

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
AUGUST 13, 2024
6:00 p.m.

1. CALL TO THE ORDER /ROLL CALL: Chairman George Amaya called the meeting to order at 6:00 p.m.

PRESENT:

Chairman George Amaya
Vice Chairman Javier Barraza
Commission Member Marco A. Pinzon (arrived at 6:03 p.m.)
Commission Member Hugo Garcia (arrived at 6:01 p.m.)
Commission Member Veronica Zavala (via Zoom)
Commission Member Angelica Ortiz

ABSENT:

Commission Member Ruben Walshe

OTHERS PRESENT:

Jose A. Guzman, Director of Development Services
Roman Pacheco, Planning Coordinator
Albert Moreno, I.T.
Jose Antonio Maldonado, Video Production Specialist
Juan Tejeda, Associate Planner
Antonio Martinez, MCAS Yuma
Elizabeth Carpenter, Long Realty Co.
Harold Cardona, Long Realty Co.
Vianey Vega, Vega & Vega Engineering, PLC

2. PLEDGE OF ALLEGIANCE

Vice Chairman Barraza led the Pledge of Allegiance.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

- Regular Planning and Zoning Commission meeting held on July 9, 2024.

MOTION: Chairman George Amaya / Commission Member Veronica Zavala approved the consent agenda as presented. The motion passed unanimously.

The vote was as follows:

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|-----------------------------------|-----|
| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2024-0570. A request by Dahl, Robins & Associates, Inc. on behalf of Ranch 800, LLC., to rezone 37.14 acres from Rural Area Residential (RA-10) to Community Commercial (C-2). The property is located at the northwest corner of Los Oros Street and Main Street in San Luis, Arizona.

A. Open Public Hearing

Chairman George Amaya opened the public hearing

1. Staff Presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Rezoning Case No. 2024-0570 with the following conditions:

1. Development shall comply with the City of San Luis zoning regulations, building code requirements, public works standards, and any applicable subdivision regulations for commercial development.
2. The applicant/owner shall submit a traffic study during the building permit review, and all improvements required by the traffic study shall be done by the developer, including any applicable contributions for future traffic lights.

2. Call to the Public on this item.

Santos Barajas, 448 San Felipe Street, asked if this would be a hospital. **Chairman Amaya** explained that it is a medical facility providing certain services and outpatient service office building with laboratory work and other services available to the Public.

Alex Laky, an agent for Yuma Regional Medical Center, stated that Yuma Regional has a thriving primary care business. They seek to build on that. They have not finalized the initial program, but we can expect additional primary care clinics, emergency services, labs, pharmaceuticals, and imaging. **Mr. Barajas** further asked if this was not a micro-hospital. **Mr. Lakey** responded that it had not been declared a micro-hospital at this juncture, and I do not have any specifics to say what it will be.

B. Close Public Hearing

Chairman Amaya close the public hearing.

C. Action on Rezoning Case No. 2024-0570

MOTION: Vice Chairman Javier Barraza / Commission Member Hugo Garcia will forward Rezoning Case No. 2024-0570 to the city council with a recommendation of approval subject to the conditions of approval as recommended by staff. The motion passed unanimously.

The vote was as follows:

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| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Marco A. Pinzon | Aye |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2024-0571. A request by Dahl, Robins & Associates, Inc. on behalf of Barkley Farms LP., to rezone 36.15 acres from Light Industrial (L-I) to Community Commercial (C-2). The property is located at the southwest corner of County 22nd Street and Main Street in San Luis, Arizona.

A. Open Public Hearing

Chairman George Amaya opened the public hearing

1. Staff Presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Rezoning Case No. 2024-0571 with the following conditions:

1. Development shall comply with the City of San Luis zoning regulations, building code requirements, public works standards, and any applicable subdivision regulations for commercial development.
2. The applicant/owner shall submit a traffic study during the building permit review, and all improvements required by the traffic study shall be done by the developer, including any applicable contributions for future traffic lights.

2. Call to the Public on this item.

Chairman Amaya asked staff regarding the Citizen Review meeting. Have you received any comments from those who attended the meeting?

Mr. Guzman responded that they had questions about the rezoning and Merrill Avenue project that the city is doing. There was no opposition from the residents. They had only general questions about the traffic and the overall project. We had eight people from the public present at the meeting, and I can see that some of those attended. Perhaps we can invite them to come up and speak in Spanish so they can be more open to asking questions.

B. Close Public Hearing

There were no comments from the Public; therefore, Chairman Amaya closed the public hearing.

C. Action on Rezoning Case No. 2024-0571

MOTION: Commission Member Marco A. Pinzon / Commission Member Veronica Zavala will forward Rezoning Case No. 2024-0571 to the city council with a recommendation of approval subject to the conditions of approval as recommended by staff. The motion passed unanimously.

The vote was as follows:

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| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Marco A. Pinzon | Aye |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

4. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0461F. A request by Vega & Vega Engineering, on behalf of Comite de Bienestar Inc., for the approval of Bienestar Subdivision Phase 12 Phase 2 Final Plat. The property is located on the southeast corner of 19th Avenue and San Fernando Street in San Luis, Arizona.

A. Staff Presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Subdivision Case No. 2024-0461F with the following conditions:

1. Applicant must address comments from the Comment Letter dated August 6, 2024.

Chairman Amaya asked if the applicant agreed with the requirements of the subdivision and the conditions to meet.

Vianey Vega, Vega & Vega Engineering stated they had the opportunity to review all the comments. We want to bring up one comment that we disagree with, and I would like to discuss it and put it on the record. It is a requirement that it has been worked out by staff. As far as amenities, a requirement for amenities on retention basins, this requirement is not yet established. They are working on that to be part of the subdivision regulation; therefore, we feel that we should not comply with this requirement just yet. On the other hand, regarding the retention basins, an additional sidewalk has been requested to provide connectivity to the retention basin all around. The developer has agreed to provide a nice amenity for the retention basin. Still, we feel that an additional requirement for amenities is to be built on this retention basin, as we disagree with that right now.

Mr. Guzman explained that the staff is looking into requiring additional amenities for parks. We want to provide amenities like playgrounds, ramadas, or barbecue areas to the residents of the subdivisions. We are still looking into how the city will maintain those amenities and the process, but we included that comment to let the developer know that the staff is working on it. We want to make it part of the update of the subdivision regulations. We are not in the final stage yet, but we want to provide residents with as many amenities as possible. Staff can recommend additional requests, but it will be up to the city council to approve or request any extra amenities. Furthermore, Mr. Vega stated that maintenance is something that staff needs to work on because, as it is right now, the landscaping maintenance is very poor.

If you go to the new subdivisions, the developers are required to install all the latest landscaping before completing the project. There is much work to be done on the city's maintenance. Adding an additional cost for the city is maintenance, which will create more trouble. We feel that you guys need first to be able to maintain what is currently required for maintenance and then start looking into additional items to be maintained by the city. This is why we disagree that this should be necessary. The city needs to look into how to maintain the landscaping that is already in place and keep it up rather than start bringing new requirements.

Vice Chairman Barraza stated that in Yuma County, there is a modification mechanism to deviate from requirements from the subdivision regulations. Is there such a mechanism in the city or not? **Mr. Guzman** responded that it was not, and it is on the final plat approval when it is presented to the city council. If there are any deviations, we show them to the council, and they approve the deviations. **Barraza** asked if the council would take the final action if the applicant disagreed with one of the conditions that could be discussed and acted on. **Commission Member Marco A. Pinzon** asked if that was the "Tract B" retention basin as shown in the plat. **Mr. Guzman** responded yes. **Pinzon** also wondered if the staff is working on the amenities in case the developer wants a park, like a playground. **Mr. Guzman** responded yes and that we are still in the early stages, so we might not have it ready on the specifications when this item goes to the council, but we just wanted to make that comment so that they know about the plan. **Mr. Vega** further explained that the retention basin in the subdivision regulations requires 5% open space in addition to the capacity of the retention basin. The developer gives 5% of the total acreage for open space to make this retention basin a little bit more spacious and more space for the homeowners in the area. So, that has already been taken care of in this project. In addition, we have that not only are we providing the capacity for the stormwater retention, but also there is that 5% that is required by the subdivision regulations that we provide in each project, which is an amenity for the homeowners that have a more spacious in the retention basin.

B. Action on Subdivision Case No. 2024-0461F

MOTION: **Commission Member Hugo Garcia / Chairman George Amaya** moved to forward Subdivision Case No. 2024-0461F final plat for Bienestar Estates 12 Phase 2 to the city council with the conditions recommended by staff. The motion passed unanimously.

The vote was as follows:

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| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Marco A. Pinzon | Aye |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

Chairman George Amaya addressed to commission members that for the following two items, which are items 5B and 5C, we will have a discussion simultaneously and take independent action for each subdivision case number.

5. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0577P. A request by Vega & Vega Engineering PLC, on behalf of Von Verde Partners LLC, for the approval of Orchidea Park Phase 1 preliminary plat. The property is located east of 24th Avenue and south of Orchidea Park Townhomes in San Luis, Arizona.

A. Staff Presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Subdivision Case No. 2024-0577P with the following conditions:

1. Applicant must address comments from the Comment Letter dated August 6, 2024.
2. Development agreement needs to be approved prior to presenting this item to the City Council to establish the phasing of the development,

including but not limited to right-of-way dedication, traffic study, traffic lights contributions, and schedule of improvements.

3. Orchidea Park Subdivision Preliminary Plat Amendment must be approved prior to presenting this item to the City Council.

Vianey Vega, Vega & Vega Engineering, stated that he had the same comment on this project. We want to voice that we disagree with the comments on this subdivision. The same sidewalk connecting one side of the street with the other was required, and the developer agreed to provide that sidewalk. Still, we feel that the additional amenities are just unnecessary. We have also provided 5% open space for this project to create a more extensive area for the residents, and again, our big concern is adding these new amenities. We feel that maintenance of these amenities is going to be put in place; the developer is going to pay for them, and they are just not going to be maintained. They will go to waste, and we feel this is a waste of money.

Elizabeth Carpenter, Von Verde Partners LLC., stated that her concerns are that if you put picnic tables off, nobody cleans them off, and you have problems with E. coli. You put a barbecue there, and nobody cleans out the barbecues. You have issues with E. coli there. You have sanitary problems with this equipment; I want to know how the city will maintain it. I think that the residents of that area are not going to want to see broken down equipment because it will be exposed to the elements and if it is not maintained daily, there will be a problem. I see E. coli problems with picnic tables that are not cleaned and sanitized daily. That is what I think is the problem; if you put a playground equipment in there, you have the same problem. I believe there has to be another way that the city has to address first before they require the developers to put it in, and that is how they will maintain it. Where are they going to get the money to maintain it, are they going to do a special improvement district to keep it maintained, and what kind of maintenance program are they going to put into effect? The cost to put in the equipment is not that great compared to the whole project, where it comes into effect after day one because the retention basins and stuff are not under the two-year warranty period. I think that ought to be stricken as you do not have it in the subdivision regulations yet, and I am going to fight it when it goes into the subdivision regulations just for these same reasons. However, I will have more facts put together, but you guys have to think about this. There are some huge issues

there, and you have to maintain it. It is not fair to the residents that it is not kept up. On day one, they have a nice little park, a little picnic table, or whatever the developer decides to put in, and then later look awful.

Commission Member Hugo Garcia asked if there was any way the applicant could put that in the CC&Rs. I believe, like Comite de Bienestar, they have a couple of condos, and it is gated, and they have the little park and stuff like that. On their CC&R, I believe it is included for somebody to clean the front yard and barbecue areas. Is there anything you guys can do that? **Mrs. Carpenter** responded that somebody still has to pay for it, so either you have a homeowner's association or an improvement district that collects it through taxes. **Garcia** asks if the developer cannot agree or add on the CC&Rs or the homeowner's associations. **Mrs. Carpenter** responded that this was not the problem, but you still have to have a way of collecting the funds to maintain those properties. So, like I said, either you must form a homeowner's association and then not only when you form the homeowner's association, you have to have somebody that is managing it, that is paying for the bills, that is checking on everything to make sure everything is complete, it is not cheap. This is not a gated community; this is a single-family home, and townhomes are a different story. You have a homeowner's association, maintenance, and all that stuff. On this, you almost have to have an improvement district set aside strictly for that, but the only way that you are going to get it is before you make these requirements go in, you have to have a plan and how you will maintain it. This is an everyday maintenance; it is not once a week. This is equipment, tables, barbecues, or what the developer decides to put in, which is their list of things they recommend. I want to know first; I think I have the right to see how the city will follow through on it. Putting equipment in is cheap. It is afterward how many times are you going to replace that barbecue, how many times are you going to replace that table, and that playground equipment. I think it should be stricken along with the last case until the city has a process. Right now, they do not have a process.

Chairman George Amaya asked if the staff or the city had any information on Mrs. Carpenter's comments regarding the maintenance. **Guzman** responded that we required amenities as part of the improvements and any townhomes like apartments for the townhomes. A homeowner's association is created for the

townhomes, and they maintain those amenities. We heard the residents want to have a park near their house and just wanted to provide some amenities. We are looking into maybe making it part of the improvement district, but we have to check with legal to see if we can make that maintenance part of the improvement district. We are in the early stages of this requirement, but we just wanted to inform the developers about what the city is trying to do. We are updating the subdivision regulations and looking into those requirements to provide more amenities to the residents whenever a development occurs. Mrs. Carpenter is right that we need to keep on the maintenance, and many conversations still need to happen between staff and other departments because Parks is the one that takes care of the maintenance. We have to know their needs and what would work for them. We are still in the early stages, but we want to provide that comment to the developers about what the city plans.

Amaya asked when the subdivision regulations are expected to be completed.

Guzman responded that it will probably be in place in the next couple of months by the end of the year. We already have a draft, but we have a meeting at the end of this week to review the final draft. Then, we will provide an opportunity for the developers to review and provide comments, and then we will take them to the commission and council. Probably by the end of the year, it will be adopted.

Commission Member Pinzon stated that I would follow up on their comments on those parks to add to the comments on Mrs. Carpenter. I know that I do not have that issue in my neighborhood. I have a retention basin, and there is a park, which is well maintained, but I do not go and check other parks. I would follow that and see if they are not being kept up to maintenance and find out what the issue is.

Commission Member Angelica Ortiz stated that she also agrees with Mr. Pinzon about looking into that because a few parks are not kept; it is a valid point.

B. Action on Subdivision Case No. 2024-0577P

MOTION: Vice Chairman Javier Barraza / Commission Member Veronica Zavala moved to approve Subdivision Case No. 2024-0577P preliminary plat for Orchidea Park Phase 1 subdivision with conditions as presented by staff, excluding item number 14 in the comment letter dated August 6, 2024. The motion passed with five (5) aye votes and one (1) nay vote by Commission Member Marco A. Pinzon.

The vote was as follows:

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|-----------------------------------|-----|
| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Marco A. Pinzon | Nay |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

5. C. Discussion and possible action on any and all matters regarding Subdivision Case No. 2024-0578F. A request by Vega and Vega Engineering, PLLC., on behalf of Von Verde Partners LLC, for the approval of Orchidea Park Phase 1 final plat. The property is located east of 24th Avenue and south of Orchidea Park Townhomes 1 in San Luis, Arizona.

A. Staff Presentation

Jose A. Guzman, Director of Development Services, summarized the staff report recommending approval of Subdivision Case No. 2024-0578F with the following conditions:

1. Applicant must address comments from the Comment Letter dated August 6, 2024.
2. Development agreement needs to be approved prior to presenting this item to the City Council to establish the phasing of the development, including but not limited to right-of-way dedication, traffic study, traffic lights contributions, and schedule of improvements.
3. Orchidea Park Subdivision Preliminary Plat Amendment must be approved prior to presenting this item to the City Council.

Chairman George Amaya asked if the stormwater retention has been addressed with the property to the north.

B. Action on Subdivision Case No. 2024-0578F

MOTION: Vice Chairman Javier Barraza / Commission Member Veronica Zavala move to forward Subdivision Case No. 2024-0578F to City Council with the recommendation of approval with conditions as presented by staff, excluding item number 14 from the comment letter dated August 6, 2024. The motion passed with five (5) aye votes and one (1) nay vote by Commission Member Marco A. Pinzon.

The vote was as follows:

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|-----------------------------------|-----|
| Chairman George Amaya | Aye |
| Vice Chairman Javier Barraza | Aye |
| Commission Member Marco A. Pinzon | Nay |
| Commission Member Hugo Garcia | Aye |
| Commission Member Veronica Zavala | Aye |
| Commission Member Angelica Ortiz | Aye |

6. ADJOURNMENT

Chairman George Amaya adjourned the meeting at 6:36 p.m.

APPROVED:

George Amaya, Chairman

ATTEST:

Roman Pacheco, Planning Coordinator

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 AUGUST 13, 2024. I FURTHER CERTIFY THE MEETING WAS DULLY CALLED AND HELD, AND A QUORUM WAS PRESENT.

Roman Pacheco, Planning Coordinator