

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
FEBRUARY 9, 2021
7:00 PM

1. CALL TO THE ORDER /ROLL CALL: The meeting was called to order at 7:07 PM, by Chairman Marco A. Pinzon.

2. PLEDGE OF ALLEGIANCE:

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
- Vice Chairman Veronica Zavala
- Commission Member Javier Barraza
- Commission Member Hugo Garcia
- Commission Member Guillermina Fuentes
- Commission Member Case Van Veen
- Commission Member George Amaya

ABSENT:

OTHERS PRESENT:

- Jose A. Guzman, Director of Planning and Zoning
- Roman Pacheco, Planning Technician
- Kay Macuil, City Attorney (remotely)
- Alejandra Munoz, San Luis Resident (remotely)

Elizabeth Carpenter, Long Realty (remotely)
Glenn Gimbut, Assistant City Attorney
Tadeo A. De La Hoya, City Manager (remeter)
Tom DuBose, DuBose Design Group, Inc.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Special Planning and Zoning Commission meeting held January 19, 2021.

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Conditional Use Permit Case No. 2021-031. A request by Alejandra Muñoz, owner, for a Conditional Use Permit to allow the construction of an accessory dwelling unit (guesthouse) on property located at 115 N. Escamilla Court.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to approve the consent agenda as presented. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Conditional Use Permit Case No. 2021-031.

Commission Member Guillermina mentioned that it will be really hard to enforce, if the unit is going to be use for rental purposes, however I believe that the applicant has been complying with everything that is being requested. **Guzman** responded yes, that is why staff is recommending approval of this request.

Glenn Gimbut, Assistant Attorney, stated that one of his concerns in single family residential neighborhood and turn it on a multi-family residential neighborhood, I believe you can put an extra condition on a conditional use permit.

Commission Member Javier Barraza, asked if the building of the wall will be taking place at the same time as the house, how is that going to be control or monitor? **Guzman** responded that is going to be requirement through the building permit. **Barraza** mentioned that way the new driveway will be avoided.

2. Call to the Public on this item

There were no public comments

A. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to close 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

C. Action on Conditional Use Permit Case No. 2021-031

MOTION: Commission Member Guillermina Fuentes / Commission Member George Amaya to forward conditional use permit case no. 2021-031 to the City Council with recommendation of approval as presented by staff. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. B. Public Hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2020-0793. A request by the City of San Luis for a text amendment to the San Luis City Code Chapter 152 Zoning Regulations Section 152.243 to amend the Required Parking by Land Use Type.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Case Van Veen to open 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, stated that this text amendment came because we had been receiving some building permit applications, especially for the gym we received two and we notice that the parking requirements that we have were really restrictive compare to other municipalities and in effort to be more development friendly we basically changing the required parking for gymnasiums and added a language for general commercial building to be 300 square feet because as we have more development we do not know what type of business are coming. And by adding that restriction that any commercial building must be 300 square feet it is a general requirement for any commercial business.

Commission Member Case Van Veen asked how much of a difference it is. Guzman responded that right now for a gym as an example it is 1 space for every 100 square feet.

Commission Barraza asked since the gym is been built right now did the 100 or the 300 requirement was required or was a variance granted.

Mr. Guzman stated that we did mentioned to applicant of the gym that we were working on the text amendment so we went with the 300 square feet. In case that the City Council does not approve the text amendment, they will have to comply with the 100 square feet.

Case Vann Veen, mentioned that his only concern is that being that were are in San Luis, having adequate parking is very important. I agree with it but then are we open ourselves up for something later on that it will not be beneficial to the city. Or this is just a one case at a time thing? **Guzman** responded that the request right now is to amend the requirements and once it is approved by council, they would have to comply with 1 space for every 300 square feet.

