

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
DECEMBER 13, 2022
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 Ruben Walshe

ABSENT:

Commission Member Hugo Garcia
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
Ruben Lopez, I.T. Technician
Antonio Martinez, Marine Corps Air Station
Adelaida Buchanan, San Luis Resident
Alexander Ponce de Leon, Flite Banking Center, LLC (via Zoom)
DeAngelo Rios, Flite Banking Center, LLC (via Zoom)
Janice Sedita, Flite Banking Center, LLC (via Zoom)
R. Michael Villareal, Flite Banking Center, LLC (via Zoom)

2. PLEDGE OF ALLEGIANCE:

Commission Member Javier Barraza led the Pledge of Allegiance.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

- Regular Planning and Zoning Commission meeting held October 25, 2022

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe 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 Ruben Walshe	Aye

4. ITEMS REQUIRING DISCUSSION AND/OR ACTION

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2022-0592. A request by Dahl, Robins & Associates on behalf of HMS Development LLC for a Conditional Use Permit from Section 18.35.30(C)(1) of the City of San Luis Zoning Ordinance to allow a commercial building with a gross floor area greater than 50,000 square feet. Assessor's parcel number 776-34-260, located south of Cesar Chavez Boulevard between 7th Avenue and 8th Avenue in San Luis, Arizona.

A. Open Public Hearing

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe to open the 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 Ruben Walshe	Aye

1. Staff presentation

Fernando Villegas, Principal Planner, presented and summarized the staff report recommending approval of Conditional Use Permit Case No. 2022-0592 subject to the following conditions:

1. Development shall comply with the City of San Luis Zoning Regulations, Building Code Requirements, Public Works Standards, and any applicable regulations for industrial development.
2. The applicant/owner shall submit a Trip Generation Memo for the hotel to determine if the proposed use generates 100 or more trips during the peak hour. If 100 or more trips are generated during the peak hour, the applicant/owner shall submit a traffic study, during the building permit review, and all improvements recommended by the traffic study, that are caused by the hotel development, shall be constructed by the developer to the satisfaction of the Public Works Director.

Commission Member Ruben Walshe asked whether the residents in that area were notified about this project. **Mr. Villegas** responded yes; we are required by law to send letters to the surrounding property owners within 300 feet of the property. **Walshe** asked where those letters were certified. **Villegas** responded no; they were first-class mail letters. **Walshe** furthermore stated that he expected much more participation from the residents, especially with a project of this magnitude. **Villegas** also indicated that staff sent about 90 letters and only got 2-3 phone calls about the project. Today, one property owner is present that leads south of the subject property.

Vice Chairman Veronica Zavala asked the city provided notice about the meeting held on November 1, 2022, and nobody showed up. **Villegas** responded that we had another meeting on December 6, 2022, and nobody showed up. **Chairman Pinzon** asked were the letters were sent in English and Spanish? **Villegas**, no, just in English. **Pinzon** also asked if the letters were sent to their P.O. Box or home address. **Villegas** responded with the mailing address that the County Assessors have on record. **Vice Chairman Zavala** furthermore stated that the reason that we are asking is that it is a three-story building. It will be right behind the residents, which can be affected by having people watching in their backyard. **Walshe** stated that, in his opinion, any development, especially a hotel, is highly needed in our community. It is a great thing, but what concerns me is the location of having a residential area behind the parking lot is one of my main concerns as being so close to the Jr. High right on 9th Avenue. Still, I agree that a hotel is highly needed in our community.

Villegas mentioned that the applicant is here tonight requesting a conditional use permit because the building is more than 50,000 square feet. And suppose the owner decides to reduce of the size of the building. In that case, they only need a building permit. In addition, the City of San Luis Zoning requires a buffer between the commercial development and the residential, which is only 20 feet, but staff will make sure that the buffer is provided. In addition to the buffer, they have the parking lot and the building. **Zavala** asked if the buffer was for land, and this conditional is for the height of the building. Then they will provide a buffer of 20 feet and then the parking lot, but the view will be on the back of the residents. **Villegas** responded yes if somebody lived right at the back of the hotel, they probably would not be able to see the building from the back of their backyard, and the only way to prevent this from happening is to have more landscaping. They probably already have a fence or a wall, but we need more landscaping not to have direct visibility of the building on the back. The site plan does not include parking for large vehicles.

Chairman Marco A. Pinzon mentioned that he sides with members of the Commission, and at the end of the day, we do need hotels. When I was in Council, we had these projects, and we would send letters and yes again, like always in any

City only less than 10 percent show up, and at the time of the project, you start getting complaints or concerns, and they never show up for those times and dates that we set for them so we can address their concerns. Furthermore, Pinzon asked the staff if the two calls they received were positive or neutral. **Villegas** responded that they just wanted to know more about the project and were looking for information. They were not in opposition and not even in favor. They wanted to know about the meeting and why we were inviting them to the meetings.

Pinzon also stated that his concern is that many kids are coming through there.

Commission Member Ruben Walshe asked if this was the same project, they were trying to develop years ago across the street from Walmart or if this was a different one. **Jose A. Guzman, Director of Planning and Zoning**, responded yes. **Pinzon** stated that they were trying to use federal credits, and the city was going to purchase the land for five years, and after that, they were going to buy it, but the federal application never got approved. **Guzman** mentioned that staff sent out 94 letters, and we sent those to the address that the assessor has on record. Two only had the physical address, so those were hand-delivered. And because we advertised this item for the November meeting, we did not have a quorum. We did promote again, sent out letters to the residents, and hosted a Citizen Review meeting, and we did not receive any residents. I believe some residents here tonight might want to talk about the project. However, how Commission Member Barraza mentioned or asked if this use is permitted use under the zoning regulations. So, if they do a 49,000-square-foot building, they do not require a conditional use permit. They would need to submit a building permit application.

Christopher Robins, Dahl Robins & Associates, on behalf of HMS Development and the owner of the hotel Greens Development, explained that Greens Development has been for sites in the City of San Luis for a few years. One of the sites they looked at was just over here, next to the residential just east of this facility. They have been working on this project for quite a while, trying to find a site that is fixed into account neighborhood residential development yet has access to main thoroughfares such as Cesar Chavez Boulevard. They finally arrived at this site and underwent several iterations of the site plan.

This is probably the seventh site plan for this site, and they arrived at a tone that considered the adjacent residential as a staff has mentioned there is a 20-foot buffer from residential to commercial. It is about 70 to 80 feet from the south property line to the hotel itself. As you will notice, they designed this, and the hotel is residential. We do not expect a lot of noise from this side, but the areas where the pool, spa, and patio might generate noise, have been tucked into the hotel; it is a U-shape hotel. They have been aware of the neighbors and tried to take that into account as far as the three-story. Yes, the City of San Luis requires anything over 50,000 square feet that triggers the CUP here in the city. We do not see that in Yuma County or the City of Yuma, but that started here. I am unsure if R1-6 in the City of San Luis allows for two-story. This is one story above that and set back a lot further than you could see in an R1-6 development where the side yard setbacks might be seven feet. As mentioned, this is an allowed use under C-2. I think it is time for San Luis to have a hotel. We are anxious to come here, and I think the improvements on Cesar Chavez Boulevard should help address traffic concerns.

Vice Chairman Veronica Zavala asked about the parking space you will provide, and it will have access to trailers. **Robins** explained that I would have to look in the parking lot I set up to provide enough parking for the site. They have shown some angled parking spaces that would allow for trucks and trailers or something of that nature, but they do not envision it will be full of R.V.s or anything like that. It is to allow for, and it is kind of like, the Cracker Barrel in Yuma, where they have those vaster spaces. So, if you got into a parking lot, you are not, you know, put in a position where you cannot get out of there, cannot park somewhere here.

Chairman Pinzon asked what the time frame for this project was. **Robins** responded that they were looking for a submission date for plans in March. The proposed project is also going through a subdivision process right now, and they figure about 18 months for the time of construction. So, they would be operational if given approvals in 2025.

Commission Member Walshe asked staff would a traffic study be requested. **Villegas** responded yes; a traffic study is part of the conditions of approval. That is why we are recommending it, and it seems that the applicant is going to submit

to us a trip generation memo to make sure that the project does not generate more than one hundred trips per day, per hour, and during the peak hours. So, if they generate more than 100 trips per day, they will have to submit a full traffic study, and the Director of Public Works will review it.

