

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
MAY 11, 2021
7:07 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 Guillermina Fuentes (arrived at 7:21 p.m.)
Commission Member George Amaya

ABSENT: Commission Member Hugo Garcia
Commission Member Case Van Veen

OTHERS PRESENT:

Jose A. Guzman, Director of Planning and Zoning
Roman Pacheco, Planning Technician
Fernando Villegas, Principal Planner
Glenn Gimbut, Assistant City Attorney

Kay Macuil, City Attorney
Elizabeth Carpenter, Long Realty (remotely)
Najeh Edais, Edais Engineering, Inc. (remotely)
Salmos 127:1 LLC, San Luis Resident (remotely)
Tadeo A. De La Hoya, City Manager (remotely)

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

-Regular Planning and Zoning Commission meeting held February 9, 2021.

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon 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 George Amaya	Aye

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2020-0474B. A request by Edais Engineering, on behalf of, Riedel Holdings, LLC, owner, to amend conditions on Low Density Residential (R1-20) zoning as approved by Ordinance No. 402. The property is located at Quintero Avenue & County 22nd Street.

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 George Amaya	Aye

1. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval subject to the Conditions set by in the Development Agreement approved by City Council in Resolution No. 2058 or any amendment approved by Council.

Commission Member Barraza asked so then the rezoning will be coming back to the commission. **Guzman** responded no, this will go to the City Council. If the commission wants to add or change any conditions we would make sure we added to the report that goes to the city council.

2. Call to the Public on this item

Glenn Gimbut, 1534 9th Avenue, San Luis, Arizona stated that he wanted to make a public comment with respect to the proposal on erosion control. Unfortunately I had a very bad experience on my house which is in Las Quintas I with the erosion control that was done for Las Quintas II. The issue is that the system of a master plan, leaving it up to each individual homeowner to build according to the master plan, engineer plans and drawings and all of that, CC&R's to protect people does not work. If you looked at the houses that got developed in Las Quintas II, they each backyard was left with maybe a stem wall in the whole back slope of about three and one half feet, then you had glance sloping up to the top held back by the stem wall below. Leaving each homeowner with a practical back yard about eight feet, as their back yard. Sure enough, as I predicted in an email in the year of 2016, the homeowner below me decided he wanted a bigger back yard. So

rather than hired an engineer and come in and get building permits, submit engineering plans and drawings. He just hire somebody an unlicensed contractor with a Bobcat to go digging into the slope and removing what wall for protection existed. When that happened my house shook like it was in a level 7 earthquake, my backyard fence is now leaning and threatened to go down the hill. Our ability to enforce and protect from erosion control seems to be almost close to non-existing. Therefore, this system of erosion control that we did for las Quintas 2 does not work. I sent emails to Najeh Edais, left him phone messages, he did not return the calls, Mrs. Nieves Riedel did not respond to emails either. The only thing that you are left to do is to go back to a more traditional approach for holding back the slope and for las Quintas it will be the east side. To have a true retaining wall built on the get go, having be at common property, and be common wall, maintain by a homeowners association. And that is the only thing is going to work.

Commission Member Javier Barraza, asked was this reported to the Code Enforcement Officer?

Kay Macuil, City Attorney, responded that there was a red tag a soon as we made aware of it, there was communications with the home owner. He did bring back the dirt that was removed and now we are in the process of working with the home owner with getting the engineering that it is required.

Gimbut, explained that the dirt that was brought back was not the original dirt. It does not comply with proper engineering standards. It requires a certain amount of compaction and soil testing geo technical that comes with it for a temporary slope protection according to basic engineering guide, I sent that to staff and was not follow. Mr. Campa has been more or less begging this guy to comply, to this date to my knowledge he has not hire an engineer or lifted a finger to do anything.

Najeh Edais, Edais Engineering, Inc., mentioned that staff did a good job presenting the case.

A. Close public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala 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 Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

C. Action on Rezoning Case No. 2020-0474B

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to forward Rezoning Case No. 2020-0474B to City Council with recommendation of approval with the condition that council approves any amendments to the Development Agreement. 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 Guillermina Fuentes	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. 2021-0293. A request by the City of San Luis for a text amendment to the San Luis City Code Chapter 18 Zoning Regulations Section 18.30.020(E)(7) and 18.30.030(E)(6) by amending the requirements for covered parking on Multiple Residential Zoning Districts.

