

**MINUTES OF THE REGULAR MEETING
OF THE
SANTA CRUZ COUNTY PLANNING AND ZONING COMMISSION**

APPROVED
4/25/19

DATE: March 28, 2019
TIME AND PLACE 1 PM; Santa Cruz County Board of Supervisor's Meeting Room,
2150 N. Congress Drive, Nogales, Arizona 85621
MEMBERS PRESENT Randy Heiss, Kelly Bostock, Nanci Pottinger, Kathi Campana, Guillermo Padilla and Marcelino Varona, Guillermo Valencia and David Gutfahr
MEMBERS ABSENT Daniel Bell
STAFF PRESENT Jesse Drake, Community Development Director and Angelika Ortiz, Deputy Planning and Zoning Enforcement Officer.

Chairman Randy Heiss called the meeting to order at approximately 1PM. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Chair Heiss ordered a call to the public and, after hearing no response, moved to the next item on the agenda; Case No. CUP-19-2-02 – A request for a Conditional Use Permit for a commercial parking lot on a B-2 (General Business) zoned property located at 366 Planta Court in Rio Rico, Arizona.

Mrs. Drake gave a report and presentation on the request. She mentioned that this property is in the flood plain and that in a flood event the trailers could float, tip or flip, the lot is too narrow for the truck to maneuver without encroaching into the adjacent properties and that, if approved, the applicant would be required to pave the property.

Mrs. Drake stated that the request is to park one truck but it would be difficult for the Planning and Zoning Department to enforce compliance and that it would encourage other truck owners to apply for a use that should only be permitted in an industrial zoned area. She also stated that it is not in conformance with the Comprehensive Plan Mixed Use Category in which this property is located.

Mrs. Drake recommended denial of the request based on the following factors in favor of denying.

1. The vehicles planned for this use may not be able to maneuver on the site and are not permitted to back in or out of a commercial lot.
2. Semi-trucks can create a hazard in a flood plain.
3. Industrial-type semi-truck parking is incompatible with retail shops, offices and restaurant uses in the commercial area.
4. The request is in conflict with the Comprehensive Plan Mixed Use Category and Growth Area Element.

Mrs. Campana asked if the road in that area could handle the use.

Mrs. Drake responded that it is a commercial area and the road is designed for truck traffic but not to that extent.

Mr. Gutfahr asked if others have been cited also because he used to see many trucks on that area and as of today they were not there anymore, he expressed concern for the water pump station on that street.

Mrs. Drake responded that two other property owners were cited and that the water pump station is other problem because if oil from this truck leaks it would be an environmental hazard that would have to be addressed.

Mr. Heiss asked the applicant for a presentation of the request.

Mr. Francisco Arellano addressed the Commission and provided them with an information binder. He mentioned that since they started their business they have encountered difficulties to safely park their equipment that has been vandalized a couple of times causing them monetary losses. He stated that before buying this property, he visited the Planning and Zoning Department and he was told he could park his vehicle on this B-2 (General Business) zoned property. When he heard that a zoning violation notice was coming his way, he again stopped by the Planning and Zoning Department and it was then that he was informed that he needed to apply for a Conditional Use Permit.

He stated that he only has one truck-trailer and only park there when it comes back to Rio Rico. He stated that he has driven around the Old Tucson Road area between the Chula Vista Bridge and Bravo Lane (flood area), where there is heavy trucking traffic looking for ways to improve their parking area. He noticed that most of those properties have gravel-parking areas and he could do that, he said that noise should not be a problem because his property is next to I-19; he also mentioned that there is plenty of room on his lot for the truck to maneuver. He asked the Commission to consider their request to park their truck when it comes back to Rio Rico.

Mr. Varona asked Mr. Arellano how he could make a turn within the boundaries of his property if Mrs. Drake's presentation is showing that it cannot be done.

Mr. Arellano responded that Mrs. Drake presentation is a theory that in his video is clear that he can turn within his property limits.

Mr. Varona asked Mr. Arellano if the Conditional Use Permit is approved is he willing to invest on the other requirements (engineering study, paving etc.)

Mr. Arellano responded that is why he visited the Planning and Zoning Department prior to buying the property to make sure it was ok to park his truck.

Mr. Varona asked Mrs. Drake if the request is approve can it be stipulated that it would be for one truck only and if he would still have to abide by the engineering study and everything else.

Mrs. Drake responded that there is no way to enforce just one truck. The Commission can add a stipulation that the permit would be for him and if the property is sold the Conditional Use Permit would go away, she stated that they would be setting a precedent for other applicants for parking on this area and that he would have to do the engineering, the development plan, the landscaping and the driveway permit.

Mr. Varona asked Mr. Arellano if he would be receptive to following those steps if the Conditional Use Permit is granted.

Mr. Arellano responded that at this moment it would be too expensive and again stated that was the reason they asked before buying the property.

Mr. Varona stated that the only way the Commission could approve the request would be subject to the conditions in the staff report and that he did not think Mr. Arellano could spend all that money to park one truck.

Mrs. Drake made a comment that should there be damage from a truck flooding down the stream the applicant would be personally liable for that damage, that he would have to acquire flood insurance and that other persons have inquired about parking truck on those lots and they have been told that is an inappropriate area for it.

Mr. Varona reiterate that he was not reasonably convinced that he would be successful and based on the information he was not convinced.

Mr. Arellano stated that he did not see any anchoring system in all of the companies on the Old Nogales Highway area.

Mr. Heiss moved to comments from the public.

Mr. Arturo Vazquez spoke in favor of the applicants and mentioned that they are honest hardworking persons and in his opinion they deserve an opportunity because they would do whatever is in their power to accomplish the approval requirements.

Mr. Heiss moved to Commission discussion and possible action.

Mr. Varona made a motion, seconded by Mrs. Campana, to deny the request based on the factors in favor denying the request.

Mrs. Campana stated that it is unfortunate that there is no land zoned for this type of business and that they need to identify, in the future, land compatible with this use.

Mr. Valencia commended the applicant for their presentation and regreted that they could not help him at this time.

Mr. Heiss thanked the applicant for their effort and respect while addressing the Commission.

Motion was approved unanimously.

Chairman Heiss moved to discussion and possible action relating to the approval of the November 15, 2018 minutes.

Mrs. Campana made a motion, seconded by Mr. Gutfahr, to approve the November 15, 2018 minutes as presented.

Mr. Heiss opened the floor for nomination for Chairman and Vice-Chairman for 2019.

Mr. Varona nominated Mr. Guillermo Valencia for Chairman for 2019.

Mr. Valencia declined.

Mr. Varona nominated Mrs. Nanci Pottinger for Chairperson and Mrs. Campana for Vice-Chair.

Nominations were closed. Mrs. Pottinger was elected Chairperson for 2019 and Mrs. Kathi Campana was elected Vice-Chair for 2019.

Meeting adjourned at 1:40 p.m.

A handwritten signature in black ink that reads "Nanci Pottinger". The signature is written in a cursive style and is positioned above a solid horizontal line.

Nanci Pottinger, Chair