1. Call to the Public on this item

There were no public comments

2. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to close 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

3. Action on Text Amendment Case No. 2020-0793

MOTION: Commission Member Javier Barraza / Commission Member Guillermina Fuentes to forward Text Amendment Case No. 2020-0793 to the City Council with recommendation of approval as presented 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. C. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2020-0794. A request by the City of San Luis for a text amendment to the San Luis City Code Chapter 152 Zoning Regulations Section 152.047(D) (1) to amend the submittal deadline for Major General Plan Amendment Applications.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to open 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman Director of Planning and Zoning stated that the purpose of this text amendment is to change the deadline application for Major General Plan Amendments, the current deadline is June 15th. Last year we received three applications, we only had 6.5 month to process them. The current state law requires that all Major General Plan Amendments applications to be heard before City Council the same year that they are submitted.

Kay Macuil, City Attorney, stated that she just notice that is said March 1st on the text amendment not March 15th. Guzman stated that was a typo and that the proposed deadline will be March 15th.

Vice Chairman Veronica Zavala, mentioned that regarding for this year, if some of the developers was planning to submit any Major Amendment they do not have a time. How this new deadline is going to work for this year submittals, are we going to be able to delivers all the letters and be ready for this new date in March? Guzman responded that a soon as this text amendment is approved we will be sending those notice through emails and we will work with any developer who is planning on submitting an application we will be flexible on the application process.

Glenn Gimbut, Assistant City Attorney, mentioned the Mr. Guzman suggestion makes a lot of sense to give staff adequate time to process these applications and to give it consideration also to allow the Commission time to digest what is going on. The law though still says that Council can only vote on Major Plan Amendments once a year we are not changing that date, we are not changing that time because we are prohibit by state statute. So those decision will still be at the end of the calendar year. Growing Smarter was intended to make it difficult to do Major Plan Amendments. The whole idea is that, if you remember you are asking to do a Major Amendment to the General Plan and what had happen before Growing Smarter is item 1 on the agenda was to change the plan item number 2 is was to do the rezoning and all of the sudden you reduce general plan to nothing. Because councils could do whatever they wanted whenever they felt like it. The whole idea was no we want to give some permanence to the plan, we want to make it difficult to amend, and we are only going to allow it once a year. I know that several developers have been in touch with Mr. Guzman about Major Plan Amendments this year, they

all are aware of this change. I have not heard anyone they have a problem with this new deadline.

2. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia to close 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

C. Action on Text Amendment Case No. 2020-0794

MOTION: Commission Member George Amaya / Chairman Marco A. Pinzon to forward Text Amendment Case No. 2020-0794 to the City Council with recommendation of approval as presented 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

4. D. Public hearing followed by discussion and possible action on any and all matters regarding Text Amendment Case No. 2021-050. A request by the City of San Luis for a text amendment to the San Luis City Code Chapter 152 Zoning Regulations Section 152.013 Definitions and Section 152.225 Medical Marijuana to provide for the regulations of marijuana establishments and/or marijuana testing facilities.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Javier Barraza to open public hearing. The Motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman Director of Planning and Zoning mentioned that this item was going to be presented by Glenn Gimbut, Assistant City Attorney.

Glen Gimbut, Assistant City Attorney, mentioned that when proposition 207 passed by the voters. The next week I was in front of City Council in a work session to ask which direction they want the city to go in responding to proposition 207. And I asked if the attitudes towards marijuana in our community particularly the attitude that people did not like it. I asked if that had changed in the years since medical marijuana. And I was more or less told which version of the word "No" you do not understand. With that in mind we drafted the current regulations on the books, and you may recall we met about this in December, where the regulatory skim is that marijuana establishments which are the ones who sell recreational marijuana are

banned in our community except at a place that they sells medical marijuana. The regulatory skim in Arizona is such that you get one medical marijuana license per community health area, also called "CHAA". We are in two CHAA in San Luis but there is an overall cap on how many medical marijuana licenses are available in the state and that cap is exhausted. The only way you are going to get a medical marijuana dispensary license in San Luis is if you win the annual lottery for the few licenses that are available state wide and so far no one has won that lottery. So by that kind of regulations we effectively banned recreational marijuana been in San Luis. Since then the City of San Luis has been approach by a couple of people who wants to locate recreational marijuana in San Luis. It appears that we would me almost guarantee one license down here, but that is all that would be available is one recreational marijuana license. The propose site seems to be the old Kentucky Fried Chicken business. The reason we are in front of you is this is a request by the Mayor. We had an executive session in front of City Council while I cannot tell you what was said on the executive session I can tell you I heard no opposition to this change. Right now, our zoning code reads that medical marijuana establishments banned except for medical marijuana, I am removing that language and putting in saying that medical establishment will be regulated exactly the same way as medical marijuana dispensary are regulated. In others words one thousand feet from schools, and thousand feet from a public park, those restrictions are still very much in place. That is the proposal that the Planning and Zoning Commission will see in front of you tonight.

Commission Member Case Van Veen, asked so they still have to have the medical license along with the recreational license? **Gimbut** responded no, that changes that they can be either a medical marijuana dispensary or medical marijuana establishment for recreational marijuana but they do not have to have both licenses anymore under this change. **Van Veen** asked so we can vote not to change that, right? **Gimbut** responded yes, right now the present existing ordinance says recreational marijuana can only be sold at a medical marijuana dispensary but we are changing that and of course all zoning have to come through the commission for recommendation so that is why is here tonight. The change if any will be made by City Council.

Commission Member Fuentes, asked how many persons or places can be open at one certain point, if the city will give a license to operate. **Gimbut** replied the city does not give any license to anyone the state does through the Arizona Department

of Health Services. The regulatory skims for medical marijuana dispensary licenses or recreational marijuana are different. Medical Marijuana is regulated by so called "CHAA" recreational marijuana there is one license for every ten pharmacies licenses in the state and they are a couple of minor brackets. My understating from one lawyer who is representing one of this people who want to locate in San Luis who is an expert in this regulations, says there will be one license that we almost guarantee to get a license down here but only one and that is that lawyer opinion. There are approximately at least one hundred sixty available state wide. If you want to locate all one hundred and sixty in a roll in the City of Phoenix you can do it. Only if there is no medical marijuana at all in your County are you allow one recreational marijuana license, there is that provision in the statute. It is up to the state to issue license for recreational marijuana.

Commission Member Case Van Veen, mentioned that he wanted to make sure how important this is, if we let this change in the future we are basically are opening our self-up.

Commission Member Barraza, mentioned that he wanted to remind commission members that the applicant still need apply for a conditional use.

3. Close public hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Case Van Veen to close 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

C. Action on Text Amendment Case No. 2021-050

MOTION: Chairman Marco A. Pinzon / Commission Member Case Van Veen to recommend denial to City Council regarding Text Amendment Case No. 2021-050. The Motion carried 6-1.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Nay
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2020-0765P. A request by Riedel Holdings LLC, for the preliminary plat approval for La Esperanza Estates Subdivision. The property is located south of the East Main Canal between 6th and 8th Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of preliminary plat Subdivision Case No. 2020-0765P, approval subject to the following condition:

1. Applicant must address all comments on review letter dated February 5, 2021.

B. Action on Subdivision Case No. 2020-0765P

MOTION: Commission Member Javier Barraza / Vice Chairman Veronica Zavala to approve Subdivision Case No. 2020-0765P with conditions as presented by staff. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

6. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2020-0792F. A request by Riedel Holdings LLC, for the preliminary plat approval for La Esperanza Estates Subdivision. The property is located south of the East Main Canal between 6th and 8th Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Subdivision Case No. 2020-0792F, subject to the following condition:

1. Applicant must address all comments on review letter dated February 5, 2021.

2. Action on Subdivision Case No. 2020-0792F

MOTION: Vice Chairman Veronica Zavala / Chairman Marco A. Pinzon to forward Subdivision Case No. 2020-0792F with approval recommendation to the City Council with the condition that the applicant addresses review comments letter dated February 5, 2021 before presenting item to City Council. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	Aye

6. ADJOURNMENT

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon adjourn the Regular Planning and Zoning Commission meeting at approximately 7:54 p.m. 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member Case Van Veen	Aye
Commission Member George Amaya	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 PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA HELD ON FEBRUARY 9, 2021. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician