

**Planning and Zoning Commission Meeting Minutes
May 23, 2016**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, May 23, 2016, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Chris Hamel and Commissioners Lukas Abplanalp, Kim Hamersley, David Koopmann, Alan Pruitt, and Richard Sorenson. There is one vacancy.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Andrew McGarvie, Assistant City Engineer; Rodney Short, Assistant City Attorney; Robert Blevins, Principal Planner; Aubrey Trebilcock, Associate Planner; and Amelia Griffin, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:33 p.m. and noted there was a quorum present.

CONSENT CALENDAR MINUTES

May 09, 2016

WITHDRAWALS BY APPLICANT

None

CONTINUANCES

None

APPROVALS

None

MOTION

Commissioners Koopmann and Hamersley stated they were not able to vote on the May 09, 2016 minutes.

Motion by Sorenson, second by Abplanalp, to APPROVE the Consent Calendar, as presented. Motion carried unanimously (4-0).

PUBLIC HEARINGS

Chairman Hamel stated they were moving to the second case on the agenda because the agent for the applicant for the first scheduled case was delayed.

CUP-13614-2016: This is a request by O & M Electric for a Conditional Use Permit to allow an industrial use, electrical contracting, in the Light Industrial (L-I) District within 600 feet of a residential zoning district. The request includes exceptions to the front yard setback and landscaping. The property is located at 983 S. 3rd Avenue, Yuma, AZ.

Aubrey Trebilcock, Associate Planner, summarized the staff report recommending **DENIAL**.

QUESTIONS FOR STAFF

Hamel asked when off-street parking requirements and the Federal Clean Air Care Act came into effect. **Laurie Lineberry, Director of Community Development**, said the off-street parking requirements were adopted in 1979 and the Federal Clean Air Act has been in effect for over 17 years.

Commissioner Koopmann asked if the parking requirements were based on the vehicles the proposed buyer stated he would have on site. **Trebilcock** said yes and stated staff would like to keep parked vehicles off of 3rd Avenue. **Robert Blevins, Principal Planner**, stated that the higher number of parking spaces came from the amount of vehicles that would be on the property. He said that any portion of the property that would be utilized as parking would have to be paved. **Koopmann** asked if it was a requirement to pave an entire lot. **Lineberry** said no and stated the zoning code had requirements for setbacks and the setbacks generally needed to be landscaped.

Commissioner Hamersley asked for clarification on what portion of the property would have to be paved. **Trebilcock** said parking spaces, drive aisles, and drive ways would have to be paved.

APPLICANT / APPLICANT'S REPRESENTATIVE

John Matheus, 350 W. 16th Street, Yuma, AZ, said the seller bought the property four years ago and did not have to go through this process. He said the extra five parking spaces that were required would not be utilized because the proposed buyers insurance would not permit him to park private vehicles in the service area. **Matheus** said an ABC (Aggregate Base Course) could be used as a measure of dust control for the additional required parking spaces. He estimated paving the entire lot would cost \$40,000 to \$50,000 and the extra cost would have a significant impact on whether or not the proposed buyer would go through with purchasing the property.

Hamel asked for clarification on where the company's customers and employees would park. **Matheus** said employees would not be permitted to park near the storage or service area and customers would not meet the proposed buyer on the property.

Hamel asked if using an ABC as measure of dust control would be acceptable. **Lineberry** said no and stated the lot had to be paved with either asphalt or concrete. She added that the code required on-site parking to be provided for the use of the property.

Commissioner Abplanalp asked if the parking was for employees, customers, and fleet vehicles. **Lineberry** said yes.

Hamel asked why the current property owner did not go through this the process when he purchased the property four years ago. **Lineberry** said there was not any activity on the property. She explained that a Conditional Use Permit was required for an Industrial use within 600' of residential properties.

Koopmann questioned why the amount of parking spaces was based on the amount of vehicles and not the square footage of the building. **Lineberry** said generally the size of the building was big enough to accommodate the amount of parking required, but in this case the building on the property was not big enough.

Commissioner Sorenson said the problem was that upfront parking was not available on the property.

Hamersley asked if on-street parking on 3rd Avenue would be acceptable. **Lineberry** said no. **Matheus** commented that 3rd Avenue was the only street in the area that had no parking signs. **Koopmann** asked for the reasoning of the no parking restrictions on 3rd Avenue. **Lineberry** said the City installed the no parking signs when the surrounding neighbors complained about on-street parking on 3rd Avenue.

PUBLIC COMMENT

Jerry Lococo, 350 W. 16th Street Suite 332, Yuma, AZ, said they have been working on this project for over four months. He stated since they had a Pre-Development meeting there has been an additional \$40,000 cost added on to a \$100,000 property. He said they were requesting additional time to complete the requirements if the property was purchased. He added that allowing on-street parking on 3rd Avenue would benefit the street.

Sorenson asked what reasonable time would be to complete the ten parking spaces. **Lococo** said they were requesting two years to complete the ten parking spaces and added that paving the entire lot was a great expense.

Lococo asked for clarification on Condition of Approval number four on attachment A of the staff report. **Lineberry** said when a Conditional Use Permit was approved the site plan was also being approved. She stated if there was any substantial modification to the site plan neighbors needed to be notified. She added that there was an expectation to add ten parking spaces to the site plan and the addition of the parking spaces would not require a new Conditional Use Permit.

Abplanalp asked if it was possible to request another year to complete the requirements. **Lineberry** yes and stated that it was included in the Conditions of Approval. **Abplanalp** asked why this was an issue if it was in the Conditions of Approval. **Lineberry** said it was required to have the Conditions of Approval met before receiving a business license.

Koopmann questioned if a retention basin could be added to the property with the ten paved parking spaces. **McGarvie** said a retention basin was required and added that there was a possibility of using the Yuma County retention basin, but was not sure if that was possible at the moment. **McGarvie** added that there were multiple ways of accomplishing the retention basin and gave underground retention as an example. **Lineberry** added that there was the ability to do the retention on the parking lot itself. **McGarvie** said parking lot retention was possible but the proposed buyer would have to show it would percolate within five days. He added that parking lot retention would degrade the pavement.

Hamel asked if it was a possibility to park the business vehicles at another location.

Trinidad Morin, 802 W. 34rd Street, Yuma, AZ, said this property should be utilized as a yard not a parking lot. He said he could have employees drive the vehicles home. He stated that the issue was the retention basin and paving the entire lot because the funding was not available at the moment.

Hamersley asked why the no parking signs were still in place. **McGarvie** said once the no parking signs were placed they would not be removed unless they were brought up to staffs attention.

Koopmann asked if five parking spaces would be acceptable if the no parking signs were removed from 3rd Avenue. **Lineberry** said yes if the proposed buyer did not park the vehicles on the property and stated a Condition of Approval would be added to the Conditional Use Permit. **Sorenson** asked if the five parking spaces were removed from the requirements would the retention basin still be an issue. **Morin** said yes because of the cost. **Lococo** added that there was a significant cost to redevelop older properties.

Commissioner Pruitt asked for an estimated amount of time for a response from the traffic engineer if there was a request to remove the no parking signs on 3rd Avenue. **McGarvie** said there was an estimated time of one to two months. He stated there was a list of requests and complaints from the public that the request would be added to.

Koopmann said there was an issue with the cost of improving older properties. He stated staff should be creative on a potential solution on how to redevelop the older properties. **Koopmann** suggested continuing the case to allow time for a potential solution.

Sorenson asked for clarification on the requirements before the business moved into the building. **Lineberry** said a Conditional Use Permit and a business license was required. She added the storm water retention was not required for the business license.

Lineberry asked if there was access to the property through the back alley. **Lococo** said the alley was 5' lower than the property elevation. **Lineberry** suggested utilizing the 30' by 41' concrete slab that was on the site plan for parking. **Lococo** said the concrete slab was covered with dirt. **Lineberry** asked if the site plan had to be revised. **Lococo** said yes.

MOTION

Motion by Koopmann, second by Sorenson, to CONTINUE Case Number CUP-13614-2016 to the meeting of June 13, 2016. Motion carried unanimously (6-0).

GP-10768-2015: This is a revised General Plan Amendment request to change the land use designation from Low Density Residential to Medium Density Residential for approximately 3.27 acres. The original request was to High Density Residential. The request is by Vega & Vega Engineering PLC on behalf of Rogelio Sosa Palos and Ma. Del Pilar Soto Martinez through a Power of Attorney appointing Leticia Guillermo to act as agent. The properties are located at the northwest corner of 11th Street and Avenue A.

Jennifer Albers, Principal Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

Koopmann asked if one public hearing for the General Plan Amendment revision was sufficient. **Albers** said yes and added if the revised request was less intense than the original request, public hearing requirements were still being met. She stated that this proposed General Plan Amendment request has had three public hearings and an additional two hearings.

Koopmann asked if there was a potential site plan. **Albers** said the agent for the applicant would provide the site plan.

APPLICANT / APPLICANT'S REPRESENTATIVE

Vianey Vega, 1846 S. 8th Avenue, Yuma, AZ, said the applicant was proposing a 28-unit townhome subdivision and presented a potential site plan. He said there would be access to the site off of 11th Street and 13th Avenue. **Vega** said on-street parking would not be permitted and the applicant intends to provide sufficient on-site parking to meet the parking requirements of the City Code. He stated that the two streets in the subdivision would be private and the streets would be maintained by a Home Owners' Association.

Hamel asked for clarification where the vehicles would park in the proposed subdivision. **Vega** said that each unit would have two paved parking spaces and there would also be visitor parking on the east side of lot 19.

Sorenson asked for clarification on what would be on the west side of the property. **Vega** said there would be a retention basin with ramada's and a playground.