A. Open public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala 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 Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Text Amendment Case No. 2021-0293.

Commission Barraza asked what the cause of this amendment was, was it a group of people that cause this? **Guzman** explained that staff had received an application and plans for an apartment complex and when I was reviewing the plans and reviewing the parking spaces I notice the requirements that all parking had to be covered. We always stand to try to be development friendly. And I think this regulation was against our beliefs. Since on the single family homes we required at least for one parking that how I came up with that number to a least have each unit have the opportunity to have one parking space, but we have not received any complaints. I checked with other municipalities and some of them required less covered parking and other do not required parking at all. But do to the weather we have here in the summer at least having one would be sufficient and it is a reasonable requirement.

Commission Member Fuentes, stated that she also believes that the current requirement is too much.

Vice Chairman Zavala, mentioned that she is also agrees with Mrs. Fuentes, some other cities does not have any requirements to have a shade. If we are going to be development friendly we do not have that many space for other developers to

build big buildings, complex and we are need of rentals. I am thinking about the need from the community, that there is no rentals.

1. Call to the Public on this item

Mr. Pacheco stated for the record that there have been no comments received from the public via email.

2. Close public hearing

MOTION: Chairman Marco A. Pinzon / Vice Chairman Veronica Zavala 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 Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

3. Action on Text Amendment Case No. 2021-0293

MOTION: Chairman Marco A. Pinzon / Commission Member Guillermina Fuentes to forward Text Amendment Case No. 2021-0293 to the City Council with approval recommendation as presented by staff. The Motion carried 4-1.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Commission Member Javier Barraza	Nay
Commission Member Guillermina Fuentes	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. 2021-0181F. A request by Vega & Vega Engineer, PLC, on behalf of Sam Group Investment Co., owner, for the final plat approval for Belleza Del Desierto Phase 2 Subdivision. The property is located at the southeast corner of 20th Avenue and San Antonio Street.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of final plat Subdivision Case No. 2021-0181F, approval subject to the condition that the applicant addresses review comments on letter dated May 7, 2021.

Commission Member Guillermina Fuentes asked does the applicant has done the traffic study the City is requesting? **Guzman** responded they are going to make a contribution for the improvements for the signal of Avenue E and County 24th Street.

Commission Member Fuentes asked did the owner make a traffic study on Phase I. **Guzman** responded that he was not sure if they did a traffic study. I remember that the City was going to make study for the whole east area, and place on the condition on the rezoning at that time and it is the one mentioned on the report.

Glenn Gimbut, Assistant Attorney, explained that he drafted the ordinance in question, I think it was my comment that I made as a staff member on this one. The ordinance that requires a traffic study, requires a traffic study if your proposes subdivision or development has a number of trips per day by what your bringing forward. A traffic study for say the first phase if its limited for just the first phase then it does not covered the second phase but a traffic study may not be necessary because it does not have much trips per day in the propose subdivision.

Vianey Vega, Vega and Vega Engineering, explained that going back to the comment that we are now in agreement and to answer commission member Fuentes. The phase I of the project the requirement was the contribution per acre that it was established by ordinance number 398 and that ordinance states that there is a per acre contribution that the project needs to pay in lieu of contribution of a traffic signal in a regional circulation study that the city is going to perform on the east area on the next twelve months. With this requirement of the contribution the traffic study it takes away the requirement, that is our understanding. By us paying this contribution it will be towards the traffic signal that it will be required at one point on County 24th Street and Avenue E. that is why we are not agreeing to provide another traffic study because same for Phase II, we are going to have that contribution per acre that is going to be also going to that streetlight and the study that is going to be performed in that area. Therefore, that is why we are not agreeing in that comment number 5, we did get clarification from the Planning and Zoning Director as far of the requirement and he pointed out that Public Works is to determine if the traffic study is required or not. We also received a response from Public Works Director that the project does not warrant the need for a traffic study as the city has the requirement, we are still going to contribute because of that ordinance. Therefore, it is up to City Council if that study is required or not. The recommendation by staff will be that it is not required, and we should do the contribution and move forward.

Mr. Guzman stated that just for clarification Belleza Del Desierto Phase I was approved almost at the same time when the ordinance of requesting traffic study was approved. Since we did not have regulations to request a traffic study, we added that condition in the rezoning that they have to contribute but that is a separate condition than the traffic study. The traffic study ordinance was a new regulation that council approved, that is why a made that comment and it will be up to Public Works Director and as he answered it would be up to City Council, since any deviation from our regulations will have to be approved by City Council.

Mr. Gimbut explained that Mr. Vega is confusing two separate distinct requirements the assessment for the traffic light is one requirement but that stands alone or different from the ordinance that's talks about a traffic study, that ordinance applies to all subdivisions period. Now, the way it gets implemented is

it refers to a standard in the Public Works standards that refers to a certain number of trips per day. If your proposed subdivision tripwires a certain number of trips per day then we want a traffic study but now, in this particular case I cannot think of what improvements in the world would ever be required by that traffic study that aren't being put in the ground as proposed in the current design. I cannot think of one and so that may be one reason that Mr. Vera determined that one's not needed here but we leave it to him to make the decision is this ordinance does it required a traffic study yes or no under the circumstances that are presented and that is separate from the contribution for the traffic light at County 24th.

B. Action on Subdivision Case No. 2021-0181F

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to move forward Subdivision Case No. 2021-0181F to City Council with condition that the applicant addresses review comments on letter dated May 7, 2021 before presenting item to the 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 Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

5. B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0307P. A request by Edais Engineering, Inc, on behalf of the owner, for the preliminary plat approval for Palencia Hills Subdivision. The property is located north of County 22nd Street and alignment of Quintero Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Subdivision Case No. 2021-0307P, with the condition that the applicant addresses review comments on letter dated May 10, 2021.

Najeh K. Edais, Edais Engineering, Inc., stated that they received the comments and they do not have any problem resolving these issues.

B. Action on Subdivision Case No. 2021-0307P

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to approve Subdivision Case No. 2021-0307P with the condition that the applicant addresses review comments letter dated May 10, 2021. 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 Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

5. C. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0308F. A request by Edais Engineering, Inc, on behalf of the owner, for the final plat approval for Palencia Hills Subdivision. The property is located north of County 22nd Street and alignment of Quintero Avenue.

A. Staff Presentation

Jose A. Guzman, Director of Planning and Zoning, summarized staff report recommending approval of Subdivision Case No. 2021-0308F, with the condition that the applicant negotiates the development agreement with City Council and any deviation from existing agreement is approved by City Council. And if the conditions of the agreement are changed, staff recommends including the following conditions:

- The Development Agreement was approved based on a layout with 10 lots, the new proposal is 19 lots. The plat is part of the agreement as "Exhibit 2: Conceptual Plan" and will be updated with the new conceptual plan.

- The name for the future subdivision was changed from "Las Quintas de San Luis 3" to "Palencia Hills" and agreement needs to be change appropriately.
- The applicant must provide to the City any documentation regarding the Home Owners Association including but not limited to Declaration of Covenants, Conditions and Restrictions (CC&Rs), the articles of incorporation, the bylaws, and the rules and regulations. The applicant must provide an acceptable mechanism to generate funds necessary to maintain any private streets, landscape, retention, common areas and amenities associated with the development including the landscape in the adjacent public right-of-way. The applicant agrees to submit a petition to create any applicable improvement district, dedicate easements to the City, and make changes to the plat as deem necessary by the City. If applicant is not in agreement with any requirement or administrative interpretation, then the appeal process shall be followed in accordance with City Code Section 152.045.

B. Action on Subdivision Case No. 2021-0308F

MOTION: Commission Member Javier Barraza / Chairman Marco A. Pinzon to move forward Subdivision Case No. 2021-0308F to City Council with recommendation of approval with the condition that any change of the existing Development Agreement is approved by the City Council and includes the conditions proposed 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 Guillermina Fuentes	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 8:02 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 Guillermina Fuentes	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 MAY 11, 2021. I FURTHER CERTIFY THAT THE MEETING WAS DULLY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician