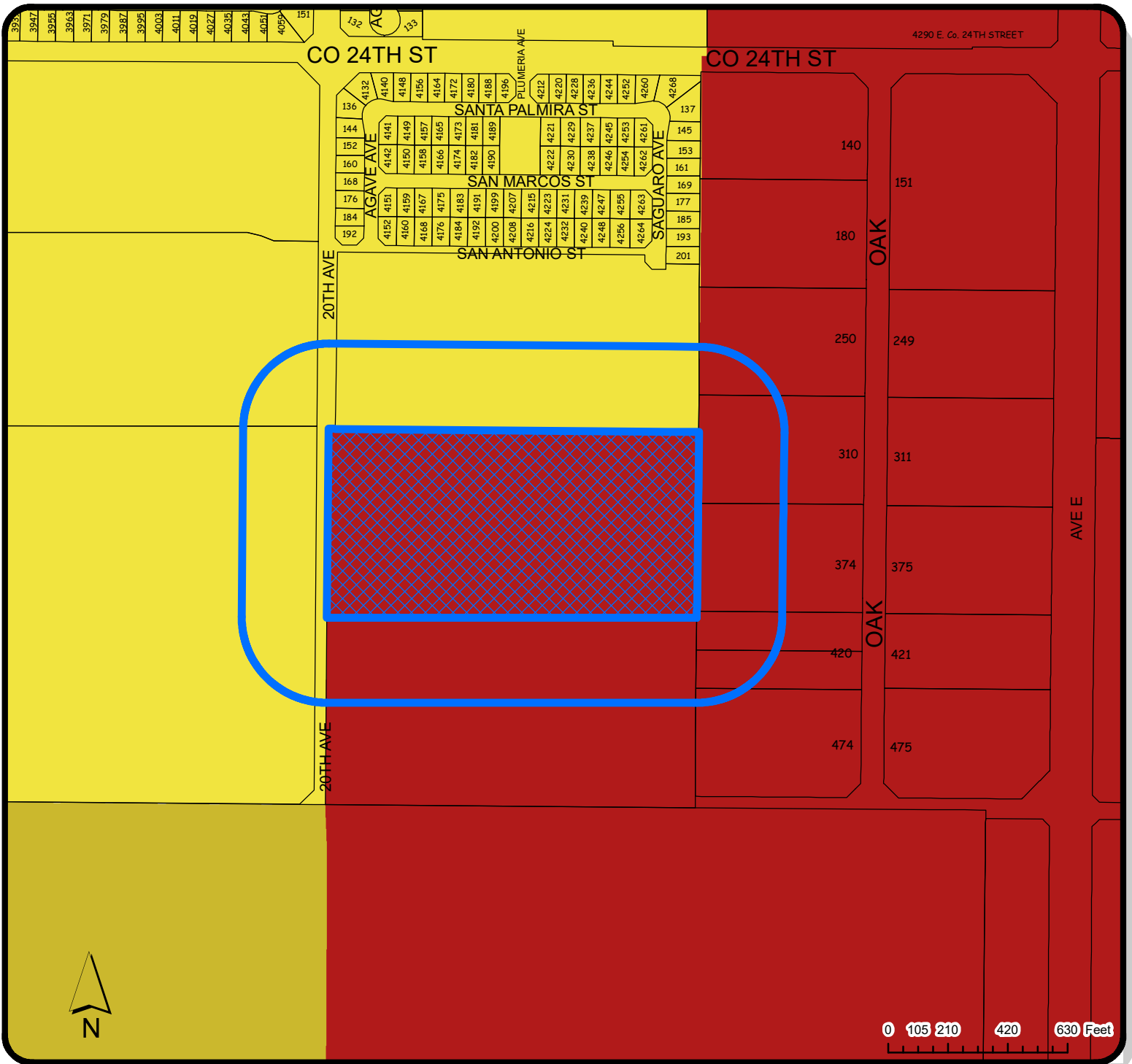
Staff recommends approval of Minor General Plan Amendment Case No. 2021-0336.

RECOMMENDED MOTION:

I MOVE TO FORWARD MINOR AMENDMENT CASE NO. 2021-0336 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Attachments

Location Map
Aerial View
Lot Split Map
Staff Report
City Attorney Memorandum
Presentation



LOCATION OF SUBJECT PROPERTY




 PARCEL 227-15-003

 300ft Notification Area

LOCATION MAP

Legend

LAND USE

-  Medium Density Residential
-  High Density Residential
-  Commercial

MINOR AMENDMENT

CASE #
2021-0336

DATE:
5/5/20201

CHECKED BY:
ROMAN PACHECO

PLANNING & ZONING

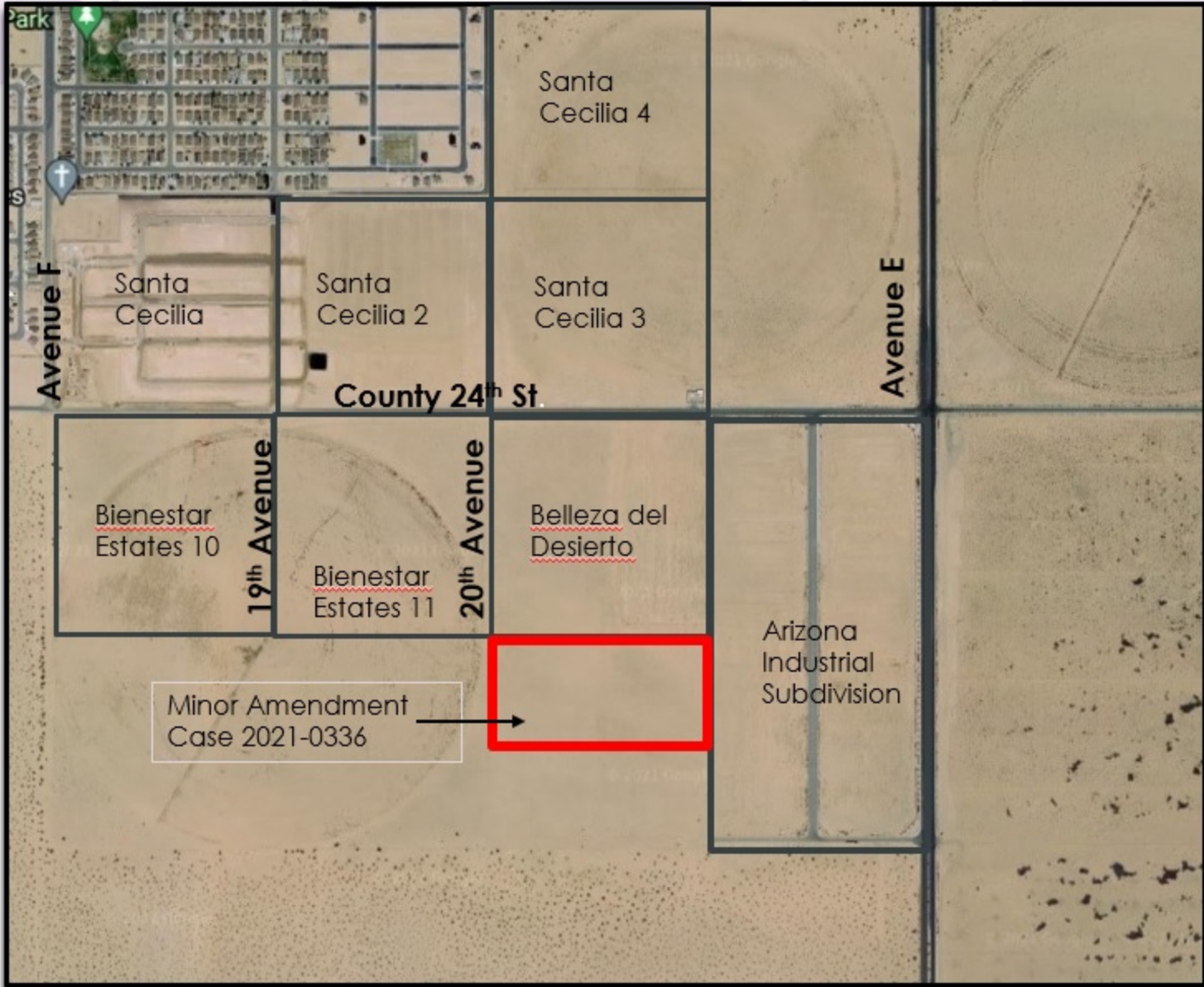


GIS

CREATED BY:
ISAAC GUTIERREZ

APPROVED BY:
JOSE A. GUZMAN

Minor Amendment Case 2021-0336



N1/4 CORNER
SEC 15, T11S, R24W
FOUND 1/2" REBAR
WITH OBLATERATED CAP

NE CORNER
SEC 15, T11S, R24W
FOUND BRASS CAP
IN HANDHOLE
2.5' BELOW GRADE

COUNTY 24TH STREET

S 89°30'45" E 2641.84'(M) S 89°30'53" E 2641.815'(R1)

1320.92'(C)

1320.92'(C)

EX. 55' ROW
PER (R1)

55.01' (C)

EX. 40' ROW
PER (R2)

BELLEZA DEL DESIERTO
PHASE 1
NOT A PART

APN 227-15-018
NOT A PART

APN 227-15-006
NOT A PART

APN 227-15-017
NOT A PART

APN 227-15-024
NOT A PART

APN 227-15-016
NOT A PART

APN 227-15-007
NOT A PART

S 89°30'17" E 1320.78'(C)
S 89°30'25" E 1320.78'(R1)

APN 227-15-015
NOT A PART

APN 227-15-008
NOT A PART

PARCEL A

NET AREA = 809,126.95 SF
19,932 ACRES

FEES 2008-20210 PARCEL 2

NEW 40'
ROW TO BE
DEDICATED TO THE
CITY OF SAN LUIS
AT THE RECORDATION
OF THIS MAP

APN 227-15-009

S 89°30'03" E 1320.70' (C)

APN 227-15-014
NOT A PART

APN 227-15-009
NOT A PART

50' X 50' SIGHT DISTANCE
RIGHT-OF-WAY TRIANGLE
TO BE DEDICATED TO THE
CITY OF SAN LUIS AT THE
RECORDATION OF THIS MAP

SET MAG NAIL
WITH WASHER "1.548879"
IN WEST WALL FADE

PARCEL B

NET AREA = 871,736.08 SF

NEW 40'
ROW TO BE
DEDICATED TO THE
CITY OF SAN LUIS
AT THE RECORDATION
OF THIS MAP

FOUND BENT 1/2" REBAR
WITH CAP "1.5 18528"
0.3' ABOVE GRADE
0.104' WEST AND 0.292' NORTH
OF CALCULATED POSITION
POINT NOT ACCEPTED

FOUND BENT 1/2" REBAR
WITH OBLATERATED CAP
0.59' WEST AND 0.28' NORTH
OF CALCULATED POSITION
POINT NOT ACCEPTED

APN 227-15-020
NOT A PART

APN 227-15-021
NOT A PART

APN 227-15-012
NOT A PART

APN 227-15-010
NOT A PART

APN 227-15-011
NOT A PART

AVENUE E 1/2

N 00°26'54" E 2640.11'(M) N 00°26'59" E 2640.12'(R2)
N 00°26'54" E 2640.11'(M) N 00°26'59" E 2640.12'(R1)
N 00°26'54" E 2640.11'(M) N 00°26'59" E 2640.12'(R2)
N 00°26'54" E 2640.11'(M) N 00°26'59" E 2640.12'(R1)

660.03' (C)

660.03' (C)

660.03' (C)

1265.23'(C)

1320.23'(C)

1265.23'(C)

1320.23'(C)

660.12' (C)

1320.43'(R1)

1320.24'(M)

660.12' (C)

1320.24'(M)

COUNTY 24 1/2 STREET

N 89°29'48" W 2641.26'(M) N 89°29'58" W 2641.29'(R1)

1320.63'(C)

1320.645'(R1)

1320.63'(C)

1320.645'(R1)

C1/4 CORNER
SEC 15, T11S, R24W
FOUND BRASS CAP 370M
1.0' BELOW GROUND

C1/4 CORNER
SEC 15, T11S, R24W
FOUND 3" BRASS CAP 2005
"1.516810" IN HANDHOLE

S1/4 CORNER
SEC 15, T11S, R24W
FOUND 3" BRASS CAP 2005
"1.516810" IN HANDHOLE
1.0' ABOVE GROUND

N00°26'54" E 2641.97'(R2)
N00°26'54" E 2641.97'(R1)
N00°26'54" E 2641.97'(R2)
N00°26'54" E 2641.97'(R1)

N 00°27'40" E 2640.81'(M) N 00°27'40" E 2640.81'(R1) (BASIS OF BEARING)

AVENUE E



Staff Report

Planning and Zoning Commission

June 8, 2021

Minor Amendment 2021-0336:

REQUEST: To change the land use designation of a parcel 19.95 acres from Commercial (C) to Medium Density Residential (MDR). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase2 subdivision.

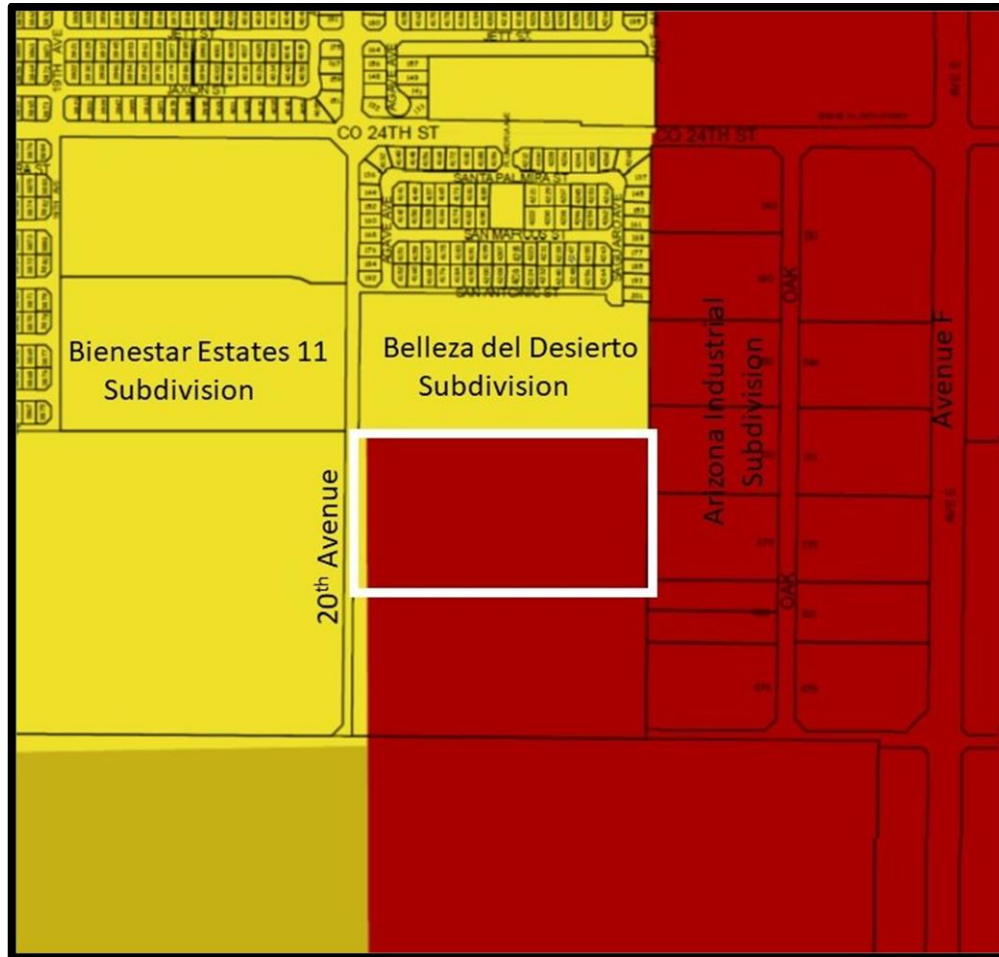
APPLICANT: Core Engineering Group LLC. On behalf of Border Ranches II AZ LLC.

DIRECTIONS: The subject property is located on the southeast corner of 20th Avenue and south of Bella Del Desierto Phase 2 subdivision.

BACKGROUND: Lot split case no. 2021-0275 has been approved to split the subject property into two new parcels. The applicant is requesting a minor amendment to the City of San Luis 2040 General Plan for the north half only. If this minor amendment is approved the applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision. (Rezoning Case No. 2021-0243).

The applicant submitted a Major Amendment application to change the land use designation of the south half from Commercial (C) to Medium Density Residential (MDR) (Major Amendment Case 2021-0337). The City of San Luis 2040 General Plan requires a major amendment for any change in a non-residential land use category of 20 or more contiguous acres to a residential land use category.

GENERAL PLAN: The existing land use category for the subject property is Commercial (C) as shown on the land use map below.



Existing Land Use Map

Existing Land Use category

Commercial (C): The Commercial land use category is intended to provide for the primary commercial areas serving the community including neighborhood, community, and regional-scale development. Commercial areas provide convenient community access to goods and services and may include retail, service commercial, professional offices, light industrial and employment uses.

Zoning districts permitted within C: MU, C1, C2 and LI

Proposed Land Use Category

Medium Density Residential (MDR): The Medium Density Residential (MDR) land use category is intended to provide for detached single family residential development on moderately sized lots.

Zoning districts permitted within MDR: R1-6, R1-8, R1-12, R1-20, R1-35, R2, MHS, MHP and PUD.

The approval of this minor amendment will allow the applicant to rezone the north half of the subject property to Medium Density Residential zoning districts. The existing condition of the subject property is native desert undeveloped land zoned light industrial (LI). The subject property is located inside the Central Growth Area identified in the 2040 General Plan.

CRITICAL ISSUES:

The developer must provide all the necessary improvements including road construction, water, wastewater and open space.

General Plan Policies:

Policy G-7.1 The City of San Luis should only prioritize growth in areas with existing infrastructure or areas where infrastructure can be expanded in a fiscally sound manner.

The subject property is located inside the Central Growth Area identified in the 2040 General Plan where infrastructure can be expanded. Existing development in the area have provided access to the infrastructure needed for residential development.

Policy G-8.1 New development should provide a transition between uses with differing densities/intensities by incorporating compatible land use strategies.

The subject property is located adjacent to a compatible land use category to the north and west. However, the subject property is located adjacent to an industrial subdivision to the east. Existing residential subdivisions located to the north, adjacent to industrial zoning, have provided a 20' buffer setback to separate the future industrial land uses from residential uses.

Policy G-9.3 Ensure growth areas are served and connected by major transportation routes and other modes of transportation.

Subdivisions in the central growth area are served and connected by Avenue F and County 24th Street. Both arterial roads are not fully improved. However, the City has requested traffic studies for all the proposed subdivisions in the area. The traffic study will ensure that all the improvements necessary are done to provide connection to Cesar Chavez Boulevard and Avenue E.

COMMENTS/ NOTIFICATIONS:

June 1st Citizen Review Meeting Comments: None

Yuma County Airport Authority

“The property is located near Rolle Airfield where aviation activities is expected to increase in the future. These properties, due to their proximity to the Rolle Airfield, are

likely to experience aircraft over flights, which could generate noise levels which may be of concern to some individuals. The City, public and airport shall be held harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airport, not including the physical impact of aircraft or parts thereof.”