2. Call the Public on this item

There were no public comments

B. Close Public Hearing

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe to close the 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 Ruben Walshe	Aye

C. Action on Conditional Use Case No. 2022-0592

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to forward conditional use permit Case No. 2022-0592 to the City Council with the recommendation of approval subject to the condition of approval as recommended by staff.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Nay
Commission Member Javier Barraza	Aye
Commission Member Ruben Walshe	Nay

Chairman Marco Pinzon asked for a Roll Call vote

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Nay
Commission Member Javier Barraza	Aye
Commission Member Ruben Walshe	Nay

The motion does not carry. There were two (2) aye votes and two (2) nay votes.

Further discussion was held after item No. 4.B. for further clarification

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2022-0596. A request by Core Engineering Group PLLC on behalf of RL Jones Properties LLC for a Conditional Use Permit from Section 18.40.20 (C)(1) and (10) of the City of San Luis Zoning Ordinance to allow a truck stop with a gas station and convenience store. Assessor's parcel 227-23-023, located on the southwest corner of Vaughan Street and Port Authority Avenue in San Luis, Arizona.

A. Open Public Hearing

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe to open the 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 Ruben Walshe	Aye

1. Staff presentation

Fernando Villegas, Principal Planner, presented and summarized the staff report recommending approval of Conditional Use Permit Case No. 2022-0596 subject to the following conditions:

1. Development shall comply with the City of San Luis Zoning Regulations, Building Code Requirements, Public Works Standards, and any applicable regulations for industrial development.
2. The applicant/owner shall submit a Trip Generation Memo for the hotel to determine if the proposed use generates 100 or more trips during the peak hour. If 100 or more trips are generated during the peak hour the applicant/owner shall submit a traffic study, during the building permit review, and all improvements recommended by the traffic study, that are caused by the hotel development, shall be constructed by the developer to the satisfaction of the Public Works Director.

Chairman Marco A. Pinzon called for a 5-minute recess due to technical difficulties.

2. Call to the Public on this item

There were no public comments

B. Close Public Hearing

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to close the 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 Ruben Walshe	Aye

C. Action on Conditional Use Case No. 2022-0596

MOTION: Commission Member Ruben Walshe / Chairman Marco A. Pinzon to forward conditional use permit Case No. 2022-0596 to the City Council with the recommendation of approval subject to the condition of approval as recommended by staff. 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 Ruben Walshe	Aye

Chairman Marco A. Pinzon asked to reopen item 4A and requested a motion to reopen the public hearing for this item.

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe to reopen the 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 Ruben Walshe	Aye

Fernando Villegas, Principal Planner, explained to the Planning and Zoning Commission members that the motion was for recommendation of approval. We had two votes in favor of it and two against it. So, I do not know if the Planning and Zoning Commission wishes to make another motion so we can move to City Council with a recommendation of approval, denial, or continue the item.

Commission Member Javier Barraza asked if the applicant could continue to the next Planning and Zoning Commission meeting or the timeframe.

Christopher Robins, Dahl Robins & Associates, stated that the applicant wants to move forward, we were on the last commission agenda, and that one got canceled. They are trying to move forward as quickly as possible, but we would like to move forward; we got a staff recommendation for approval. We had a Citizen Review meeting where nobody showed up. We got two letters that went to adjacent citizens where nobody responded, or there were a couple of calls. I appreciate the opportunity to come back and speak. I want to know from the commission and standpoint if there is something they do not like about the case or something we can do differently. I am not sure of the reasons given the staff recommendation for approval.

Vice Chairman Veronica Zavala responded that I am concerned about the letters delivered to the address from what the Yuma Recorder has on record. There are 90 families very close to the proposed location of the hotel and do not get me wrong, we need a hotel, but it was weird that nobody showed up and said anything. I asked if we could continue to their physical address to listen to what they say regarding this item. Staff delivered those letters to the residents using the P.O. Box they have at the Yuma County Assessor. **Villegas** explained that if some of the commission members have concerns, you can add additional conditions to the recommendation. For example, if you want us to send more letters before the council meeting, we can do that. You can probably let the City Council know you wanted those letters delivered. **Chairman Pinzon** explained to the Commission members that we can either approve this item with that condition, that we strongly recommend sending those letters in person to address any concerns, or even holding a town hall meeting here. **Villegas** stated that regarding the letters, we must follow state law, and the state law says that we must go by the records at the Assessor's Office.

