

Notice of Public Hearing of the Hearing Officer of The City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on June 11, 2020 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

 CITY OF <i>Yuma</i>	<p>Revised Agenda Hearing Officer Public Hearing City Hall Council Chambers <i>One City Plaza</i></p> <p>Thursday, June 11, 2020, 9:30 a.m.</p>
---	---

Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings of the City of Yuma Hearing Officer will be conducted remotely through technological means.

City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- April 23, 2020

APPLICATIONS TO BE CONSIDERED

1. **TIMEX-29995-2020**: This is a request by Vega & Vega Engineering, on behalf of Corona & Vega Properties LLC., for a one year time extension to a previously approved Conditional Use Permit (CUP-024257-2018) to allow office/retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 2619 S. Avenue 2 ½ E, Yuma, AZ.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149

**Hearing Officer Meeting Minutes
April 23, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, April 23, 2020, at City Hall Room 190, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Pamela Walsma.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Kenneth McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Jessenia Juarez, Administrative Assistant.

Walsma called the meeting to order at 9:35 a.m.

CONSENT CALENDAR

Walsma approved the minutes of February 27, 2020.

PUBLIC HEARINGS

TIMEX-29281-2020: This is a request by Nicklaus Engineering, Inc., on behalf of the City of Yuma, for a one year time extension to a previously approved conditional use permit (CUP-23265-2018), to allow a new Utilities Administration Complex in the Light Industrial/Infill Overlay (L-I/IO) and High Density Residential/Infill Overlay (R-3/IO) District, within 600 feet of a residential zoning district and use, with exceptions, for the property located at 200 W. 13th Street, Yuma, AZ.

Alyssa Linville, Assistant Director/Zoning Administrator, summarized the staff report, recommending **APPROVAL**.

QUESTION FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

None

DECISION

Walsma granted the time extension, subject to the Conditions of Approval in Attachment A.

PUBLIC HEARINGS

VAR-29787-2020: This is a request by Freddy M. Pinto for a Variance to increase allowable fence height from 4' to 6' in the Manufactured Housing Subdivision (MHS) District, for the property located at 1006 S. Dora Avenue, Yuma, Arizona.

Alyssa Linville, Assistant Director/Zoning Administrator, summarized the staff report, recommending **APPROVAL**.

QUESTION FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

Linville listed neighbors Bonnie Joist, Mary Edmiston, Philip Paz, Patricia Curtis and Howard Oliver. Who are all in favor of the Variance request.

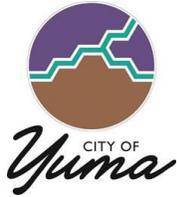
DECISION

Walsma granted the variance subject to the Conditions of Approval in Attachment A, finding that the four criteria had been met.

Walsma adjourned the meeting at 9:46 a.m.

Minutes approved and signed this _____ day of _____, 2020.

Pamela Walsma, Hearing Officer



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING
CASE TYPE – CONDITIONAL USE PERMIT TIME EXTENSION
CASE PLANNER: CHERI SKINNER**

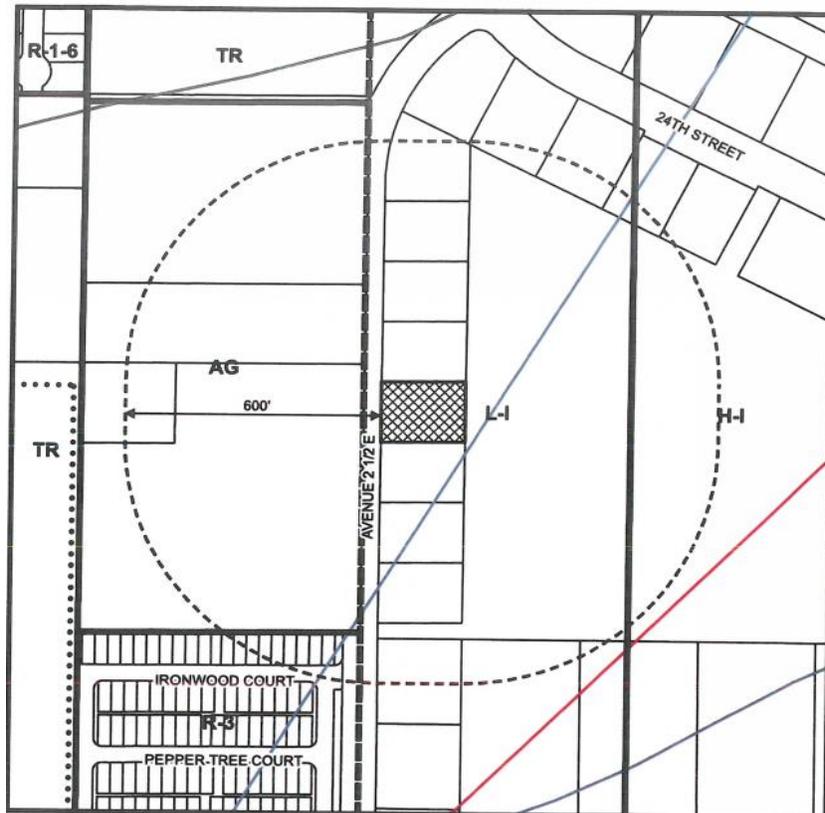
Hearing Date: June 11, 2020

Case Number: TIMEX-29995-2020

Project Description/Location: This is a request by Vega & Vega Engineering, on behalf of Corona & Vega Properties LLC., for a one year time extension to a previously approved Conditional Use Permit (CUP-024257-2018) to allow office/retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 2619 S. Avenue 2 ½ E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Airport District (L-I/AD)	Vacant	Industrial
North	Light Industrial/Airport District (L-I/AD)	Office/Warehouse	Industrial
South	Light Industrial/Airport District (L-I/AD)	Vacant	Industrial
East	Light Industrial/Airport District (L-I/AD)	International Paper	Industrial
West	Agriculture/Airport District (AG/AD))	Citrus Grove	Industrial

Location Map:



Prior site actions: Annexation: Ord. 1999 (05/01/1981); Rezone: Z81-10 (1981); Z81-23 (1981); Subdivision: S81-11 (1981); Conditional Use Permit: CUP-24257-2018 (2019).

Staff Recommendation: Staff recommends **APPROVAL** of the one year time extension for Conditional Use Permit case # TIMEX-29995-2020 to allow Office/Retail use in the Light Industrial/Airport Overlay (L-I/AD) District, subject to the conditions outlined in Attachment A, because the application for extension was filed with the appropriate fee prior to the expiration date of the original CUP approval and because there have been no changes in the circumstances, or the vicinity of the property, or use, which would render the previously approved conditional use permit inappropriate.

Staff Analysis: The subject parcel was previously approved for a Conditional Use Permit (CUP-24257-2018) on January 14, 2019, to allow office and retail uses within the Light Industrial/Airport Overlay District.

The construction of the new building has not yet begun, therefore, the applicant is requesting a time extension for the Conditional Use Permit.

“The request for this Conditional Use Permit (CUP) is to develop a multi-tenant 5,000 square foot metal building, that will house Vega and Vega Engineering with 1,008 square feet of office and 1,167 square feet of warehouse. Vega and Vega Engineering will provide professional engineering services operating Monday thru Friday from 7:00 a.m. to 5:00 p.m.

“Real Drinking Water with 947 square feet of office and 1,167 square feet of warehouse. Real Drinking Water treats water on site for retail in bulk and containers with hours of operation of Monday thru Friday 7:00 a.m. to 5:00 p.m.

“One Night Stand Dress Rental with a 325 square foot suite. One Night Stand Dress Rental rents gowns for special events with hours of operation Monday thru Friday 10:00 a.m. to 6:00 p.m., and a professional office suite with 386 square feet. This office is being designed for professional services. Also, the future construction of a living quarters for a caretaker will be built on site.”

