



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, October 12, 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, 12 de Octubre 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, October 12, 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 October 12, 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 12 de Octubre del 2021, si la distancia de 6 pies puede mantenerse, que serían 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

-Special Planning and Zoning Commission meeting held September 21, 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 only on any and all matters regarding Major Amendment Case No. 2021-0335. A request by DuBose Design Group, Inc. to change the land use designation of Assessor's parcels 227-14-006, 007, 008 and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002 and a portion of parcel 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), and parcels 227-11-006, 007 and 008 totaling 37.48 acres from Employment (EMP) to Commercial (C). (ITEM CONTINUED FROM THE SPECIAL COMMISSION MEETING HELD SEPTEMBER 21, 2021)

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the public on this item.
- B. Close Public Hearing
- C. Action on Major Amendment Case No. 2021-0335

- 4. B.** Public hearing followed by discussion and possible action on any and all matters regarding Major Amendment Case No. 2021-0337. A request by Core Engineering Group PLLC on behalf of Boarder Ranches II AZ LLC to change the land use designation of a 20 acre parcel from Commercial (C) to Medium Density Residential (MDR). Assessor's parcel number 227-15-030, located on the northeast corner of 20th Avenue and County 24 1/2 Street in San Luis Arizona. **(ITEM CONTINUED FROM THE SPECIAL COMMISSION MEETING HELD SEPTEMBER 21, 2021)**

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the public on this item
- B. Close public hearing
- C. Action on Major Amendment Case No. 2021-0337

5. ADJOURNMENT



AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

3. A.

Meeting Date: 10/12/2021

Summary

APPROVAL OF MINUTES

-Special Planning and Zoning Commission meeting held September 21, 2021

Attachments

Minutes September 21, 2021

MINUTES

SPECIAL MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
SEPTEMBER 21, 2021
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.

PRESENT:

Chairman Marco A. Pinzon
Vice Chairman Veronica Zavala
Commission Member Javier Barraza
Commission Member Hugo Garcia
Commission Member Guillermina Fuentes
Commission Member Case Van Veen
Commission Member George Amaya

OTHERS PRESENT:

Jose A. Guzman, Director of Planning and Zoning
Roman Pacheco, Planning Technician
Fernando Villegas, Principal Planner
Kay Macuil, City Attorney
Derek Duenas, I.T. Manager
Eulogio Vera, Director of Public Works
Jenny Torres, Economic Development Manager
Jonathan Dumadag, I.T. Department
Jose Luis Cisneros, Acting PIO / Executive Assistant
Oscar Barnett, Code Enforcement Officer
Agustin Tumbaga, Jr., DHG Management & Construction
Alberto Leon, Riedel Construction
Buna George, Greater Yuma Port Authority

Cesar Neyoy, Reporter
David Loo, Developer
Elizabeth Carpenter, Long Realty
Francisco Heredia, Jr., San Luis Resident
Francisco Heredia, Los Alamos Builders
John Klein, Core Engineering Group, PLLC.
Laura Noel, Somerton School District No. 11
Najeh K. Edais, Edais Engineering, Inc.
Nels T. Roger, Developer
Nieves Riedel, Riedel Holdings, LLC.
Olivia Jenkins, Riedel Holdings, LLC.
Russ Jones, R.L. Jones Customhouse Brokers

2. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commission Member George Amaya.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held September 14, 2021.

MOTION: Commission Member George Amaya / Vice Chairman Veronica Zavala
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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	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 Major Amendment Case No. 2021-0335. A request by DuBose Design Group, Inc. to change the land use designation of Assessor's parcels 227-14-006, 007, 008 and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002 and a portion of parcel 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), and parcels 227-11-006, 007 and 008 totaling 37.48 acres from Employment (EMP) to Commercial (C).

A. Open public hearing

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff Presentation

Fernando Villegas, Principal Planner, presented and summarized staff report recommending forwarding Major General Plan Amendment Case No. 2021-0335 to City Council with recommendation of approval to change the land use designation from Employment to Commercial and Denial to change the land use designation from Commercial and Employment to Medium Density Residential.

Commission Member Case Van Veen stated that he helped with the General Plan in the beginning, a couple of years ago. We spend a lot of time in the development of going down the Port of Entry and leaving that for Commercial. I remember specifically remember been along Avenue E on both sides and I stated a couple of times, making sure we do not move the residential and overflow our opportunities to expand the commercial part of San Luis. I see it has moved to the middle now, I do not know when that changed. I still feel that the focus is on growing San Luis not only residential but also commercial.

Villegas mentioned that the applicant has three properties north of County 24th Street between D ½ and D and they want those three properties change to Commercial. These properties currently are designated as Employment. The other parcel that is Commercial along Avenue E is not part of the amendment because it is already zoned for Commercial.

Tom Dubose, Dubose Design Group, Inc., representing David Loo and Elizabeth Carpenter, highlighted the main points of his power point presentation. Mr. Dubose also stated for the record that his clients, 2019 reach out for the City and had major concerns of what is being proposed. As it got towards the finish line and we respected that there were deadlines that the city had to meet. We were asked, my clients agreed that they would stand down on their objections to what they felt was a plan that was flawed. In addition, said go-ahead do what you need to do and we were told if we would do that. We would have this opportunity now; this year and in fact, we will move the timeline three months so you can apply for that major amendment.

The presentation had the following topics:

- Live, Work, Shop, Prosper – keeping San Luis, Arizona flourishing
- What is the General Plan? From time to time, some will propose changes to the General Plan.
- City of San Luis 2040 General Plan (Land Ownership Map) Mr. Dubose explained that there is a reason why development in San Luis skip east a bit, because all of that land is own by either the state or federal government. When you look at the map in that yellow and light brown it is

own by federal government. The area in white is the only land that it is own by private.

- City of San Luis 2040 General Plan (Future Land Use) **Mr. Dubose** explained that as you can see on the map all of the residential is on either state or federal land or is off over Highway 95 that is agricultural land.
- Introduction
- Major Amendment Plan Purpose
- What is our Plan?
- Border Community History
- Case Study – Nogales, Arizona
- Case Study -Otay Mesa, California
- Case Study – Calexico East Port, California
- How can this project come to life? (proposed plan)
- General Plan Amendment
- Importance of Project Work, Live, Shop and Prosper in San Luis, AZ
- Traffic Impact
- Truck Crossing Statistics
- City of San Luis Long Term traffic plan provides access for commercial trucks along County 25th to Avenue B. (map)
- Other Traffic Impacts
- New Housing Permits (Chart)
- Water & Waste Water (location map)
- Sam Group is “Curating” other developments in East San Luis
 - Food Truck Court
 - Suites type hotel - Wyndham
 - Satellite grocery store
 - Additional school sites
 - Summary

Mr. Dubose thanked the members of the commission and that he was available for any questions.

Commission Member George Amaya asked given that currently at this moment we do not have a preliminary map, does the applicant know the number of lots for proposed medium density residential. **Dubose** responded no I do not. In every

project map, specific plan or general plan the density that is allow under those approvals is always much greater than when you lot it out. If this commission felt

like you would have like to see something a little more in detail. By the way, I asked numerous of times and I was told we were good. If you see fit to move, forward with a recommendation we would be happy to provide that at the council.

Commission Member Guillermina Fuentes mentioned that Mrs. Carpenter was present and maybe she could answer how many lots they are proposing for this project. **Elizabeth Carpenter, Sam Group Development** stated that typically in this type of zoning that we are requesting is R1-6. With R1-6 you can get approximately 4 ½ houses per acre but I have not multiply that out. We would also be looking in doing some multifamily (20 units per acre) on the outer limits of the project.

2. Call to the Public on this item

Francisco Heredia, San Luis, Arizona resident, stated that he was there representing his father Francisco Heredia and read statement in support of the Major Amendment and asked that the members of the commission to consider all factors before giving a recommendation and think about everyone in this city that depends on construction for their livelihood.

Elisa Hoyos, 3864 E Ortega Street, San Luis Resident, stated that she lived, attended school, worked and currently raising my children in this community. I am here to express her support for the Somerton School District, which will bring additional resources for our children and additional employment opportunities for our community. As I mentioned before, I live east side of San Luis in Santa Cecilia were 100 percent of our children are bus or transported to different schools in the area. I am here to represent about one hundred and twenty families that in the same position that I am. For the first time in fifteen years, we have an opportunity to have a neighborhood school in the area. Somerton School District has presented their plan and has the funding to bring this to our community and to have it available to our children by next school year. I know that Somerton School District has been requesting the permit and I feel that we

are running out of time to have it ready. I urge you to approve the changes and allow our community and our children an opportunity.

Buna George, Executive Director for Greater Yuma Port Authority, stated that trade flows to the path of the least resistance and if we hinder delay or interrupt, the current flow users will go elsewhere. We know that we are not at the numbers that we want at the Commercial Port of Entry but trade will be decrease and the potential higher paying jobs is going to lessen. Just like Mr. Dubose said there is no other developments in Mexicali and that is really who our kind number one competitor is here within the San Luis area. I am just asking to protect the Commercial Port of Entry because it is heavily tight to the region's growth in the prosperity. In addition, I realized that developers have agreed to give the right-of-way and that is fine. I know that there was a donation for the Somerton School District and that is fine but what about for the city growth, where is the Fire Department, Police, and the addition Administration buildings? Growth is going to require for citizens to grow but also for the city to grow with it in those general areas. You as the commission have one shot to do it right correctly the first time. There has to be a way to cultivate a win-win situation. No one in the Port Authority including myself are against growth, it is a natural obviously occurrence. We just feel that there is a smart way that you can do it.

Laura Noel, Superintendent of Somerton School District, stated that when she read the different components that staff has produce and their recommendation she was impressed with it. When I became the superintendent in Somerton Jerry Cabrera was the Assistant Superintendent at that time, he said Dr. Noel we have do something about East San Luis. We went to Bienestar Estates and we sat there, right were the buses were and starting counting while they were getting in to the bus. There were about three hundred kids bussing from Bienestar Estates over to Gadsden School District, which is fine expect that is Somerton School District and there is no school from Somerton School District in that area. Kids do not have a choice between schools. This year when I did our capital plan, I got the actual numbers from the School Facility Board, they are a year old and the year old numbers say that right now there are over six hundred students going to Gadsden School Districts and an additional hundred fifty one attending Somerton School District. We send buses down, bring those kids up into our school district, and serve them at Orange Grow School but some of our special need kids and others kids go to other schools in our district. There are six hundred kids that are

going in to Gadsden School District, which is fine. When you split student up like that, under open enrollment what happen is that per pupil amount goes by head. Therefore, you have a certain amount that you get as a school district per student for the student attending. The students that goes to Gadsden District from that area Gadsden District gets a certain amount of money to serve those students but they do not get the capital money, they do not get the amount that goes with the taxes that are been coming out from that area. We apply to the School Facility Board and we actually were approved for two elementary schools. One to build in East San Luis and one in Somerton. We would like to have the zoning change because we think that would make a better neighborhood for the school. We recognized the issue with Avenue E. In our application we had make sure to appropriate the money for buses to bus children even though they are not a mile away. We have six millions dollars that we are coming in with to build a school. We have adjacent ways to help with some of the cost of the infrastructure that needs to happen around.

Russel Jones, Jones Customhouse Broker, stated that he is not oppose to growth or development. I am oppose to what is consider unplanned or unmanaged development. I do not think that the City of San Luis should be in a business of catch up development. What I mean by catch up development is that you allow the development and you try to catch up and fix it afterwards. Like you are trying to do right know with Cesar Chavez and the hazard with placement of schools all along Main, as well of Highway 95. Thinking out ahead and good planning, it is what you must do. It is plan ahead and required that there be the means the design, engineering, to pay the design engineer, and pay for infrastructure that is needed to handle growth for of these different types. Furthermore, Mr. Jones stated that there is more land, it might be more expensive, the infrastructure necessary to prepare it and develop it and make it ready for use maybe more expensive. If you look at the State Land the map that was shown there still quite of state land, there is state land trust were schools can be built per no cost for the land. The second has to do with the grid that was proposed there. Base on the fact that it is all commercial and industrial. The traffic is all commercial and industrial and not the kind of heavy traffic that one would anticipate from thousands of homes, multiple schools and all the traffic that goes with it to and from. The Port of San Luis was never designed; it is currently not design for cars and not pedestrians. They do not operate the pedestrian lane that is there because is to lengthy, it is there for emergency use only. For the first ten years,

there was a moratorium on the land, because it was federal land. That said it could not be develop for cars. When GSA was approach the government about the possibility of cars, their response was there is no infrastructure, you have to build the new bridge, and augment the road. San Luis has the fastest growing commercial port in the entire U.S Custom land border system both Canadian and Mexican. Another thing about this port that it is important to consider, because of the restriction that California has on toxic and hazardous waste and their requirements of Las Maquiladoras export all of their toxic and hazardous waste from their production facilities in Baja California, it all crosses through San Luis. It has been a number of years but we actually had a spill, some of you may remember it was on Highway 95. They had to close the school and evacuate the area because of this hazardous waste that had spill on Highway 95. San Luis has the highest per capita in terms of overall volume in traffic, toxic and hazardous waste. You can get those numbers from Mr. Schwamm Director of Port of San Luis, Arizona. The infrastructure that I propose is that we consider creating a special transportation district and that all the potential developers would subscribe to that and agree to pay for capital share on that in order to raise the funds necessary so we can be ahead of the transportation needs. Therefore, people, children and commercial traffic can move safely and inter mingle without unusual amount of danger to them. To not have a full comprehensive traffic analysis should all of these developments happen? You have to look at the whole thing, what is the environmental impact? Not on the housing on the environment, but on the environment, that is there. In which the trucks, toxic and hazardous waste represent potentially on people and children that would be in close proximity to it. That kind of analysis and the traffic should happen first to determine based on real numbers of estimate homes and people.

Commission Member George Amaya asked Mr. Jones what is causing business and manufacturing not to relocate to San Luis. **Mr. Jones** responded we have labor available, which they do not have in California. The cost of our labor is not high as it is in Baja California and in California and the tax is associated with it is less. The land here is much less expensive.

Mr. Dubose, furthermore stated that the YMPO 2021 study completed for Yuma County clearly indicates that the Port II and Avenue E was designed for commercial traffic as well as passenger vehicles. What was quoted on that report

located about 5 miles from down town the San Luis II Port of Entry was designed to initially one hundred and fifty trucks a day. With the potential to expand to six hundred and fifty trucks per day by 2030. The facility was also designed for the potential of adding additional facilities for passenger vehicles, pedestrians and bicyclists, it may not be there today but the true intent of the East Port San Luis II was for that mixed use. My clients offer City of San Luis sometime back a location for a fire and police station. When we get to the next stage with the consideration of approval where we are doing that map, zoning change and where conditions of approval are install or put in. Traffic studies are done normally at that time because now you have specifics of which to do. If someone had said to us you had better do a traffic study or you have to do a traffic study, we would have done one.

Chairman Marco A. Pinzon mentioned that he told his board members I hope you have made a choice, there is that third option that we can continued to get this further information and make sure we are doing the right decision.

Commission Member Guillermina Fuentes mentioned that in her personal opinion regarding this case we are going to need residential therefore we are going to need a school.

B. Close public hearing

MOTION: Commission Member Guillermina Fuentes / Chairman Marco A. Pinzon to close public hearing regarding Major General Plan Amendment Case No. 2021-0335. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

C. Action on Major Amendment Case No. 2021-0335

MOTION: Commission Member Marco A. Pinzon / Commission Member Hugo Garcia to Continue Major General Plan Amendment Case No. 2021-0335 to October 12, 2021 regular Planning Commission meeting. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. B. Public Hearing followed by discussion and possible action on any and all matters regarding Major Amendment Case No. 2021-0337. A request by Core Engineering Group PLLC on behalf of Boarder Ranches II AZ LLC to change the land use designation of a 20 acre parcel from Commercial (C) to Medium Density Residential (MDR). Assessor's parcel number 227-15-030, located on the northeast corner of 20th Avenue and County 24 1/2 Street in San Luis Arizona.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye

Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Fernando Villegas, Principal Planner, presented and summarized staff report recommending to forward Major General Plan Amendment Case No. 2021-0337 to City Council with recommendation of Denial. **Villegas** also stated that since the property is not adjacent to compatible uses, staff has no reason to recommend denial but since the City Council denied the other case to the north, now if approved, it will be surrounded by development.

Chairman Marco A. Pinzon asked did council give a reason for denial. **Villegas** responded it had to do with traffic along 24th Street and Avenue E. **Commission Member Javier Barraza** mentioned that at the last meeting the applicant they stated that they might come back for another major amendment taking everything out even they included the minor amendment that was denied, if this get deny is done? **Villegas** responded yes, we got a call from the applicant asking us if we were able to include both parcels on this major amendment. Since it was advertise for 20 acres only, it was not possible.

2. Call to the Public on this item

Jonathan Klein, Core Engineering Group, LLC, Thanked the Chairman and members of the commission time, consideration and work. We came original in two phase to open up some medium density residential consisting with surrounding uses needed in the east San Luis. This is a major amendment now, but if it gets deny we come back with another major amendment. Since this is a transition parcel, we could ask for high density residential zoning to buffer between residential and industrial land but that clearly would not satisfy council concerns regarding sewer treatment capacity or traffic that was brought up during on our denial. We are committed completing a successful project here in the City of San Luis and looking forward with working with commission, council and staff.

Commission Member George Amaya asked number of proposed lots for medium density residential. **Mr. Klein** responded 180 lots total. **Mr. Amaya** also asked if there were any concerns with the sewer capacity. **Villegas** responded no, I think there is an issue with the sewer capacity. I would have to do more research to be able to answer that question. We requested comments from all the departments and that was not one of the issues.

Nels Roger, Border Ranches, LLC, stated that the property to the north is own by the Sam Group exact same process minor and major amendment was approved. I have 88 acres to put another one hundred ninety lots for houses.

Vice Chairman Veronica Zavala stated that the denial that council gave was not clear. **Mr. Guzman** stated that the minor amendment was presented to the commission and staff recommended approval based on the reasoning that Vice Chairman mentioned. During the council meeting, council express their concerns regarding traffic and the traffic impact that this was to create. Staff mentioned to council that usually the traffic study is required at the subdivision stage but they made a motion to deny base on traffic concerns. **Commission Member Case Van Veen** mentioned that to the members of the commission does not make sense; we just approved the two areas above. **Villegas**, explained that staff is recommending denial based on the decision from City Council. The commission has the option of recommending approval, denial or continuance. The applicant is willing to do the traffic study and they are willing to contribute money for the traffic study. This was a requirement as part of the rezoning but the rezoning case was never presented.

B. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Guillermina Fuentes to close continue public hearing regarding Major General Plan Amendment Case No. 2021-0337. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

Kay Macuil, City Attorney, explained to members of the commission that no matter you vote it would have to go to the 27 of October meeting of Council because all major plan amendments have to be in a single public hearing in front of council.

C. Action on Major Amendment Case No. 2021-0337

MOTION: Commission Member Hugo Garcia / Chairman Marco A. Pinzon to Continue Major General Plan Amendment Case No. 2021-0337 to October 12, 2021 regular Planning Commission meeting. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. C. Public hearing followed by discussion only on any and all matters regarding Major Amendment Case No. 2021-0340. A request by Edais Engineering Inc. on behalf of Riedel Holdings LLC to change the land use designation of two parcels 180.9 acres in size from Commercial (C) and Employment (EMP) to Medium Density Residential (MDR). Assessor's Parcel Numbers 227-11-004 and 005, located on the southeast corner of County 23 1/2 Street and Avenue E in San Luis Arizona.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Fernando Villegas, Principal Planner, presented and summarized staff report recommending to forward Major Amendment Case No. 2021-0340 to City Council with recommendation of approval, to change the land use designation from commercial to medium density residential for parcel 227-11-005 as requested by the applicant and denial to change the land use designation from employment to medium density residential for parcel 227-11-004.

Chairman Marco A. Pinzon, asked on the Detention Center is there any issues with been certain distance to it. **Villegas** responded no, we think that is not a use that should be adjacent to residential development.

2. Call to the Public on this item

Najeh Edais, Edais Engineering, Inc. stated that the City of San Luis has good people, the planner and engineers really analyze this case extremely well. Creating a buffer between the wastewater treatment plant and the prison, and live it alone I think it is a good idea. We are satisfied with the recommendation and I think the property that is been recommended for approval is consistent with the general plan. We are fine with the portion that staff recommend denial. We

already design phase I and we are in the process of designing phase II. There is also water and sewer available. We are going to do whatever is needed to get water to the wastewater treatment plant. I think our discussing with the Public Works Department is to put a lift station there. Whatever is needed for development Mrs. Riedel has always done it. **Erick Gardner, Principal Engineer, Nicklaus Engineering, Inc.** stated that they finish the counts today and they have not review yet, but we have done quite a work there in the past. We do not have a lot of information yet but I am more than happy to answer any questions.

Buna George, Executive Director for Greater Yuma Port Authority, stated that nobody does not want to work together if we can come up with a one on one win situation.

Alberto Leon, San Luis, AZ Resident, stated that the reason he believes that one of the amendment tonight was approved is that we sought initiative by one of the developer. The traffic study was not require but they went ahead and did it. The amount of lots were there visual as shown in the master plan.

Russ Jones Customhouse Broker, stated that on education he lead and chair the committee that recommended the San Luis High School and lead and chair the committee that lead the bond issue that build San Luis High School. I do not have an objection to what the recommendation is from staff, because I can see a design here and my strong recommendation for this would be as a condition for development is the traffic both commercial and residential be filter down to 24th Street so the traffic can be contain. One of the primary reasons that we gave to the government to fund San Luis east was because of that spill we had and the volume of materials going thru right to the center of San Luis and schools. And that was one of the principal reasons for moving it out east and no of us thought development could get out that far. On the issue of traffic studies, while we were listening here, I spoke with my general manager and at the peak of our traffic here in San Luis east. We have four hundred northbound trucks a day, is not all day long because the Port is only open 9 to 10 hours per day. Then we have same amount of trucks that goes southbound, it is 800 trips a day every day during peak seasons. I look forward to the report of these traffic studies because we do physical count all the trucks every single day and we know how many cross.

B. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Guillermina Fuentes to close public hearing regarding Major General Plan Amendment Case No. 2021-0340. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

C. Action on Major Amendment Case No. 2021-0340

MOTION: Commission Member Hugo Garcia / Commission Member Javier Barraza to forward Major General Plan Amendment Case No. 2021-0340 to City Council with recommendation of approval to change the land use designation from Commercial to Medium Density Residential for parcel 227-11-005 as requested by the applicant and Denial to change the land use designation from Employment to Medium Density Residential for parcel 227-11-04. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Nay
Commission Member George Amaya	Aye

6. ADJOURNMENT

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza
adjourn the Regular Planning and Zoning Commission meeting at approximately
9:40 p.m.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	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 SEPTEMBER 21, 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: 10/12/2021

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

ITEM:

Public hearing followed by discussion only on any and all matters regarding Major Amendment Case No. 2021-0335. A request by DuBose Design Group, Inc. to change the land use designation of Assessor's parcels 227-14-006, 007, 008 and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002 and a portion of parcel 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), and parcels 227-11-006, 007 and 008 totaling 37.48 acres from Employment (EMP) to Commercial (C). **(ITEM CONTINUED FROM THE SPECIAL COMMISSION MEETING HELD SEPTEMBER 21, 2021)**

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the public on this item.
- B. Close Public Hearing
- C. Action on Major Amendment Case No. 2021-0335

BACKGROUND:

In 2019 Major Amendment Case No. 2019-0396 was withdrawn by the applicants for a similar request on the subject properties, this case was submitted under the City of San Luis 2020 General Plan. Later, on November 2020, the City adopted the 2040 General Plan.

A.R.S. § 9-461-06 H requires approval by affirmative votes of at least two-thirds of the members of City Council to pass a Major Amendment.

The City of San Luis 2040 General Plan identifies two existing land use categories in the area south of County 24th Street between Avenue E and Avenue D, Commercial (C) and Employment (EMP).

The approval of this major amendment will allow the applicants to rezone the subject properties to Medium Density Residential and Commercial zoning districts. The existing condition of the subject property is native desert undeveloped land zoned commercial (C2) and light industrial (LI).

ANALYSIS:

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.

Employment (EMP): The Employment (EMP) land use category is intended to provide areas with a focus on creating jobs to serve the community including warehouses, distribution centers, business parks,

corporate centers, research and development facilities, light industrial, and heavy industrial uses.

Zoning districts permitted within EMP: LI and HI

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, R2, MHS, MHP and PUD.

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

Parcels located east of the Avenue D ½ alignment are located outside the Central Growth Area identified in the 2040 General Plan. According to the adopted 2040 General Plan Growth Element, the City should prioritize growth in the growth areas identified on the General Plan since these areas are suitable for multi-modal transportation and for infrastructure expansion.

General Plan Policies:

Policy G-1.4: Preserve and protect areas designated for employment from encroachment by single-family residential or other incompatible uses.

The proposed residential land use change will be encroaching into employment land use designation in the area between Avenue D ½ and Avenue D. This proposal goes against this adopted policy since the applicant is not only requesting a land use change from Employment to Medium Density Residential but also is proposing residential development adjacent to employment in areas located to the south and east of this proposal.

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.

Infrastructure needs to be expanded for this proposal. Road improvements along all the existing arterial streets, a new sewer lift station to move wastewater to the existing east wastewater treatment plant and water line extensions or possibly a new water well in the area. According to the adopted City of San Luis 2040 General Plan, parcels located east of the Avenue D ½ alignment are located outside the Central Growth Area. Only the portion of the subject properties between Avenue E and Avenue D ½ are located inside the Central Growth Area where infrastructure is more likely to be expanded. In addition, the only road connection for this land use change is Avenue E. This request is partially in compliance with this adopted policy since new infrastructure needs to be constructed for this proposal.

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

This proposed land use change will be located adjacent to Commercial and Employment land use categories which some uses can be a compatible land use category with the proposed residential development. These land use categories will be located to the north and south. However, the adjacent properties located to the east are the location of the proposed solar wind energy tower. These adjacent properties are under contract with one of the applicants for the construction of the solar wind energy tower that would resemble a nuclear plant cooling tower design. This use will not be compatible with the proposed Medium Density Residential land use category. For this reason, this request is not in compliance with this adopted policy.

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

Development in the Central Growth Area is served and connected by Avenue E and County 24th Street. Both arterial roads are not fully improved. Although, the City public works department can request traffic studies for proposed subdivisions in accordance with public works standards, Avenue E is the only connection to Cesar Chavez Boulevard/SR-ASH. The applicant is not proposing a different route for road transportation for the proposed residential development. In addition, County 24th Street will be the only road access for the solar wind energy tower if approved. This request is not in compliance with this adopted policy.

Policy PS 6.1 Require new growth and development to construct and dedicate public utility infrastructure to serve the development including water, wastewater and storm water improvements.

The developer should be responsible for providing all the necessary improvements including road construction, water, wastewater, and storm water. The proposed residential development will be required to construct and dedicate public utility infrastructure to serve the new development.

The east wastewater treatment plant is located on Avenue D north of County 24th Street. A new lift station will be needed and possibly a new water well for this land use change. This request will be in compliance with this adopted policy if the developers construct and dedicate public utility infrastructure to serve the development.

Policy PS 14.1 Plan the siting of higher intensity uses along major roadway corridors, such as Avenue E and Cesar Chavez Boulevard/SR-ASH.

This proposed land use change, if approved, will allow Medium Density Residential development along major roadways, the residential land use is not considered a high intensity use. Residential development is being proposed along Avenue E and County 24th Street. This policy supports commercial and industrial uses adjacent to these major roadways only. For this reason, the request is not in compliance with the adopted policy.

APPROVAL CRITERIA: The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all 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 development in other areas.
 - c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems.
 - 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.

AGENCY REVIEW:

As part of the Major Amendment review process, this land use case was part of a 60- day review period and reviewed by various city and outside agencies. Staff received no comments during the 60-day review period.

As required by State Statute, staff has sent notification letters to property owners within 600 feet of the proposed project (15 letters). In addition, notification letters were sent to the property owners in the Magrino Industrial Park.

Staff received comment letters from the City Engineer, City Fire Department, Yuma County Development Services and ADOT for this case.

CITIZEN REVIEW MEETING:

A Citizen Review Meeting was held at City Hall on September 7, 2021 at the City Hall Council Chambers at 6:00 p.m. The purpose of the Citizen Review Meeting is to provide adjacent landowners and other potentially affected citizens an opportunity to ask questions and express any issues or concerns that they may have with the proposed amendment prior to the public hearing. 27 people were in attendance during the meeting.

SUMMARY:

Arizona Revised Statutes (A.R.S. §9-461.06(E)) require that cities over twenty-five thousand in population must hold two public hearings for any Major General Plan Amendment. The two or more public hearings must be held in two different locations on two different dates. The public hearings were held on September 14, 2021 and September 21, 2021. This item was continued from the September 21, 2021 public hearing.

The Council Meeting public hearing will be held on October 27, 2021 at 7PM at San Luis City Hall Council Chambers, 1090 E. Union Street, San Luis Arizona.

STAFF RECOMMENDATION:

Staff Recommends approval to change the land use designation from Employment (EMP) to Commercial (C) for parcels 227-11-006,007 and 008 totaling 37.48 acres. This land use change is in compliance with the adopted policies of the City of San Luis 2040 General Plan.

Staff recommends denial to change the land use designation of Assessor's parcels 227-14-006, 007, 008, and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002, and a portion of parcels 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), Since the request is not consistent or in compliance with the adopted policies of the City of San Luis 2040 General Plan and a portion is located outside the Central Growth Area.

RECOMMENDED MOTION:

A. I MOVE TO OPEN PUBLIC HEARING.

B. I MOVE TO CLOSE PUBLIC HEARING.

C. I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0335 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL TO CHANGE THE LAND USE DESIGNATION FROM EMPLOYMENT TO COMMERCIAL AND DENIAL TO CHANGE THE LAND USE DESIGNATION FROM COMMERCIAL AND EMPLOYMENT TO MEDIUM DENSITY RESIDENTIAL.

Attachments

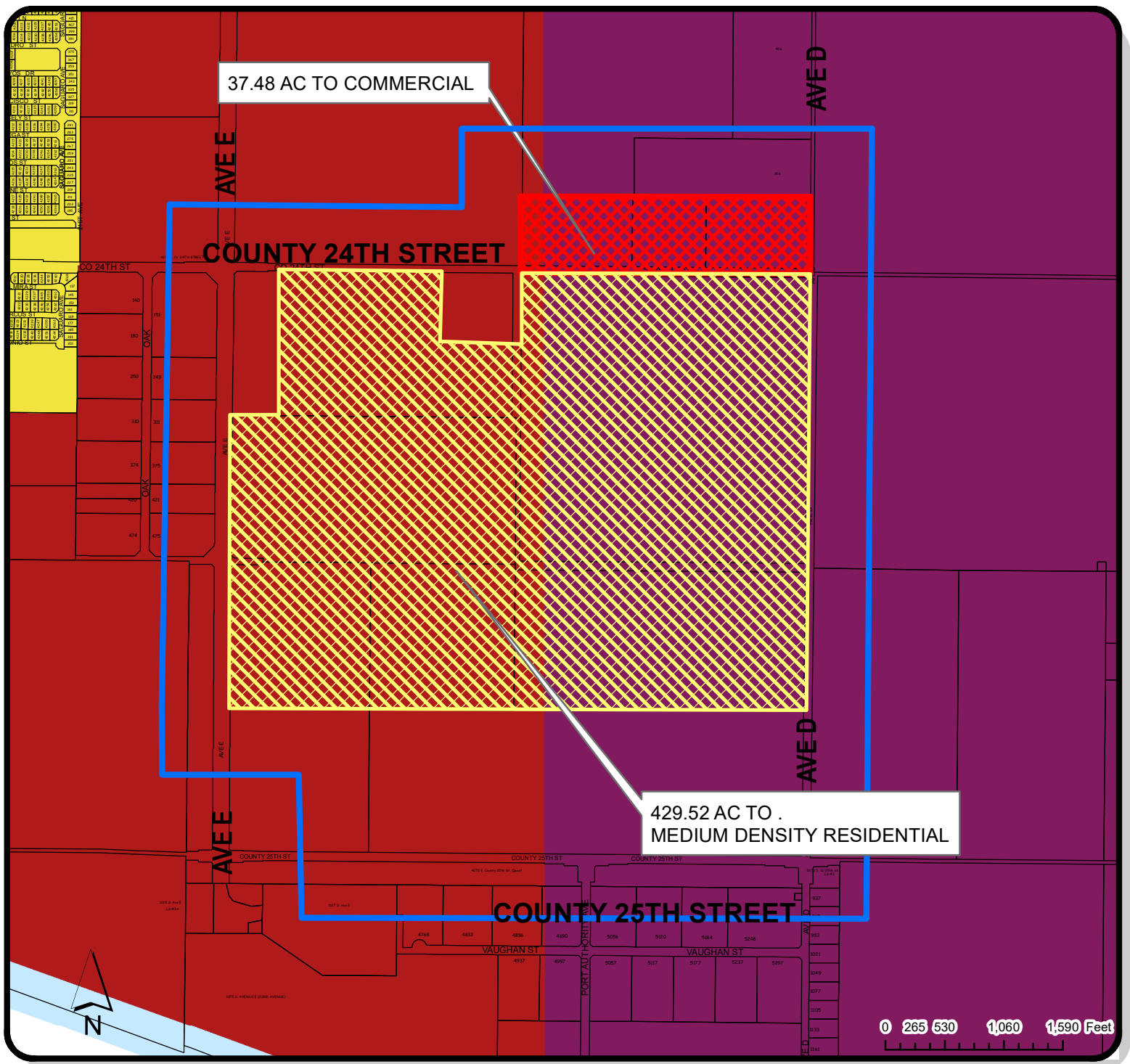
Location Map
Staff Report

Applicant Narrative

Comment Letters

Pre annexation agreement

Presentation



LOCATION OF SUBJECT PROPERTY

PARCELS: 227-11-006, 227-11-007, 227-11-008, 227-14-001
227-14-002, 227-14-004, 227-14-006, 227-14-007, 227-14-008

LOCATION MAP

- Legend
LAND USE
- Medium Density Residential
 - High Density Residential
 - Commercial
 - Employment
 - Mixed Use Activity Center
 - Conservation

 600ft Notification Area

MAJOR AMENDMENT

CASE #
2021-0335

DATE:

5/6/20201

PLANNING & ZONING



GIS

CREATED BY:

ISAAC GUTIERREZ

CHECKED BY:

ROMAN PACHECO

APPROVED BY:

JOSE A. GUZMAN



Staff Report

Planning and Zoning Commission

September 14, 2021

Major Amendment 2021-0335:

REQUEST: To change the land use designation of Assessor's parcels 227-14-006, 007, 008, and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002, and a portion of parcels 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), and parcels 227-11-006, 007 and 008 totaling 37.48 acres from Employment (EMP) to Commercial (C).

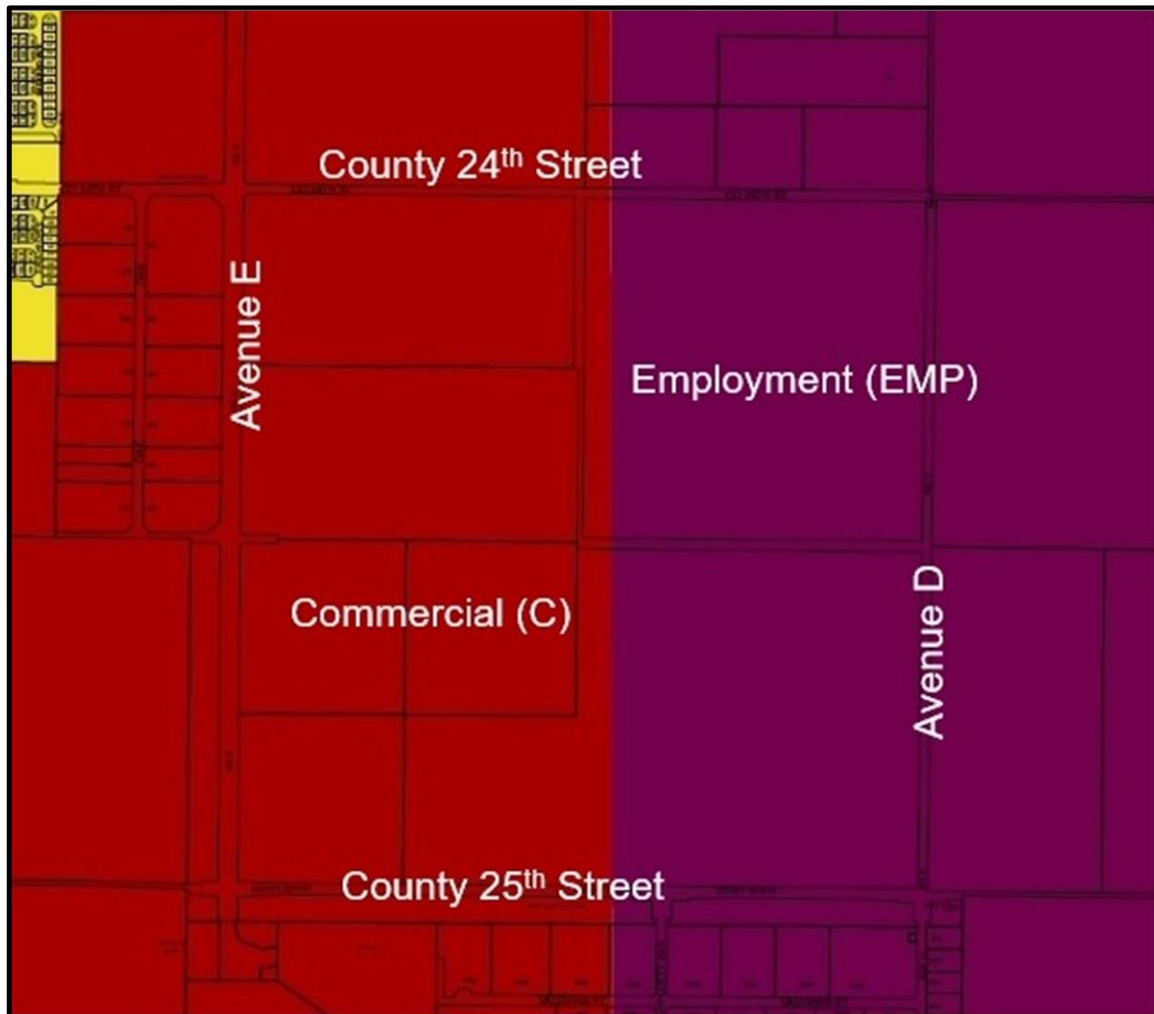
APPLICANT: DuBose Design Group, Inc. representing Von Verde Development LLC, Elizabeth Carpenter, David Loo and Moy Farming Company LLC.

DIRECTIONS: The parcels are located on the south east corner of County 24th Street and Avenue E in San Luis, Arizona.

BACKGROUND: In 2019 Major Amendment Case No. 2019-0396 was withdrawn by the applicants for a similar request on the subject properties, this case was submitted under the City of San Luis 2020 General Plan. Later, on November 2020, the City adopted the 2040 General Plan.

A.R.S. § 9-461-06 H requires approval by affirmative votes of at least two-thirds of the members of City Council to pass a Major Amendment.

GENERAL PLAN: The City of San Luis 2040 General Plan identifies two existing land use categories in the area south of County 24th Street between Avenue E and Avenue D, Commercial (C) and Employment (EMP), 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

Employment (EMP): The Employment (EMP) land use category is intended to provide areas with a focus on creating jobs to serve the community including warehouses, distribution centers, business parks, corporate centers, research and development facilities, light industrial, and heavy industrial uses.

Zoning districts permitted within EMP: LI and HI

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.

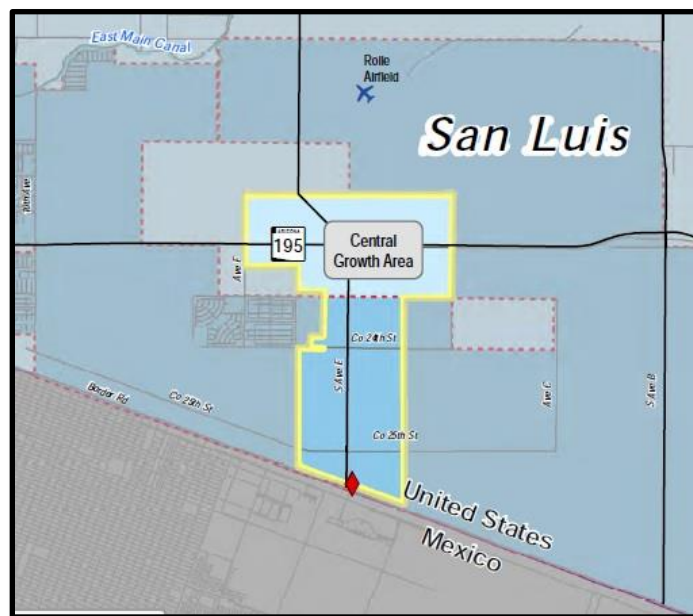
Zoning districts permitted within MDR: R1-6, R1-8, R1-12, R1-20, R1-35, R2, MHS, MHP and PUD.

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

The approval of this major amendment will allow the applicants to rezone the subject properties to Medium Density Residential and Commercial zoning districts. The existing condition of the subject property is native desert undeveloped land zoned commercial (C2) and light industrial (LI).

CRITICAL ISSUES: Parcels located east of the Avenue D ½ alignment are located outside of the Central Growth Area identified in the 2040 General Plan. According to the adopted 2040 General Plan Growth Element, the City should prioritize growth in the growth areas identified on the General Plan since these areas are suitable for multi modal transportation and for infrastructure expansion. The Central Growth Area in the City of San Luis is shown below:



Central Growth Area Map

General Plan Policies:

Policy G-1.4: Preserve and protect areas designated for employment from encroachment by single-family residential or other incompatible uses.

The proposed residential land use change will be encroaching into employment land use designation in the area between Avenue D ½ and Avenue D. This proposal goes against this adopted policy since the applicant is not only requesting a land use change from Employment to Medium Density Residential but also is proposing residential development adjacent to employment in areas located to the south and east of this proposal.

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.

Infrastructure needs to be expanded for this proposal. Road improvements along all the existing arterial streets, a new sewer lift station to move wastewater to the existing east wastewater treatment plant and water line extensions or possibly a new water well in the area. According to the adopted City of San Luis 2040 General Plan, parcels located east of the Avenue D ½ alignment are located outside the Central Growth Area. Only the portion of the subject properties between Avenue E and Avenue D ½ are located inside the Central Growth Area where infrastructure is more likely to be expanded. In addition, the only road connection for this land use change is Avenue E. This request is partially in compliance with this adopted policy since new infrastructure needs to be constructed for this proposal.

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

This proposed land use change will be located adjacent to Commercial and Employment land use categories which some uses can be a compatible land use category with the proposed residential development. These land use categories will be located to the north and south. However, the adjacent properties located to the east are the location of the proposed solar wind energy tower. These adjacent properties are under contract with one of the applicants for the construction of the solar wind energy tower that would resemble a nuclear plant cooling tower design. This use will not be compatible with the proposed Medium Density Residential land use category. For this reason, this request is not in compliance with this adopted policy.

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

Development in the Central Growth Area is served and connected by Avenue E and County 24th Street. Both arterial roads are not fully improved. Although, the City public works department can request traffic studies for proposed subdivisions in accordance with public works standards, Avenue E is the only connection to Cesar Chavez

Boulevard/SR-ASH. The applicant is not proposing a different route for road transportation for the proposed residential development. In addition, County 24th Street will be the only road access for the solar wind energy tower if approved. This request is not in compliance with this adopted policy.

Policy PS 6.1 Require new growth and development to construct and dedicate public utility infrastructure to serve the development including water, wastewater and storm water improvements.

The developer should be responsible for providing all the necessary improvements including road construction, water, wastewater, and storm water. The proposed residential development will be required to construct and dedicate public utility infrastructure to serve the new development.

The east wastewater treatment plant is located on Avenue D north of County 24th Street. A new lift station will be needed and possibly a new water well for this land use change. This request will be in compliance with this adopted policy if the developers construct and dedicate public utility infrastructure to serve the development.

Policy PS 14.1 Plan the siting of higher intensity uses along major roadway corridors, such as Avenue E and Cesar Chavez Boulevard/SR-ASH.

This proposed land use change, if approved, will allow Medium Density Residential development along major roadways, the residential land use is not considered a high intensity use. Residential development is being proposed along Avenue E and County 24th Street. This policy supports commercial and industrial uses adjacent to these major roadways only. For this reason, the request is not in compliance with the adopted policy.

APPROVAL CRITERIA: The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all 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.** There are no sites or properties located east of Avenue E designated for residential development. The land use plan only designates land located west of Avenue E for residential development. The Medium Density Residential land use designation can be allowed east of Avenue E only if the proposal is consistent with the goals and policies of the San Luis 2040 General Plan.
- 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.** The amendment is not an overall improvement to the San Luis 2040 General Plan because the request is not consistent with the goals and policies of the General Plan. For example, commercial development is not being proposed along Avenue E with residential

development on the back. However, commercial development is being proposed on the southeast corner of Avenue E and County 24th Street and in the north east corner of Avenue E and County 25th Street. In addition, residential development will be adjacent to property zoned heavy industrial to the east side along Avenue D and commercial development is compatible with the existing detention center and the wastewater treatment plant north of County 24th Street along Avenue D.

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;** Existing land use patterns are commercial and industrial only. This land use change will alter existing land use patterns in the area.
 - 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 development in other areas.** The proposed amendment will require additional and more expensive improvements to roads, sewer and water delivery systems, However, the existing land use designations of commercial and industrial could also require both extensive and expensive improvements.
 - c. **Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems.** The residential land use change will increase residential traffic in an area mainly designated for commercial and industrial uses. If approved, residential traffic will be combined with commercial trucking along Avenue E and County 24th Street.
 - d. **Affecting the livability of the area or the health and safety of the residents.** Currently, there are no residential development east of Avenue E. However, if the proposed Medium Density Residential land use change is approved, the health and safety of the new residents could be affected by existing and future industrial uses like the detention center, the east wastewater treatment plant and the solar wind energy tower if approved.
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.** Only the parcels adjacent to the east treatment plat are consistent with the goals and objectives of the General Plan since the request is for commercial land use designation. Residential development along Avenue E, County 24th Street and adjacent to heavy industrial zoning to the east is not consistent with the 2040 General Plan's overall intent, vision and goals and objective.

AGENCY REVIEW:

As part of the Major Amendment review process, this land use case was part of a 60-day review period and reviewed by various city and outside agencies. Staff received no comments during the 60-day review period.

As required by State Statute, staff has sent notification letters to property owners within 600 feet of the proposed project (15 letters). In addition, notification letters were sent to the property owners in the Magrino Industrial Park.

Staff received comment letters from the City Engineer, City Fire Department, Yuma County Development Services and ADOT for this case.

CITIZEN REVIEW MEETING:

A Citizen Review Meeting was held at City Hall on September 7, 2021 at the City Hall Council Chambers at 6:00 p.m. 27 people were in attendance during the meeting.

STAFF RECOMMENDATION:

Staff Recommends approval to change the land use designation from Employment (EMP) to Commercial (C) for parcels 227-11-006,007 and 008 totaling 37.48 acres. This land use change is in compliance with the adopted policies of the City of San Luis 2040 General Plan.

Staff recommends denial to change the land use designation of Assessor's parcels 227-14-006, 007, 008, and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002, and a portion of parcels 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), Since the request is not consistent or in compliance with the adopted policies of the City of San Luis 2040 General Plan and a portion is located outside the Central Growth Area.

RECOMMENDED MOTION:

I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0335 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL TO CHANGE THE LAND USE DESIGNATION FROM EMPLOYMENT TO COMMERCIAL AND DENIAL TO CHANGE THE LAND USE DESIGNATION FROM COMMERCIAL AND EMPLOYMENT TO MEDIUM DENSITY RESIDENTIAL.

Staff report prepared by:

Fernando Villegas

Principal Planner

Reviewed by:

Jose A. Guzman

Planning Director

Project Description

The application site is located in the City of San Luis, Arizona, just north of the San Luis II Commercial Port of Entry and Border Crossing. The applicant's are seeking a Major General Plan Amendment. It is the applicant's goal to create a more diversified land use configuration which will inhibit economic growth within the new development. Current configuration of land use was solely designated as industrial use. By diversifying the land use pallet, the applicants as well as the city is allowing for the diversification of land uses which vary from open space, residential, medium residential, high density residential, public facility, commercial and neighborhood commercial as well as leaving some of the existing acreage available for industrial uses as previously intended.

APNs are listed below in Table 1 identifying the parcels included in the major general plan amendment. the table identifies current land use designation and the propose land use designation.

Table 1

APN	APPLICANT	CURRENT LAND USE DESIGNATION	PROPOSED LAND USE DESIGNATION
227-11-006	VON VERDE DEVELOPMENT AZ LLC	Employment	General Commercial
227-11-007	VON VERDE DEVELOPMENT AZ LLC	Employment	General Commercial
227-11-008	VON VERDE DEVELOPMENT AZ LLC	Employment	General Commercial
227-14-002	VON VERDE DEVELOPMENT AZ LLC	Employment	Medium Density Residential
227-14-004	MOY FARMING COMPANY LLC	Employment	Medium Density Residential
227-14-004	MOY FARMING COMPANY LLC	Employment	Medium Density Residential
227-14-006	MOY FARMING COMPANY LLC	Employment	Medium Density Residential
227-14-006	MOY FARMING COMPANY LLC	Employment	Medium Density Residential
227-14-007	ELIZABETH CARPENTER	Commercial	Medium Density Residential
227-14-007	ELIZABETH CARPENTER	Commercial	Medium Density Residential
227-14-008	VON VERDE DEVELOPMENT AZ LLC	Commercial	Medium Density Residential
227-14-009	LOO DAVID	Commercial	Medium Density Residential

Infrastructure

There is an existing sewer plant in the area and an existing lift station at the corner of 25th and Ave D that would serve the southwest quadrant of the application. A new lift station will be required on the north west corner of Ave. D and 24th street to serve the balance of the property. All which can be paid though impact fees and or fair share cost of the property at the time of development. The same can be said about additional roads that would service the project area with potential funding assistance using state and federal funding. And creating a funding or assessment district in the area could also be a financing option.

Truck route planning is key to this application and switching in the future for truck traffic to connect trucks to Hwy 195 along Ave C, or further east to Ave B will be required. And when the East Port opens up further in the future that would allow cars and pedestrians to use that crossing, separating cars from the trucks will be beneficial. It will be important to carefully plan how the current truck traffic on Ave E continues with each phase of development in the Zone and Tentative Map stages.

Residential Locations and Public Facilities

The current development pattern is primarily residential, growing at a steady pace heading east down 24th approaching Avenue E. Avenue E is the west boundary of the project. This GPA will accommodate that residential growth pattern and will allow for more diverse development while allowing for some of the existing industrial use in the project area to remain.

The placement of the school site depicted on the application maps will accommodate for some of the students living in East San Luis which would eliminate the need for bussing those children to and from their current school site in the town of Somerton. Additional school sites will be required to serve the growth of student population in the application area and will be added later in the zone change and tentative map stage.

Cross Border Mirroring

By analyzing the existing cross border industrial development and land uses south of the border in San Luis Sonora and other border communities between Mexico and the US, the amount of industrial property currently in the General Plan is much more than what the city and community could reasonably expect to see develop in the future. By allowing for a diverse land use mix to the area, industrial development could benefit from having that diversity. The amount of industrial land planned left in our General Plan application would therefore provide a more realistic amount of industrial land use that would accommodate both existing and potential growth for the future in a way that will not hinder or impact any of San Luis economic development.

Smart Growth

The project land use design fits the smart growth pattern for opportunities to grow, work, and be mobile therefore reducing impacts to the environment by providing close to living, work and shopping proximity planning. By mixing these land uses it means building homes, offices, schools, parks, shops, restaurants, and other types of development would be near one another. In theory, mixed land uses bring more people to a neighborhood at a variety of times of day, which can support businesses, improve safety, and enhance the vitality of an area. Mixing land uses also makes it possible for people to live closer to where they work and also means they may not need to drive a car to get there. This approach can boost property values and keep them stable, protecting the investment of homeowners as well as tax revenues for city.



August 26, 2021

MAJOR GENERAL PLAN AMENDMEN CASE NUMBER: 2021-0335

CASE SUMMARY: A request by DuBose Design Group, Inc., on behalf of Von Verde Development LLC, Elizabeth Carpenter, David Loo and Moy Farming Company LLC., owners, to change the land use designation of Assessor's parcels 227-14-006, 007, 008, and a portion of parcel 227-14-009 totaling 197.97 acres from Commercial (C) to Medium Density Residential (MDR), parcels 227-14-002, and a portion of parcels 227-14-004 totaling 231.56 acres from Employment (EMP) to Medium Density Residential (MDR), and parcels 227-11-006, 007 and 008 totaling 37.48 acres from Employment (EMP) to Commercial (C).

A Citizen Review Meeting has been scheduled to enable interested parties the opportunity to meet with the applicant to ask and answer questions and address concerns. This review meeting is prior to any public hearing.

This Citizen Review Meeting will be held:
Tuesday the 7th day of September 2021 at 6:00 p.m. at the San Luis City Hall Council Chambers, 1090 E. Union Street, San Luis, Arizona.

PUBLIC HEARINGS: September 14 and 21, 2021

COMMENTS DUE: September 2, 2021

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted "as is" into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Commission hearing this case. Please complete the section below and return via e-mail. For additional information, please contact the Planning and Zoning Department at (928) 341-8563 or at P&Z@sanluisaz.gov.

Thank you,
Fernando Villegas
Principal Planner
Attachment: Location Map

COMMENTS NO COMMENTS

Enter Comments below:

The City of San Luis Fire Department has no comments at this time, but reserves the right to comment upon subsequent submittals.

Date: 08/30/21

Agency: The City of San Luis Fire Department

Phone: 928/341-8550

Return to: P&Z@sanluisaz.gov



August 26, 2021

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Thank you,
Fernando Villegas
Principal Planner

Attachment: Location Map

.....
 COMMENTS NO COMMENTS

Enter Comments below:

I reviewed the Major Amendment Cases, and while I do not usually do not have comments on land use cases, the one comment I do have on cases 2021-0335 and 2021-0340 is that there are properties involved with these cases that are adjacent to the City of San Luis' East Wastewater Treatment Plant. Should there be any buffers between especially the residential properties and perhaps some commercial properties and the treatment plan? To minimize potential odor complaints and other complaints.

Date: 09/06/21
Agency: JIM Davey, City Engineer
Phone: 928-782-7926
Return to: P&Z@sanluisaz.gov

Good morning, below is the ADOT Southwest District's comments on the major amendments to the 2040 City of San Luis General Plan. Thank you.

"ADOT Southwest District has no comment on the proposed land use change; however, we would like to request to review and comment on a Traffic Impact Analysis (TIA) once there is a specific development. Direct access to SR 195 from the development will not be permitted as this is an access-controlled highway."

Isabell Garcia
Development TES
Southwest District
P- (928) 317-2159
E-mail- IGarcia@azdot.gov



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2351 West 26th Street, Yuma, Arizona 85364
Phone: (928) 817-5000
Fax: (928) 817-5020

Craig Sellers, P.E., CPM
Director

Comments for City of San Luis, Arizona

Major General Plan Amendment Case Nos. 2021-0335, 0337 & 0340

Residential Development in the areas identified under the proposed major amendments will create incompatible land uses and allow for non-contiguous land use patterns. The subject properties are in close proximity to City of San Luis Commercial Port of Entry and abutting or surrounded by Commercial and Employment Land Use Designations. The Commercial and Employment Land Use Designations allow for a variety of commercial and industrial uses, including manufacturing, plants, warehouses, etc. which are conveniently located in close proximity to the Commercial Port of Entry and along a major transportation network (i.e Avenue E and County 24th Street which connect to the Area Service Highway). The allowance of the type of residential development being proposed to encroach upon and co-exist with high intensity commercial or industrial uses could be disruptive to both future residents and act contrary to the goals and objectives of the City of San Luis General Plan and the functions of the San Luis Commercial Port of Entry.

Date: 9/1/2021

Agency: Yuma County Department of Development Services, Planning and Zoning Division

Contact: Juan Leal Rubio, Senior Planner

Phone: 928-817-5176



Resolution

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

RESOLUTION NO. 936

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA APPROVING A PREANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN LUIS, ARIZONA AND SAN LUIS PORT II INDUSTRIAL PARK, L.L.C.

Whereas, San Luis Port II Industrial Park, L.L.C., an Arizona Limited Liability Company, desires to enter into a preannexation development agreement ("Preannexation Development Agreement") with the City of San Luis, Arizona ("City") to provide for the annexation and development of certain territory to be annexed into the City of San Luis; and

Whereas, A.R.S. §9-500.05 grants power to a municipality to enter into preannexation development agreements; and


Whereas, the parties to the Preannexation Development Agreement desire to enter into said agreement;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of San Luis, State of Arizona, as follows:


Section 1: That the Preannexation Development Agreement between the City of San Luis, Arizona and San Luis Port II Industrial Park, L.L.C. as attached hereto as Exhibit "A", is hereby approved.

Section 2: That the appropriate City officials are hereby authorized and directed to enter into said agreement on behalf of the City and take any all actions as may be necessary to effectuate said agreement.

PASSED AND ADOPTED by the Mayor and Common Council of the City of San Luis, Arizona, this 27th day of April, 2011.

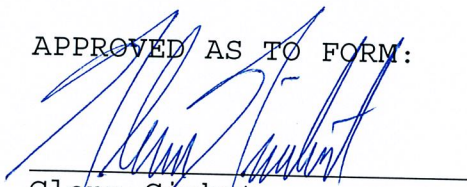

for Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut
City Attorney

PREANNEXATION
DEVELOPMENT AGREEMENT

ANNEXATION CASE NO. 2010-01

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into this 27th day of April, 2011 ("Effective Date"), by and between San Luis Port II Industrial Park LLC, 10602 Camino Del Sol, Yuma Arizona 85367 (the "Developer") and the City of San Luis, an Arizona municipal corporation (the "City"). This Agreement is entered into pursuant to City Resolution Number 936.

RECITALS

- A. WHEREAS, A.R.S. § 9-500.05 authorizes the City to enter into development agreements with landowners and persons having an interest in real property that is located in the City as well as pre-annexation development agreements to provide for development of property after its annexation;
- B. WHEREAS, Developer will be the owner of land contiguous to the municipal limits of the City, and is surrounded on at least three sides by the City;
- C. WHEREAS, the Developer desires to annex this property into the City and to establish certain terms and conditions regarding development of its property; and
- D. WHEREAS, the City's governing body has authorized execution of this Agreement by Resolution No. 936, a draft of which is attached to this Agreement.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

ARTICLE 1. DEFINITIONS

The following terms shall have the meanings set forth below whenever used in this Agreement, except where the context clearly indicates otherwise:

- 1.1. "City" shall mean and refer to the City of San Luis, an Arizona municipal corporation, and any successor public body or entity.
- 1.2. "Developer" shall mean and refer to San Luis Port II Industrial Park LLC, an Arizona limited liability company, successor(s), or nominee.

1.3 "Improvements" shall mean and refer to all public improvements which may be constructed from time to time in and around the Property.

1.4 "Improvement Costs" shall mean and refer to all costs, expenses, fees and charges actually incurred and paid to contractors, architects, engineers, surveyors, third-party construction managers, governmental agencies and other third parties for materials, labor, design, engineering, surveying, land acquisition, site excavation and preparation, governmental permits, payment and performance bonds, and other costs and expenses reasonably necessary for the construction or installation of one or more Improvements. "Improvement Costs" shall not include any profit to or mark-up by any person or entity seeking payment under a buy-in or other payment agreement, or their affiliates, and any other costs or expenses not reasonably necessary for the construction or installation of the Improvements.

1.5 "Property" as used in this Agreement shall mean and refer to all of the real property which is shown in Exhibit A (Annexation Map) and legally described as:

S1/2 S1/2 SE1/4 of Section 11, Section 13 and Section 14, T 11 S, R 24 W,
G.&S.R.B.&M. Yuma County Arizona.

1.6 "Street Standards" shall mean and refer to the street standards which govern the design and construction of the Improvements for public streets required under each subdivision plat approved for all or any portion of the Property, and shall be the street standards set forth in the City of San Luis subdivision ordinance in effect at the time the applicable subdivision plat is approved by City Council, subject to the following: (a) the subdivision ordinance in effect on the Effective Date is the City of San Luis Subdivision Ordinance, July 8, 2008 Edition and the Street Standards set forth therein shall govern the public street Improvements that are part of the public infrastructure requirements for the initial subdivision plat for the Property being processed concurrently with the Zoning Approvals (defined below); (b) the infrastructure requirements and total right-of-way for Avenue D, Avenue C, and County 25th Street shall be as provided in Section 3.2, Section 3.3, and Section 3.4, respectively, and any and all Street Standards applicable to such streets are hereby modified reflect the right-of-way widths and infrastructure requirements of such Sections; and (c) Developer is authorized to install flat curbs within the portions of the Property zoned as industrial, as provided in Section 3.11 hereof, and any and all Street Standards applicable to such curbs are hereby modified to be consistent with the provisions of Section 3.11.

ARTICLE 2. ANNEXATION; WAIVER

2.1 Proposition 207 Waiver. Developer hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property, as a result of the City's approval of the Annexation Ordinance (defined herein), the City's approval of the City ordinance granting the Zoning Approvals (defined herein) and enforcement of the conditions to such approval set forth in such zoning ordinance (provided that Developer agrees to the inclusion of such conditions in the zoning ordinance), and the City's approval of, and performance under, this Agreement. The

terms of this waiver shall run with the land and shall be binding upon all subsequent landowners and shall survive the expiration or earlier termination of this Agreement.

2.2 Annexation Petition. City, having held public meetings thereon, has filed in the office of the Recorder of Yuma County a blank petition, as required by A.R.S. § 9-471, setting forth a description and an accurate map of all the exterior boundaries of the Property (the "Annexation Petition"). After the Annexation Petition is consented to and signed by Developer, City shall comply with the requirements of A.R.S. § 9-471 and, if determined to be in the best interest of City, adopt an ordinance annexing the Property into the municipal boundaries of City ("Annexation Ordinance"). Notwithstanding the foregoing, the City agrees that Developer's consent to the Annexation Petition is expressly conditioned on the approval and entering into of this Agreement by City and the granting of the zoning approvals in the corresponding zoning case considered for approval by City Council immediately after approval of the Annexation Petition ("Zoning Approvals").

ARTICLE 3. PROVISIONS FOR WASTEWATER MANAGEMENT PLANS; OPTION TO PURCHASE; DEVELOPMENT OF PROPERTY; AND RIGHTS-OF-WAY

3.1 Duration of Development Agreement. The term of this Agreement shall commence on the Effective Date, and shall terminate on the date which is 30 years after the Effective Date. If the proceedings to annex the Property into the City have not been completed on or before December 15, 2011, or such later date as agreed to by City and Developer, the provisions of this Agreement shall be deemed to not have become operative and this Agreement shall terminate and have no further force or effect. If the Agreement is so terminated, Developer may record a document evidencing such termination in the land records of Yuma County.

3.2 Avenue D. Avenue D shall be a public street from County 24th Street to County 25th Street. Avenue D from the northern boundary of the Property to County 25th Street shall be a Major Collector street, with a total right-of-way of 80 feet along the alignment shown on Exhibit B. Within one-year after the Effective Date, provided that the Property's annexation into the City has been completed, Developer shall dedicate, through quit-claim deed or map of dedication, the portion of the Property east of Avenue D between County 24th Street and County 25th Street necessary to increase the right-of-way for that portion of Avenue D to 80 feet, provided that the total amount of such dedication shall not exceed a width of 34 feet. As part of the public improvement requirements for each Subdivision Plat approved for any portion of the Property that abuts Avenue D, Developer shall design, construct, and install the half-street improvements for that portion of Avenue D included within such Subdivision Plat in accordance with the Street Standards, provided that Developer's obligation to design, construct or install any portion of Avenue D shall be limited to the portion of Avenue D which directly abuts the portion of the Property that Developer is then developing. Such public improvement requirements shall not include the relocation of all or any portion of the power poles of the Arizona Public Service Corporation (the "Power Poles"). City agrees that Developer shall have no obligations with respect to the Power Poles, including, without limitation no obligation to relocate or underground the Power Poles, or locate new power poles in the same or a different location.

3.3 Avenue C. Avenue C shall be a public street from County 24th Street to County 25th Street. Avenue C shall be a Major Collector street, with a total right-of-way of 80 feet along its current section-line alignment. As part of the public improvement requirements for each Subdivision Plat approved for any portion of the Property that abuts Avenue C, Developer shall dedicate, through a subdivision plat dedication or map of dedication, the portion of such Property within the Subdivision Plat that is necessary to increase the half-street right-of-way for Avenue C, west from centerline, to 40 feet, provided that the total amount of such dedication shall not exceed 7 feet. As a further part of the public improvement requirements for each such Subdivision Plat, Developer shall design, construct, and install the half-street Improvements for that portion of Avenue C included within such Subdivision Plat in accordance with the Street Standards, provided that Developer's obligation to design, construct or install any portion of Avenue C shall be limited to the portion of Avenue C which directly abuts the portion of the Property that Developer is then developing.

3.4 County 25th Street. County 25th Street shall be a public street along its current section-line alignment; and shall be classified as a Minor Arterial with a total right-of-way of 100 feet. At the time of recordation of each Subdivision Plat approved for any portion of the Property that abuts County 25th Street, Developer shall dedicate, through a subdivision plat dedication or map of dedication, the portion of such Property necessary to increase the right-of-way for County 25th Street to 100 feet. As part of the public improvement requirements for each Subdivision Plat approved for any portion of the Property that abuts County 25th Street, Developer shall design, construct, and install the half-street Improvements for the portion of County 25th Street included within such Subdivision Plat in accordance with the Street Standards, provided that Developer's obligation to design, construct or install any portion of County 25th Street shall be limited to the portion of County 25th Street which directly abuts the portion of the Property that Developer is then developing. Notwithstanding the foregoing, City agrees that the public improvement requirements and City design standards require Developer to only dedicate the half-street right-of-way for County 25th Street. Developer's agreement to dedicate the full-street right-of-way has been made in consideration of the City's agreements, herein, including without limitation, the City's agreements set forth in Section 3.6.

3.5 Signalization at Avenue E and County 24th Street and at Avenue E and County 24 ½ Street. Those Improvements needed within the City right-of-way shall be at the cost of the City. Prior to signalization, the City agrees to place 4-way stop signs at the intersection of Avenue E and County 24th Street and/or County 24 ½ Street as conditions may warrant in the City's discretion. At such time as a traffic signal is warranted at the intersection of Avenue E and County 24th Street, Developer (or succeeding parties) shall participate in the cost of signalization equal to ¼ of the total cost. At such time as a traffic signal is warranted at the intersection of Avenue E and County 24 ½ Street Developer (or succeeding parties) shall participate in the cost of signalization equal to ¼ of the total cost.

3.6 Wastewater Management Plans and Access to Water and Wastewater Mains. The City hereby modifies the City of San Luis East Master Sewer Service Area Map to change the service boundary line of Service Area # 2 and Service Area # 3 as follows:

- The south half of Section 13, T 11 S, R 24 W, G. & S.R.B.&M. that is currently located on Service Area #3 will be incorporated into Service Area # 2 ("Area #2 Property");
- The north half of Section 14, T 11 S, R 24 W, G. & S.R.B. & M. that is currently located on Service Area #2 will be incorporated into Service Area #3 ("Area #3 Property").

After the Effective Date, Service Area #2 and Service Area #3 shall have the service boundary lines set forth on Exhibit C hereto. The City shall take all actions necessary to effectuate the change in the boundaries of the Service Areas described in this Section 3.6.

The City's current sewer lift station, located as depicted on Exhibit C, shall serve the Area #3 Property ("Area #3 Lift Station"). In consideration of the full-street dedication for County 25th Street and other Developer agreements set forth herein, the City shall allow the wastewater collection system for the Area #3 Property to connect to the Area #3 Lift Station. The City shall allow for such connection and the connection of the Area # 3 Property to the City's wastewater collection system without such connection being subject to any infrastructure reimbursement requirements, buy-in-fees, or any other fees or costs related to infrastructure costs for such wastewater collection system, including, without limitation the Area #3 Lift Station, save and except regular impact fees (defined under ARS § 9-463.05 as development fees). The City represents and warrants that the City owns the Area #3 Lift Station and has the authority, without further approval, to allow the Area #3 Property to be connected to the Area #3 Lift Station in accordance with the provisions of this Section 3.6.

Within one-year after the Effective Date, provided that the Property's annexation into the City has been completed, Developer shall convey by quit-claim deed the following described land ("Lift Station Land"):

*That part of the Southeast Quarter of Section 11, Township 11 South, Range 24 West of the Gila and Salt River and Meridian, Yuma County, Arizona, more particularly described as follows:
Beginning at the Southwest corner of the Southeast Quarter of Section 11,
Thence N 00°26'29" Ea distance of 659.62 feet along the West line of the Southeast Quarter to a point;
Thence S89031'30" Ea distance of 2,506.18 feet to **The True Point of Beginning**;
Thence continuing S89 31 '30"E a distance of 100.00 feet to a point;
Thence S00027'38"W a distance of 100.00 feet to a point;
Thence N89031 '30"W a distance of 100.00 feet to a point;
Thence N0o027'38"E a distance of 100.00 feet to **The True Point of Beginning**;
Containing 0.23 acres more or less.*

The fair market value of the Lift Station Land is hereby determined to be \$75,000 per acre (the "Fair Market Value").

City shall cause the construction of the Sewer Lift Station for Service Area #2 in a manner that allows for Service Area #2 to receive wastewater collection services from the City. At the time of development, City shall connect the portion of the Property within Service Area #2 to the

City's wastewater collection system through the Sewer Lift Station for Service Area #2. City and Developer acknowledge that all of Service Area #2 shall be subject to a payment agreement for the total Improvement Costs for the construction of the Lift Station. City agrees that the Fair Market Value of the Lift Station Land shall be credited as a payment against the total amount owed by all or any portion of the Property under such payment agreement

- Developer shall have access to the water main located on County 24th Street, east of Ave. E, and may be able to tap into or otherwise use the main without having to pay, or otherwise be assessed, a special charge for the development and/or cost of construction of said main. The then current owner or developer of each portion of the Property being developed shall at all times pay all applicable regular impact fees (defined under ARS § 9-463.05 as development fees), utility fees, or building permit fees of the City.
- Developer shall have access to the sewer line located on Ave. E south of County 24th Street and may be able to tap into or otherwise use the sewer line without having to pay, or otherwise be assessed, a special charge for the development and/or cost of construction of said main. The then current owner or developer of each portion of the Property being developed shall at all times pay all applicable regular impact fees (defined under ARS § 9-463.05 as development fees), utility fees, or building permit fees of the City.

3.7 Public Safety Facilities. From undeveloped land on the parcel described on Exhibit D hereto (the "Additional Land"), Developer agrees to dedicate, to the City of San Luis, property in an amount not to exceed 5 acres, for only the construction and use by the City of a facility to be used for City governmental purposes (the "Government Facilities Land"). The Government Facilities Land shall be conveyed to City subject to deed restrictions which shall provide that the Government Facilities Land shall be only used by the City for the construction and use of a facility for City governmental purposes, and if (a) a City governmental facility is not constructed on the Governmental Facilities Land within 10-years from the date of the conveyance, or (b) the Government Facilities Land ceases to be used for a City governmental purpose, or (c) the City conveys, leases or otherwise transfers its ownership or possessory interest in the Government Facilities Land, then Developer shall have the right to cause title in the Government Facilities Land to revert back to Developer. City may designate, as the Government Facilities Land, a portion of the Additional Land which has a frontage on County 24th Street. The City shall assume any and all responsibility for environmental assessment and/or remediation, if needed or necessary. City agrees to exercise this designation on or before November 1, 2011.

The City shall allow all of the Additional Land (including the Government Facilities Land) to be connected to the City's water system and wastewater collection system. The connection of the Additional Land to the City's wastewater collection system shall be made through the main sewer line and not by connection to a Sewer Lift Station. At the time City develops the Government Facilities Land, City shall construct all infrastructure Improvements, at its own cost and expense, necessary for the connection of the Additional Land to the City's water system and wastewater collection system, provided that Developer shall dedicate to the City, without charge to the City, the public utility easement required for the installation of water and sewer

lines necessary for such connection. If Developer develops the Additional Land before development of the Government Facilities Land, Developer shall construct such infrastructure Improvements at its own cost and expense, provided that Developer's infrastructure requirements shall only require Developer to connect the Additional Land to the City's wastewater system through the main sewer line, and there shall be no requirement to install a Lift Station to serve the Additional Land.

3.8 Access on Avenue E. At the present time, access on Avenue E between the County 24th Street alignment and the County 25th Street alignment is restricted to every half-mile (County 24th Street, County 24-1/2 Street, and County 25th Street). At such time as additional access to any private property located on the west side of Avenue E is granted access on Avenue E, City agrees to use its best efforts to grant the same degree of access to the portion of the Property located on the east side of Avenue E between the two aforementioned alignments. It is understood that this subsection is conditioned upon the City's right, power, or authority to grant access. It is also understood that the promise to use its best efforts is not a promise of access.

3.9 Zoning. Developer shall have the right to apply for zoning changes, and as long as the proposed change in zoning is in conformance with the most current City of San Luis General Plan, City agrees that staff will recommend approval, subject to such conditions as may reasonably be deemed appropriate and are allowable under applicable law. City agrees that the Property may be developed in accordance with the zoning designation applicable to the Property, any site plans or subdivision plats for the Property approved by City through its normal and customary site plan or subdivision plat approval process (respectively, the "Site Plans" or the "Subdivision Plats"), and the provisions of this Agreement, and such right shall be vested as of the Effective Date for the term of this Agreement. City agrees that the Developer has the right to apply for rezoning for each portion of the Property without charge during the period beginning January 1, 2011 and ending on the date which is forty-eight months after the date on which the Annexation Ordinance becomes effective. During that forty-eight month period, the Developer agrees to pay for all legal publications including notice of Public Hearing(s) and the final publication of the Ordinance.

3.10 Avenue E streetscape. At the time of development of any portion of the Property that abuts Avenue E, the Developer agrees to install xeriscape landscaping in the parkway between the property line and the edge of the paved surface of the portion of Avenue E between (a) the mid-way point between County 25th Street and County 24 ½ Street (i.e., the County 24 ¾ Street alignment), and (b) the mid-way point between County 24 ½ Street and County 24th Street (i.e., the County 24 ¼ Street alignment). The number and type of landscaping shall be in accordance with the landscaping standards attached hereto as Exhibit E. The design of the landscaping, sidewalks, storm water retention/detention elements, and/or fencing shall be part of the subdivision improvement plans and drawings that will be subject to City approval pursuant to the City of San Luis subdivision ordinance then in effect at the time the applicable subdivision plat is approved by City Council. Stormwater facilities for the adjacent street may be incorporated within the landscaping. The City will maintain the landscaping and storm water retention upon acceptance of these Improvements. City agrees that Developer may take time to develop the landscaping and sidewalks, and may take up to three years to do so from the

date of the subdivision plat approval. In the event the other Improvements to the subdivision are developed ahead of said landscaping and sidewalks, the delay in sidewalk and landscaping development shall not delay acceptance by the City of the other Improvements. At all times, any adequate assurances posted for development of Improvements shall be adjusted to reflect the value of outstanding offsite Improvements and any warranty period pursuant to the Subdivision Ordinance of City.

3.11 Use of flat curbs. Developer may use flat curbs within the portions of the Property which are zoned as Industrial. Said flat curbs shall be constructed to City of San Luis Construction Standards (or other generally applicable engineering standards adopted by the City through its normal and customary adoption process), provided, that Developer shall not be required to install sidewalks within the portions of the Property in which Developer uses flat curbs. The Developer shall use vertical curbs within the portions of the Property which are zoned as Commercial. All curbs on Avenue E, Avenue D, Avenue C, County 24th Street, or County 25th Street shall be vertical curbs regardless of zoning.

3.12 Design, Construction and Dedication. Improvements shall be designed, constructed and dedicated in accordance with applicable laws, including, without limitation, the City's normal and customary plan submittal, review and approval processes, day-to-day inspection requirements, and insurance requirements. When the Improvements, or a discrete portion thereof, are completed, then upon written request of City or Developer, Developer shall dedicate and City shall accept such Improvements. City shall grant all rights, licenses, easements, and rights of entry necessary to permit Developer to construct the Improvements within the public rights-of-way.

ARTICLE 4. INDEMNIFICATION

4.1 Developer agrees to defend, indemnify and hold harmless City, its officers, officials and employees ("Indemnified Group") for liability from and against claims, damages, losses and expenses of any nature whatsoever (including but not limited to reasonable attorney expense), relating to, arising out of, resulting from the Developer's negligent acts or omissions or intentional torts which relate to Developer's performance under this Agreement, including but not limited to work or services provided in the performance of this Agreement by Developer's subcontractors or any one directly or indirectly employed by or contracting with the Developer or subcontractor or by anyone for whose acts Developer may be liable. Notwithstanding the foregoing, the provisions of this Section 4.1 do not extend to any liability, claims, damages, losses or expenses which result from the negligent acts or omissions, or intentional torts of the City, for which the City agrees to indemnify and hold harmless Developer, its officers, directors, partners, shareholders, managers, members and employees for liability from and against claims, damages, losses and expenses of any nature whatsoever (including but not limited to reasonable attorney expense).

4.2 If any claim, action or proceeding is brought against the Indemnified Group, by reason of any event that is the subject of this Agreement, Developer (at its sole cost and expense) shall pay, resist or defend such claim or action on behalf of the Indemnified Group by the attorney of

the Developer, or if covered by insurance, the insurer, all of which must be approved by City, which approval will not be unreasonably withheld, conditioned or delayed. The City shall cooperate with all reasonable efforts in the handling and defense of such claim. Notwithstanding the foregoing, the City may engage its own attorney to defend or assist in its defense if Developer neglects or refuses to provide an adequate defense, and the Developer shall pay the reasonable costs and expenses thereof.

4.3 Any settlement of claims must fully release and discharge the Indemnified Group from any liability for such claims. The release and discharge shall be in writing and shall be subject to approval by the City, which approval shall not be unreasonably withheld, conditioned or delayed. If Developer neglects or refuses to defend any of the Indemnified Group for a claim covered by the indemnity set forth in Section 4.1, any recovery or judgment against the Indemnified Group for a claim covered by such indemnity shall conclusively establish the amount of Developer's liability to the Indemnified Group in connection with such recovery. If the City desires to settle any claim covered by the indemnity set forth in Section 4.1 for which Developer neglects or refuses to defend, the City shall be entitled to settle such claim in good faith and Developer shall be liable for the amount of such settlement and all expenses in connection with such settlement. Any dispute between the parties regarding whether or not a claim is covered by the indemnity set forth in Section 4.1, or whether Developer has neglected or refused to provide a defense, shall be resolved in accordance with the provisions of Section 5.2.

4.4 The indemnity provisions of this Agreement shall survive the termination of this Agreement.

ARTICLE 5. MEDIATION AND DEFAULT

5.1 **Representatives.** To further the cooperation of the parties in implementing this Agreement, the City and Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and the Developer. The initial representative for the City (the "City Representative") shall be the City Manager and the initial representative for the Developer shall be its project manager, as identified by the Developer from time to time (the "Developer Representative"). The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this Agreement and the development of the Property.

5.2 **Mediation.** In the event that there is a dispute hereunder which the parties cannot resolve between themselves, the parties agree that there shall be a forty-five (45) day moratorium on litigation during which time the parties agree to attempt to settle the dispute by nonbonding mediation before commencement of litigation. The mediation shall be held under the commercial mediation rules of the American Arbitration Association. The matter in dispute shall be submitted to a mediator mutually selected by Developer and the City. In the event that the parties cannot agree upon the selection of a mediator within seven (7) days, then within three (3) days thereafter, the City and the Developer shall request the presiding judge of the Superior Court in and for the County of Yuma, State of Arizona, to appoint a mediator from a list

of mediators maintained by the Arizona Municipal Risk Retention Pool. The cost of any such mediation shall be divided equally between the City and Developer. The results of the mediation shall be nonbinding on the parties, and any party shall be free to initiate litigation subsequent to the moratorium.

5.3 Default. Failure or unreasonable delay by any party to perform any term or provision of this Agreement for a period of ten (10) days after written notice thereof from another party shall constitute a default under this Agreement. If the default is of a nature which is not capable of being cured within ten (10) days, the cure shall be commenced within such period, and diligently pursued to completion. The notice shall specify the nature of the alleged default and the manner in which the default may be satisfactorily cured. In the event of a default hereunder by any party, the non-defaulting party shall be entitled to all remedies at both law and in equity, including, without limitation, termination, specific performance, and/or the right to perform the obligation (s) of which the defaulting party is in default and to immediately seek reimbursement from the defaulting party of all sums expended in order to cure such default, together with interest, at the rate of 10% per annum, on all such sums from the date said sums are expended by the non-defaulting party for the purpose of curing the default to the date such sums are paid in full.

ARTICLE 6. CONFLICT OF INTEREST; REPRESENTATIVES NOT INDIVIDUALLY LIABLE.

6.1 Conflict of Interest. Pursuant to Arizona law, rules and regulations, no member, official or employee of the City shall have any personal interest, direct or indirect in this Agreement, nor shall any such member, official or employee participate in any decision relating this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested.

6.2 No Personal Liability. No member, official or employee of the City shall be personally liable to Developer, or any successor or assignee, (a) in the event of any default or breach by the City, (b) for any amount which may become due to the Developer or its successor or assign, or (c) pursuant to any obligation of the City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Developer under this Agreement shall be limited solely to the assets of Developer and shall not extend to or be enforceable against: (i) the individual assets of any of the individuals or entities who are shareholders, members, managers constituent partners, officers or directors of the general partners or members of Developer; (ii) the shareholders, members or managers or constituent partners of Developer; or (iii) officers of Developer.

ARTICLE 7. MISCELLANEOUS PROVISIONS

7.1 Notices. All notices and communications provided for herein, or given in connection herewith, shall be validly made if in writing and delivered personally or sent by registered or certified United States Postal Service mail, return receipt requested, postage prepaid to:

parties to this Agreement or by their successor in interest or assigns. The City shall record the amendment or cancellation in the official records of the Yuma County Recorder.

7.7 Severability. If any other provision of the Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

7.8 Governing Law. The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. The parties agree that venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Yuma County, Arizona, and the parties hereby waive any right to object to such venue.

7.9 Recordation of Agreement and Subsequent Amendment; Cancellation. This Agreement, and any amendment or cancellation of it shall be recorded in the official records of the Yuma County Recorder no later than ten (10) days after the City and the Developer execute such agreement amendment or cancellation, as required by A.R.S. § 9-500.05.

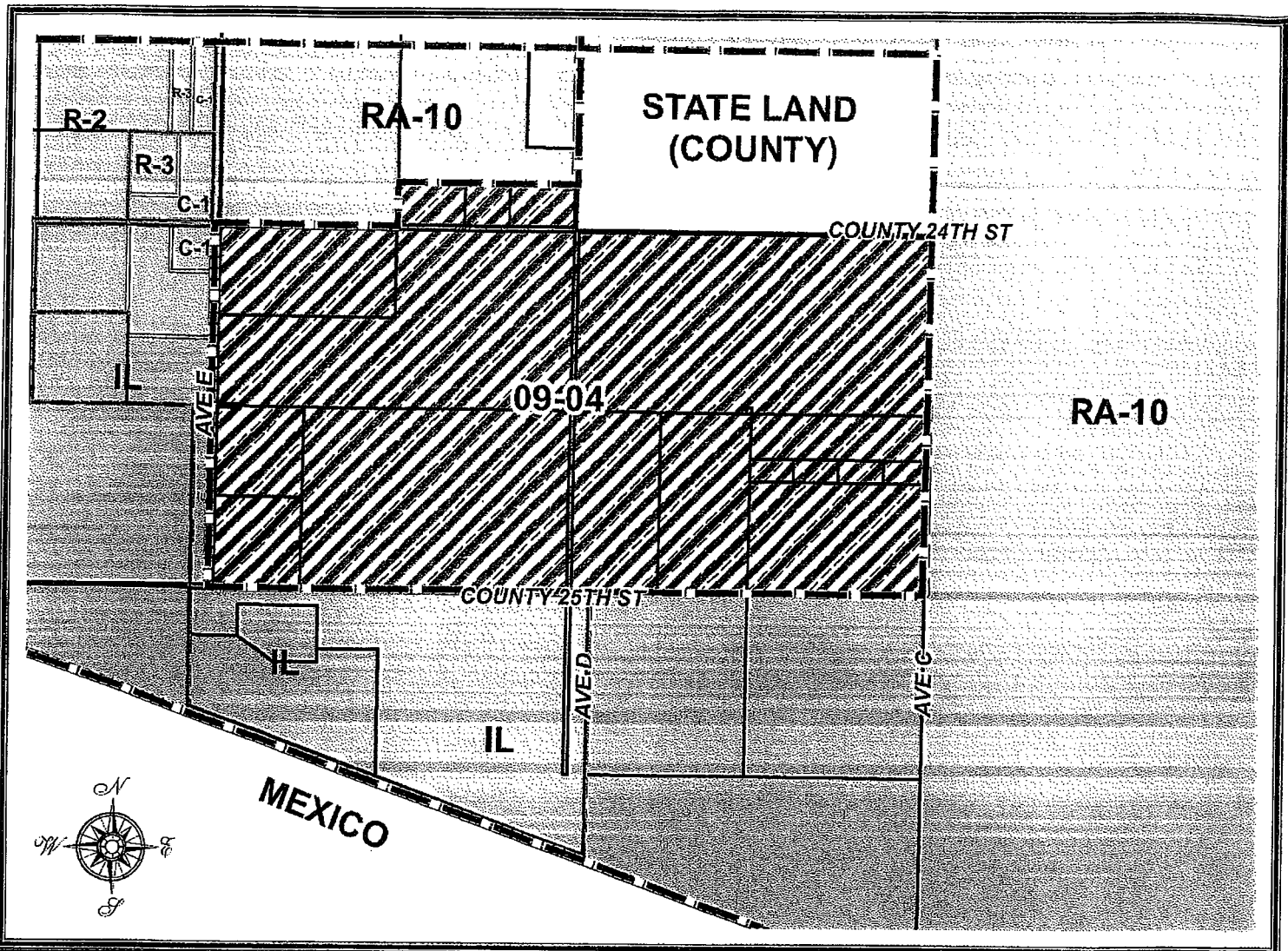
7.10 Attorney's Fees and Costs. If either party brings a legal action either because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing party will be entitled to reasonable attorney's fees and court costs.

7.11 Notice of Conveyance or Assignment. The Developer shall give notice to the City of any sale of the entire Property at least ten (10) days prior to the effective date of the sale. Developer may assign all or any portion of its rights hereunder to any one or more persons or entities, on such terms and conditions as Developer may deem appropriate, provided, however, that Developer may not convey all or any portion of its rights hereunder unless the corresponding obligations of the Developer are assumed by the assignee of Developer's rights. Notice of the assignment and assumption of Developer's obligations shall be reflected in a document that shall be executed by Developer and such assignee and recorded by Developer in the records of Yuma County, Arizona. Upon the recordation of such document, Developer will be released from the obligations assumed by the assignee. The burdens of this Agreement bind and the benefits of this Agreement inure to the parties hereto and their successors in interest and assigns as provided in A.R.S. § 9-500.05.D

7.12 No Third-Party Beneficiaries. There are no third-party beneficiaries to this Agreement, and no person or entity not a party hereto shall have any right or cause of action hereunder.

7.13 No Agency Created. Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the parties.

7.14 Non-Liability of City Officials and Employees Except for mandamus and other special actions, no member, official or employee of the City shall be personally liable to Developer, or any successor in interest, in the event of any default or breach by the City or for any amount that may become due to the Developer or successor, or under any obligation under the terms of this Agreement.



Annexion #:
10-01

City of San Luis, Arizona

CERTIFICATION OF MAP
MAP OF AREA TO BE ANNEXED




In Addition to the territory shown on this map, striped in grey, the proposed annexation includes any and all county right-of-way and roadways with not taxable value that are withing or contiguous to the exterior boundaries of striped area and said right of way and roadways are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

I, Juan Carlos Escamilla, Mayor of the City of San Luis, Arizona, do hereby certify that the foregoing map is a true and correct map of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by the Ordinance No. ____, annexing the territory described in Ordinance No. ____, and as shown on said map as a part of the territory to be included withing the corporate limits of the City of San Luis, Arizona.

City Clerk

Mayor

Legend

-  PROPOSED ANNEXATION
-  EXISTING CITY LIMITS
-  CITY OF SAN LUIS

REVIEWED BY _____

Prepared by: City of San Luis GIS Division
GISUSER@Cityofsanluis.org

EXHIBIT "C"

CITY OF SAN LUIS NEW SEWER SERVICE AREA #2 & #3 BOUNDARY LINE

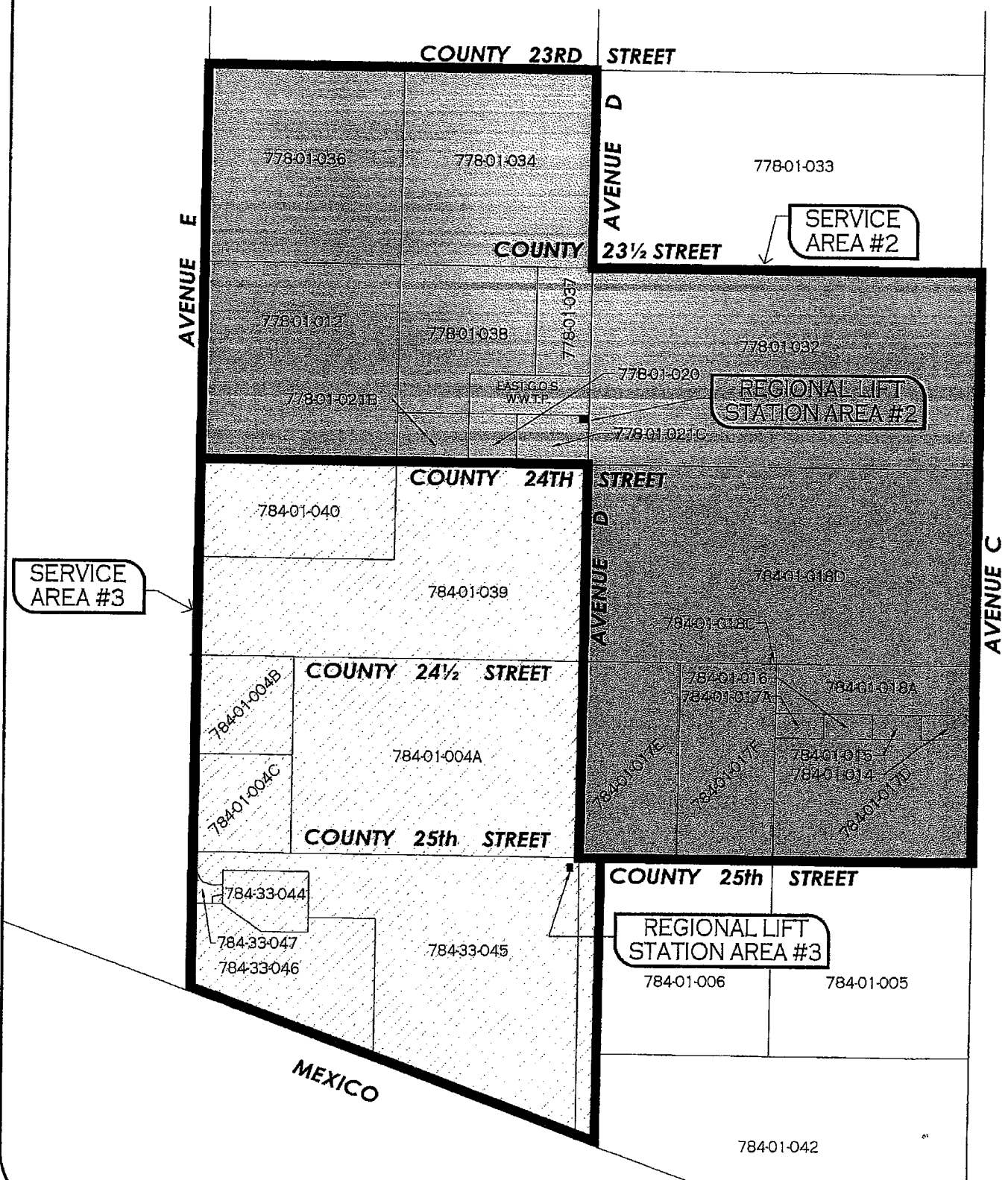


EXHIBIT "D"

CITY OF SAN LUIS PUBLIC SAFETY FACILITIES.

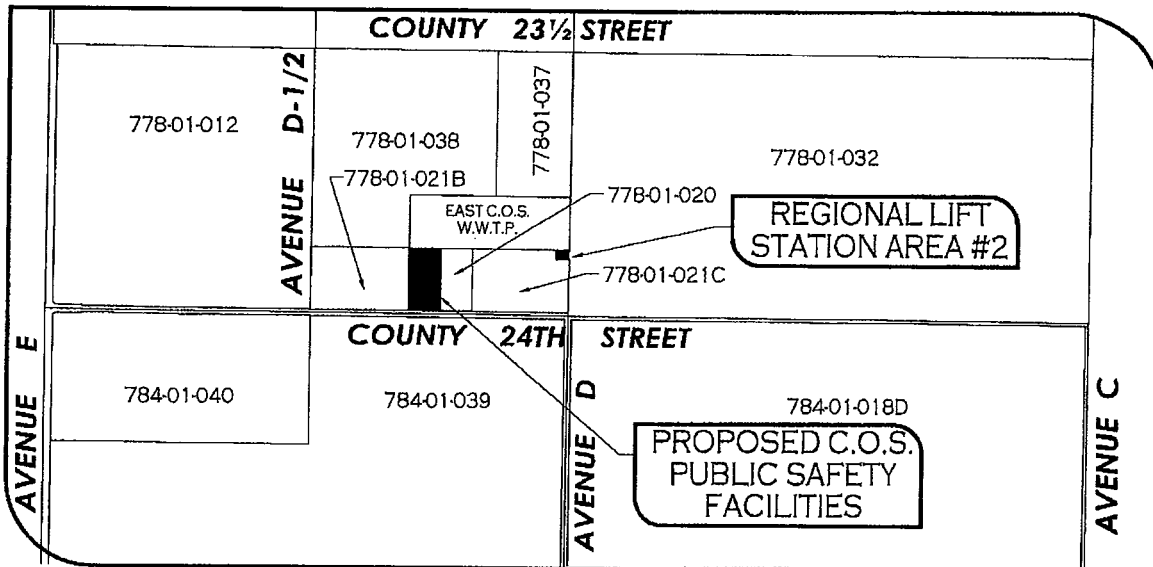
LEGAL DESCRIPTION

The East Half (E 1/2), of the Southeast Quarter (SE 1/4), of the Southwest Quarter (SW 1/4), of the Southeast Quarter (SE 1/4) of Section 11, Township 11 South, Range 24 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

Except the south 33.00 feet.

Subject to all easements and right of ways apparent or record.

Containing 5.0 acres gross more or less



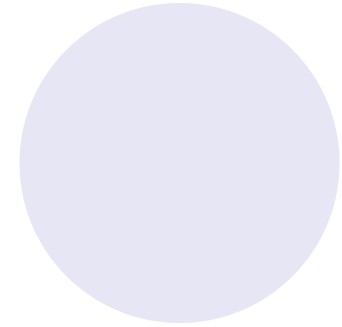
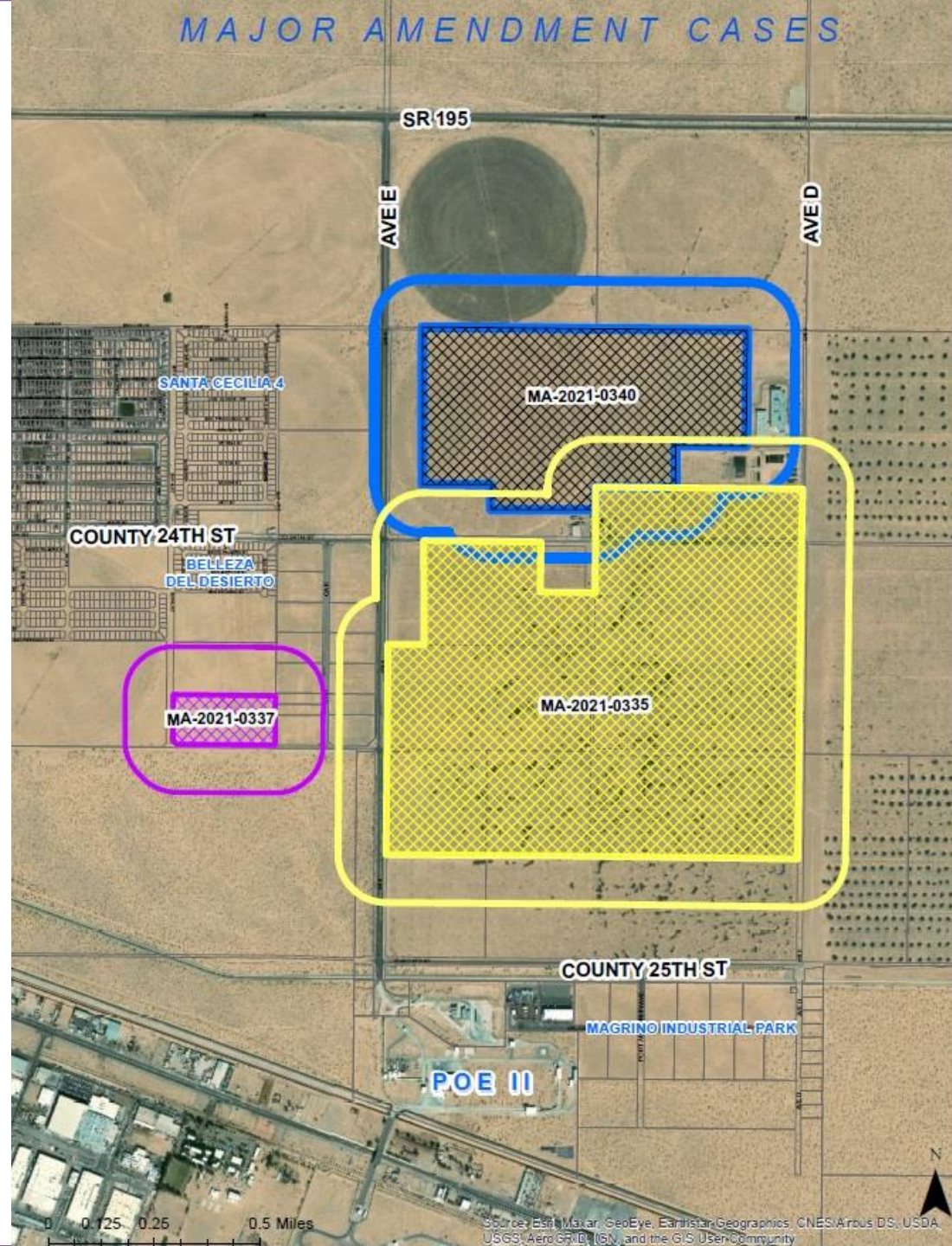
LOCATION MAP



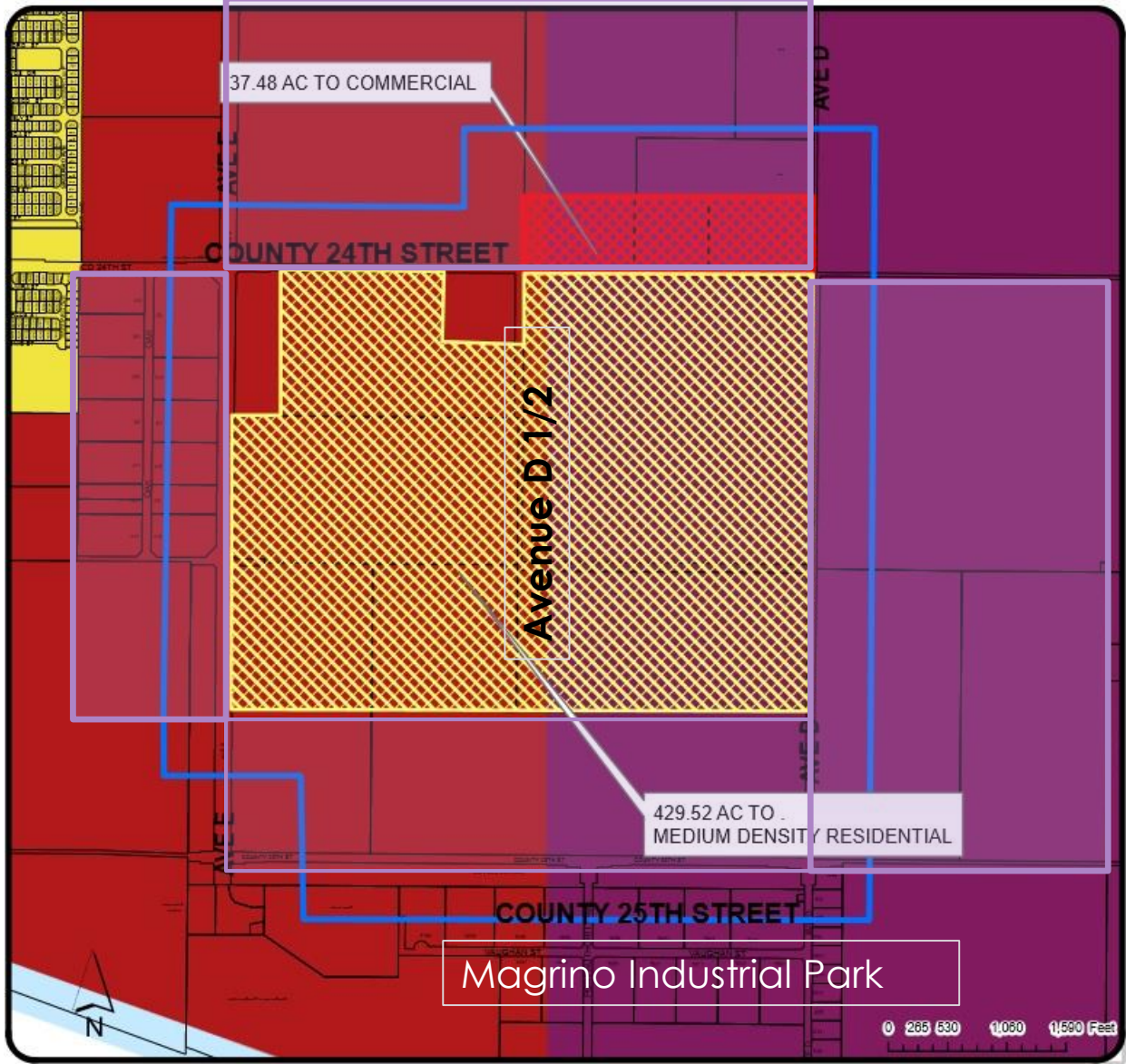
Planning and Zoning Meeting

October 12, 2021

MAJOR AMENDMENT CASES

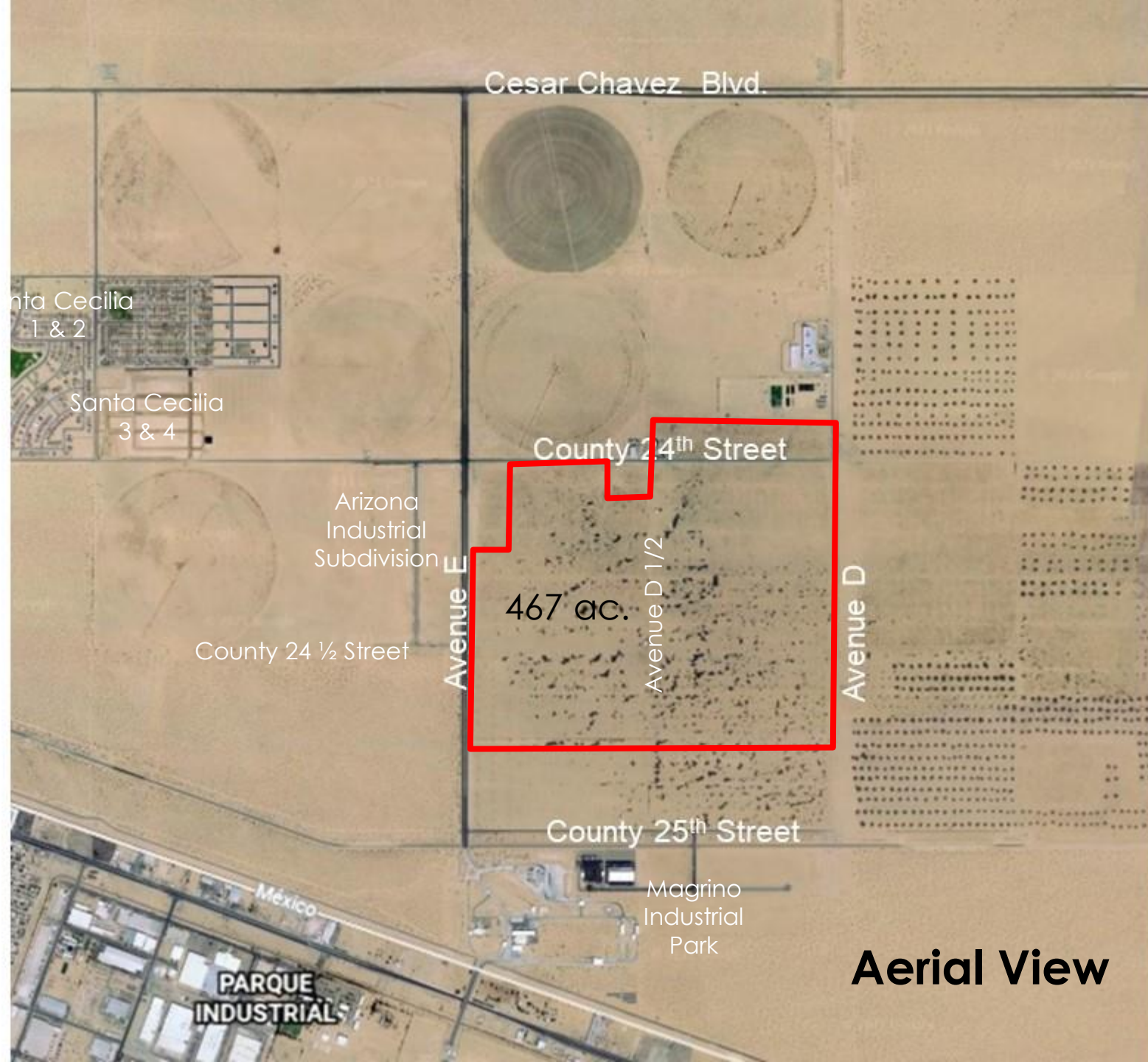


Major Amendment Case 2021-0335



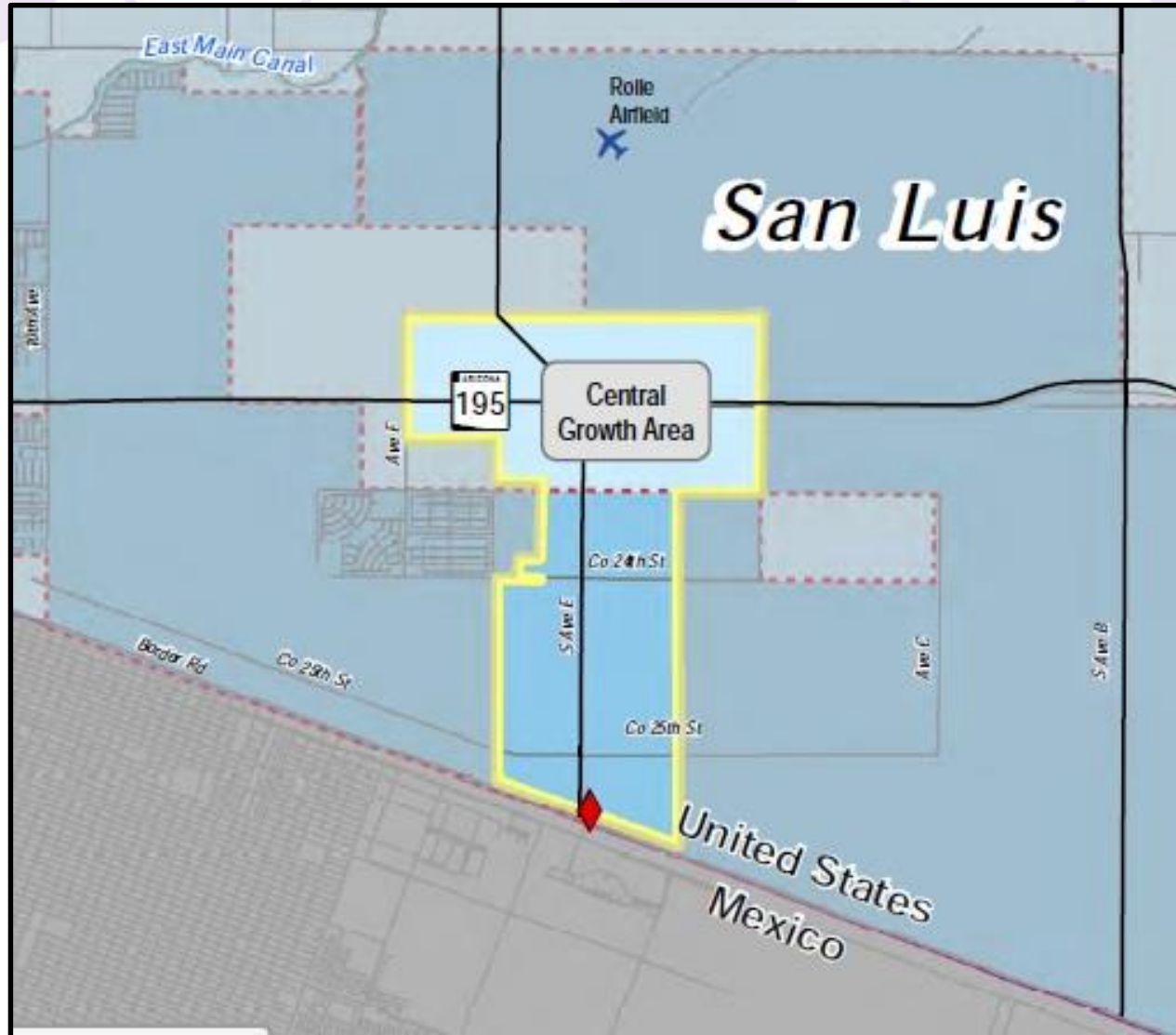
Land Use Map

Major Amendment Case 2021-0335



Aerial View

Major Amendment Case 2021-0335



Major Amendment Case 2021-0335



County 24th Street and Avenue E looking west from County 24th Street

Major Amendment Case 2021-0335



County 24th Street looking East

Major Amendment Case 2021-0335



Looking South from County 24th Street

Major Amendment Case 2021-0335



Looking North from Avenue E and County 24 ½ Street

Major Amendment Case 2021-0335

- ⦿ **Citizen Review Meeting (September 7, 2021)**
- ⦿ **First Planning and Zoning Public Hearing (September 14, 2021)**

Comments:

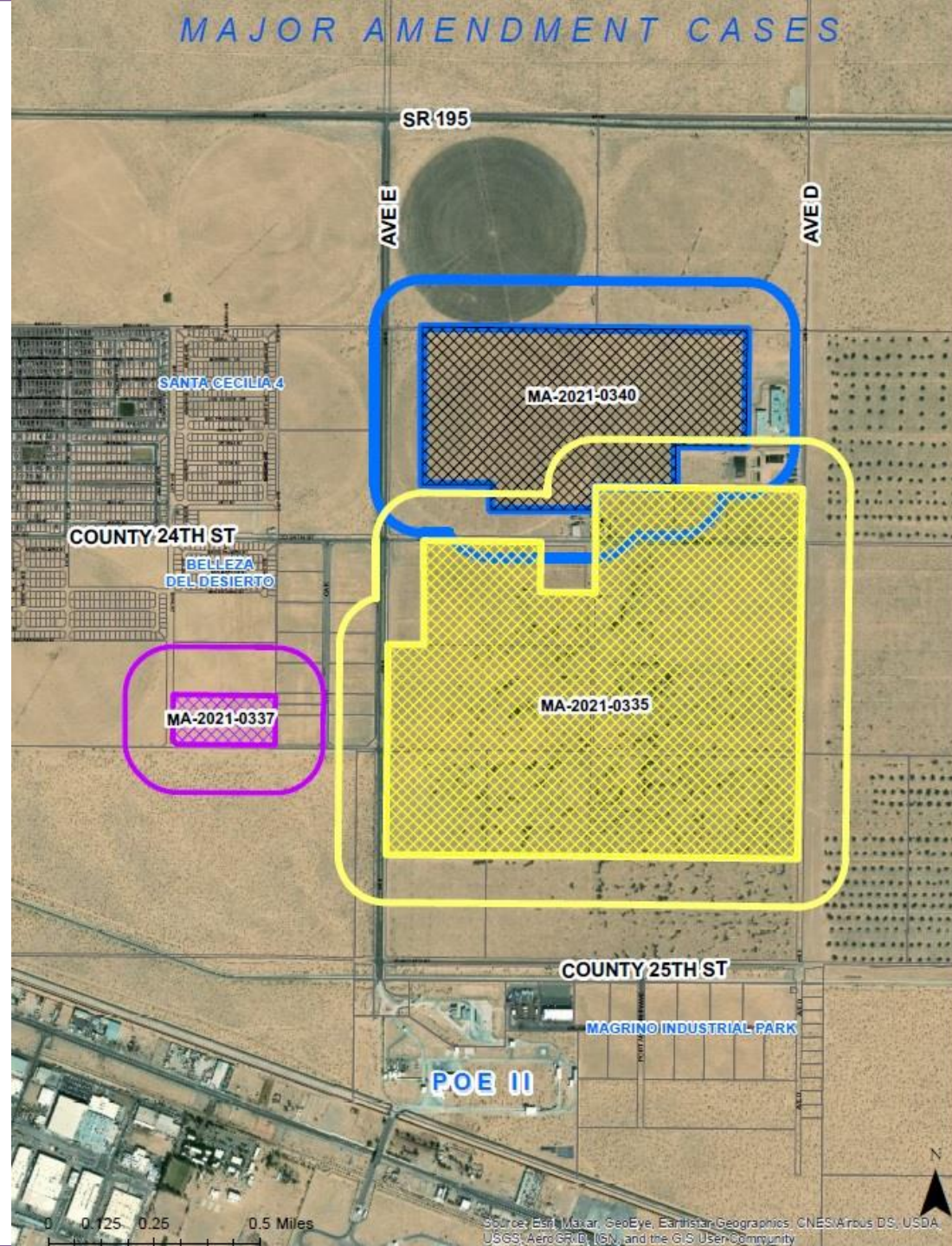
City Engineer, City Fire Department, Yuma County Development Services and ADOT.

Major Amendment Case 2021-0335

Staff Recommendation:

- ◉ Staff Recommends approval to change the land use designation from Employment (EMP) to Commercial (C) for parcels 227-11-006,007 and 008 totaling 37.48 acres. This land use change is in compliance with the adopted policies of the City of San Luis 2040 General Plan.
- ◉ Staff recommends denial to change the land use designation from Commercial (C) and Employment to Medium Density Residential (MDR) Since the request is not consistent or in compliance with the adopted policies of the City of San Luis 2040 General Plan.

MAJOR AMENDMENT CASES





PLANNING & ZONING AGENDA ITEM REVIEW FORM

Planning & Zoning Commission Meeting

4. B.

Meeting Date: 10/12/2021

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 Major Amendment Case No. 2021-0337. A request by Core Engineering Group PLLC on behalf of Boarder Ranches II AZ LLC to change the land use designation of a 20 acre parcel from Commercial (C) to Medium Density Residential (MDR). Assessor's parcel number 227-15-030, located on the northeast corner of 20th Avenue and County 24 1/2 Street in San Luis Arizona. **(ITEM CONTINUED FROM THE SPECIAL COMMISSION MEETING HELD SEPTEMBER 21, 2021)**

- A. Open public hearing
 - 1. Staff presentation
 - 2. Call to the public on this item
- B. Close public hearing
- C. Action on Major Amendment Case No. 2021-0337

BACKGROUND:

Recently, Lot Split Case No. 2021-0275 was approved to create the subject property. The property owner requested a minor amendment for the adjacent parcel to the north (Minor Amendment Case No. 2021-0336). The request was to change the land use designation of the parcel to north from Commercial (C) to Medium Density Residential (MDR). The case was denied by City Council on September 8, 2021. This major amendment case is the same request as the recently denied Minor Amendment Case No. 2021-0336.

If this major amendment is approved the applicant will be requesting the rezoning of the subject parcel to R1-6 for the construction and development of a residential subdivision.

