

## MINUTES

REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
August 11, 2020  
7:00 PM

**1. CALL TO THE ORDER /ROLL CALL:** The meeting was called to order at 7:11 PM, by Chairman Marco A. Pinzon.

*No Pledge of Allegiance was held due to all had been connected through technological means.*

*Chairman, members of the Planning and Zoning Commission and some members of staff participated remotely.*

**PRESENT:**  
Chairman Marco A. Pinzon  
Commission Member Javier Barraza  
Commission Member Guillermina Fuentes  
Commission Member Veronica Zavala

**ABSENT:**  
Commission Member Hugo Garcia  
Commission Member Case Van Veen

**Others Present:**  
Jose A. Guzman, Director of Planning and Zoning  
Roman Pacheco, Planning Technician  
Kay Macuil, City Attorney  
Najeh Edais, Edais Engineering, Inc.  
Olivia Jenkins, Riedel Holdings, LLC.  
Tadeo A. De La Hoya, City Manager (remotely)

### **3. CONSENT AGENDA**

#### **3. A. APPROVAL OF MINUTES**

-Regular Planning and Zoning Commission meeting held July 14, 2020

**MOTION: Commission Member Javier Barraza / Commission Member Veronica Zavala** to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye

### **5. ITEMS REQUIRING DISCUSSION AND/OR ACTION**

**5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2020-075P. A request by Edais Engineering, Inc., on behalf of Riedel Holdings LLC, property owner, for the preliminary plat approval for Riedel Office Condominiums Subdivision to be located on Lot B-1 and B-2 of the Riedel Plaza Shopping Center, San Luis, Arizona.**

#### **A. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning**, summarized staff report recommending approval of Subdivision Case No. 2020-075P for the preliminary plat of Riedel Office Condominiums Commercial Subdivision with the condition that the applicant addresses all comments on letter dated April 13, 2020.

**Chairman Pinzon** asked, "Is it going to be two buildings and one building is already there?" **Guzman** responded, "the first building of the west side is already under construction, the owner submitted a building permit to be as a regular building part of the Riedel Plaza but then it was decided to do it condominium style. The process should have been done first the subdivision plat and then the building permit."

**Chairman Pinzon** stated, "I see that there are two buildings with six units in which one building shows 5 units and the other one has 6 units." **Najeh Edais, Edais Engineering**, responded "both of them are six units." **Mr. Guzman** stated, "Each building is six units, staff has received updated plans which reflect 6 units on both buildings."

**Commission Member Barraza** stated, "On the letter addressed to the developer item no. 5 there is a question from the City Engineer. Does it require any separate lot or easement? There was a special use permit and a variance for a cell tower but not on that parcel, it was on the parcel to the west of this project. I was thinking if maybe they can cut the area of the tower and combine with the parcel on the west and make it part of the original parcel. Can something be added or talked about as part of the condition to fix this."

**Chairman Pinzon** asked Mr. Guzman, "If he knew what happen at the end of this process or what was agreed on this project." **Guzman** responded by recalling the conditional use permit was processed and then the applicant came to the city after the approval was requested to move the tower to the side because it was an empty lot. The director at that time made an executive decision allowing the action to occur. It was later determined by the City Attorney office that he did not have the authority to allow that change without going through the entire process. **Mr. Guzman** furthermore stated that he agrees with Commission Member Barraza as he mentioned this is an opportunity to fix the previous action.

**Commission Member Fuentes** asked if the applicant has a least met half of the comments from letter dated April 13, 2020. **Mr. Guzman** responded, "Yes, the applicant has address about 90 % of the comments, it is still under review by staff but most of the comments have been address." **Fuentes** asked, "Are we doing anything about the tower that Mr. Barraza mentioned." **Mr. Guzman** responded, that he has been talking to the applicant and the owner to see if they are willing to make this change during the process. **Barraza** asked Mr. Guzman, "If this is something that can be add to the recommendation or leave it as it is." **Mr. Guzman** responded, I am not sure if we can just add this as a condition as this was on a previous case." **Kay Macuil, City Attorney** responded, I would like to do some factual and legal research as to what exactly happen. I have heard from Mr. Gimbut former City attorney that yes it was allowed without going through P&Z

and City Council but it is status at this point, I would like to see where it is located and whether we can make that condition. At this point you can direct staff to study that possibility.

**B. Action on Subdivision Case No. 2020-075P.**

**MOTION: Commission Member Javier Barraza / Chairman Pinzon to Approve** Subdivision Case No. 2020-075P with the condition that the applicant addresses all comments on letter dated April 13, 2020 with addition to direct staff research the situation of tower if it is appropriate to fix it or leave it as non-conforming use. Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye

**5. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2020-076F. A request by Edais Engineering, Inc., on behalf of Riedel Holdings LLC, property owner, for the preliminary plat approval for Riedel Office Condominiums Subdivision to be located on Lot B-1 and B-2 of the Riedel Plaza Shopping Center, San Luis, Arizona.**

**A. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning,** summarized staff report recommending approval of Subdivision Case No. 2020-076F for the preliminary plat of Riedel Office Condominiums Commercial Subdivision with the condition that the applicant addresses all comments on letter dated April 13, 2020.

**Chairman Pinzon** asked if one condition is missing in the recommendation letter does the item go to council or would the item have to be held until they are all completely met. **Mr. Guzman** responded, "They have to be all addressed, maybe they do not have to be completed, but as long as staff is ok with how they are going to meet the conditions, we will present it to council. And if any conditions

are going to be addressed from the approval of the council or during the construction, we will add those conditions for council approval.”

**Commission Member Guillermina Fuentes** stated, “I think the conditions must be met before going to council for final plats. If they do compromise, they will be doing what needs to be done.

**Chairman Pinzon** asked, “So for example if this project gets approved but one aspect is not completed on the date of extension or the allotted date, does the license get pulled or everything gets shut down? **Mr. Guzman** responded, “The actual plans or the actual document of the plat all the comments are addressed before they go to council. For example, the CC&R’s needs to be recorded with the plat we usually review before the recording of the plat and not before the council approval. All the specific on the plat would be addressed before presented to council.”

#### **B. Action on Subdivision Case No. 2020-076F.**

**MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes** to forward Subdivision Case No. 2020-076F to City Council with recommendation of approval subject to the applicant addressing review comments letter dated April 13, 2020 before scheduling this item to be presented to City Council.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Member Javier Barraza	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Veronica Zavala	Aye

#### **7. ADJOURNMENT**

**MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes** to adjourn the Regular Planning and Zoning Commission meeting at approximately 7:36 p.m. Motion passed unanimously.

APPROVED:

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Marco A. Pinzon, Chairman

ATTEST:

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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 AUGUST 11, 2020. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

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Roman Pacheco, Planning Technician