

MINUTES

REGULAR MEETING
PLANNING AND ZONING COMMISSION
SAN LUIS COUNCIL CHAMBERS
1090 E. UNION STREET
APRIL 11, 2023
6:00 p.m.

1. CALL TO THE ORDER /ROLL CALL: The meeting was called to order at 6:04 p.m. by Chairman Marco A. Pinzon.

PRESENT:

Chairman Marco A. Pinzon
Vice Chairman Javier Barraza
Commission Member Veronica Zavala
Commission Member George Amaya
Commission Member Ruben Walshe

ABSENT:

Commission Member Hugo Garcia
Commission Member Angelica Ortiz

OTHERS PRESENT:

Jose A. Guzman, Director of Planning and Zoning
Kay Macuil, City Attorney
Roman Pacheco, Planning Technician
Domingo Sosa, Graphics and Media Specialist
Juan Tejeda, Associate Planner
Ruben Lopez, I.T. Technician
Alberto Leon, Riedel Holdings, LLC.
Mark Concha, Riedel Holdings, LLC.
Najeh Edais, Edais Engineering, Inc.

2. PLEDGE OF ALLEGIANCE:

Commission Member George Amaya led the Pledge of Allegiance.

3. CONSENT AGENDA

3. A. APPROVAL OF MINUTES

- Regular Planning and Zoning Commission meeting held February 14, 2023

MOTION: Commission Member George Amaya / 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 Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

Chairman Marco A. Pinzon moved item #5A from the Items requiring the discussion of the Discussion and/or Action section.

5. ITEMS REQUIRING DISCUSSION AND/OR ACTION

5. A. Discussion and possible action on any and all matters regarding Subdivision Case No. 2023-0134F. A request by Najeh Edais, on behalf of Riedel Holdings LLC., for the approval of Plaza Colibri Commercial Subdivision final plat. The property is located on the northeast corner of County 24th Street and Avenue E in San Luis, Arizona.

Jose A. Guzman, Director of Planning and Zoning, presented and summarized the staff report recommending approval of Subdivision Case No. 2023-0134F with the condition that the applicant addresses the review comment letter dated April 7, 2023.

MOTION: Commission Member George Amaya / Commission Member Ruben Walshe to forward Subdivision Case No. 2023-0134F to the City Council with the

recommendation of approval with the condition that the applicant addresses the review comment letter dated April 7, 2023. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

4. PUBLIC HEARINGS

4. A. Public hearing followed by discussion and possible action on any and all matters regarding P&Z Case No. 2023-0002. A request by the City of San Luis to consider the adoption of the San Luis Parks, Paths & Trails Master Plan.

A. Open Public Hearing

MOTION: Vice Chairman Javier Barraza / Commission Member Ruben Walshe to open the public hearing. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, presented and summarized the presentation recommending approval of the Parks, Paths & Trail Master Plan to the City Council.

Commission Member George Amaya stated that he likes the concept; it promotes a healthy lifestyle for the City of San Luis residents. Mr. Amaya further asked from the stakeholder's meetings if there were any suggestions on the draft and whether it meets their needs on what you are proposing. **Mr. Guzman** responded yes. On the city's overall goal, we presented the draft to the City Council as well. Some recommendations were not part of the draft, which will be included before it gets delivered to the City Council, which are the connectivity of the overall bicycle lane connectivity of the city and some recommendations, including dog parks. We do not have any here in San Luis. We will also require land for future parks, like other residential subdivisions, for forthcoming developments. We will include all new input we received and ensure it is included in the final document.

Commission Member Veronica Zavala mentioned there will be some exercise equipment. **Guzman** responded that this is the other comment to be included in the outdoor exercise equipment in the existing parks. Currently, Moctezuma Park is the only one that has some equipment.

2. Call the Public on this item

Najeh K. Edais, Edais Engineering, Inc., stated that Mr. Amaya asked a good question, and I considered him one of those stakeholders. I did not know about it until tonight. I want to look at it for the benefit of myself and my clients, and I am asking that this document be emailed to us between now and the council meeting so we can look at it and voice our opinion.

Mr. Guzman furthermore stated that, as I said before, this has been a long process. The last community workshop we held was back in March 2021, so we can promote the plan more and get more comments from the public before we take it to the City Council. If the Commission wants staff to enable the draft before taking it to the council and bringing it back to you for a recommendation, we can do that, or the Commission can recommend the current document as it is.

Vice Chairman Javier Barraza mentioned that he was part of those meetings, and I noticed them on the maps. I always look at the maps, there were some paths with barriers, and I look at them again and say they did not change it, so they must jump

through this canal, there is no bridge. I recommend having the consultant update maps to look at it, using aerial imagery and probably reroute those paths on the maps.

B. Close Public Hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Ruben Walshe to close the public hearing. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

C. Action on P&Z Case No. 2023-0002

MOTION: Chairman Marco A. Pinzon / Commission Member George Amaya to CONTINUE P&Z Case No. 2023-0002. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

4. B. Public hearing followed by discussion and possible action on any and all matters regarding Rezoning Case No. 2022-0693. A request by the City of San Luis for a text amendment to Title 18 of the City Code of the City of San Luis, Zoning Regulations to amend the provisions for front and side yard setbacks to allow a reduction in setbacks for certain structures including prohibitions for fire safety

requirements and design specifications and amending permit requirements for accessory buildings.

A. Open Public Hearing

MOTION: Vice Chairman Javier Barraza / Commission Member Ruben Walshe to open the public hearing. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

1. Staff presentation

Jose A. Guzman, Director of Planning and Zoning, presented and summarized the staff report recommending approval of Text Amendment Case No. 2023-0048.

Vice Chairman Javier Barraza asked if there is going to be zero tolerance, like ten two inches (10.2"), ten six inches (10.6"), twelve feet, or 11 feet, because I know 10 feet is not enough to cover a car. Still, I know there is something like that, but people start wanting to have that 20 by whatever. So, what will be the limit, or will there be 10 feet on the front? **Guzman** responded yes, you will be able to build your shade up to 10 feet, and that is the best option that we can come up with, allowing them to have some shade for the vehicle while keeping the safety for the people. **Barraza** asked if it is permitted, they will have to abide by the front setbacks, but if they do it without a permit, will that be enforced? Is it doable? Does the city have enough staff to do that? **Guzman** responded that we are going to be constant on the enforcement part. We currently have two code enforcement officers for the whole city. So, we are strict on this matter because it concerns safety. Any structure for this part of the area of the setbacks will require a permit. On the accessory building, I mentioned that anything less than 200 square feet

could not require a permit. There will be an exception for this structure on the front.

Barraza asked if it would be a setback to the post or the overhang. Sometimes it either or, in this case will be to the overhand if it extends slightly more than 10 feet or the center. **Guzman** responded since it is a visibility concern and most likely will be to the post. **Barraza** asked if they have an overhang of two feet, making a shade of 12, but the bar is at ten. What will be the approach to the post? **Guzman** mentioned that the ordinance now allows for a two-foot overhang, which I must bring to the fire department and building safety. Visibility wise, I do not see why it would be an issue, but we will ensure we review that. The main goal is to give options while keeping the residents safe, so we will probably allow those two feet.

Commission Member Veronica Zavala asked that the setback is 18 to the garage and 20 feet to the building, so you are counting the ten setbacks from the street to the post. **Guzman** responded yes.

Commission Member George Amaya asked Mr. Guzman if you had referenced the 2018 IRC International Residential Code and what is the minimum fire separation within the code for such a structure of the proposal. **Guzman** responded that the minimum is three feet or any design on the side or any part of the house. The 10 feet are visibility issues, not on the building or fire part, just on the front. On the side, we do have the five (5) feet, and if they want to reduce it more, they will have to provide that report that I mentioned. **Amaya** asked which will require the minimum fire rating to reduce the minimum separation in the IRC. **Guzman** responded that on the side, we propose that they go up to zero feet. It won't have any minimum breaks between the main building and the accessory. It would be like an extension of the building, but we will require that report. **Amaya** asked for the material so there would be no fire rating.

Guzman stated that the concern was that the fire would not go to the next building. The previous fire chief was back in 2017 when we had this discussion. They wanted some fire-resistive construction, and when we talk to the fire department now, they would rather have a material that banishes quickly with the fire. So, the report must establish that the material would not keep the fire going.

Based on the previous comments and concerns, we already amended the zoning, allowing them to go from seven to five if they provide a fire-rated wall. Currently, we are dealing with the material that will evaporate from the fire.

Pinzon asked what happens to houses when they do not have a neighbor so the fire would not be an issue. Are you also considering whether you have the park or the street? Are you going to have the same or will they be different because there is no one next door or it is empty? **Guzman** mentioned that we try to be consistent and apply the same regulations to everyone. I know there are certain circumstances where there is a little difference. That will be a question that I will have to get back to you and have the fire inspector answer that question.

Joaquin Campa, Building Official, mentioned that on the question about the minimum side setback with the fire-rated protection to the structure, the ordinance we have in place right now calls for a two-hour fire rated within a five feet property line. Since we are going to the property line now, we will keep the same two-hour fire rate on the structure. It will depend on the type of materials that they are using to accomplish these regulations. If residents want to build those with steel or metal, that is one of the advantages we will take out of it. Even though they will have a metal cover on them, we need to regulate those as well because we need to make sure that those tarps or whatever they put on top of them are also fire-rated, and we will ask for proof of that.

Commission Member George Amaya asked for some of the shade structures, as mentioned by Mr. Campa, steel, and mesh. For example, those would have to be prescriptive and engineered. **Mr. Campa** responded yes.

2. Call the Public on this item

Najeh Edais, Edais Engineering, Inc., mentioned a question about the corner lots and whether that required a fire rating. I thought the setbacks for corner lots were from the center line of the street. In my opinion, those corner lots that they do not have, like a park or something like it was mentioned, do not need to be fire rated.

Mr. Campa responded that the only setbacks we are amending here are the sides from another house and the front. The side street setback is 10 feet from the property line, and I think there is also a statement in the ordinance that it does not

allow any structure to get closer than 10 feet when you have a corner lot. So, it would not be necessary for a fire to be rated on the design since we do not have any structure closer than 10 feet on the street side setback.

Furthermore Mr. Edais stated that he likes this amendment because if you have a structural steel or some steel construction that gives you the fire rating for the two hours, there is no problem with the fire moving from one lot to another. My second question is as far from the front as you go on a 10-foot carport, so you can have a garage and an open structure in the front to give some shade for a car while somebody is working on their driveway. Is that structure not have to be fire rated?

Mr. Campa responded yes.

B. Close Public Hearing

MOTION: Chairman Marco A. Pinzon / Commission Member Veronica Zavala to close the public hearing. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

C. Action on Text Amendment Case No. 2023-0048

MOTION: Commission Member George Amaya / Commission Member Veronica Zavala to forward Text Amendment Case No. 2023-0048 to City Council with the recommendation of approval. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye

Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	Aye

6. ADJOURNMENT

MOTION: Chairman Marco A. Pinzon / Vice Chairman Javier Barraza to adjourn the Regular Planning and Zoning Commission meeting at approximately 6:40 p.m. The motion passed unanimously.

The vote was as follows:

Chairman Marco A. Pinzon	Aye
Vice Chairman Javier Barraza	Aye
Commission Member Veronica Zavala	Aye
Commission Member George Amaya	Aye
Commission Member Ruben Walshe	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 REGULAR PLANNING AND ZONING COMMISSION MEETING OF THE PLANNING AND ZONING COMMISSION, SAN LUIS, ARIZONA, HELD ON APRIL 11, 2023. I FURTHER CERTIFY THE MEETING WAS DULLY CALLED AND HELD, AND A QUORUM WAS PRESENT.

Roman Pacheco, Planning Technician