The City of San Luis 2040 General Plan requires a minor amendment for any change in a non-residential land use category of less than 20 contiguous acres to a residential land use category. For this reason, the applicant submitted a minor amendment application to change the land use designation of the parcel to the north from Commercial (C) to Medium Density Residential (MDR) (Minor Amendment Case 2021-0336). However, a major amendment was required for the south parcel because both properties are more than 20 contiguous acres.

A.R.S. § 9-461-06 H requires approval by affirmative votes of at least two-thirds of the members of City Council to pass a Major Amendment.

ANALYSIS:

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, R2, MHS, MHP and PUD.

The approval of this major amendment will allow the applicant to rezone 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).

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. However, County 24th Street is not fully improved and traffic in the area has increased. This request is partially in compliance with this adopted policy.

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 not located adjacent to a compatible land use designation to the north since Minor Amendment Case No. 0336 was denied and the parcels to the north, south and east are designated as commercial. The only compatible land use is located to the west. This request is not in compliance with this adopted policy.

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 E and County 24th Street. Both arterial roads are not fully improved. However, the City public works department can request a traffic study for proposed subdivisions in the area in accordance with the public works standards. A traffic study can ensure that all the improvements necessary are done by the developer to provide connection to Cesar Chavez Boulevard. This request is partially in compliance with this adopted policy.

APPROVAL CRITERIA: The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all 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 development in other areas.

c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems.

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.

AGENCY REVIEW:

As part of the Major Amendment review process, this land use case was part of a 60- day review period and reviewed by various city and outside agencies. We received no comments during the 60-day review period for this case.

As required by State Statute, staff has sent notification letters to property owners within 600 feet of the proposed project (7 letters).

Staff received comment letters from City Fire Department Yuma County Development Services and ADOT for this case.

CITIZEN REVIEW MEETING:

A Citizen Review Meeting was held at City Hall on September 7, 2021 at the City Hall Council Chambers at 6:00 p.m. The purpose of the Citizen Review Meeting is to provide adjacent landowners and other potentially affected citizens an opportunity to ask questions and express any issues or concerns that they may have with the proposed amendment prior to the public hearing. 27 people were in attendance during the meeting.

SUMMARY:

Arizona Revised Statutes (A.R.S. §9-461.06(E)) require that cities over twenty-five thousand in population must hold two public hearings for any Major General Plan Amendment. The two or more public hearings must be held in two different locations on two different dates. The public hearings were held on September 14, 2021 and September 21, 2021. This item was continued from the September 21, 2021 public hearing.

The Council Meeting public hearing will be held on October 27, 2021 at 7PM at San Luis City Hall Council Chambers, 1090 E. Union Street, San Luis Arizona.

STAFF RECOMMENDATION:

Staff recommends denial to change the land use designation from Commercial (C) to Medium Density Residential (MDR) as requested.

RECOMMENDED MOTION:

A. I MOVE TO OPEN PUBLIC HEARING.

B. I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0337 TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL.

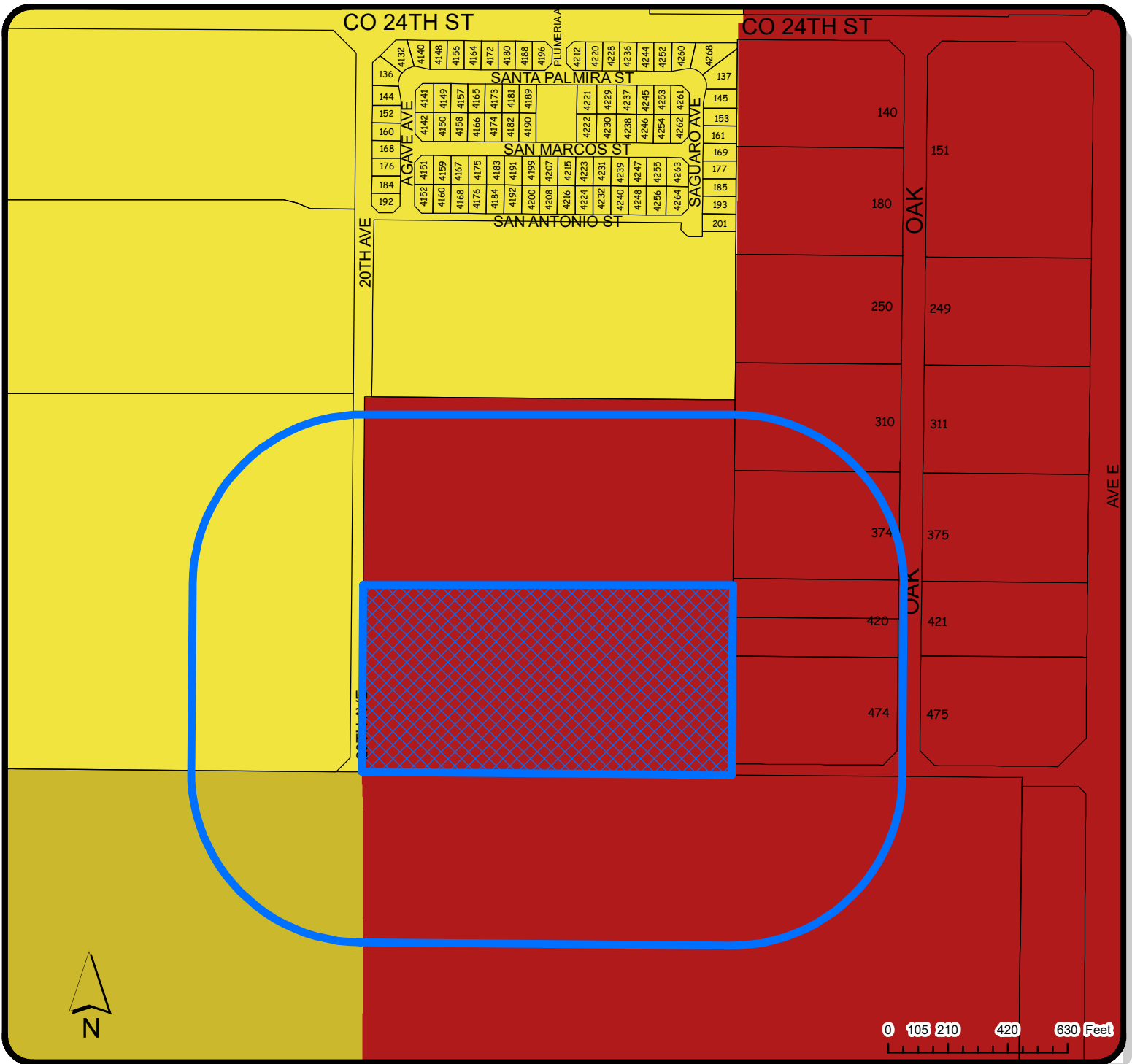
Attachments

Location Map


Staff Report

Applicant Narrative

Lot Split
Comment Letters
Presentation






LOCATION OF SUBJECT PROPERTY

 PARCEL 227-15-003

 600ft Notification Area

LOCATION MAP

Legend

- LAND USE**
-  Medium Density Residential
 -  High Density Residential
 -  Commercial

MAJOR AMENDMENT

CASE #
2021-0337

DATE:
5/5/20201

CHECKED BY:
ROMAN PACHECO

PLANNING & ZONING



GIS

CREATED BY:
ISAAC GUTIERREZ

APPROVED BY:
JOSE A. GUZMAN



Staff Report

Planning and Zoning Commission

September 14, 2021

Major Amendment Case No. 2021-0337:

REQUEST: To change the land use designation of a 20-acre parcel from Commercial (C) to Medium Density Residential (MDR). This Major Amendment will allow the applicant to rezone to the R1-6 zoning district for the construction of a residential subdivision. Assessor's Parcel 227-15-030.

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

DIRECTIONS: The subject property is located on the northeast corner of 20th Avenue and County 24 ½ Street in San Luis Arizona.

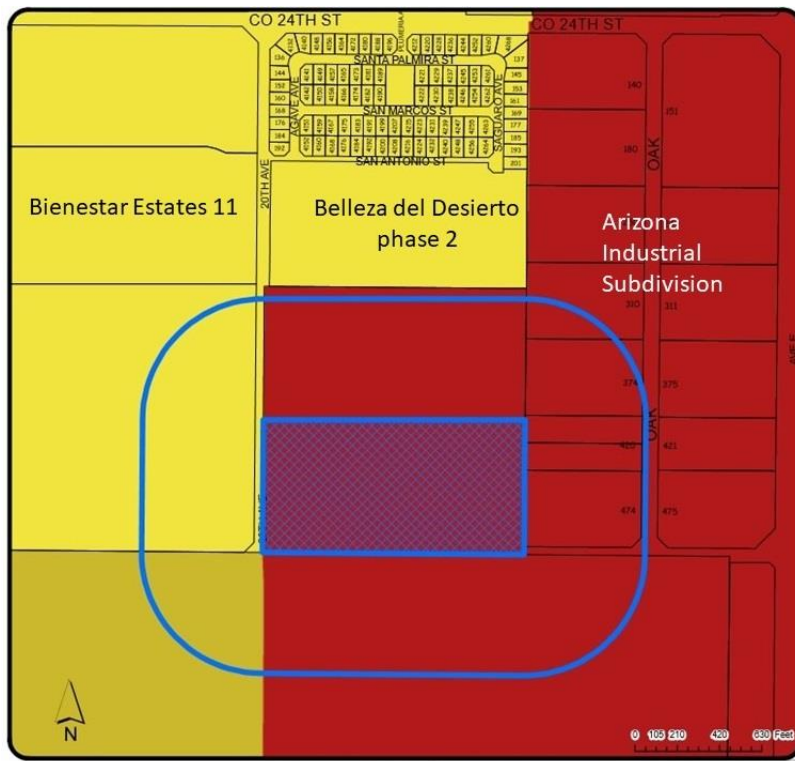
BACKGROUND: Recently, Lot Split Case No. 2021-0275 was approved to create the subject property. The property owner requested a minor amendment for the adjacent parcel to the north (Minor Amendment Case No. 2021-0336). The request was to change the land use designation of the parcel to north from Commercial (C) to Medium Density Residential (MDR). The case was denied by City Council on September 8, 2021. This major amendment case is the same request as the recently denied Minor Amendment Case No. 2021-0336.

If this major amendment is approved the applicant will be requesting the rezoning of the subject parcel to R1-6 for the construction and development of a residential subdivision.

The City of San Luis 2040 General Plan requires a minor amendment for any change in a non-residential land use category of less than 20 contiguous acres to a residential land use category. For this reason, the applicant submitted a minor amendment application to change the land use designation of the parcel to the north from Commercial (C) to Medium Density Residential (MDR) (Minor Amendment Case 2021-0336). However, a major amendment was required for the south parcel because both properties are more than 20 contiguous acres.

A.R.S. § 9-461-06 H requires approval by affirmative votes of at least two-thirds of the members of City Council to pass a Major Amendment.

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

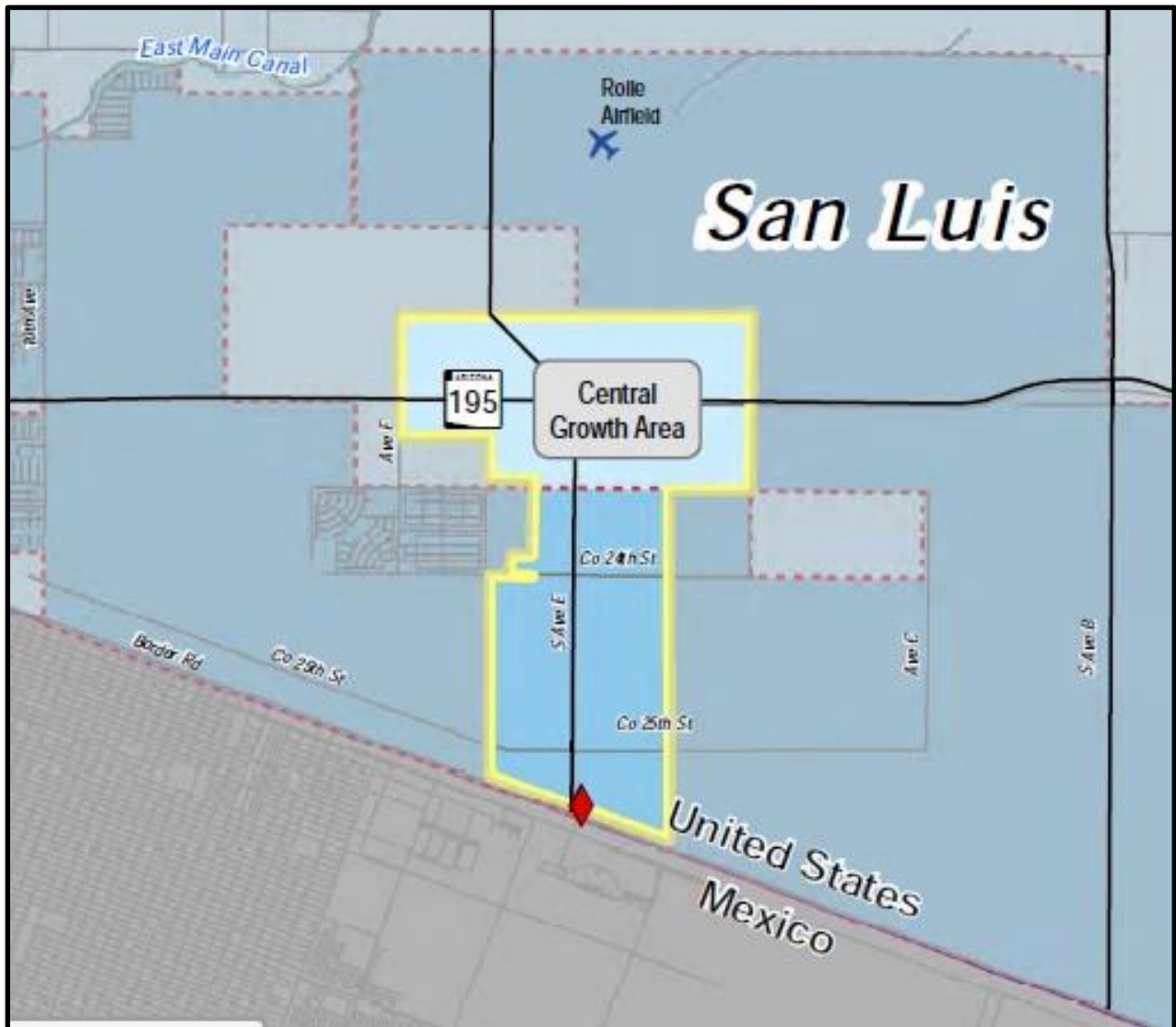
Medium Density Residential (MDR): The Medium Density Residential (MDR) land use category is intended to provide for detached single family residential development on moderately sized lots.

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

The approval of this major amendment will allow the applicant to rezone 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).

CRITICAL ISSUES:

The subject property is located inside the Central Growth Area identified in the 2040 General Plan. According to the adopted 2040 General Plan Growth Element, the City should prioritize growth in the growth areas identified on the General Plan since these areas are suitable for multi modal transportation and for infrastructure expansion. The Central Growth Area in the City of San Luis is shown below:



Central Growth Area Map

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. However, County 24th Street is not fully improved and traffic in the area has increased. This request is partially in compliance with this adopted policy.

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 not located adjacent to a compatible land use designation to the north since Minor Amendment Case No. 0336 was denied and the parcels to the north, south and east are designated as commercial. The only compatible land use is located to the west. This request is not in compliance with this adopted policy.

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 E and County 24th Street. Both arterial roads are not fully improved. However, the City public works department can request a traffic study for proposed subdivisions in the area in accordance with the public works standards. A traffic study can ensure that all the improvements necessary are done by the developer to provide connection to Cesar Chavez Boulevard. This request is partially in compliance with this adopted policy.

APPROVAL CRITERIA: The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all 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.** The general plan designates sites west of Avenue E for residential development. Since the subject property is surrounded by parcels designated as commercial the development pattern will be changed by allowing Medium Density Residential.
- 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.** The amendment is not an overall improvement to the San Luis 2040 General Plan because the request is surrounded by commercial land use designations to the north, south and east. The proposed development pattern is not consistent with the goals and policies of the General Plan.

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;** Existing land use patterns to north, south and east are commercial and the approval of this major amendment will alter the 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 development in other areas.** The proposed major amendment will require additional and more expensive improvements to roads. Since County 24th Street is not fully improved and this development will contribute to the existing traffic conditions on the area.
 - c. **Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems.** This land use change will increase residential traffic in an area. If approved, residential traffic will be combined with commercial trucking along Avenue E and County 24th Street. The City public works department can request a traffic study for proposed subdivisions in accordance to the public works standards. The traffic study will ensure that all the improvements necessary are done by the developer to provide connection to Cesar Chavez Boulevard.
 - d. **Affecting the livability of the area or the health and safety of the residents.** If approved, the traffic safety of the new residents will be affected. However, residential development in the area is increasing and the City is building a community park that will help with livability, health and safety of the new 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.** No, the request is not consistent with the General Plan overall intent, vision and goals and objectives. The residential subdivision will be required to comply with the adopted codes and ordinance of the City of San Luis.

AGENCY REVIEW:

As part of the Major Amendment review process, this land use case was part of a 60-day review period and reviewed by various city and outside agencies. We received no comments during the 60-day review period for this case.

As required by State Statute, staff has sent notification letters to property owners within 600 feet of the proposed project (7 letters).

Staff received comment letters from the City Fire Department, Yuma County Development Services and ADOT for this case.

CITIZEN REVIEW MEETING:

A Citizen Review Meeting was held at City Hall on September 7, 2021 at the City Hall Council Chambers at 6:00 p.m. 27 people were in attendance during the meeting.

STAFF RECOMMENDATION:

Staff recommends denial to change the land use designation from Commercial (C) to Medium Density Residential (MDR) as requested.

RECOMMENDED MOTION:

I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0337 TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL.

Staff Report Prepared by:

Fernando Villegas

Principal Planner

Staff Report Reviewed by:

Jose A. Guzman

Planning Director



Core Engineering Group, PLLC

200 E. 16th Street, Suite # 150
Yuma, Arizona 85364

voice 928-344-5931

fax 928-344-5932

www.CoreEngineeringGroup.com

MEMORANDUM

Date: April 7, 2021

**To: City of San Luis
Department of Development Services**

From: Douglas J. Nicholls, PE, RLS

**Re: Major General Plan Amendment for the South Half of Parcel 227-15-003;
South Half of the SW 1/4 of the NE 1/4 of Section 15, T11S, R24W
Avenue E-1/2 & County 24-3/4 Street, San Luis, AZ.**

The owner is proposing to change the 2040 General Plan for the future lot referenced from Commercial to Residential. This request represents the south 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 south 20-acres. This will be submitted to the City of San Luis concurrently for review and approval.

The current status of the parcel is a native desert, undeveloped parcel with LI zoning. The request is to change the 2040 City of San Luis General Plan to be more in conformance with the surrounding residential and recreational areas which have been developed, or are in development.



August 26, 2021

MAJOR GENERAL PLAN AMENDMEN CASE NUMBER: 2021-033

CASE SUMMARY: A request by Core Engineering Group LLC., on behalf of Border Ranches II AZ LLC., owner, to change the land use designation of a 20-acre parcel from Commercial (C) to Medium Density Residential (MDR). This Major Amendment will allow the applicant to rezone to the R1-6 zoning district for the construction of a residential subdivision. Assessor's Parcel 227-15-030.

A Citizen Review Meeting has been scheduled to enable interested parties the opportunity to meet with the applicant to ask and answer questions and address concerns. This review meeting is prior to any public hearing.

This Citizen Review Meeting will be held:
Tuesday the 7th day of September 2021 at 6:00 p.m. at the San Luis City Hall Council Chambers, 1090 E. Union Street, San Luis, Arizona.

PUBLIC HEARINGS: September 14 and 21, 2021

COMMENTS DUE: September 2, 2021

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted "as is" into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Commission hearing this case. Please complete the section below and return via e-mail. For additional information, please contact the Planning and Zoning Department at (928) 341-8563 or at P&Z@sanluisaz.gov.

Thank you,
Fernando Villegas
Principal Planner

Attachment: Location Map

.....
 COMMENTS NO COMMENTS

Enter Comments below:

The City of San Luis Fire Department has no comments at this time, but reserves the right to comment upon subsequent submittals.

Date: 08/30/21

Agency: The City of San Luis Fire Department

Phone: 928/341-8550

Return to: P&Z@sanluisaz.gov

Good morning, below is the ADOT Southwest District's comments on the major amendments to the 2040 City of San Luis General Plan. Thank you.

"ADOT Southwest District has no comment on the proposed land use change; however, we would like to request to review and comment on a Traffic Impact Analysis (TIA) once there is a specific development. Direct access to SR 195 from the development will not be permitted as this is an access-controlled highway."

Isabell Garcia
Development TES
Southwest District
P- (928) 317-2159
E-mail- IGarcia@azdot.gov



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES

2351 West 26th Street, Yuma, Arizona 85364

Phone: (928) 817-5000

Fax: (928) 817-5020

Craig Sellers, P.E., CPM

Director

Comments for City of San Luis, Arizona

Major General Plan Amendment Case Nos. 2021-0335, 0337 & 0340

Residential Development in the areas identified under the proposed major amendments will create incompatible land uses and allow for non-contiguous land use patterns. The subject properties are in close proximity to City of San Luis Commercial Port of Entry and abutting or surrounded by Commercial and Employment Land Use Designations. The Commercial and Employment Land Use Designations allow for a variety of commercial and industrial uses, including manufacturing, plants, warehouses, etc. which are conveniently located in close proximity to the Commercial Port of Entry and along a major transportation network (i.e Avenue E and County 24th Street which connect to the Area Service Highway). The allowance of the type of residential development being proposed to encroach upon and co-exist with high intensity commercial or industrial uses could be disruptive to both future residents and act contrary to the goals and objectives of the City of San Luis General Plan and the functions of the San Luis Commercial Port of Entry.

Date: 9/1/2021

Agency: Yuma County Department of Development Services, Planning and Zoning Division

Contact: Juan Leal Rubio, Senior Planner

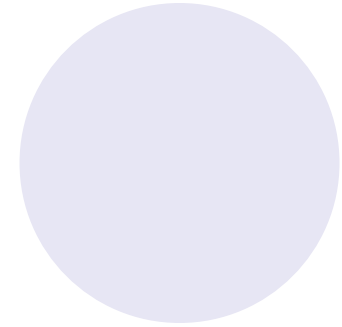
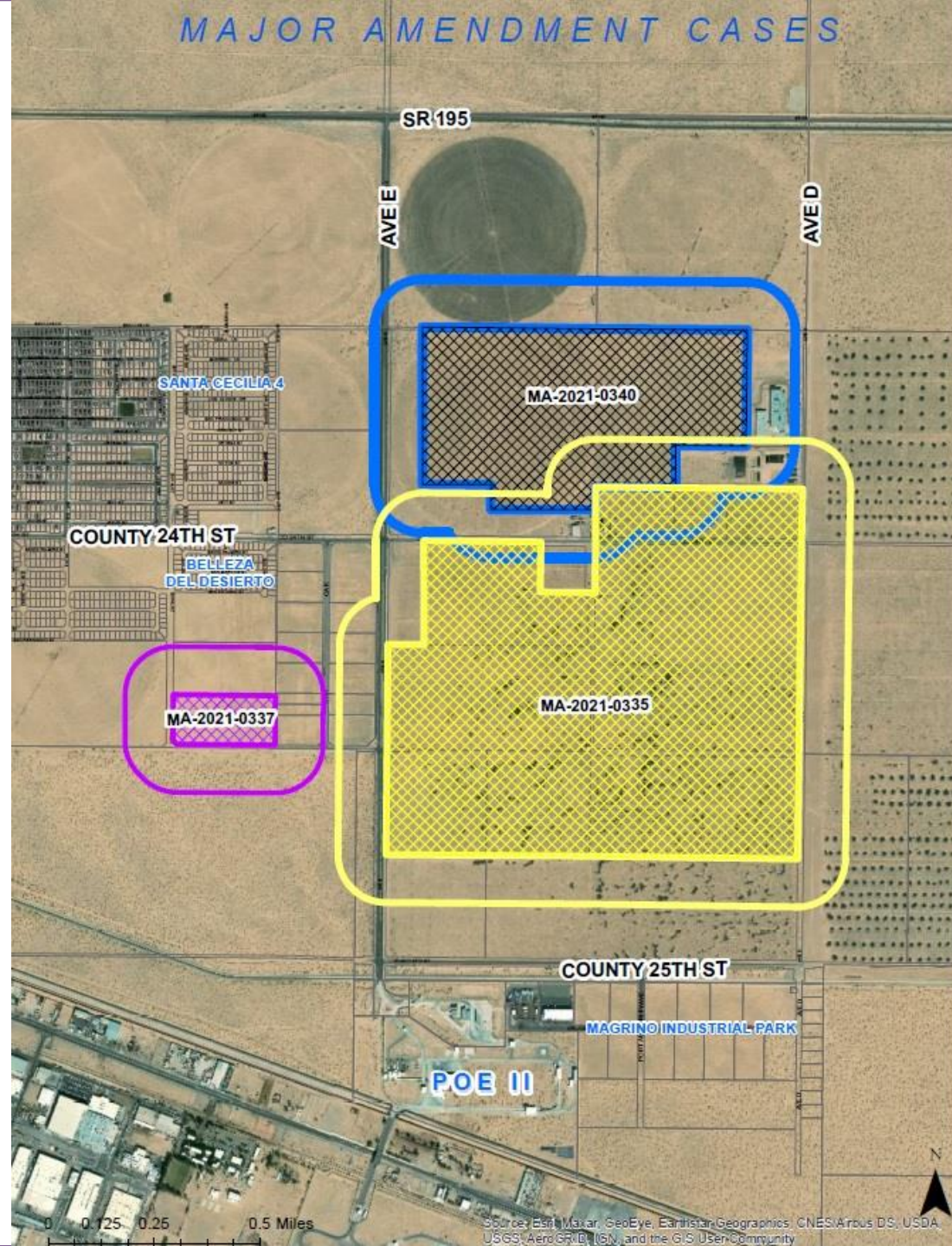
Phone: 928-817-5176



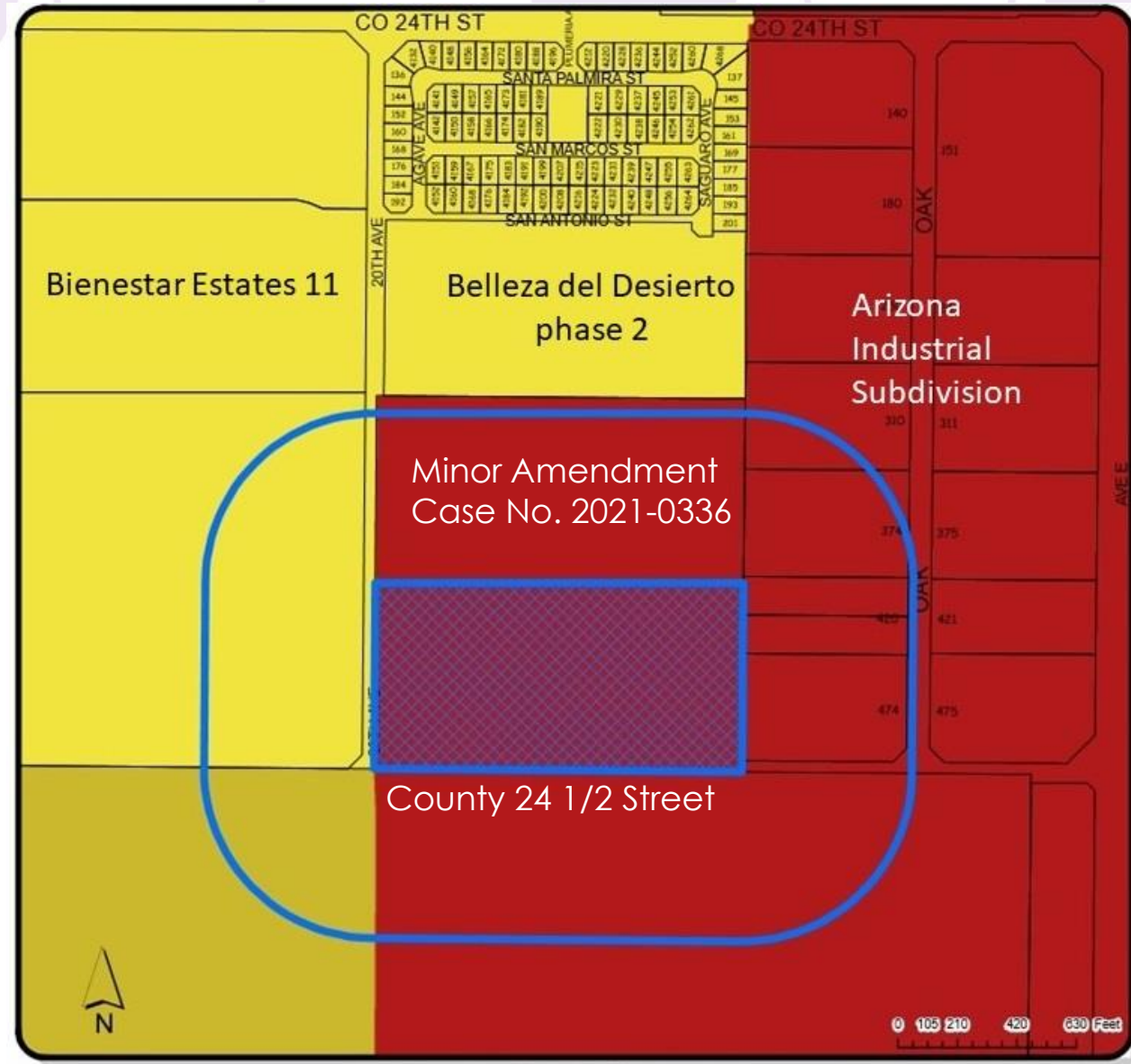
Planning and Zoning Meeting

October 12, 2021

MAJOR AMENDMENT CASES



Major Amendment Case 2021-0337



Land Use Map

Major Amendment Case 2021-0337



Santa Cecilia
1 & 2

Santa Cecilia
3 & 4

Avenue E

Bienestar
Estates 11

Belleza del
Desierto 1 & 2

Arizona
Industrial
Subdivision

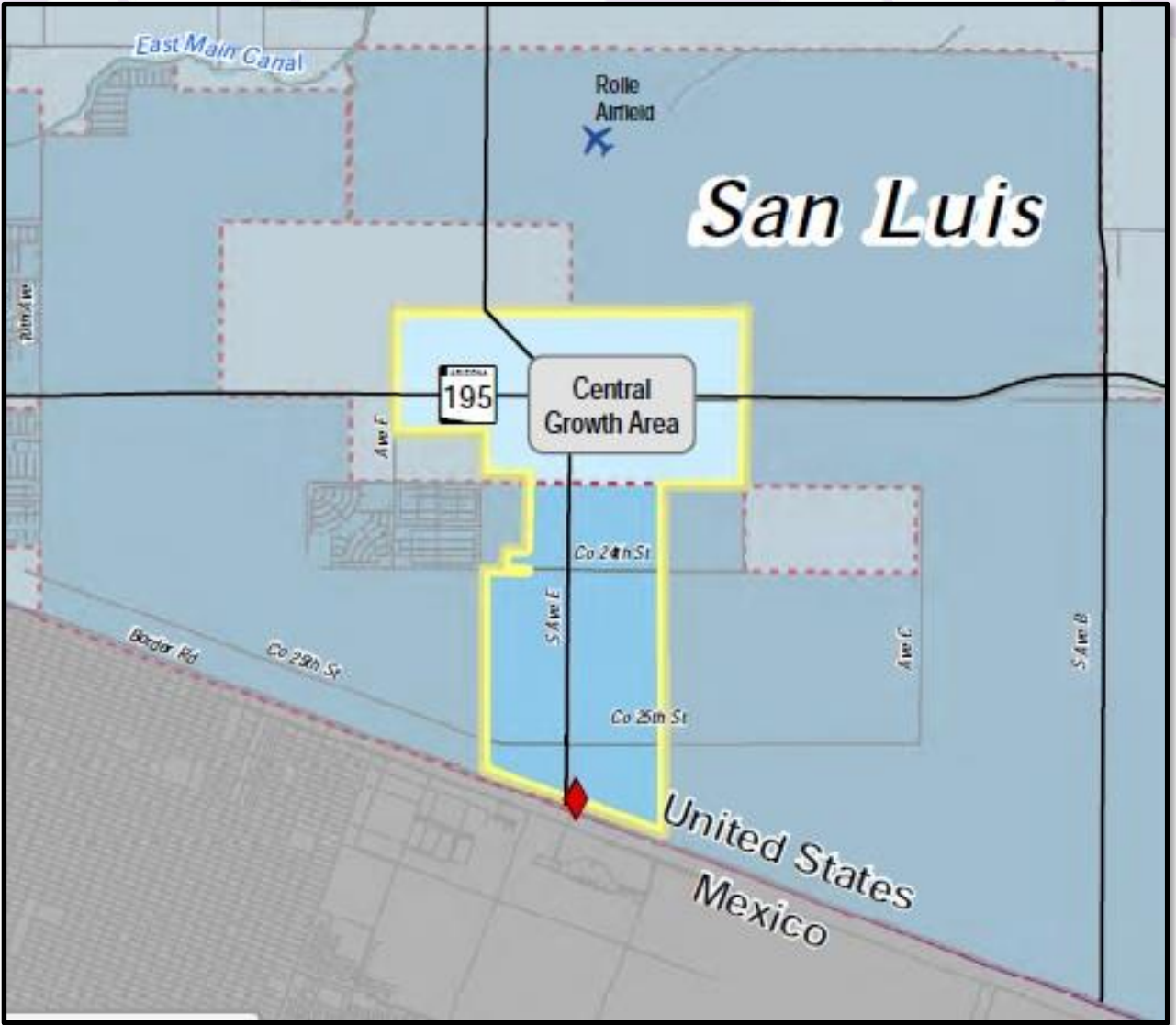
20th Avenue

Major Amendment Case No. 2021-0337

Aerial View

County 24 1/2 St.

Major Amendment Case 2021-0337



Major Amendment Case 2021-0337



Looking West from County 24 1/2 Street

Major Amendment Case 2021-0337



Looking North from Southeast corner

Major Amendment Case 2021-0337

- ⦿ **Citizen Review Meeting (September 7, 2021)**
- ⦿ **First Planning and Zoning Public Hearing (September 14, 2021)**

Comments:

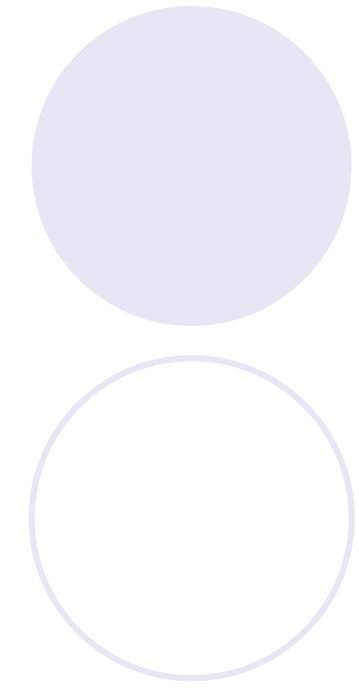
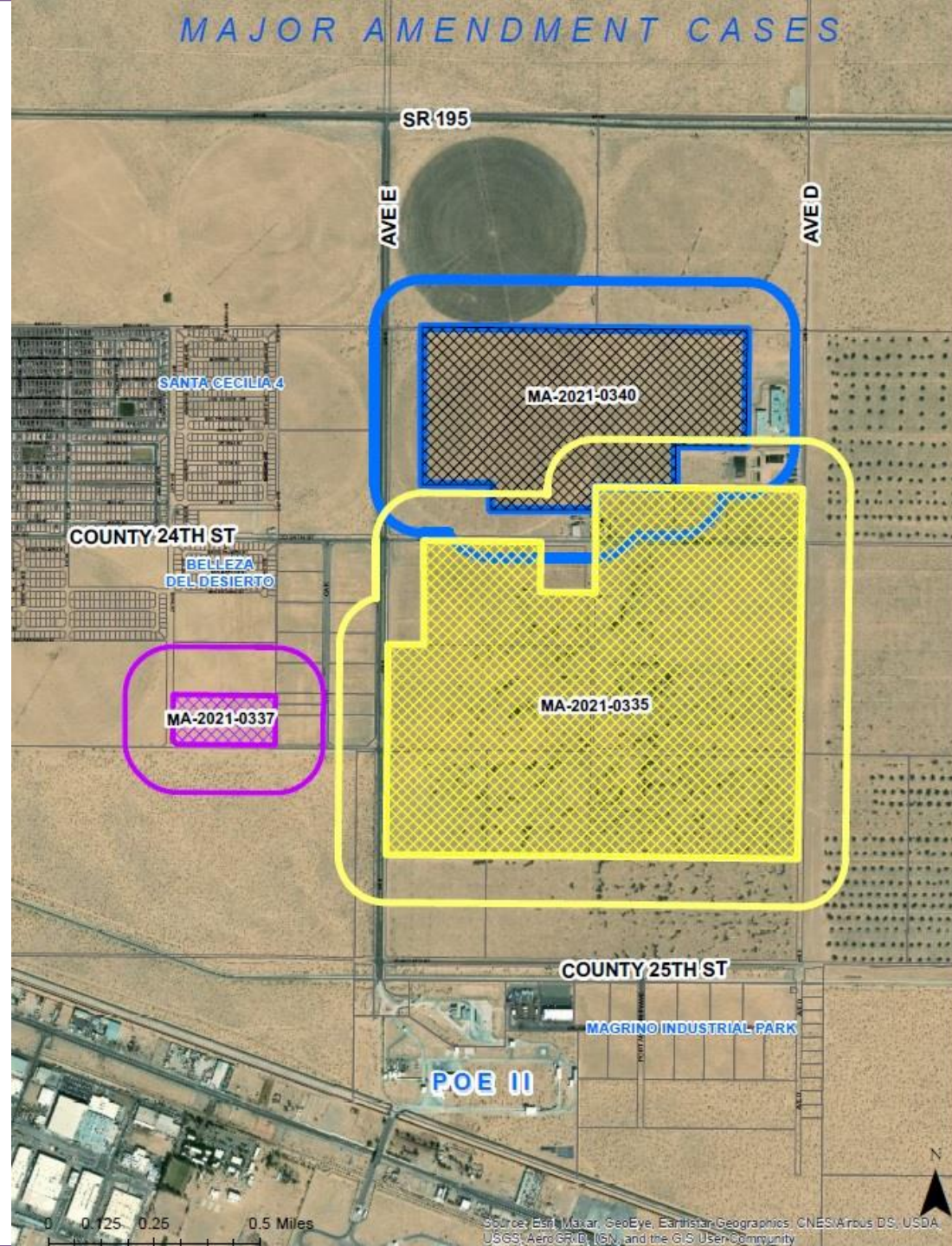
City Fire Department, Yuma County Development Services and ADOT.

Major Amendment Case 2021-0337

Staff Recommendation:

- ◉ Staff recommends denial to change the land use designation from Commercial (C) to Medium Density Residential (MDR).

MAJOR AMENDMENT CASES



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community