

Planning and Zoning Commission Meeting Minutes
September 12, 2016

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, September 12, 2016, at the Public Works Training Room, 155 W. 14th Street, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Chris Hamel and Commissioners David Koopmann, Kim Hamersley, Alan Pruitt, and Richard Sorenson. Commissioners Lukas Abplanalp and Thomas Lund were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Andrew McGarvie, Engineering Manager; Rodney Short, Assistant City Attorney; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Naomi Leeman, Senior Planner; Alyssa Linville, Senior Planner, and Amelia Griffin, Administrative Assistant.

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

CONSENT CALENDAR MINUTES

August 22, 2016

WITHDRAWALS BY APPLICANT

None

CONTINUANCES

SUBD-12260-2015: *This is a request by Dahl, Robins and Associates, Inc. on behalf of Fortuna de Oro, LLC, for approval of the preliminary and final plat for the Gomez Plaza Subdivision. This commercial subdivision will contain 13.89 acres and is proposed to create six lots. The property is located near the southeast corner of 16th Street and Sunridge Drive, Yuma, AZ. This case was continued from the January 25, 2016 Planning and Zoning Commission hearing. (Continued to the meeting of September 26, 2016.)*

ZONE-14639-2016: *This is a request by Core Engineering Group, PLLC, on behalf of Diez Familia, LLC, for approval of a rezoning totaling 6.24 acres from the Medium Density Residential (R-2) District to the Medium Density Single-Family Residential (R-2-5) District. The property is located at the southwest corner of Avenue C and the Central Drain, Yuma, AZ. (Continued to the meeting of September 26, 2016.)*

Hamel requested case # ZONE-14639-2016 to be moved into the public hearing portion of the meeting.

APPROVALS

None

MOTION

Motion by Koopmann, second by Pruitt, to APPROVE the Consent Calendar, deferring the minutes of August 22, 2016 to the next regular meeting, and moving case number ZONE-14639-2016 into the public hearing portion of the meeting.

Motion carried unanimously (5-0).

PUBLIC HEARINGS

Commissioner Sorenson declared a conflict of interest and left the dais at 4:34 p.m.

ZONE-14639-2016: *This is a request by Core Engineering Group, PLLC, on behalf of Diez Familia, LLC, for approval of a rezoning totaling 6.24 acres from the Medium Density Residential (R-2) District to the Medium Density Single-Family Residential (R-2-5) District. The property is located at the southwest corner of Avenue C and the Central Drain, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

Commissioner Koopmann asked if the eastern property adjacent to the subject property would remain Medium Density Residential (R-2). **Blevins** said yes.

Hamel asked if the retention basin would be located on the north east corner of the property. **Blevins** said yes.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by Koopmann, second by Hamersley, to APPROVE Case Number ZONE-14639-2016. Motion carried unanimously (4-0).

Commissioner Sorenson returned to the dais at 4:39 p.m.

GP-13079-2016: *This is a General Plan Amendment by the City of Yuma to adopt the 2016 Parks & Recreation Master Plan and amend the City of Yuma 2012 General Plan to incorporate the Master Plan. Specifically, Chapter 4 – Parks, Recreation, and Open Space Element, is being modified to reflect an updated inventory of existing facilities, adjustments to the service standards, as well as proposed additions to the park system. (This is the 1st of two public hearings.)*

Naomi Leeman, Senior Planner, summarized the staff report.

QUESTIONS FOR STAFF

Hamel complimented the detail in the staff report.

Koopmann asked if there was intent to list properties that were given to the City to be utilized as parks. **Jennifer Albers, Principal Planner**, stated that General Plan Amendments have been processed for the Arizona State Land Department, and identified through the General Plan Amendment were properties for public use for schools and parks. She stated that the properties identified have not been sold and development has not occurred.

Commissioner Pruitt complimented the staff report.

Pruitt asked if land owned by the City that was currently underutilized could be swapped to be utilized by a developer. **Rodney Short, Assistant City Attorney**, stated that there was a legal ability for the City to abandon public lands by statute, but it would be difficult.

Commissioner Hamersley asked if the public was notified via email that the Parks & Recreation Master Plan was available to review. **Leeman** said no and stated that the public survey was sent via email and that the Parks & Recreation Master Plan was available on the City of Yuma Websites. **Hamel** asked if the public could be notified via email that the Parks & Recreation Master Plan was available to review. **Leeman** said yes.

Sorenson asked if use observation surveys were performed at the parks. **Leeman** said no.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by Sorenson, second by Pruitt, to CLOSE Case Number GP-13079-2016. Motion carried unanimously (5-0).

SUBD-14780-2016: *This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma's Desert Oasis Development, LLC, for approval of the preliminary plat for the Desert Oasis Subdivision Unit #3, proposed to be divided into 114 residential lots ranging in size from 5,000 square feet to 12,083 square feet. The property is located at the southeast corner of the Avenue 7E and 37th Street, Yuma, AZ.*

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

QUESTIONS FOR STAFF

Hamersley asked for clarification on where the landscaping would be located. **Linville** said there would be landscaping on the frontage of the entire subdivision from Unit #1 to Unit #3.

Hamel asked how the developer could mitigate the dust issue. **Linville** said the developer would build a wall with the development of Unit #3 and added that a majority of the property to the west was not owned by the developer.

Koopmann asked if the 1.3 acre retention basin would have amenities that could be utilized by the residents of the subdivision. **Linville** said staff has made the recommendation to provide walking paths and shades on the retention basin. **Koopmann** asked if it was up to the developer to provide amenities on the retention basin. **Linville** stated that this was unit #3 of an existing subdivision and it was already dedicated to be a retention basin and not a park.

Lineberry explained that this subdivision has not been completed due to the economy. She stated that future subdivisions would have retention basin requirements they would need to follow.

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue, Yuma, Arizona, said that they were in agreement with the Conditions of Approval and currently working on Condition of Approval #15 for the Final Plat of this subdivision. He stated that this development of Unit #3 would mitigate the dust issue. He added that the retention basin would have walking paths and shades.

PUBLIC COMMENT

Deborah Torres, 3664 S. Desert Oasis Drive, Yuma, Arizona, expressed her concerns with the dust and the lack of cleanliness of the construction materials. She has to regularly clean up blowing trash and construction debris from her yard and the roadway. She added that additional speed bumps should be added to the subdivision. **Torres** was not in agreement with the location of the retention basin with amenities because it was not near Unit#1 and Unit #2.

Albert Torres, 3664 S. Desert Oasis Drive, Yuma, Arizona, expressed his concerns with the dust and the lack of cleanliness of the construction materials. **Torres** stated he has replaced tires as a result of nails in the road. He added that the dust issue was from the undeveloped side of the subdivision. He stated that he has had many nails in his tires as a result of the developer not keeping the construction area clean of debris and trash. He suggested adding bales of hay to mitigate the dust.

Hamersley asked for clarification on where the homes would be located in Unit #3. **Linville** said the homes in the subdivision would front along 37th Street. She added that the walls and the homes would create a barrier to control the dust. **Koopmann** asked if there would be block walls surrounding the subdivision. **McGarvie** said yes.

Dahl stated that the walls along the development of the new subdivision would reduce the dust. He added that he would discuss barrier options with the developer to mitigate the dust issue.

MOTION

Motion by Koopmann, second by Sorenson, to APPROVE Case Number SUBD-14780-2016. Motion carried unanimously (5-0)

SUBD-14782-2016: *This is a request by Dahl, Robins and Associates, on behalf of Trail Estates Development LLC, for approval of the Preliminary Plat for Trail Estates #6 Subdivision. This subdivision will contain approximately 35.33 acres and is proposed to be divided into 170 residential lots, ranging in size from approximately 6,005 square feet to 9,459 square feet. The property is located at the southeast corner of 36th Street and Avenue 8 ½ E, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Sorenson asked if the property was within the City Limits. **Blevins** said yes.

Hamersley asked when the retention basin would be completed in this subdivision. **McGarvie** said the details of the retention basin would be provided on the Final Plat.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Koopmann commented that it was nice to see developments move forward.

MOTION

Motion by Sorenson, second by Pruitt, to APPROVE Case Number SUBD-14782-2016, Subject to the Conditions outlined in attachment A. Motion was carried unanimously (5-0).

CUP-10649-2015: *This is a request by Barry Olsen, on behalf of Custom Ag Pak, to amend the previously approved Conditional Use Permit (CUP-10649-2015) to allow for the packing and processing of agricultural products in the Light Industrial (L-I) District. This request includes an exception to reduce the required on-site parking from 84 spaces to 16 spaces. The property is located at 2591 S. Brown Avenue, Yuma, Arizona.*

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

QUESTIONS FOR STAFF

Hamel asked for the distance from the off-site parking property to the subject property. **Linville** said the off-site parking location was to the east of Avenue 2E and the subject property was to the east of Avenue 4E. **Hamel** asked how the employees would be transported to the subject property. **Linville** said the applicant has stated that they would provide a busing service for the employees.

Hamel asked where the employees would park if the off-site location would be utilized for another use. **Linville** stated that an amendment to the Conditional Use Permit (CUP) would be required if the off-site parking location was changed.

Sorenson asked how the Conditional Use Permit would be monitored. **Laurie Lineberry, Director of Community Development,** stated that staff responded to complaints. If the off-site parking location was relocated the Conditional Use Permit would have to be presented to the Commission to ensure issues were addressed properly.

Sorenson asked for clarification on the water dumping issue. **Linville** stated that staff received a complaint that the water that was used to clean the product was being dumped on an off-site location without the required permits. She added that the water dumping issue was an Arizona Department of Environmental Quality (ADEQ) issue and not an issue with the City.

Sorenson stated that when this request was originally presented to the commission, storm water was the issue. **Short** explained that storm water was a function of zoning and the water being discharged was not a zoning issue, that issue was controlled by Arizona Department of Environmental Quality (ADEQ).

Pruitt asked if this processer was previously presented to the Commission. **Linville** said yes.

APPLICANT / APPLICANT'S REPRESENTATIVE

Barry Olsen, 101 E. 2nd Street, Yuma, Arizona, stated that the applicant was in a lease agreement with the properties to the east and south to dispose of the excess water. He added that the owners of the properties requested to have the dirt road sprayed with the water to control the dust. **Olsen** stated that the applicant was currently in the application process with ADEQ to obtain the required permits. He also wanted to clarify that the employees were not parking on Gila Ridge Road. **Olsen** proposed a new Condition to replace Condition of Approval #5.

Hamel asked if staff was in agreement with the new proposed Condition. **Short** said no and stated that accepting the new condition would be a violation of Title 9 by eliminating public forum.

Pruitt asked how many shifts the processor had during the season. **Olsen** said there were two shifts.

Hamersley asked how often the applicant proposes to change the off-site parking location. **Olsen** stated that the off-site location was fit for this upcoming season but a different location may be proposed for upcoming seasons. **Hamersley** said she understood that the process could be time consuming.

PUBLIC COMMENT

Gerry Thomas, 758 Country Club, Yuma, AZ, stated he owned the properties to the south and east of the subject property. He expressed his concern with the run off storm water and suggested installing a 6" curb on the south and east side of the property to prevent water flowing onto other properties. He also suggested a two year time limit for the Conditional Use Permit. He stated he was in the process of purchasing the off-site parking location and the property would not be utilized for parking if he purchased the property.

Sorenson asked if there was an issue with the off-site parking. **Thomas** said no.

Lex Camany, 14621 Tumbleweed Lane, Salinas California, spoke extensively and explained how the process water was removed from his property. He clarified the importance of the safety of the surrounding properties. **Camany** thanked staff for their time.

Linville stated that the request for off-site parking should have been presented to the commission. **Camany** apologized for not previously presenting the request to the Commission.

Koopmann stated that there was still an issue with storm water retention. **Hamel** asked for clarification on whether the water issue was storm water or process water. **McGarvie** stated the issue was storm water and added that this property was impervious due to the concrete.

Koopmann expressed the importance of monitoring the off-site parking location.

MOTION

Motion by Koopmann, second by Hamersley, to APPROVE Case Number CUP-10649-2015, Subject to the Conditions outlined in attachment A. Motion carried (4-1), with Sorenson voting nay.

CUP-13304-2016: This is a request by the City of Yuma for the revocation of a Conditional Use Permit (CUP-10649-2015), approved September 14, 2015 by the Planning & Zoning Commission, which allows for the packing and processing of agricultural products in the Light Industrial (L-I) District. The property is located at 2591 S. Brown Avenue, Yuma, Arizona.

Alyssa Linville, Senior Planner, recommended **APPROVAL** to withdraw the request of the revocation of a Conditional Use Permit.

QUESTIONS FOR STAFF

Hamel asked for clarification on why there was a request for the revocation of the Conditional Use Permit. **Linville** stated that there was a request for the revocation of a Conditional Use Permit (CUP) because the criteria set forth by the CUP was not followed, but staff was requesting to withdraw this request because the CUP has been amended.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by **Koopmann**, second by **Pruitt**, to **WITHDRAW** Case Number CUP-13304-2016. Motion was carried unanimously (5-0).

INFORMATION ITEMS

Staff

None

Commission

None

Public

None

ADJOURNMENT

The meeting was adjourned at 7:03 p.m.

Minutes approved this 26 day of September, 2016



Chairman