Staff sent notification letters to property owners within 300 feet of the proposed project (7 letter)

RECOMMENDATION:

I MOVE TO FORWARD MINOR AMENDMENT CASE NO. 2021-0336 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Staff Report Prepared by:

Fernando Villegas

Principal Planner

Staff Report Reviewed by:

Jose A. Guzman

Planning Director

MEMORANDUM

DATE: January 3, 2019

FROM: KAY MACUIL, CITY ATTORNEY

TO: JOSE A. GUZMAN, DIRECTOR OF PLANNING AND ZONING

RE: GENERAL PLAN AMENDMENT REQUEST FOR CASE NO. 2018-0682

A request has been made by Vega & Vega Engineering, PLC, on behalf of Sam Group Investment Company LTD Partnership, owner, to amend the 2020 General Plan by changing the Land Use Designation of 18.74 acres from Business to Neighborhood. A portion of Assessor Parcel ID #227-15-019 located on the southeast corner of Avenue E ½ and County 24th Street, San Luis, Arizona. This request is made on a larger parcel that is currently planned for non-residential use. As stated in the City of San Luis General Plan 2020:

“The Arizona Revised Statutes define Major Amendments as (Section 9-461.06 Sub Section C & Section 11-824 Subsection C):

A substantial alteration of the municipality's/county's land use mixture or balance as established in the agency's general/comprehensive plan land use element. The agency's general/comprehensive plan shall define the criteria to determine if a proposed amendment to the plan effects a substantial alteration.”

City Code §152.047(D) states:

(1) A “major amendment” to the General Plan must be filed prior to June 15th of every year to be heard at the one City Council hearing designated each year to review major amendments to the General Plan. Major Amendments shall require an affirmative vote of at least two-thirds of the City Council.

(2) A “minor amendment” to the General Plan may be processed throughout the year and/or in conjunction with a development application.

The City of San Luis General Plan 2020 sets out the criteria for major plan amendments at page 106. Here it states in applicable part:

By State law, Major Amendments may only occur once per calendar year. The following criteria are to be used to determine whether a proposed amendment to the Land Use Element of the City of San Luis General Plan substantially alters the mixture or balance of land uses. A Major Amendment is any proposal that meets any one of these criteria:

MEMORANDUM

RE: General Plan Amendment

January 3, 2019

Page 2

1. Any change in a residential land use categories of 40 or more contiguous acres within the Planning Area to either another residential land use category or a non-residential land use category.
- 2. Any change in a non-residential land use category of 20 or more contiguous acres to a residential land use category.**
3. Any proposal that would amend the land use category of more than 80 acres within the Planning Area.
4. A General Plan text amendment, or modification or elimination or one or more of the goals or objectives contained in the Land Use Element of this General Plan that changes any goal or objective regarding residential densities, intensities or major roadway locations. [Emphasis added.]

By only requesting 18.74 acres of the larger parcel, it would appear that the applicant is trying to avoid the matter being processed as a major plan amendment, so as to avail itself of the minor plan amendment procedure. Major plan amendments can only be processed once a year. Minor amendments can proceed at any time. The concern is whether the applicant is trying to avoid the requirements and process of a major amendment by the subterfuge of several amendments of land less than 20 acres in size. If no further amendment of the larger parcel is ever requested, then no “subterfuge” of evading the purpose and requirements of ARS §9-461.06, in particular, A.R.S. §§9-461.06(D) and (E), the City Code, or the General Plan 2020 would occur. But if the amendment of the 18.74 acres is followed by a requested amendment of more land of the larger parcel, it would seem that such multiple requests for amendment are being done to evade or avoid the major plan amendment process.

The concept of “major plan amendment” and “minor plan amendment” with major plan amendments occurring only once a year and involving a special process was added to the Arizona Revised Statutes by a ballot measure known as “Growing Smarter” as put on the ballot by the Arizona State Legislature in the late 1990’s. Arizona has always had in its law the requirement that zoning amendments must conform to the general plan. (A.R.S. §9-462.01(F)). However, occurring before Growing Smarter was what was derisively called the “Scottsdale Solution,” i.e., first was an item on the agenda amending the general plan immediately followed by an item the rezoning the subject property. As a result, by such process, planning was reduced to being a meaningless matter. The purpose of allowing major amendments to occur only once a year was to make change difficult and give planning some true meaning and impact. As stated by the Arizona Legislature, one of the legislative purposes of Growing Smarter was; “that rezoning actions shall be more effectively guided by a community's general and

MEMORANDUM

RE: General Plan Amendment

January 3, 2019

Page 3

comprehensive plans.” (URBAN PLANNING—GROWING SMARTER ACT, 1998 Ariz. Legis. Serv. Ch. 204 (H.B. 2361) (WEST).

It is important to note that while A.R.S. §9-461.06 limits the ability of a city to consider major plan amendments to a single annual occurrence, what is a “major amendment” versus a “minor amendment” is left to local regulation. Hence, the size differential of 20 acres was a ‘line in the sand’ established by City Council, not the State of Arizona. However, changing that text of the general plan would, itself, require a major plan amendment.

Arizona courts, as a matter of public policy, have long been critical of attempts to try and cleverly get around requirements of regulation. If something is considered a “subterfuge,” it is illegal. For Arizona examples see SAL Leasing, Inc. v. State ex rel. Napolitano, 10 P.3d 1221 (Ariz. App. 1st Div. 2000) (sale/leaseback of vehicles subterfuge of laws providing consumer protection and were illegal); State ex rel. Goddard v. Phoenix Union High Sch. Dist. No. 210, 96 P.3d 220, 223 (Ariz. App. 1st Div. 2004) (school district early retirement plan not a subterfuge of ERISA); Schwarz v. City of Glendale, 950 P.2d 167, 170 (Ariz. App. 1st Div. 1997) (buying land to create a buffer zone not a subterfuge of zoning regulations); Molnar v. Indus. Commn. of Arizona, 687 P.2d 1285, 1288 (Ariz. App. 1st Div. 1984) (use of independent contractor’s agreement an illegal subterfuge of workman’s compensation contribution requirements) . Rathkopf’s *The Law of Zoning and Planning* lists examples of where, in the planning and zoning context, courts have held as illegal, subterfuges where “. . . the rezoning of two or more parcels was merely a subterfuge to obscure the actual purpose of according special treatment to one particular landowner.” § 41:7. Size and number of rezoned parcels—Number of parcels, 3 Rathkopf’s *The Law of Zoning and Planning* § 41:7 (4th ed.).

If the intent is to pursue a residential use of a land 20 acres or more, but simply applying in multiple applications to evade or avoid the requirements surrounding major amendments to a general plan as required by Growing Smarter, then any such plan amendment and subsequent rezoning would be invalid. However, one will not know that unless multiple applications are, in fact, attempted. Today that has not yet occurred.

CONCLUSION

The present application for minor plan amendment qualifies under the standards for minor plan amendment since it is for a size less than 20 acres. But if more land from that larger parcel is requested by a subsequent application, any subsequent application

MEMORANDUM

RE: General Plan Amendment

January 3, 2019

Page 4

can only proceed as a major plan amendment since otherwise, the use of multiple applications would be an attempted subterfuge of the requirements of state and local regulation.



Planning and Zoning Commission

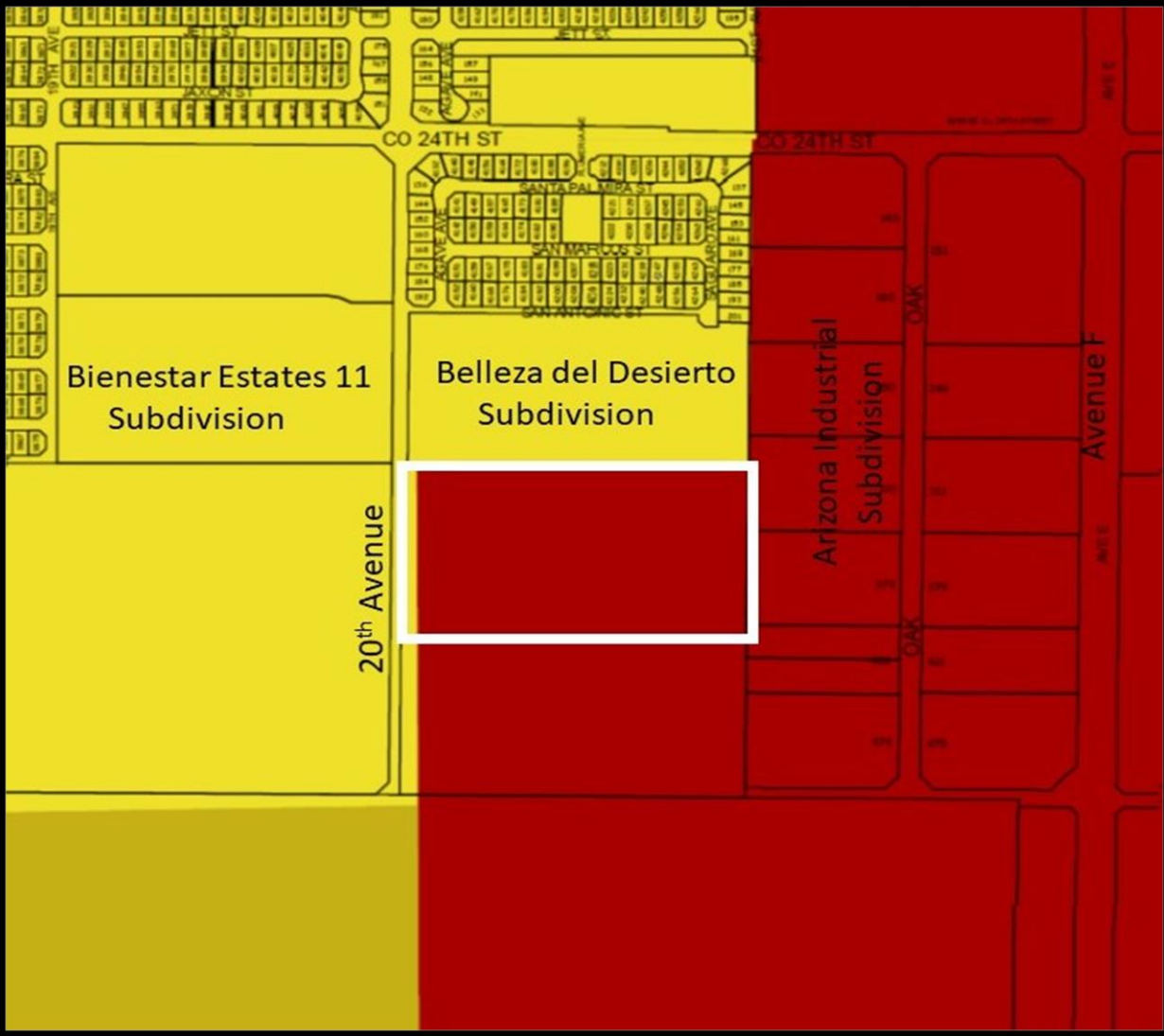
Jun 8, 2021

Minor Amendment Case 2021-0336

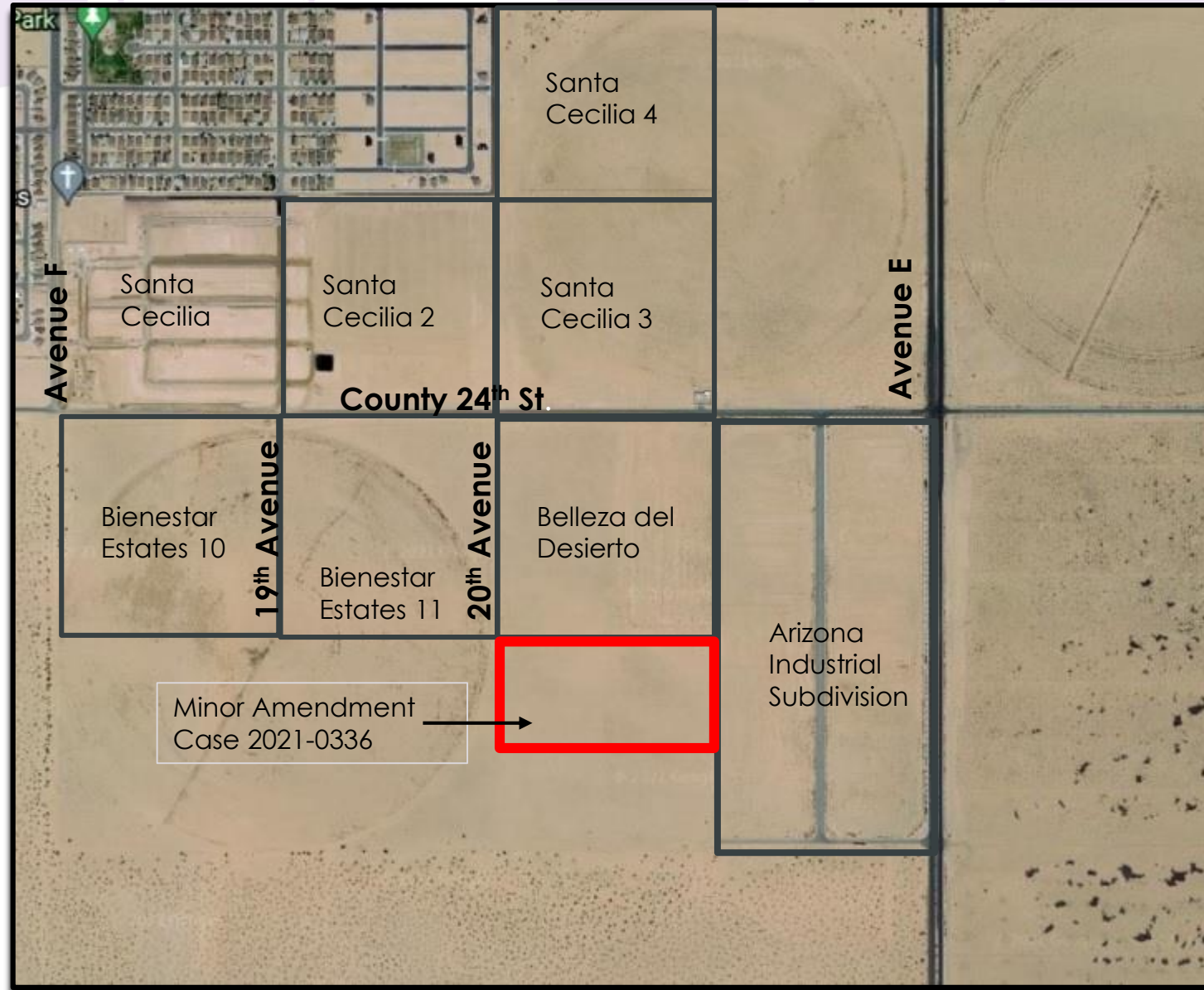
Request: To change the land use designation of a parcel 19.95 acres from Commercial (C) to Medium Density Residential (MDR). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

- The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision. (Rezoning Case No. 2021-0243).

Minor Amendment Case 2021-0336



Minor Amendment Case 2021-0336



Minor Amendment Case 2021-0336

Staff Recommendation:

Staff recommends approval of Minor Amendment Case No. 2021-0336.

Recommended Motion:

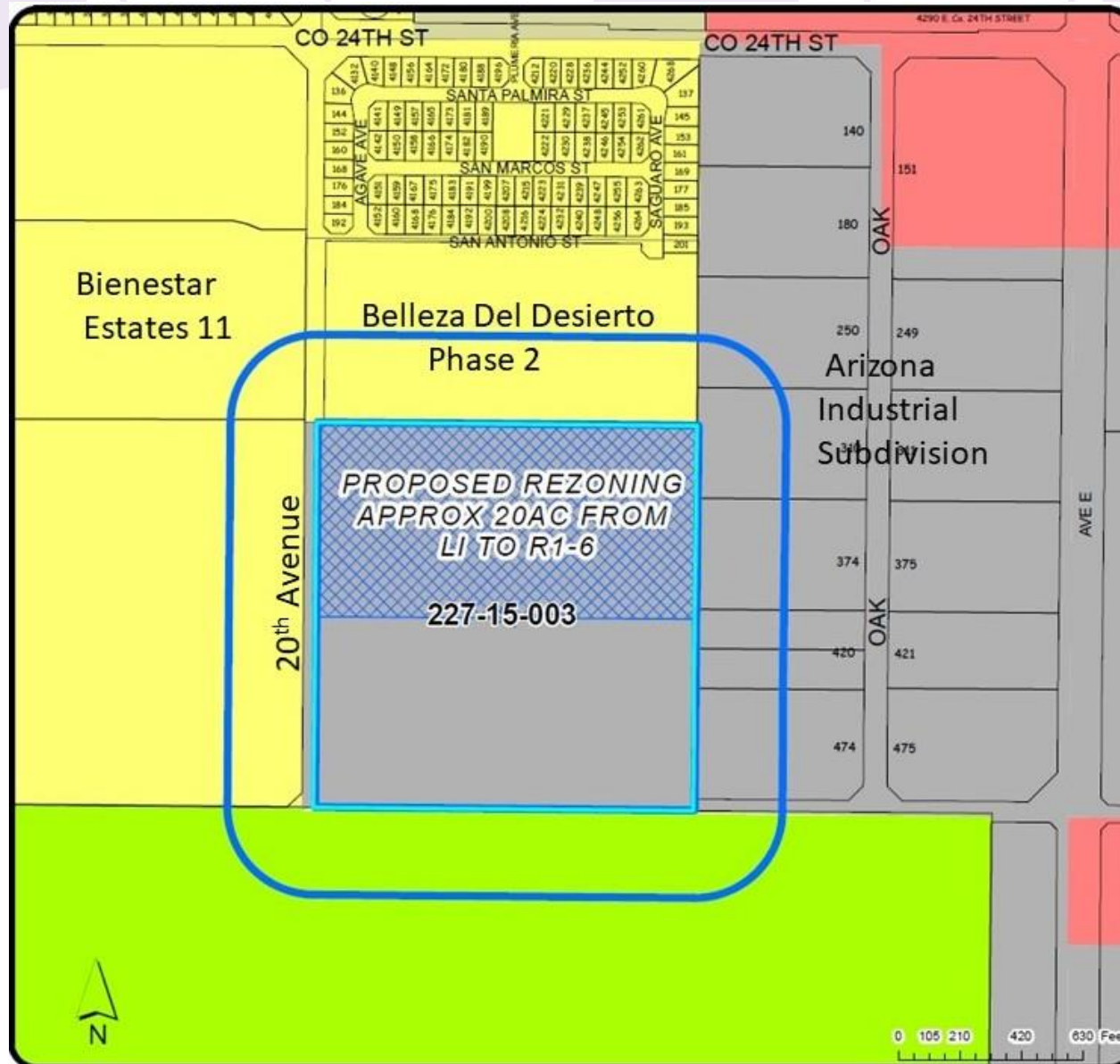
- ⦿ I MOVE TO FORWARD MINOR AMENDMENT CASE NO. 2021-0336 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Rezoning Case No. 2021-0243

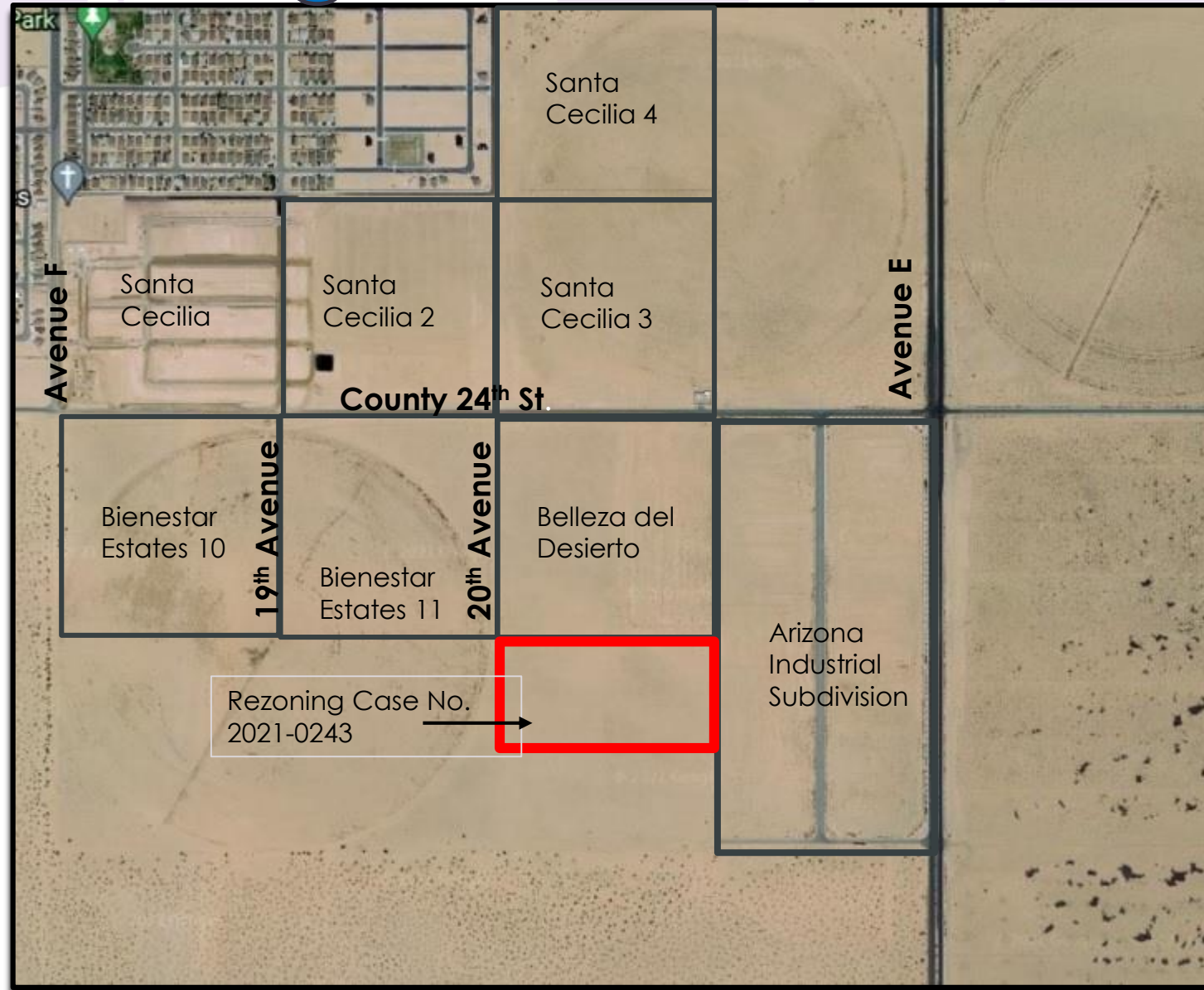
Request: To rezone of a parcel 19.95 acres from Light Industrial (LI) to Medium Density Residential (R1-6). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision.

Rezoning Case No. 2021-0243



Rezoning Case No. 2021-0243



Rezoning Case No. 2021-0243

Staff Recommendation:

Staff recommends approval of Rezoning Case No. 2021-0243 with the following conditions of approval:

Recommended Motion:

- ⦿ I MOVE TO FORWARD REZONING CASE NO. 2021-0243 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE FOLLOWING CONDITIONS OF APPROVAL:

Rezoning Case No. 2021-0243

CONDITIONS OF APPROVAL:

1. The owner/applicant shall submit a preliminary plat for approval in compliance with the City of San Luis subdivision regulations.
2. Development of the property, or portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
3. The Owner/applicant shall dedicate appropriate right-of-way to the City along 20th Avenue (Avenue E 1/2) alignment in accordance with the standards for right-of-way as provided by the City General Plan. Dedication of said right-of-way shall occur at such time and in such manner as required by the City of San Luis subdivision regulations.
4. The owner/applicant shall provide a 20-foot buffer non-buildable easement on the east side of the subject property to separate future industrial uses from the proposed residential use during the subdivision approval.



PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4. B.

Meeting Date: 06/08/2021

Submitted By: Fernando Villegas, Principal Planner, Planning & Zoning Department, Development Services

ITEM:

Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2021-0243. A request by Core Engineering Group LLC on behalf of Border Ranches II AZ LLC to rezone a parcel 19.95 acres from Light Industrial (L-I) to Medium Density Residential (R1-6). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the Public on this item
- B. Close public hearing
- C. Action on Rezoning Case No. 2021-0243

BACKGROUND:

Lot Split Case No. 2021-0275 has been approved to split the subject property into two new parcels. The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision. (Minor Amendment Case No. 2021-0336 presented previously).

The applicant submitted a Major Amendment application to change the land use designation of the south half from Commercial (C) to Medium Density Residential (MDR) (Major Amendment Case 2021-0337). The City of San Luis 2040 General Plan requires a major amendment for any change in a non-residential land use category of 20 or more contiguous acres to a residential land use category. If the Major Amendment is approved the applicant will request rezoning of the south half portion of the subject property to R1-6.

EXISTING CONDITIONS:

The subject property is zoned Light Industrial (L-I) as shown on the location map attached to this report.

Existing Zoning District

Light Industrial (LI): The industrial zoning districts are designed to provide a range of industrial land uses. The purpose of these districts is to provide for industrial development in locations which are suitable and appropriate, taking into consideration existing conditions, future land use needs, the availability of public services, the general public's health and safety, and the goals and objectives of the City of San Luis General Plan. It is intended that these districts accommodate a variety of uses including corporate offices and garden industrial land uses to warehousing and heavy manufacturing.

Proposed Zoning District

Medium Density Residential (R1-6): The purpose of these zoning districts is to provide for detached single residence development on urban sized lots in areas where adequate public facilities and services are available. The intent of these districts is to encourage a traditional neighborhood environment where

amenities and open space are provided more on a neighborhood basis rather than on the smaller individual lots. Lots of less than 6,000 square feet per dwelling unit shall not be permitted from and after March 1, 2016.

Existing Adjacent Zoning Districts.

To the north: R1-6 (Belleza del Desierto Residential Subdivision)

To the west R1-6 (Vacant Land)

To the south LI (South half of the subject property)

To the east LI (Southwest Arizona Industrial Subdivision)

CRITICAL ISSUES:

The developer must provide all the necessary improvements including road construction, water, wastewater and open space.

The subject property is located in an area where infrastructure can be expanded. Existing development in the area have provided access to the infrastructure needed for residential development. In addition, the City will initiate a regional circulation study to establish the need of traffic signals along the intersections of County 24th Street and Avenue E and Avenue F.

Subdivisions in the Central Growth Area are served and connected by Avenue F and County 24th Street. Both arterial roads are not fully improved. However, the Public Works Department can request a traffic study for the proposed subdivisions in accordance with Ordinance 359 and 391. The traffic study will ensure that all the improvements necessary are done to provide connection to Cesar Chavez Boulevard and Avenue E.

The proposed subdivision will be located adjacent to an industrial subdivision to the east. Existing residential subdivisions located to the north, adjacent to industrial zoning, have provided a 20' buffer non-buildable easement to separate future industrial uses from the proposed residential subdivision.

GENERAL PLAN:

The existing land use category for the subject property is Commercial (C), a minor general plan amendment (Minor General Plan Amendment Case No. 2021-0336) is being processed to change the land use designation to Medium Density Residential (MDR).

The approval of the minor amendment will allow the applicant to rezone the north half of the subject property to Medium Density Residential (R1-6) to allow a residential subdivision. The subject property is located inside the Central Growth Area identified in the 2040 General Plan.

AGENCY REVIEW:

As part of the review process, all land use cases are reviewed by various city and outside agencies. We have received comments from the following agencies:

1. Yuma County Airport Authority (5-17-2021)

As required by State Statute, staff sent notification letters to property owners within 300 feet of the proposed project (7 letters).

The city has not received any other significant concerns or objections from the various review agencies or adjacent property owners.

CITIZEN REVIEW MEETING:

As required by State Statute and the City Code, a Citizen Review meeting was held at the City Hall on June 1, 2021 at City Hall Council Chambers at 6:00 p.m. The intent of this meeting was to allow the public to learn about the project, ask questions and express any comments. There were no people from the public present or connected via Zoom.

SUMMARY:

The applicant has provided the information and materials necessary for the review of the rezoning request.

Staff recommends approval of Rezoning Case No. 2021-0243 subject to the following conditions:

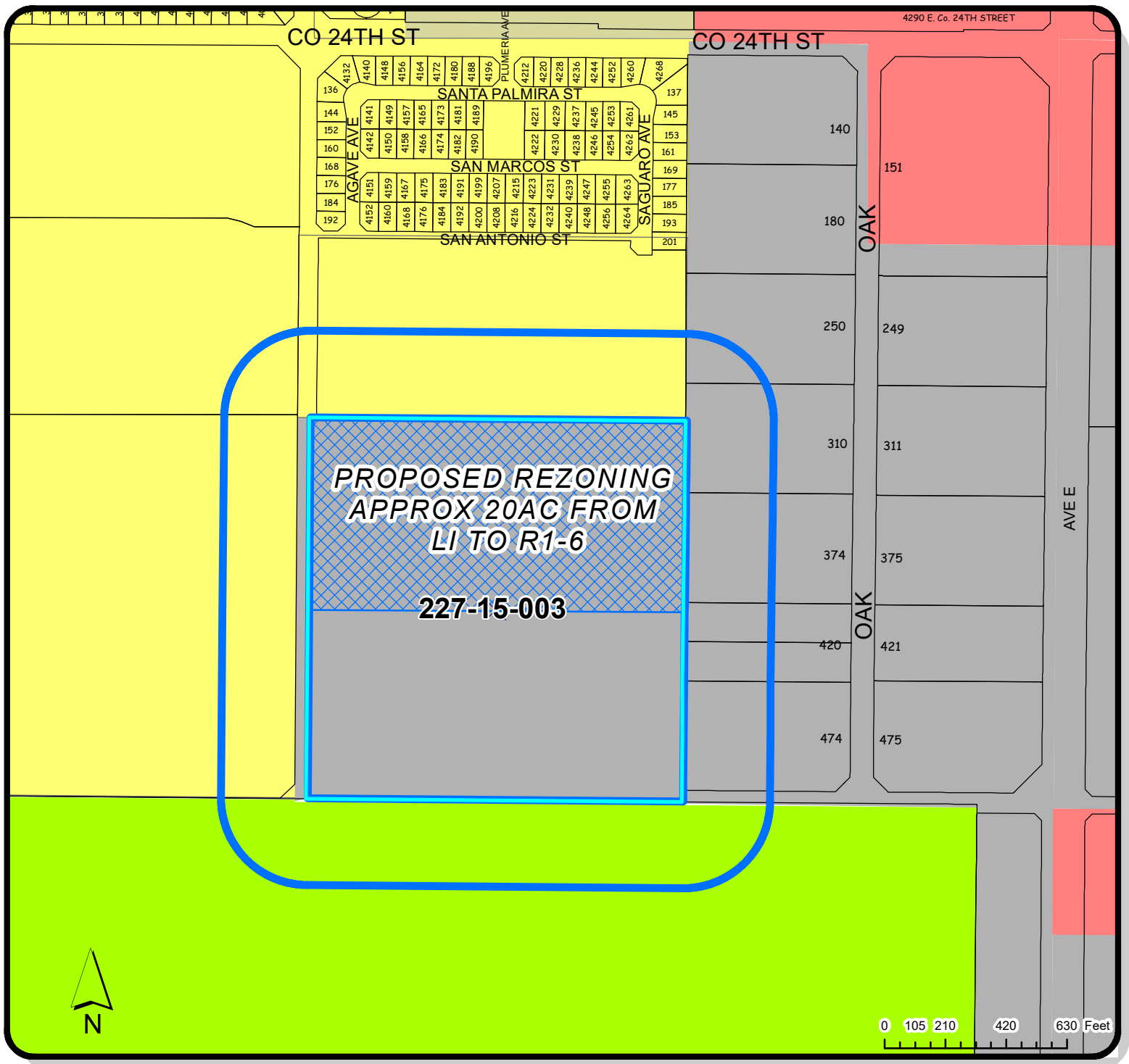
1. The owner/applicant shall submit a preliminary plat for approval in compliance with the City of San Luis subdivision regulations.
2. That any development of the property, or portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
3. The Owner/applicant shall dedicate appropriate right-of-way to the City along 20th Avenue (Avenue E ½) alignment in accordance with the standards for right-of-way as provided by the City General Plan. Dedication of said right-of-way shall occur at such time and in such manner as required by the City of San Luis subdivision regulations.
4. The owner/applicant shall provide a 20-foot buffer non-buildable easement on the east side of the subject property to separate future industrial uses from the proposed residential use during the subdivision approval.

RECOMMENDED MOTION:

I MOVE TO FORWARD REZONING CASE NO. 2021-0243 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO CONDITIONS AS PRESENTED BY STAFF.

Attachments

- Location Map
 - Narrative
 - Lot Split
 - Staff Report
 - Presentation
-



LOCATION OF SUBJECT PROPERTY

 NORTH HALF OF PARCEL 227-15-003

 300ft Notification Area

LOCATION MAP REZONING

Zoning

SINGLE RESIDENCE ZONING DISTRICTS

 R1-8

COMMERCIAL ZONING DISTRICTS

 C-2

SINGLE RESIDENCE ZONING DISTRICTS

 RA-10

INDUSTRIAL ZONING DISTRICTS

 I

CASE #
2021-0243

DATE:

4/5/2021

PLANNING & ZONING



GIS

CREATED BY:

ISAAC GUTIERREZ

CHECKED BY:

ROMAN PACHECO

APPROVED BY:

JOSE A. GUZMAN



Core Engineering Group, PLLC

200 E. 16th Street, Suite # 150

Yuma, Arizona 85364

voice 928-344-5931

fax 928-344-5932

***.CoreEngineeringGroup.com

MEMORANDUM

Date: March 19, 2021
Revised March 30, 2021

To: City of San Luis
Department of Development Services

From: Douglas J. Nicholls, PE, RLS

Re: Rezoning Application for the North Half of Parcel 227-15-003;
North Half of the SW 1/4 of the NE 1/4 of Section 15, T11S, R24W
Avenue E-1/2 & County 24-1/2 Street, San Luis, AZ.

The owner is proposing to develop the north half of the lot APN 227-15-003 into R-1-6 residential subdivision. This request represents the north 20-acres of the 40-acre lot. This matches the recent subdivision development on the land adjacent to the north of this parcel. The owner has also engaged Core to prepare a lot split map of the overall parcel to isolate the north 20-acres. This will be submitted to the City of San Luis soon for review and approval.

The current status of the parcel is a native desert, undeveloped parcel with LI zoning. The request to change zoning to R-1-6 is in conformance with the 2020 City of San Luis General Plan designation of "Medium Density Residential". Attached is an exhibit of the proposed rezoning.

N 1/4 CORNER
SEC 15, T11S, R24W
FOUND 1/2" REBAR
WITH OBLITERATED CAP

NE CORNER
SEC 15, T11S, R24W
FOUND BRASS CAP
IN HANDHOLE
2.5' BELOW GRADE

COUNTY 24TH STREET

S 89°30'45" E 2641.84'(M) S 89°30'53" E 2641.815'(R1)

1320.92'(C)

1320.92'(C)

EX. 35' ROW
PER (R1)

55.01' (C)

EX. 40' ROW
PER (R2)

BELLEZA DEL DESIERTO
PHASE 1
NOT A PART

APN 227-15-018
NOT A PART

APN 227-15-006
NOT A PART

APN 227-15-017
NOT A PART

APN 227-15-024
NOT A PART

APN 227-15-016
NOT A PART

APN 227-15-007
NOT A PART

S 89°30'17" E 1320.78'(C)
S 89°30'25" E 1320.78'(R1)

APN 227-15-015
NOT A PART

APN 227-15-008
NOT A PART

PARCEL A

NET AREA = 889,126.95 SF
19,932.0 ACRES

FEES 2008-39218
PARCEL 2

NEW 40'
ROW TO BE
DEDICATED TO THE
CITY OF SAN LUIS
AT THE RECORDATION
OF THIS MAP

APN 227-15-009

S 89°30'03" E 1320.70' (C)

APN 227-15-014
NOT A PART

APN 227-15-009
NOT A PART

50' X 50' SIGHT DISTANCE
RIGHT-OF-WAY TRIANGLE
TO BE DEDICATED TO THE
CITY OF SAN LUIS AT THE
RECORDATION OF THIS MAP

SET MAG NAIL
WITH WASHER "1.548879"
IN WEST WALL FADE

PARCEL B

NET AREA = 871,736.08 SF

NEW 40'
ROW TO BE
DEDICATED TO THE
CITY OF SAN LUIS
AT THE RECORDATION
OF THIS MAP

FOUND BENT 1/2" REBAR
WITH CAP "1.5 18528"
0.3' ABOVE GRADE
0.104' WEST AND 0.292' NORTH
OF CALCULATED POSITION
POINT NOT ACCEPTED

FOUND BENT 1/2" REBAR
WITH OBLITERATED CAP
0.59' WEST AND 0.28' NORTH
OF CALCULATED POSITION
POINT NOT ACCEPTED

APN 227-15-020
NOT A PART

APN 227-15-010
NOT A PART

APN 227-15-021
NOT A PART

APN 227-15-012
NOT A PART

APN 227-15-011
NOT A PART

AVENUE E 1/2

AVENUE E

N 1/4 CORNER
SEC 15, T11S, R24W
FOUND
BRASS CAP 37CM
1.0' BELOW GROUND

C1/4 CORNER
SEC 15, T11S, R24W
FOUND 1/2" REBAR
SET BRASS CAP
IN HANDHOLE PER
CITY OF YUMA STANDARD
DRAWINGS 4-020 AND 4-030

S1/4 CORNER
SEC 15, T11S, R24W
FOUND 3" BRASS CAP 2005
"1.516810" IN HANDHOLE

C1/4 CORNER
SEC 15, T11S, R24W
FOUND 3" BRASS CAP 2005
"1.516810" IN HANDHOLE

COUNTY 24 1/2 STREET

N 89°29'48" W 2641.26'(M) N 89°29'58" W 2641.29'(R1)

1320.63'(C)

1320.645'(R1)

1320.63'(C)

1320.645'(R1)

AVENUE E 1/2

AVENUE E



Staff Report

Planning and Zoning Commission

June 8, 2021

Minor Amendment 2021-0243:

REQUEST: To rezone a parcel 19.95 acres from Light Industrial (LI) to Medium Density Residential (R1-6). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

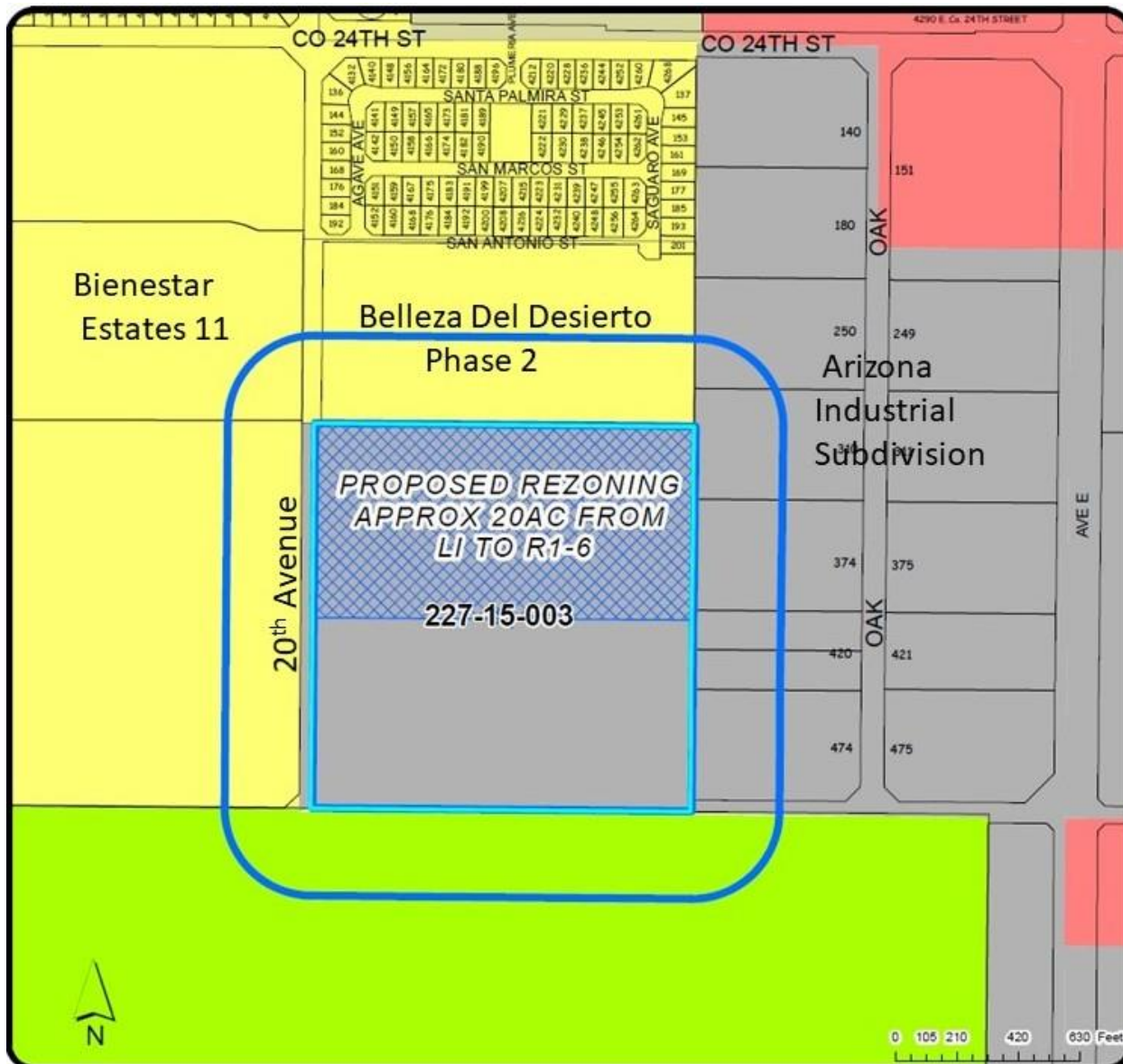
APPLICANT: Core Engineering Group LLC. On behalf of Border Ranches II AZ LLC.

DIRECTIONS: The subject property is located on the southeast corner of 20th Avenue and south of Bella Del Desierto Phase 2 subdivision.

BACKGROUND: Lot split case no. 2021-0275 has been approved to split the subject property into two new parcels. The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision. (Minor Amendment Case No. 2021-0336 presented previously).

The applicant submitted a Major Amendment application to change the land use designation of the south half from Commercial (C) to Medium Density Residential (MDR) (Major Amendment Case 2021-0337). The City of San Luis 2040 General Plan requires a major amendment for any change in a non-residential land use category of 20 or more contiguous acres to a residential land use category. If the Major Amendment is approved the applicant will request rezoning of the south half portion of the subject property to R1-6.

EXISTING CONDITIONS: The subject property is zoned Light Industrial as shown on the zoning map below.



Existing Zoning Map

Existing Zoning District

Light Industrial (LI): The industrial zoning districts are designed to provide a range of industrial land uses. The purpose of these districts is to provide for industrial development in locations which are suitable and appropriate, taking into consideration existing conditions, future land use needs, the availability of public services, the general public's health and safety, and the goals and objectives of the City of San Luis General Plan. It is intended that these districts accommodate a variety of uses including corporate offices and garden industrial land uses to warehousing and heavy manufacturing.

Proposed Zoning District

Medium Density Residential (R1-6): The purpose of these zoning districts is to provide for detached single residence development on urban sized lots in areas where adequate public facilities and services are available. The intent of these districts is to encourage a traditional neighborhood environment where amenities and open space are provided more on a neighborhood basis rather than on the smaller individual lots. Lots of less than 6,000 square feet per dwelling unit shall not be permitted from and after March 1, 2016.

Existing Adjacent Zoning Districts.

To the north: R1-6 (Belleza del Desierto Residential Subdivision)

To the west R1-6 (Vacant Land)

To the south LI (South half of the subject property)

To the east LI (Arizona Industrial Subdivision)

CRITICAL ISSUES:

The developer must provide all the necessary improvements including road construction, water, wastewater and open space.

The subject property is located in an area where infrastructure can be expanded. Existing development in the area have provided access to the infrastructure needed for residential development. In addition, the City will initiate a regional circulation study to establish the need of traffic signals along the intersections of County 24th Street and Avenue E and Avenue F.

Subdivisions in the Central Growth Area are served and connected by Avenue F and County 24th Street. Both arterial roads are not fully improved. However, the public works department can request a traffic study for the proposed subdivisions in accordance with Ordinance 359 and 391. The traffic study will ensure that all the improvements necessary are done to provide connection to Cesar Chavez Boulevard and Avenue E.

The proposed subdivision will be located adjacent to an industrial subdivision to the east. Existing residential subdivisions located to the north, adjacent to industrial zoning, have provided a 20' buffer non-buildable easement to separate future industrial uses from the proposed residential subdivision.

COMMENTS/NOTIFICATIONS:

June 1st Citizen Review Meeting Comments: None

Yuma County Airport Authority

“The property is located near Rolle Airfield where aviation activities are expected to increase in the future. These properties, due to their proximity to the Rolle Airfield, are likely to experience aircraft over flights, which could generate noise levels which may be of concern to some individuals. The City, public and airport shall be held harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airport, not including the physical impact of aircraft or parts thereof.”

Staff sent notification letters to property owners within 300 feet of the proposed project (7 letter).

RECOMMENDED MOTION:

I MOVE TO FORWARD REZONING CASE NO. 2021-0243 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE FOLLOWING CONDITIONS OF APPROVAL.

Conditions of Approval

1. The owner/applicant shall submit a preliminary plat for approval in compliance with the City of San Luis subdivision regulations.
2. Development of the property, or portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
3. The Owner/applicant shall dedicate appropriate right-of-way to the City along 20th Avenue (Avenue E ½) alignment in accordance with the standards for right-of-way as provided by the City General Plan. Dedication of said right-of-way shall occur at such time and in such manner as required by the City of San Luis subdivision regulations.
4. The owner/applicant shall provide a 20-foot buffer non-buildable easement on the east side of the subject property to separate future industrial uses from the proposed residential use during the subdivision approval.

Staff Report Prepared by:

Fernando Villegas

Principal Planner

Staff Report Reviewed by:

Jose A. Guzman

Planning Director



Planning and Zoning Commission

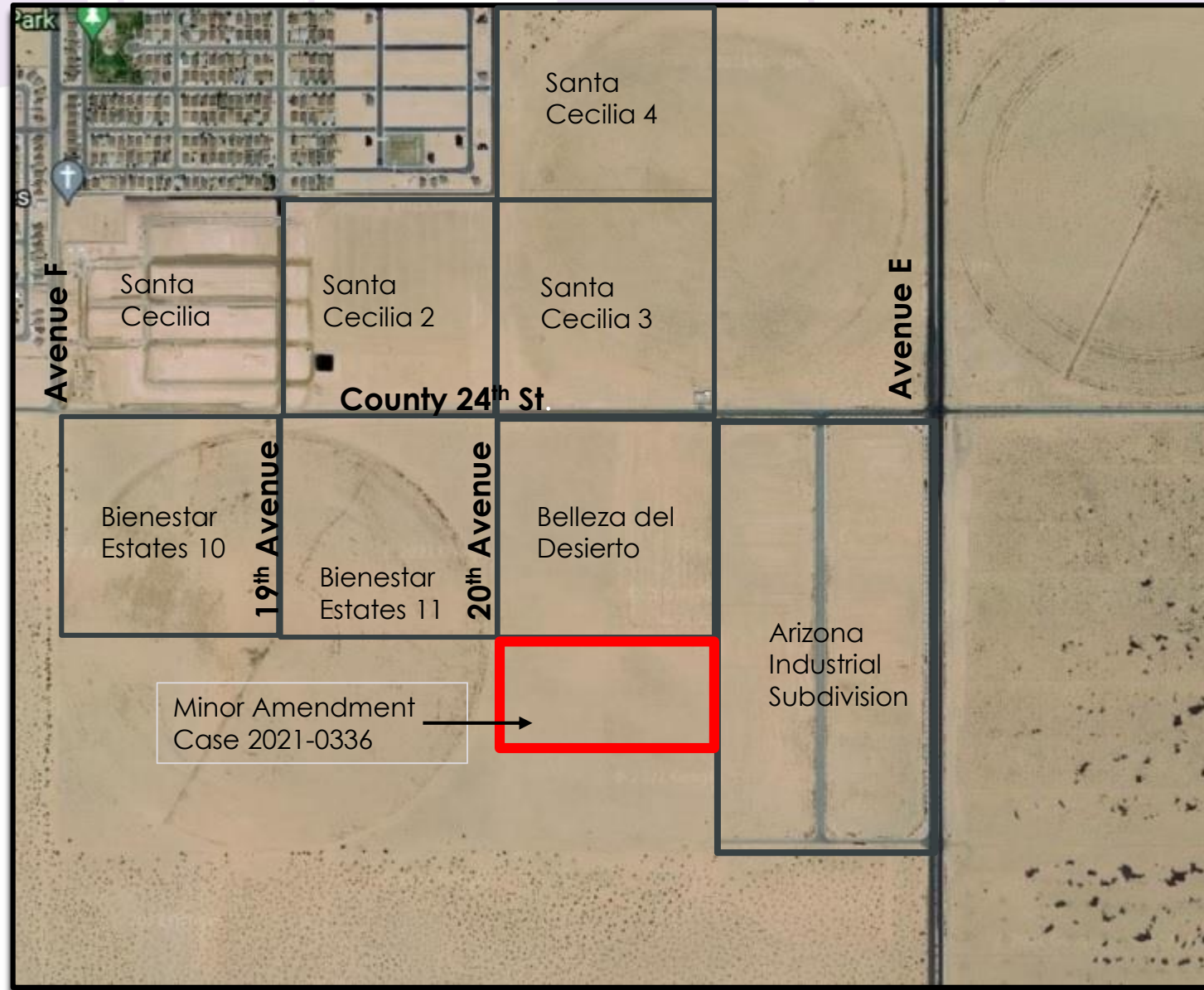
Jun 8, 2021

Minor Amendment Case 2021-0336

Request: To change the land use designation of a parcel 19.95 acres from Commercial (C) to Medium Density Residential (MDR). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

- The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision. (Rezoning Case No. 2021-0243).

