

**Planning and Zoning Commission Meeting Minutes
April 27, 2015**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, April 27, 2015, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Chris Hamel and Commissioners Karen Conde, Jacob Miller, Alan Pruitt, and Richard Sorenson. Commissioners David Koopmann and Clinton Underhill were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development, Andrew McGarvie, Assistant City Engineer; Richard Files, Deputy City Attorney; Joy Everett, Senior Planner; and Richard Munguia, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:31 p.m. and noted there was a quorum present.

CONSENT CALENDAR MINUTES

April 13, 2015

WITHDRAWALS BY APPLICANT

None

CONTINUANCES

None

APPROVALS

None

MOTION

Motion by Sorenson, second by Conde, to APPROVE the Consent Calendar, as presented. Motion carried unanimously (5-0).

PUBLIC HEARINGS

CUP-8923-2015: *This is a request by Byrne & Benesch, PC, on behalf of LSREF Golden Property 26, LLC, to revise/expand an existing Conditional Use Permit (CU95-08) to increase the number of residential assisted living units from 140 to 157, for the Emerald Springs assisted living facility located in the Transitional (TR) District. The property is located at 1475 S. 46th Avenue, Yuma, AZ.*

Joy Everett, Senior Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Hamel asked if the building's footprint would change. **Everett** said no. **Hamel** asked where the primary entrance is located. **Everett** stated it is off of 46th Avenue.

APPLICANT / APPLICANT'S REPRESENTATIVE

Minda Greene, 230 W. Morrison Street, Yuma, Arizona, was available for questions.

Hamel asked the primary purpose of the additional rooms. Greene said there would be a conversion of two bedroom units into one bedroom units and it would be for a variety of different health needs. Hamel asked if the increase in rooms would mean more parking spaces would be required. Everett said no, there were no specific parking criteria for assisted living facilities. In 1995, staff calculated the parking requirements and determined 210 spaces were required, and the property owner obtained a variance to reduce the spaces to 96, with plenty of parking still available.

PUBLIC COMMENT

None

MOTION

Motion by Conde, second by Miller, to APPROVE Case Number CUP-8923-2015. Motion carried unanimously (5-0).

ZONE-8398-2015: *This is a request by Dahl, Robins, and Associates, Inc., on behalf of Ellington Land AZ, LLC, to rezone approximately 44.58 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6 and R-1-12) District. The property is located north of 12th Street between Avenue D to the west and county residences on Yavapai Lane to the east in Yuma, AZ.*

Joy Everett, Senior Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Hamel asked for clarification on traffic studies. Andrew McGarvie, Assistant City Engineer, stated that the use had to be known before a traffic study would be conducted. Hamel asked if the General Plan was merely a roadmap to help direct city development. Everett said yes. Hamel asked who would be responsible for some of the improvements along Clip Street. Everett said the property owner would be responsible for what abuts the subject property. McGarvie stated that a traffic study might recommend offsite improvements along 8th Street, 12th Street, or Avenue D. Currently 12th and 8th Streets were not a part of the Infrastructure Improvement Plan (IIP) and development fees collected from this proposed development could not be used to improve those areas. Hamel asked for clarification on the IIP. McGarvie stated that any needed infrastructure was required to be included in the IIP in order to begin collecting fees. Hamel asked how money was set aside for improvements for developments like this. McGarvie said it was a yearlong process to get something placed on the IIP, otherwise the developer would have to do improvements. Commissioner Sorenson asked who paid for road improvements around the property. McGarvie said if it was necessitated by the developer, then it would be the developer that pays. Sorenson said the roads were narrow and traffic sped through the area, and asked if the city had studied the traffic in the area. McGarvie said no, that would be during the subdivision portion of this project. Hamel asked if road improvements would be done on the frontage adjacent to the property. McGarvie said yes, and if the traffic study showed that there were more improvements needed due to the development, the city would ask the developer for those improvements.

APPLICANT / APPLICANT'S REPRESENTATIVE

Harvey Campbell, 4155 E. County 13 ½ Street, Yuma, Arizona, said he was representing the property owner. The preliminary history of the project was correct, as stated by staff. The applicant met with City Council to determine how best to reconfigure the project. The school bus pickup location was an issue during the last rezone request. The applicants are proposing

a retention basin where the bus pickup would be relocated. Staff is recommending approval of this project. Almost every major subdivision in Yuma was R-1-6, and that was what the applicant asked for, but was denied. A buffer zone of R-1-12 lots were included in the new proposal. If projects were not allowed to infill into the city limits, there would not be any other places to develop.

Campbell continued and wanted to clarify a few rumors. The Hall Brothers did not build, own or develop any portion of Donovan Estates. The homes for this project are expected to cost \$139,000 – \$239,000, depending on floor plan, model, and location. They would be similar to Desert Oasis. This development was not going to take any of the neighbor's property. A traffic study could not be done until prior to the preliminary plat portion of the project. The developer has to build infrastructure to comply with the traffic study. The development would bring road improvements to the area. The developer would not be taking property from surrounding property owners for improvements. Neighbors offered to purchase the property from the developer, but have not yet received any offers or phone calls. The developer was trying to mitigate all of the concerns from surrounding neighbors. This project would look like Lynwood Estates.

Hamel said the buffer zone of R-1-12 would abut against the canal, and asked how far the canal would be from the rear property lines. **Campbell** said he did not yet know. The entire development would have a block perimeter wall around it. **Hamel** asked about turning the emergency access into a full access. **Campbell** said the road was required to be 50 feet wide and there would be some reconfiguration if that occurred. **Commissioner Miller** said he thought this development was good for this portion of the City.

Campbell stated that the applicant was willing to dedicate rights-of-way by plat. **McGarvie** said the agreed-upon conditions were by plat or by warranty deed.

Richard Files, Deputy City Attorney, said the City of Yuma does not endorse any comments that may discriminate on the basis of race, age, religion, national origin, or disability. If any comments of that nature came up, he would interrupt the speaker and instruct the Commission to disregard those comments.

PUBLIC COMMENT

Melissa Ray, 4881 W. Clip Street, Yuma, Arizona, said the neighbors have been battling this request since 2002. The roads are all considered primitive roads, and Yuma County does not maintain those roads. Speeding is a concern as well. There are shootings nearby, and there currently are four active cases with the Yuma County Sherriff's office.

Robert Kammann, 4575 Covered Wagon Way, Yuma, Arizona, said he was a developer for over 35 years, and some of the concerns that the previous speaker had would be mitigated with this new development. It would be patrolled by Yuma Police Department (YPD). He developed Barkley Ranch, and that area has turned out nice. This development would be a buffer between the concerned neighbors and Donovan Estates. The developer has the right to develop their property, since this is America.

Alfonso Carbajal, 8392 Yavapai Lane, Yuma, Arizona, said the Yuma County Water Users Association abandoned a ditch in the area, and wanted to know the distance from the subject property perimeter wall. **McGarvie** said there was a 37.5-foot half-width and the wall would have to

be kept outside of the easement area. **Carbajal** said other people in the area extended their back fence into the easement area. He added that the shootings were in Donovan Estates and asked if YPD would go into Donovan Estates. **Laurie Lineberry, Director of Community Development**, said that the subject property would be where YPD would patrol. Donovan Estates was in the County, and YPD would not patrol that area.

Hila Boyer, 4705 W. 8th Street, Yuma, Arizona, said she has been to all of the meetings for this subject property, and there have not been any substantial changes to the requests. More people would make the area worse, rather than better. She has had trouble with thieves in this area, and stated that the request for 161 homes would amount to a lot of people concentrated into a small area. There are traffic issues and problems with speeding in this area. If there were an emergency in the area, it would be difficult to enter or exit this area.

Jeff Barnacle, 5286 Francis Street, Yuma, Arizona, handed out documents to the Commission. He stated that he asked the applicant if the property would be for sale, because he knew a farmer that was interested in that property. He did not know if the farmer made any offers for that property. When this request was approved by City Council in 2013, the applicants discussed with him and wanted to find a compromise. The applicants requested Barnacle to call Council Member Thomas to discuss what needed to happen for a re-introduction. He was waiting on the applicants to contact him, and they had not yet done so. There was a traffic study done in 2002, as stated in the documents handed out earlier. Based on the traffic study and number of homes requested, there would be more than 1600 trips per day, which was over the average daily maximum of 3,000 per day. In 2002, the request was not to exceed 140 lots, with 12,000 square foot lots buffering the south and west sides. Today the applicant is asking for more than the original request. In 2010, the request was for 150 lots. It did not make sense to wait until prior to the preliminary plat stage for a traffic study. Additionally, these homes appeared to be starter homes. At the neighborhood meeting, the Desert Oasis handout showed those homes to be \$123,000 to \$150,000, rather than what the applicant had stated. In 2013, 178 homes were being requested. He was requesting a denial on this proposal based on safety, traffic, and density issues. R-1-6 was not compatible with this area. The concerned property owners did not object to the development, only to the density.

Margaret Anderson, Clip Street, Yuma, Arizona, said there was a drive-by shooting at her house last year. She had animals on her property, and her neighbors were ok with that. If property was going to be taken to improve the roads, many existing property owners would lose large portions of their land. The request is too high of a density.

Peggy Jimenez, 4759 W. Clip Street, Yuma, Arizona, said she did not have a problem with development, but has lived in this area all of her life. She felt that the access point to this development would cause high speed traffic near her home. There was a lot of gang violence in this area, and hoped that this development did not bring any additional violence.

Hamel asked if any other members of the public wished to voice their concerns. He noted that there were no other speakers coming forward, and closed the public hearing for Commission discussion and action.

Hamel said this was a contentious topic and area, and has come before the Commission several times. He appreciated everyone's comments, and understood that crime was an issue, but the Commission could not take that into consideration. The traffic impact was not yet known

for this area. He did not feel that this change was significant enough to change the way he voted last time, though he agreed that R-1-6 was the majority of development in Yuma. Being on the Commission has allowed each commissioner to see new development and subdivisions and the issues they bring for different areas.

Sorenson asked how the street widening process would be done. If the developer improved a small portion of the road, how would the city go about improving the rest of the roadway. **McGarvie** said there was no dedicated right-of-way on the east side of Avenue D. Clip Street had nothing to the south. A large amount of money was needed, but it was dependent upon the traffic study and what would be attributable to the development. There was not enough money to improve Avenue D or 12th Street at this time. **Sorenson** asked the last time the property changed ownership. **Lineberry** said staff did not track ownership, only the proposed land use.

Sorenson said he did not know how far property rights go as owners of smaller portions of property. The opposing property owners want to control what was done with property that was not theirs, yet he understood that these property owners bought into the area with the expectation of a certain lifestyle. This was the difficult part; determining what and how to vote. This Commission was only a recommendation. City Council would be the body that makes the decision on this property. **Hamel** concurred, and said that it was rough for the Commission to make a recommendation in these kinds of circumstances. The recommendation made tonight could be ignored by City Council. The property owner does have a right to develop their property, but he could also see the point of view of the opposing property owners.

Miller stated that he believed the Commission could not infringe upon property owner's rights. This development would improve the area. Yuma would continue to expand and as expansion occurred, some may not be in favor of it. This request would be heard by City Council, and he felt that this should be recommended approval for City Council, though they have denied the request previously.

A member of the audience tried to speak to the Commission from their seat.

Lineberry stated that the public hearing portion of this case had been closed. In order to allow a member of the public to speak, the Commission had to ask a specific person a specific question. **Hamel** apologized to the public and stated that this portion of the hearing was for the Commission to have discussion and allow for a motion.

Commissioner Conde stated that Yuma was growing and would continue to grow. Last time this property was before the Commission, one of the members stated that the opposition to the project needed to realize that Yuma was growing and the owner of this subject property had the right to develop their land.

MOTION

Motion by Miller, second by Pruitt, including the dedication by plat, to APPROVE Case Number ZONE-8398-2015. Motion carried (4-1), with Hamel voting nay.

INFORMATION ITEMS

Staff

None

Commission

None

Public

Diana Barnacle, 5286 Francis Street, Yuma, Arizona, said she was passionate about the previous case and thought that developers should go into the community and checked with the surrounding property owners. This project has been opposed several times with many people speaking out against this request, yet it seemed like no one listened to the opposition. It appeared that there was nothing that the opposing property owners could do about this.

ADJOURNMENT

The meeting was adjourned by motion of **Miller**, second by **Conde**, at 6:12 p.m.

Several members of the audience came forward after the meeting had adjourned and attempted to give more testimony to the Planning and Zoning Commission, who had begun leaving the dais. The microphones were turned off and Staff helped escort the neighbors out of the Council Chambers.

Minutes approved this 8 day of June, 2015.



Chairman