Christopher Robins, Dahls Robins & Associates, mentioned that he is in favor of that if the Commission can add a condition of approval sending notices out to adjacent property owners before the City Council meeting or enough time for them to show up at the City Council meeting. We like having staff recommendations for approval, we want Planning and Zoning Commission's request for authorization, and if there are concerns by them, we like to

address them. In addition, the procedure is out of our hands; there is nothing we can do about the notification process.

Commission Member Javier Barraza asked if it is known the number of letters sent out before the council meeting or only at the time of the Planning and Zoning Commission meeting. **Guzman** responded in one note with the Commission and City Council meeting dates. **Mr. Robins** added that there are no windows facing to the south of those residential properties. **Pinzon** stated that he has been hearing information on Cesar Chavez and Urtuzuastegui. Was money approved for widening the roads, or is it in the process? **Villegas** responded yes. The city has plans to make all the improvements on Cesar Chavez Boulevard, and we have about 33 million for the construction of Cesar Chavez Boulevard. We have been discussing with the applicants and are still missing some money, but it is in the works.

MOTION: Commission Member Javier Barraza / Commission Member Ruben Walshe to close the 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 Ruben Walshe	Aye

C. Action on Conditional Use Case No. 2022-0592

MOTION: Commission Member Ruben Walshe / Chairman Marco A. Pinzon to forward conditional use permit Case No. 2022-0592 to the City Council with the recommendation of approval subject to the condition of approval as recommended by staff and to resend out letters to property owners within 300 feet radius using their physical location.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Ruben Walshe	Nay

Chairman Marco Pinzon asked for a Roll Call vote

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Ruben Walshe	Nay

The motion passed with three (3) aye votes and one (1) nay vote by Commission Member Ruben Walshe.

4. C. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2022-0618. A request by FLITE Banking Center LLC on behalf of Walmart Stores Inc. for a Conditional Use Permit from Section 18.35.30 (C)(11) of the City of San Luis Zoning Ordinance to allow an outdoor vending machine (ATM) with a drive-through facility. Assessor's parcel 775-05-001, located at 1613 N. Main Street in San Luis, Arizona.

A. Open Public Hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica to open the 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 Ruben Walshe	Aye

1. Staff presentation

Fernando Villegas, Principal Planner, presented and summarized staff report recommending approval of Conditional Use Permit Case No. 2022-0618 subject to the following conditions:

1. The proposed use shall not interfere with landscape areas or traffic visibility at driveway entries and street intersections.
2. The proposed use shall not create additional traffic congestion to the existing parking lot and adjacent streets.
3. If the proposed use is not in compliance with the conditions of approval above, the Conditional Use Permit shall become null and void and the proposed improvements shall be removed from the project area and the area shall be restored to its original condition.

Commission Member Ruben Walshe mentioned that this is something that is highly needed. **Chairman Pinzon** also added that he likes this idea and to make sure that those get done right, have them chop all those tree branches out there, all those trees. I know we want them, but when I leave that Walmart on both sides, those bushes are too out there, and you have to reap a lot to see.

2. Call the Public on this item

There were no public comments

D. Close Public Hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Ruben Walshe to close the 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 Ruben Walshe	Aye

E. Action on Conditional Use Case No. 2022-0618

MOTION: Commission Member Ruben Walshe / Chairman Marco A. Pinzon to forward conditional use permit Case No. 2022-0618 to the City Council with the recommendation of approval subject to the condition of approval as recommended by staff. 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 Ruben Walshe	Aye

6. ADJOURNMENT

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala adjourn the Regular Planning and Zoning Commission meeting at approximately 7:57 PM. 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 Ruben Walshe	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 REGULAR PLANNING AND ZONING COMMISSION MEETING OF THE PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA, HELD ON DECEMBER 13, 2022. I FURTHER CERTIFY THE MEETING WAS DULLY CALLED AND HELD AND A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician