

**Planning and Zoning Commission Meeting Minutes  
June 8, 2015**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, June 8, 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, David Koopmann, Jacob Miller, Alan Pruitt, and Clinton Underhill. Commissioner Richard Sorenson was absent.

**STAFF MEMBERS** present included Laurie Lineberry, Director of Community Development; Andrew McGarvie, Assistant City Engineer; Rodney Short, Assistant City Attorney; Bobette Bauermann, Principal Planner; Alyssa Linville, Associate Planner; Aubrey Trebilcock, Assistant Planner; Richard Munguia, Planning Technician; and Lisa Ray, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:30 p.m. and noted there was a quorum present.

---

**CONSENT CALENDAR MINUTES**

April 27, 2015

May 11, 2015

**WITHDRAWALS BY APPLICANT**

None

**CONTINUANCES**

None

**APPROVALS**

None

**MOTION**

Motion by Conde, second by Pruitt, to **APPROVE** the Consent Calendar, as presented. Motion carried (4-0-2), with Koopmann and Miller abstaining.

---

**PUBLIC HEARINGS**

Commissioner Pruitt stated he had a conflict of interest and left the dais at 4:33 pm.

**ZONE-9101-2015:** *This is a request by Richard Neault, on behalf of Marguerite Bryan, to rezone approximately 1.67 acres from the High Density Residential (R-3) District to the Limited Commercial (B-1) District. The property is located at 1280 W. 24th Street, Yuma, Arizona.*

**Bobette Bauermann, Principal Planner,** summarized the staff report, recommending **APPROVAL.**

## QUESTIONS FOR STAFF

Commissioner Underhill asked if a certificate of occupancy was mentioned. **Bauermann** said yes, it is a legal condition of rezoning to ensure the zoning will not be final until the applicant converted it into assisted living or into a medical office.

## APPLICANT / APPLICANT'S REPRESENTATIVE

**Richard Neault**, 2400 S. 4<sup>th</sup> Avenue, Yuma, Arizona, was available for questions.

**Hamel** asked if the apartments would transition into assisted living units once they became vacant. **Neault** said yes.

## PUBLIC COMMENT

None

## MOTION

Motion by Underhill, second by Conde, to APPROVE Case Number ZONE-9101-2015. Motion carried unanimously (5-0-1), with Pruitt abstaining.

**Pruitt** returned at 4:36 pm.

---

**ZONE-9378-2015:** *This is a request by Fowler Malone, on behalf of Richard Musgrove, to rezone approximately .9 acres from the Agriculture (AG) District to the Low Density Residential (R-1-12) District. The property is located at 2070 & 2090 S. Araby Road in Yuma, Arizona.*

**Alyssa Linville**, Associate Planner, summarized the staff report, recommending **APPROVAL**.

## QUESTIONS FOR STAFF

**Hamel** asked for clarification on the residential lots. **Linville** said that there are two lots, which are both large enough to have a single-family residence, but the applicant intends to develop only one lot.

**Underhill** asked if a consistent amount of property was being dedicated along Araby. **Andrew McGarvie**, Assistant City Engineer, stated that this request would be less than what is dedicated further to the south; the roadways plan stated that Araby Road is a collector street.

## APPLICANT / APPLICANT'S REPRESENTATIVE

**Fowler Malone**, 2896 S. Avenue B, Yuma, Arizona, said he disagreed with condition number 4. If Araby Road was widened, the location of the house would have to be closer to the neighbors to the west unless a lot tie was done. **Underhill** asked if the right-of-way dedication would require the planned home to be moved unless the lot was tied. **Malone** said yes.

**Commissioner Koopmann** asked for clarification on the half-width right-of-way and the future plans for Araby Road. **McGarvie** said Avenue 3E is the preferred connection to Highway 95 and Araby Road was not, which was why it was downgraded to a collector street. **Laurie Lineberry**, Director of Community Development, stated the plan was revised due to the amount of negative feedback from the public in the surrounding neighborhoods. **Koopmann** asked if the road was still a truck route. **McGarvie** said no. **Koopmann** asked for clarification of the width requirements because some properties gave more width than others. **McGarvie** said the City cannot give property away by State law, but the owner can write a letter to the City to

request abandonment for the right-of-way. **Koopmann** asked if the property was taken away during development, would that be considered a cost of development. **McGarvie** said yes. **Koopmann** asked if the original owner requested right-of-way abandonment, would it have to be purchased. **McGarvie** stated the request could be worked out with the City and the original owner if the owner wanted the right-of-way back. If it were a subsequent owner, the right-of-way would have to be sold back. **Koopmann** asked when the Major Roadways Plan was going to be updated. **McGarvie** said it was expected to go to Council within the next several months. **Koopmann** asked what type of road Araby would be. **McGarvie** said Araby would remain as a collector street. **Koopmann** asked the previous right-of-way width was. **McGarvie** said 50 feet. **Koopmann** asked if it should still be operated under the previous plan. **Lineberry** stated a General Plan Amendment will have to be completed to officially adopt the Transportation Master Plan. Meanwhile, staff has been directed to use the new plan, which reduces roadway widths, so more roadway was not taken than needed from private property owners when the owners develop.

**Hamel** asked the applicant if the adjustments solved the potential issues. **Malone** said yes. **Koopmann** stated he was pleased to see a revision to the Transportation Master Plan.

#### **PUBLIC COMMENT**

None

#### **MOTION**

**Motion by Koopmann, second by Underhill, to APPROVE Case Number ZONE-9378-2015. Motion carried (6-0).**

---

**CUP-9562-2015:** *This is a request by Leonard Sanchez for a Conditional Use Permit to allow a dance studio in the Light Industrial (L-I) District. This request includes an exception to reduce the landscaping and setback from 20' to 0' along 3rd Avenue and reduce the setback on 13th Street from 20' to 7'. The property is located at 1301 South 3rd Avenue, Yuma, Arizona.*

**Aubrey Trebilcock, Assistant Planner,** summarized the staff report, recommending **APPROVAL.**

#### **QUESTIONS FOR STAFF**

**Hamel** asked if the main entrance was off of 13<sup>th</sup> Street. **Trebilcock** said yes. **Hamel** asked if the zero foot setback area would remain as a parking lot. **Trebilcock** said yes.

#### **APPLICANT / APPLICANT'S REPRESENTATIVE**

**Leonard Sanchez, 899 E. Plaza Circle, Yuma, Arizona,** was available for questions.

**Hamel** asked if the parking lot in the rear would be eliminated. **Sanchez** said it would be but used for staff only. **Koopmann** asked if there were any concerns from the neighbors using the parking lot. **Sanchez** said no.

#### **PUBLIC COMMENT**

None

## MOTION

Motion by Pruitt, second by Conde, to APPROVE Case Number CUP-9562-2015. Motion carried unanimously (6-0).

---

**GP-8866-2015:** *This is a General Plan Amendment request by Dahl, Robins and Associates on behalf of Saguaro Desert Land, Inc., to change the land use designation from Low Density Residential to High Density Residential for approximately 7 acres. The requested land use change is located at the northwest corner of 24th Street and Avenue 9E.*

Jennifer Albers, Principal Planner, summarized the staff report.

## QUESTIONS FOR STAFF

Underhill asked if there was a proposed site plan for this project. Albers said the applicant might be able to provide that.

Koopmann said the staff report stated that there would not be sewer available to this site, and asked if that was correct. Albers said that sewer was available off of 24th Street. Koopmann asked if the sewer would go to a new lift station. Albers said it would go to an existing lift station.

## APPLICANT / APPLICANT'S REPRESENTATIVE

John Weil, 3064 S. Avenue B, Yuma, Arizona, said that there was no available site plan. The applicant determined that the request for high density residential was not practical, and is now requesting medium density. The property has beautiful views, and the intent is to develop no more than 80 upscale multi-family dwellings on this property.

## PUBLIC COMMENT

Rodney Short, Assistant City Attorney, said that general references to crime and low-income would not be helpful. The Commission and the City Council would not make a decision based on those factors.

Hamel stated that there was a five minute time limit per speaker.

Will Slater, 8466 E. Olive Ann Lane, Yuma, Arizona, said that the applicant did not know what they were going to build and was asking for approval without knowing what their plan would be. If you want to do something good for the community, place a park on that property. All of the residents in the area do not want this project to move forward. The applicants do not care about anything other than money, nor do they care about the views, or the views that they would obstruct for the existing residents. The applicant would not care about the property after it was developed. If the commission really is a representation of the people, then this should not move forward.

Marianne Slater, 7855 E. 26th Street, Yuma, Arizona, said she bought property in this community because it was smaller and not congested. At the neighborhood meeting, no one was in favor of this project, and the residents in the area still are not in favor of it.

Dan Franklin, 8849 E. Turquoise, Yuma, Arizona, said that he agreed with Will Slater's comments and added that there was a lot of traffic on Avenue 9E and has been car accidents

in front of his house. There was already a lot of congestion with school traffic and passing trains.

**Donna White, 8166 E. Lorenzo Lane, Yuma, Arizona**, said that she led a committee called "Residents Against Saguaro Apartments" and now she runs a Facebook Page that has over 1,200 shares for anything she posts. Those people would be at the June 22, 2015 meeting. The residents in the area did not want this change to move forward. There was a lot of traffic in this area now, and more residents in the area would require road improvements. She was concerned with who would have to pay for these improvements, the developer or taxpayers. She also had spoken with farmers and they were not in favor of this request, and she shared a letter of opposition from JV Farms.

**Luis Arroyo, 2664 S. Pinedale Avenue, Yuma, Arizona**, stated that he did not think crime was a protected status and felt that he could address crime in his statement. He added that the staff report needed review, because he felt that there were errors in the staff report. He showed overheads for his talking points. He identified parts of the City of Yuma General Plan to support his statements. He stated that the number one industry in Yuma was farming, which needed to be protected. He stated that the City had a smart growth program, and that the Commission should consider that prior to their decision. Food safety should also be taken into consideration. The first case heard by the commission was changing an apartment complex into a nursing home. He felt that was because there was no demand for more apartments. This development would lower property values in the area. There are a lot of rentals, foreclosures, and houses for sale – additional apartments or duplexes were not needed. There was not a need for any medium density in this area. Crop dusters fly north-south because there are residences (trailer park) to the east and west. With more unsupervised kids coming in with this development and no park within a mile, the kids would utilize the canals, bus depot or water treatment plant and vandalize those areas. He stated that the property was within the liquefaction area. He continued by informing the Planning & Zoning Commission of their responsibilities and duties as a Commission. They were to take into consideration all of the factors and perspectives of the surrounding property owners before making a determination. There would also be a lot of re-alignment of the streets and traffic lights if this development moves forward. He added that the map showing the property was inaccurate based on the retention basin being a part of the general plan amendment.

**Albers** stated that the retention basin is outside of the property, but the plan was being amended to include the retention basin because it would not make sense to leave that portion out.

**Allison Stanley, 8321 E. Lorenzo Lane, Yuma, Arizona**, said she moved from La Mesa Street, where there was a lot of congestion and traffic. Currently, the railroad causes long wait times whenever a train passes through. She felt that the current sewage treatment plant would be overcapacity. People in the trailer parks nearby walk around the area, and additional traffic would make it difficult to continue to walk in that area. Although the townhomes could be luxury at first, their value could drop quickly, which would affect surrounding property owners. She would rather see single homes or townhomes similar to those on Avenue 9 E and Frontage Road.

**MOTION**

Motion by Conde, second by Koopmann, to CLOSE Case Number GP-8866-2015. Motion carried unanimously (6-0).

---

**INFORMATION ITEMS**

**Staff**

Laurie Lineberry, Director of Community Development, stated that the previous General Plan case was the first public hearing. Staff was required by state law to hold two public hearings. The second hearing would be located at Arizona Western College, 2020 S. Avenue 8E, Building 3C, Schoening, South Wing Conference Room, on June 22, 2015 at 4:30 pm. The Commission would make a recommendation for this case at that time.

**Commission**

None

**Public**

None

**ADJOURNMENT**

The meeting was adjourned by motion of Underhill, second by Koopmann, at 5:49 p.m.

---

Minutes approved this 22 day of June, 2015.

  
\_\_\_\_\_  
Chairman