Minor Amendment Case 2021-0336



Minor Amendment Case 2021-0336

Staff Recommendation:

Staff recommends approval of Minor Amendment Case No. 2021-0336.

Recommended Motion:

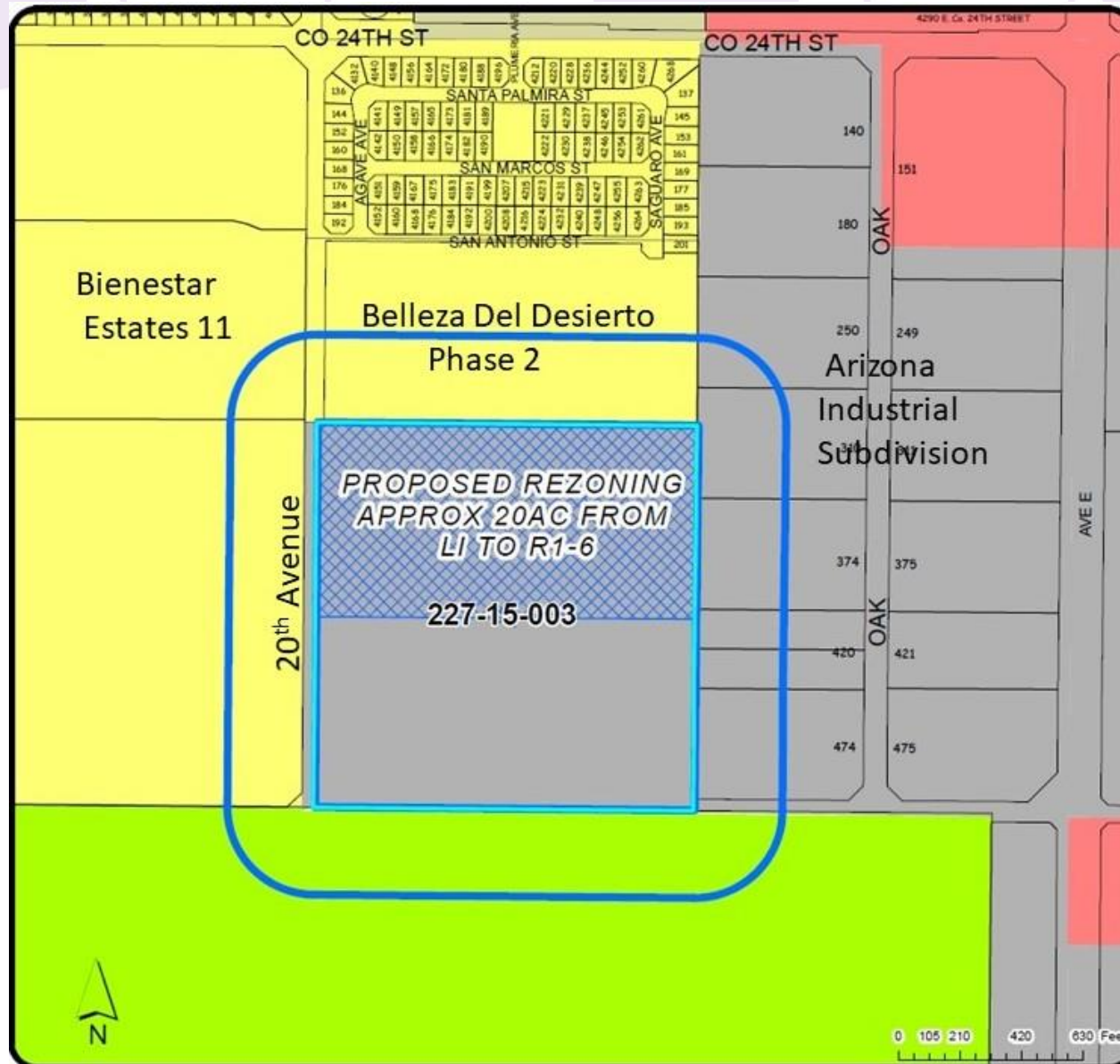
- ⦿ I MOVE TO FORWARD MINOR AMENDMENT CASE NO. 2021-0336 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Rezoning Case No. 2021-0243

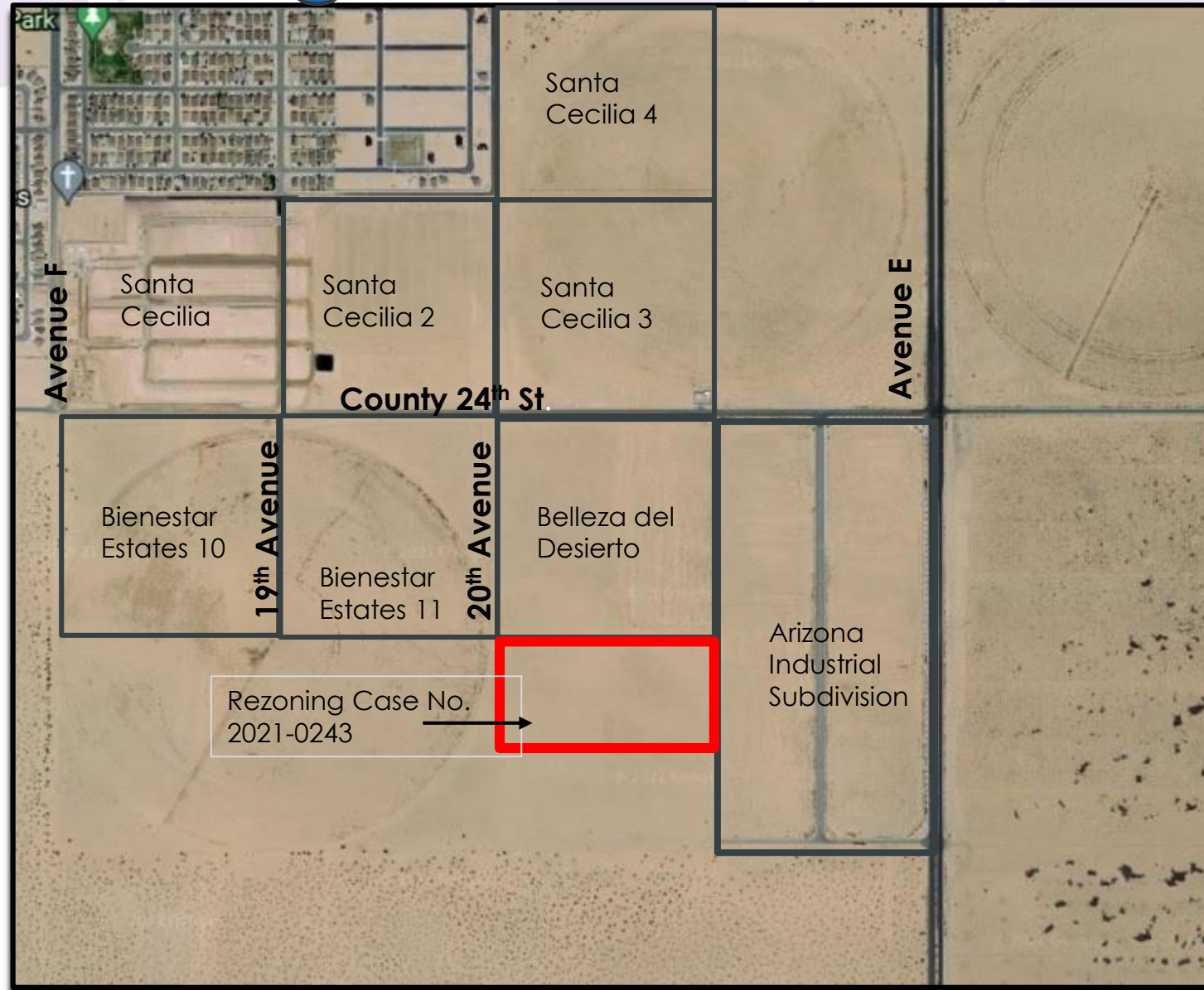
Request: To rezone of a parcel 19.95 acres from Light Industrial (LI) to Medium Density Residential (R1-6). Assessor's Parcel 227-15-003, north half, located east of 20th Avenue and south of Belleza Del Desierto Phase 2 subdivision.

The applicant is requesting the rezoning of the north half to R1-6 for the construction and development of a residential subdivision.

Rezoning Case No. 2021-0243



Rezoning Case No. 2021-0243



Rezoning Case No. 2021-0243

Staff Recommendation:

Staff recommends approval of Rezoning Case No. 2021-0243 with the following conditions of approval:

Recommended Motion:

- ⦿ I MOVE TO FORWARD REZONING CASE NO. 2021-0243 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE FOLLOWING CONDITIONS OF APPROVAL:

Rezoning Case No. 2021-0243

CONDITIONS OF APPROVAL:

1. The owner/applicant shall submit a preliminary plat for approval in compliance with the City of San Luis subdivision regulations.
2. Development of the property, or portion thereof, and/or the approval of any subdivision plat, be conditioned upon payment to the city the sum of \$260.00 per acre, or any portion of an acre, as a proportionate contribution for a traffic signal at the intersection of County 24th Street and Avenue E.
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