In 1981 the site was rezoned from the Agriculture (AG) District to the Heavy Industrial (H-I) District, as the area was being developed as an industrial subdivision. One of the conditions of approval for this rezoning action was for the west 600 feet of the subdivision be limited to commercial and light industrial uses due to the concern about potential incompatibility of heavy industrial uses with existing residential areas to the west of Avenue 2 ½ E. Later that same year the west 600 feet of the subdivision was rezoned from H-I to L-I.

Because of the proximity to the Airport/MCAS, all the office, commercial area and caretaker’s quarters must be sound attenuated.

Section 154-15.02(B) of the Zoning Code states:

“The occupancy of buildings or premises by security guards or caretakers for sleeping shall not constitute residence occupancy within the meaning of this chapter,

except that, within the Airport District any such occupancy shall be expressly limited to the principal building or premises used for commercial, industrial, or agricultural purposes only, in accordance with the provisions of this Code.”

Since this property is in the 70-75 dB Noise Zone, a caretaker’s quarters as an accessory use is limited to a maximum of 400 sq. ft., it cannot be a separate building, and it must be sound attenuated.

Public Comments Received: None Received.
External Agency Comments: None Received.
Neighborhood Meeting Comments: No Meeting Required.
Discussions with Applicant/Agent: May 13, 2020
Proposed conditions delivered to applicant on: May 13, 2020
Final staff report delivered to applicant on: May 19, 2020

- Applicant agreed with all of the conditions of approval on: (May 13, 2020)
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply

ATTACHMENTS:

A	B	C	D
Conditions of Approval	Site Plan	Aerial Photo	Staff Research

Prepared By: *Cheri Skinner* **Date:** *5-13-2020*
 Cheri Skinner
 Associate Planner Cheri.Skinner@YumaAZ.gov (928)373-5000, x3040

Approved By: *Alyssa Linville* **Date:** *05/18/2020*
 Alyssa Linville
 Assistant Director Community Development

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Community Development Comments: (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

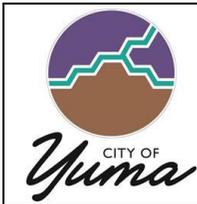
Community Planning, Cheri Skinner, Associate Planner, (928) 373-5000, x3040

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
5. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
6. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

ATTACHMENT C
AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: TIMEX-29995-2020
CASE PLANNER: CHERI SKINNER

I. PROJECT DATA

General Location:		Approximately 1,000 feet south of the intersection of S. Avenue 2 ½ E and E. 24 th Street											
Parcel Number(s):		696-11-054											
Parcel Size(s):		30,000 square feet											
Total Acreage:		0.688 acres											
Proposed Dwelling Units:		None											
Address:		2619 S. Avenue 2 ½ E											
Applicant:		Corona & Vega Properties, LLC.											
Applicant's Agent:		Vega & Vega Engineering											
Land Use Conformity Matrix:		Conforms:		YES	X	No							
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X					
Airport	Noise Contours	65-70	70-75	X	75+	APZ1	APZ2	Clear Zone					
	Existing Zoning			Use(s) on-site			General Plan Designation						
Site	Light Industrial/Airport District (L-I/AD)			Vacant			Industrial						
North	Light Industrial/Airport District (L-I/AD)			Office/Warehouse			Industrial						
South	Light Industrial/Airport District (L-I/AD)			Vacant			Industrial						
East	Light Industrial/Airport District (L-I/AD)			International Paper			Industrial						
West	Agriculture/Airport District (AG/AD)			Citrus Grove			Industrial						
Prior Cases or Related Actions:													
<u>Type</u>		<u>Conforms</u>			<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement		Yes		No	N/A								
Annexation		Yes	X	No	Ord.1999 (05/01/1981)								
General Plan Amendment		Yes		No	N/A								
Development Agreement		Yes		No	N/A								
Rezone		Yes	X	No	Z81-10: AG to H-I (1981); Z81-23: H-I to L-I (1981)								
Subdivision		Yes	X	No	S81-011 Gateway Plaza Industrial Part 1 & 2 (1981)								
Conditional Use Permit		Yes	X	No	CUP-24257-2018 (Office/Retail in L-I)								
Pre-Development Meeting		Yes	X	No	PDM-24059-2018 (November 8, 2018)								
Design Review Commission		Yes		No	N/A								
Enforcement Actions		Yes		No	N/A								
Avigation Easement Recorded		Yes		No	X	Fee #							
Land Division Status:		Legal lot of record											
Irrigation District:		Yuma Mesa Irrigation and Drainage District											
Water Conversion Agreement Required		Yes		No	X								
Adjacent Irrigation Canals & Drains:		None											

