

## **MINUTES**

REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
SAN LUIS COUNCIL CHAMBERS  
1090 E. UNION STREET  
FEBRUARY 8, 2022  
7:00 PM

**1. CALL TO THE ORDER /ROLL CALL:** The meeting was called to order at 7:05 PM, by Vice Chairman Marco A. Pinzon.

### **PRESENT:**

Chairman Marco A. Pinzon  
Vice Chairman Veronica Zavala  
Commission Member Javier Barraza  
Commission Member Hugo Garcia  
Commission Member Guillermina Fuentes  
Commission Member George Amaya

### **ABSENT:**

Commission Member Case Van Veen

### **OTHERS PRESENT:**

Jose A. Guzman, Director of Planning and Zoning  
Fernando Villegas, Principal Planner  
Kay Macuil, City Attorney  
Jossue Cerda, I.T. Help Desk Technician  
Najeh K. Edais, Edais Engineering, Inc. (via Zoom)  
Nieves Riedel, Riedel Construction (via Zoom)  
Olivia Jenkins, Riedel Construction (via Zoom)

## 2. PLEDGE OF ALLEGIANCE

*No Pledge of Allegiance was held due to not having in-person attendance for members of the public and others connected through technological means.*

## 3. PUBLIC HEARINGS

**3. A. Public hearing followed by discussion and possible action on any and all matters regarding Minor Amendment Case No. 2022-0029. A request by Core Engineering Group, PLLC on behalf of Nels Timothy Rogers to amend the 2040 General Plan changing the land use designation of parcel 6.17 acres in size from Medium Density Residential (MDR) to Commercial (C). Assessor's Parcel number 227-10-004, located north of County 24<sup>th</sup> Street between 20<sup>th</sup> Avenue and 21<sup>st</sup> Avenue in San Luis, Arizona.**

### 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 Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

### 1. Staff Presentation

**Mr. Fernando Villegas, Principal Planner**, presented and summarized staff report recommending continuing this item until the owner complies with the existing prosecutor's agreement.

**Chairman Marco A. Pinzon** asked how long it has been for the applicant to comply since the prosecutor's agreement was done. **Mr. Jose A. Guzman, Planning and Zoning Director**, responded about a year.

**Vice Chairman Veronica Zavala** mentioned that this comes back from July 2019 when they started talking about this agreement and Mr. Rogers was supposed to dedicate the right-of-way to the city. This was back on November 2019 again and he did not comply, am I correct? **Mr. Guzman** responded that is correct. This property was mentioned back when the Santa Cecilia 3 Subdivision has been done, one of the right-of-way that was needed for the second entrance for the subdivision. That is where the process started and ended with the prosecutor doing that agreement. The city prosecutor agreement is dated February 2021, but the process started two years back.

**Commission Member Guillermina Fuentes** asked if there is any specific reason why the owner has not complied with the right-of-away dedication to the city. Because it seems that the city is the bad guy here, not wanting to give the applicant the permit to continue.

**Jonathan Klein, Core Engineering Group, PLLC.**, stated that the prosecutor's agreement brought our attention when we submitted the rezoning application, after we submitted this minor general plan amendment application. It has come to our attention that this is an old issue however we made it clear process that we were willing to dedicate all the right-of-way, lift station and create the improvement districts with this parcel. We would ask that would be allowed to sign an agreement to create the improvement districts for the adjacent 40-acre parcel, however, not implement that district currently as there is no development scheduled for that property and implementing that district to cost improvements to be created and expenditures to be incurred that would not be supported by any revenue from this commercial or any development. There will be cost for the commercial development that would not be supported by any development on that 40-acre parcel and there is no development schedule for that. We are willing to comply with all the pieces of the prosecutor's agreement it was just brought to our attention late. We would just ask that we would be allowed to resolve this and get a recommendation for approval, and we resolve it before it gets to council. We will draft up different documents that would not require Norma T.

Rogers signature since she is no longer with us. That would be our proposed resolution and my explanation for a least in our involvement we only recently been notify about this, I am not sure whether there were issues with getting Norma T. Rogers to agree or whether her failing health was an issue.

**Commission Member Javier Barraza** asked the agent what the time frame for you would be to comply with what is described in the prosecutor's agreement. Mr. Klein responded within a couple of weeks, we just must get the documents drafted up and signed. Received new documents from the prosecutor's office, apparently it seems some documents that they sent to the attorneys of the old parties, so we would just need names change and we would be able to get that done within a week or two. The City Council meeting is not until early next month, so that should be plenty of time. **Mr. Barraza** asked when would this item be coming in front of the City Council? **Mr. Guzman** responded the council meeting is schedule for March 9, 2022.

**Oliva Jenkins, Riedel Construction**, stated that Riedel Construction and Riedel Holdings, LLC., while they were trying to get their approval for Santa Cecilia 3. Both were asked to comply with easements that were on this property and Mr. Rogers was aware of the situation. To be fair the city asked Riedel Construction and Riedel Holdings, LLC., to comply with all the requirements before we even moved. I think only to be fair it should be the same for every developer.

**Nieves Riedel, Riedel Construction**, this thing about this firm just found out. The owner new 17 years ago that he needed to provide the city with the rights-of-way and was never done. Then we bought the land next to him and then we were asked unjustly by the city to provide them with the right-of-way that was out of our hands. We ended up that we had to hire lawyers, spend lots of money to finally the city had come to their senses and did the right thing. This thing about Mrs. Rogers, yes, I do understand that she was ill, but Mrs. Rogers was never part of this, it was her son Nel's Rogers that refuses to give the right-of-way a long time ago. If in my mind and my notes are still here, he even threatens the city to locked up city employees out of their lift station. For this to come up at the last minute and everybody is trying to make concessions, if I were in a position, I would table this then give me all the right-of-way to protect the city and then let start. They are not in a hurry; is not like they have somebody right now ready to

develop. This is the time for the city to really start getting the developers to comply so 10-15 years from now we would not be having this problem.

**B. Close public hearing**

**MOTION: Commission Member Guillermina Fuentes / 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 George Amaya	Aye

**C. Action on Minor Amendment Case No. 2021-0750P**

**MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia** to continue this item until the owner complies with the existing prosecutor's agreement. 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 George Amaya	Aye

**4. ITEMS REQUIRING DISCUSSION AND/OR ACTION**

**4. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0750P. A request by Edais Engineering Inc., on behalf of Riedel Holdings LLC, for the approval of Los Mezquites Unit 1 preliminary plat. The property is located on the southeast corner of Avenue E and County 23-1/2 Street (San Luis Lane) in San Luis Arizona.**

**A. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning**, presented and summarized staff report recommending approval of Subdivision Case No. 2021-0750P with the following conditions:

1. Developer must comply with the approved development agreement.
2. A road connection from southeast corner of the subdivision to County 24<sup>th</sup> Street should be provided prior to the acceptance of the subdivision.
3. Landscaping plans shall be submitted prior to presenting this item to City Council.

**Chairman Marco A. Pinzon** asked if Riedel Construction is complying with the recommendation. **Mr. Guzman** responded yes. Commission Member Javier Barraza asked why the zoning map is not showing the proper zoning. Mr. Fernando Villegas responded that the rezoning case was approved on January 12, 2022, and by law we must wait 30 days until we can update the map.

**Vice Chairman Veronica Zavala** stated that she was going to abstain from voting on this item due to possible conflict of interest.

**B. Action on Subdivision Case No. 2021-0750P**

**MOTION:** **Chairman Marco A. Pinzon / Commission Member Hugo Garcia** to approve Subdivision Case No. 2021-0750P preliminary plat for Los Mezquites Phase 1 with conditions as recommended by staff. The Motion passed unanimously with one abstained vote by Veronica Zavala.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

**4.B. Discussion and possible action on any and all matters regarding Subdivision Case No. 2021-0751F. A request by Edais Engineering Inc., on behalf of Riedel Holdings LLC, for the approval of Los Mezquites Unit 1 final plat. The property is located on the southeast corner of Avenue E and County 23-1/2 Street (San Luis Lane) in San Luis Arizona.**

**A. Staff Presentation**

**Jose A. Guzman, Director of Planning and Zoning**, presented and summarized staff report recommending approval of Subdivision Case No. 2021-0751F with the following conditions:

1. Developer must comply with the approved development agreement.
2. A road connection from southeast corner of the subdivision to County 24<sup>th</sup> Street should be provided prior to the acceptance of the subdivision.
3. Landscaping plans shall be submitted prior to presenting this item to City Council.

**B. Action on Subdivision Case No. 2021-0751F**

**Vice Chairman Veronica Zavala** stated that she was going to abstain from voting on this item due to possible conflict of interest.

**MOTION:** **Chairman Marco A. Pinzon / Commission Member Hugo Garcia** to forward Subdivision Case No. 2021-0751F to City Council with the recommendation of approval with the conditions as presented by staff. The Motion passed unanimously with one abstained vote by Veronica Zavala.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Commission Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

## 6. ADJOURNMENT

**MOTION: Chairman Marco A. Pinzon / Commission Member Hugo Garcia** adjourn the Regular Planning and Zoning Commission meeting at approximately 7:34 p.m. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Veronica Zavala	Aye
Acting Chairman Javier Barraza	Aye
Commission Member Hugo Garcia	Aye
Commission Member Guillermina Fuentes	Aye
Commission Member George Amaya	Aye

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 FEBRUARY 8, 2022. 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