Hamersley asked if each unit would be individually owned. **Vega** said yes. **Koopmann** commented that the homeowners would have to maintain the private streets and asked if the subdivision would be gated. **Vega** said no.

Hamersley asked if there would be any traffic restrictions. **Andrew McGarvie, Assistant City Engineer**, said traffic restrictions were not required because 11th Street and 13th Avenue were local streets.

PUBLIC COMMENT

Ety Vasquez, 1331 W. 10th Street, Yuma, AZ, asked if the proposed townhomes would be utilized by farm workers. She expressed her concern with the existing farm workers living in the surrounding areas because of the children and surrounding properties, which included a school and the Boys and Girls Club.

Vega said the farm worker housing was no longer being considered.

Charles Bub, 1133 S. 12th Avenue, Yuma, AZ, expressed his concern with the proposed change. He was opposed to the 28-unit subdivision and stated it was out of character with the surrounding neighborhood. He commented that the common walls of the subdivision resembled barracks housing.

Catherine Marisibel, 1155 S. 12th Avenue, Yuma, AZ, said she was opposed of the proposal. She expressed her concern with the noise and traffic issues the subdivision would produce. She said the subdivision would have a negative impact on the neighborhood and added that she did not see any landscape on the site plan.

Rose Tidwell, 1133 S. 12th Avenue, Yuma, AZ, said she was against the proposal. She said traffic was an issue in the surrounding area and the addition of the townhomes would make traffic issues worse. She said based on the size of the lots they seemed to be low-end housing and did not believe it was an improvement to the community.

Tony Mozqueda, 975 S. 13th Avenue, Yuma, AZ, said he was opposed to the proposal. He expressed his concern with the traffic on 13th Avenue and the amount of children in the neighborhood. He said the townhome subdivision would not improve the neighborhood and added that there were not any landscape details on the site plan. He also mentioned that the neighbors would not be able to utilize the proposed park in the subdivision.

Vega wanted to address the public comments and stated that the property was an in-fill parcel that was currently zoned Light Industrial. The applicant revised the original request from farm worker housing to a townhome subdivision because of the neighbors opposition. He said they worked with City Staff to revise the original request and found a use that would better fit the surrounding neighborhood. He added that the amenities provided in the subdivision were for the families that would be occupying the townhomes.

Koopmann asked if the applicant knew what the potential townhome structures would look like. **Vega** said the townhome subdivision located on north Frontage Road and 9E (Sunset Mountain Villas) could be used as a reference as to what the townhomes would resemble. **Koopmann** said the site plan that was provided resembled the lots of the subdivision and not the concept of what the subdivision would look like. He added that the neighbors did not understand that the process was in the General Plan Amendment and the details of the subdivision were not available. **Vega** said the comments that were being addressed were not addressed at the neighborhood meeting.

Hamersley agreed with Commissioner Koopmann's comment and said the neighbors were concerned with the beautification of the neighborhood. She said it was difficult to visualize the landscape with the site plan that was provided. She added that there were various areas in the City that had traffic issues. **Vega** explained that the subdivision would have landscape requirements that they would follow.

Abplanalp said he encouraged the public to notify the traffic engineer about any traffic issues.

Koopmann explained that this proposal was currently in the beginning stages of development, and there would be additional opportunities for public input, with information being sent out to the property owners.

Maria De La Herran, 1340 W. 10th Street, Yuma, AZ, said she was an educator and in agreement with the proposal. She said it would have a positive impact on the surrounding neighborhood and school. She asked for clarification on Medium Density Residential and Low Density residential.

Hamel said the difference between Low Density Residential and Medium Density Residential was the amount of people that could live in a specific area.

Charles Bub, 1133 S. 12th Avenue, Yuma, AZ, said the agent for the applicant was vague about what they would build on the property. He said once the General Plan Amendment request to change the land use designation from Low-Density Residential to Medium Density Residential was approved the applicant would have the ability to change his proposal.

Hamel said the change from the farm worker housing to townhomes was an improvement. He understood the public wanted to know the details of the proposal but the details were not available at the moment.

Koopmann commented that there was still a need with farm worker housing in the City. He stated that the townhomes would improve the area and said it was a good example of an in-fill project. **Koopmann** said the Commission should recognize the Public Comments and keep them into consideration.

Abplanalp said that the applicant should increase the communication with the public. **Vega** agreed.

MOTION

Motion by Koopmann, second by Pruitt, to APPROVE Case Number GP-10768-2015. Motion carried unanimously (6-0).

INFORMATION ITEMS

Staff

Wesley Faul, Interim Assistant ITS Director of Applications, distributed iPads and provided training to the Commission members.

Commission

Hamel informed the Commission that the Vice-Chairman Election would be held at the next Planning and Zoning meeting.

Public

None

ADJOURNMENT

The meeting was adjourned at 6:38 p.m.

Minutes approved this 13 day of June, 2016



Chairman