

CITY OF SOMERTON
Planning and Zoning Commission
Regular Meeting Minutes
February 25th, 2019

Call to Order:

Chairman Daniel Flores called meeting to order at 6:00PM

Roll Call:

Present: Daniel Flores, Ronald Rice, Lorena Zendejas, Cristobal Garcia, Candelario Rangel

Absent: Edgar Mayorquin, Gabriel Gutierrez

Staff Present

Carmen Juarez – CDD Director

Saul Albor – Planner I

Jorge Lozano – City Attorney

Pledge of Allegiance: Read in Unison

Approval of Minutes: Skipped

Call to the Public: No public comments were presented.

PUBLIC HEARING:

ALL ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION.

1. PLN19-00001 JUAN AVILA LEGAL NON-CONFORMING EXPANSION

Saul Albor, Planner I of the Community Development Department presented this item. Mr. Albor gave a brief summary of the case explaining how Mr. Avila wished to expand a single-family detached home located at 203 W. Cano in the R-3 zoning district. Mr. Albor explained how single-family detached homes are no longer allowed in the R-3 district as of 2015 and how Mr. Avila's home was now considered legal conforming and would require a conditional use permit to allow the expansion and remodeling. Chairman Flores asked about the block wall on the West property line appeared to encroach into the property located to the West. Mr. Avila explained how it was actually the neighbors who were encroaching into his lot. Carmen Juarez explained how it was very normal for properties in the old part of Somerton to encroach into adjacent properties. Mr. Rice asked if the project would be required to develop following the 2018 IRC, Carmen Juarez explained that the 2018 codes are still not adopted and the applicant would be required to follow whatever codes the city has adopted at the time of submittal (2003 IRC), unless if the plans are submitted and denied and the resubmittal is submitted once the 2018 codes are in effect. Mr. Albor proceeded to read the rest of the staff and then presented the exhibits including the MCAS determination. Mr. Albor recommended the Commission approve the Conditional Use Permit with Conditions, the conditions were read out loud.

Before making a motion, Commissioner Zendejas asked if the project addition would fit on the lot. Mr. Albor showed the commission the site plan showing the project fits on the lot and explained how even though the house is on an R-3 lot, it would be allowed to adhere to R1-6 development standards based on the existing use instead of underlying zoning. Carmen Juarez added that the applicant would be required to submit construction plans after the CUP was approved in order to allow staff the chance to review for code compliance including zoning development standards.

Motion: Move to Approved Conditional Use Permit PLN19-00001 to allow the expansion of Juan Avila's legal non-conforming single-family home subject to the conditions listed in Exhibit A.

Moved: Lorena Zendejas
2nd: Vice Chair Ron Rice

Vote:
Yes: Rice, Zendejas, Garcia, Rangel, Flores
No: None

Motion Carried 5-0

2. **PLN19-00002 OUR CHOICE HUMAN SERVICES DAY CARE HOME**

Saul Albor, Planner I of the Community Development Department presented this item. Mr. Albor gave a brief case summary and explained the nature of the proposed business, a day care for mentally disabled adults at 440 E. Patricia Street in the R1-8 Zoning District. Mr. Albor read the staff report and explained how the Day Care Home use is different from a Day Care Center and Group Care Home and could be a compatible use in the neighborhood as long as the applicant follows are regulations prescribed in the zoning ordinance for Day Care Homes.

Mr. Albor finished the staff report and proceeded to the exhibits, exhibit B (responses from the public) included the comments from Yuma County that if the proposed use were in the County it would not be a Conditional Use, it would be permitted by right. Mr. Albor also stated that MCAS Yuma did not object to the Day Care Home as long as the patrons were indeed adults and not children not staying overnight.

Mr. Rice asked if the use would increase the property tax of the subject property, Carmen Juarez explained how it would not increase the property tax because the property would remain residential in nature and the use was not a commercial enterprise. Mr. Albor proceeded presenting the item. Commissioner Zendejas then asked why the a business license was required if the proposed use was not a commercial operation. Mr. Lozano explained how all business entities, commercial or not are required to have a business license within the City of Somerton.

Mr. Albor then turned over the floor to the applicants who explained their history and mission statement as well their intention to come provide a much needed service to the City of Somerton. The representative's agent explained how the owners want to help the mentally disabled population of Somerton instead of opening a second location in Yuma. Mr. Rice asked if the facility had to be licensed by the state, the applicant's agent explained that the facility had to be licensed by the State Department of Health Services. Ms. Zendejas asked for the age range of the patrons, the agent responded 18-75. Ms. Zendejas then asked if there was an educational curriculum or if it was just assisted living? The agent responded there was a personalized objective based curriculum for each individual. Ms. Zendejas asked if there were psychologists involved in the staff team? The agent answered saying that they have a qualified team which develop the objective plans but no actual psychologists.

Brandon Castro, owner of the Day Care Business asked to speak and he claimed they have customers already lined just waiting for them to open. Commissioner Cristobal Garcia asked about visiting hours and visitations in general would be allowed, Brandon Castro replied saying that visitations would by appointment only.

Mr. Albor then called on the Commission to open the floor to the General Public to voice their input relating the project, the following members of public spoke against the Day Care Home citing concerns including, Traffic Congestion, Parking, Crime, Noise, Decrease in Property Values, Danger, Sexual Offenders, Trash, Conflict with walking School Children, Strangers, disagreement with the staff report, etc. All members of public remained civil and respectful although some were more animated than others.

Sergio Molina, Tim Brianza, Maria Garcia Avila, and Gloria Muñoz.

Brandon Castro of OCHS responded to some of the concerns addressed mainly traffic. Commissioner Zendejas asked about PT and OT services provided on site, Mr. Castro responded that those services are not provided by OCHS.

Members of the Commission then began expressing their belief that although the service was a good service for Somerton, it was not the appropriate location. Most the of the Commission concurred. Before a motion was held, Carmen Juarez asked the Commission to understand that although the District is primarily residential, other certain uses are compatible in the district and some even permitted by right. City Attorney Jorge Lozano explained to the Commission how the ultimate decision rested with them but added that they could punt the decision to the City Council.

Commissioner Zendejas and Ron Rice expressed opposition affirmatively.

Motion: Move to Deny Conditional Use Permit PLN19-00002 for Our Choice Human Services.

Moved: Lorena Zendejas
2nd: Vice Chair Ron Rice

Vote

Yes:

No: Flores, Rice, Garcia, Rangel, Zendejas

Motion Defeated: 5-0

Summary of Current Events:

Skipped / Presented by Carmen Juarez

Next Meeting:

March 18th, 2019, pending applications.

Adjournment:

Motion: Commissioner Zendejas moved to adjourn. Commissioner Rice seconded the motion. Motion passed 5-0. Meeting adjourned at 7:57PM.

Daniel Zendejas
Chairman

11-18-19
Date