FACILITY PLANS						
TRANSPORTATION ELEMENT:						
FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
S. Avenue 2 ½ E-2-Lane Collector	40 FT H/W ROW	40 FT H/W ROW	N/A	N/A	N/A	N/A
MEDIAN COVENANT	Required					
2009 BICYCLE FACILITIES MASTER PLAN	None					
YCAT TRANSIT SYSTEM	None					
<u>DETAILED NARRATIVE</u>	<p>The subject parcel was previously approved for a Conditional Use Permit (CUP-24257-2018) approved January 14, 2019, to allow Office and Retail uses within the Light Industrial District.</p> <p>The construction of the new building has not been completed, therefore, the applicant is requesting a time extension for the Conditional Use Permit. The following proposed uses remain the same as the original request and is described below:</p> <p>“The request for this Conditional Use Permit (CUP) is to develop a multi-tenant 5,000 square foot metal building, that will house Vega and Vega Engineering with 1,008 square feet of office and 1,167 square feet of warehouse. Vega and Vega Engineering will provide professional engineering services operating Monday thru Friday from 7:00 a.m. to 5:00 p.m.</p> <p>“Real Drinking Water with 947 square feet of office and 1,167 square feet of warehouse. Real Drinking Water treats water on site for retail in bulk and containers with hours of operation of Monday thru Friday 7:00 a.m. to 5:00 p.m.</p> <p>“One Night Stand Dress Rental with a 325 square foot suite. One Night Stand Dress Rental rents gowns for special events with hours of operation Monday thru Friday 10:00 a.m. to 6:00 p.m., and a professional office suite with 386 square feet. This office is being designed for professional services. Also, the future construction of a living quarters for a caretaker will be built on site.”</p> <p>In 1981 the site was rezoned from the Agriculture (AG) District to the Heavy Industrial (H-I) District, as the area was being developed as an industrial subdivision. One of the conditions of approval for this rezoning action was for the west 600 feet of the subdivision be limited to commercial and light industrial uses due to the concern about potential incompatibility of heavy industrial uses with existing residential areas to the west of Avenue 2 ½ E. Later that same year the west 600 feet of the subdivision was rezoned from H-I to L-I.</p> <p>Because of the proximity to the Airport/MCAS, all the office</p>					

	<p>and commercial area and caretaker's quarters must be sound attenuated.</p> <p>Section 154-15.02(B) of the Zoning Code states:</p> <p>"The occupancy of buildings or premises by security guards or caretakers for sleeping shall not constitute residence occupancy within the meaning of this chapter, except that, within the Airport District any such occupancy shall be expressly limited to the principal building or premises used for commercial, industrial, or agricultural purposes only, in accordance with the provisions of this Code."</p> <p>Since this property is in the 70-75 dB Noise Zone, a caretaker's quarters as an accessory use is limited to a maximum of 400 sq. ft., it cannot be a separate building, and it must be sound attenuated.</p>			
EXCEPTION TO DEVELOPMENT STANDARDS?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/> X

NOTIFICATION

- Legal Ad Published: The Sun (05/04/20)
- 300' Vicinity Mailing: (04/29/20)
- 34 Commenting/Reviewing Agencies noticed: (04/29/20)
- Site Posted on: (05/20/20)

- Neighborhood Meeting: N/A
- Hearing Date: (06/11/20)
- Comments due: (05/11/20)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	5/1/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	4/30/20	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	4/30/20	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	NR				
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	5/6/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	
Prop 207 Waiver	
Received by Owner's Signature on the application for this land use action request.	

PUBLIC COMMENTS RECEIVED: