

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 April 23, 2020 at 9:30 a.m. in City Hall Room 190, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

 CITY OF <i>Yuma</i>	Agenda Hearing Officer Public Hearing <i>City Hall Room 190</i> <i>One City Plaza</i> Thursday, April 23, 2020, 9:30 a.m.
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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 Room 190 will be closed to the public.

Public comment regarding any **agenda** item shall be limited to those provided in written format to the Hearing Officer secretary at email address planning@yumaz.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

- February 27, 2020

APPLICATIONS TO BE CONSIDERED

1. **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/O) and High Density Residential/Infill Overlay (R-3/O) District, within 600 feet of a residential zoning district and use, with exceptions, for the property located at 200 W. 13th Street, Yuma, AZ.
2. **VAR-29787-2020**: This is a request by Fredy 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.

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
February 27, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, February 27, 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 Scott, Deputy City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Cheri Skinner, Associate Planner; Jessenia Juarez, Administrative Assistant.

Walsma called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Walsma approved the minutes of January 13, 2020.

PUBLIC HEARINGS

CUP-29099-2020: This is a request by Terranext, LLC, on behalf of Yuma County, for a Conditional Use Permit to allow soil remediation, in the Old Town/Bed and Breakfast/Infill Overlay/Public Overlay (OT/BB/IO/P) District. The property is located at 141 S. 3rd Avenue, Yuma, AZ.

Cheri Skinner, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTION FOR STAFF

Walsma asked if Staff had received any objections. **Skinner** stated no.

APPLICANT/APPLICANTS REPRESENTATIVE

Bryon Schneid, representing Terranext, LLC. , Tempe, AZ said he was available for questions.

Steve Mendoza, representing Yuma County was available for questions.

Walsma noted it would be a quiet process and have no safety issues, and then asked what the expected duration of the project. **Schneid** replied that construction would begin March 9 with the process taking 4-8 months.

Walsma asked if he has reviewed and agreed with the Conditions on Attachment A. **Schneid** stated yes.

OPEN PUBLIC COMMENT

None

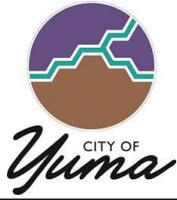
DECISION

Walsma granted the Conditional Use Permit subject to the Conditions of Approval in Attachment A, finding that the seven criteria had been met.

Walsma adjourned the meeting at 9:38 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: RICHARD MUNGUA**

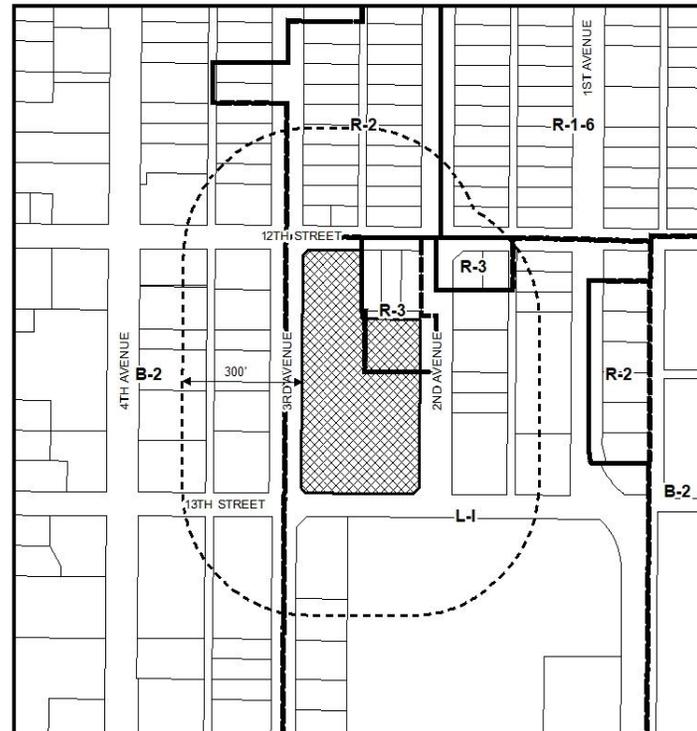
Hearing Date: April 23, 2020

Case Number: TIMEX-29281-2020

Project Description/Location: 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/O) 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.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/O) & High Density Residential/Infill Overlay (R-3/IO)	Vacant	Commercial/Medium and High Density Residential
North	Medium Density Residential/High Density Residential/Infill Overlay (R-2/R-3/IO)	Residences	Medium Density Residential
South	Light Industrial/Infill Overlay (L-I/O)	City Fleet Services	Commercial/Industrial
East	Light Industrial/Infill Overlay (L-I/O) & High Density Residential/Infill Overlay (R-3/IO)	Residences/Offices	Medium Density Residential
West	General Commercial/Infill Overlay (B-2/IO)	Offices/Warehouses	Commercial

Location Map:



Prior site actions: Annexation: #449 (May 29, 1946); Rezone: Z80-23 (February 7, 1981); Subdivision: Ruby's Yumesa Subdivision; Conditional Use Permit: CUP-23265-2018 (October 22, 2018).

Staff Recommendation: Staff recommends **APPROVAL** of the one year time extension for Conditional Use Permit case # TIMEX-29281-2020 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, 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 City of Yuma Utilities Administration Complex will be located on an approximately 3.526-acre lot. The site will be used as a new office facility with workshops and a warehouse for the City of Yuma's Utilities Department.

Improvements will include the construction of a new single-story structure with masonry walls and steel roof structure, with approximately 20,356 square feet of floor space. The new building will include new office space, employee restrooms, locker rooms, ready rooms, a training room, storage rooms, and a warehouse for utility equipment.

Areas on the north side of the building will be designated for loading and unloading City of Yuma and vendor delivery trucks. The project will also have general site improvements, and new infrastructure including new asphalt parking lots for light-duty and heavy-duty vehicles, striped parking stalls, water and sewer improvements, a material storage area, site lighting, and landscaping.

The site will be developed to meet parking space code requirements, and retention basins will be utilized to mitigate the additional on-site drainage flow generated by the proposed improvements.

The original request was approved in October 2018, and the applicant is requesting a time extension and additional exceptions for this project. An increase in perimeter wall height from 6 feet to 8 feet, a slight change in building size, from 25,700 square feet to 20,356 square feet, and the removal of an 800 square foot storage building are the only notable changes from the previously approved Conditional Use Permit.

<u>Public Comments Received:</u>	None Received
<u>External Agency Comments:</u>	None Received.
<u>Neighborhood Meeting Comments:</u>	No Meeting Required.
<u>Discussions with Applicant/Agent:</u>	February 25, 2020
<u>Proposed conditions delivered to applicant on:</u>	February 25, 2020
<u>Final staff report delivered to applicant on:</u>	March 3, 2020

- Applicant agreed with all of the conditions of approval on: February 25, 2020 via E-mail
- 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.

ATTACHMENTS:

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

Prepared By:  **Date:** 2/28/2020
 Richard Munguia
 Senior Planner
 Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

Approved By:  **Date:** 02/28/20
 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.

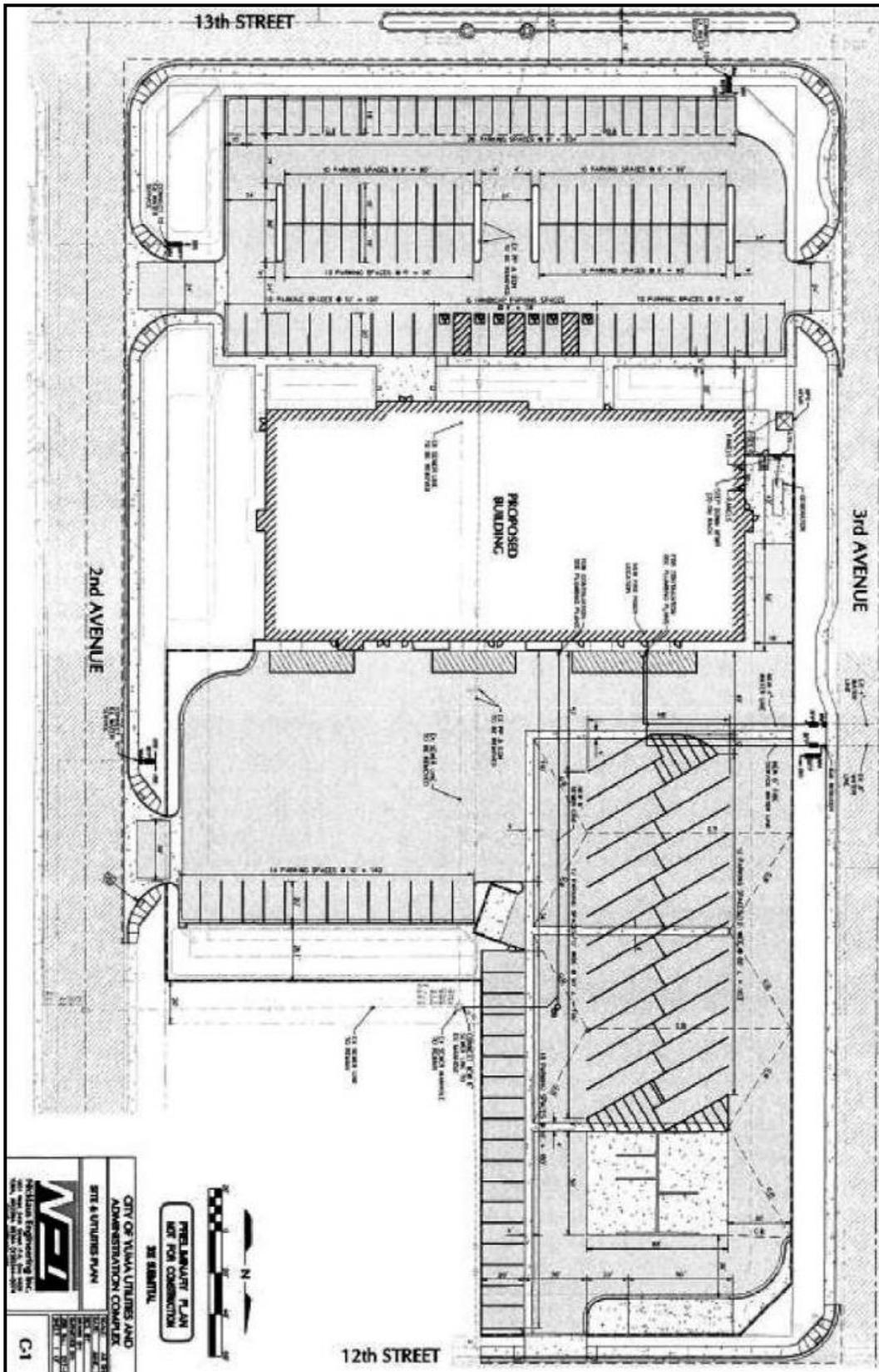
Community Development Comments: (928) 373-5175:

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, Richard Munguia, Senior Planner, (928) 373-5000, x3070

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.

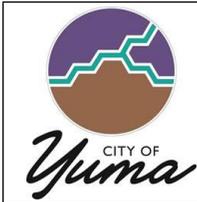
ATTACHMENT B SITE PLAN



ATTACHMENT C
AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: TIMEX-29281-2020
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

General Location:	Northeast corner of S. 3 rd Avenue and W. 13 th Street											
Parcel Number(s):	665-19-082											
Parcel Size(s):	153,593 square feet											
Total Acreage:	3.526 acres											
Proposed Dwelling Units:	None											
Address:	270 W. 13 th Street											
Applicant:	City of Yuma											
Applicant's Agent:	Nicklaus Engineering, Inc.											
Land Use Conformity Matrix:	Conforms:			YES	X	No						
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	X	None				
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone				

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/IO) & High Density Residential/Infill Overlay (R-3/IO)	Vacant	Commercial/Medium and High Density Residential
North	Medium Density Residential/High Density Residential/Infill Overlay (R-2/R-3/IO)	Residences	Medium Density Residential
South	Light Industrial/Infill Overlay (L-I/IO)	City Fleet Services	Commercial/Industrial
East	Light Industrial/Infill Overlay (L-I/IO) & High Density Residential/Infill Overlay (R-3/IO)	Residences/Offices	Medium Density Residential
West	General Commercial/Infill Overlay (B-2/IO)	Offices/Warehouses	Commercial

Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	#449 (May 29, 1946)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Z80-23 (February 7, 1981)
Subdivision	Yes	X	No	Ruby's Yumesa Subdivision
Conditional Use Permit	Yes	X	No	CUP-23265-2018 (October 22, 2018)
Pre-Development Meeting	Yes	X	No	PDM-20898-2018 (March 13, 2018)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2019-08921

Land Division Status:	Legal lot of record											
Irrigation District:	N/A											
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
3 rd Avenue – Local Commercial	29 FT H/W ROW	40.7 FT H/W ROW	N/A	N/A	N/A	N/A
2 nd Avenue – Local Commercial	29 FT H/W ROW	38.6 FT H/W ROW	N/A	N/A	N/A	N/A
12 th Street – 2-Lane collector	29 FT H/W ROW	30 FT H/W ROW	N/A	N/A	N/A	N/A
13 th Street – Local Commercial	29 FT H/W ROW	30 FT H/W ROW	N/A	N/A	N/A	N/A
2009 BICYCLE FACILITIES MASTER PLAN	3 rd Avenue – Bike Route; 12 th Street – Multi-Use Path					
YCAT TRANSIT SYSTEM	N/A					
<u>DETAILED NARRATIVE</u>	<p>The City of Yuma Utilities Administration Complex will be located on an approximately 3.526-acre lot. The site will be used as a new office facility with workshops and a warehouse for the City of Yuma's Utilities Department.</p> <p>Improvements will include the construction of a new single-story structure with masonry walls and steel roof structure, with approximately 20,356 square feet of floor space. The new building will include new office space, employee restrooms, locker rooms, ready rooms, a training room, storage rooms, and a warehouse for utility equipment.</p> <p>Areas on the north side of the building will be designated for loading and unloading City of Yuma and vendor delivery trucks. The project will also have general site improvements, and new infrastructure including new asphalt parking lots for light-duty and heavy-duty vehicles, striped parking stalls, water and sewer improvements, a material storage area, site lighting, and landscaping.</p> <p>The site will be developed to meet parking space code requirements, and retention basins will be utilized to mitigate the additional on-site drainage flow generated by the proposed improvements.</p> <p>The original request was approved in October 2018, and the applicant is requesting a time extension and additional exceptions for this project. An increase in perimeter wall height from 6 feet to 8 feet, a slight change in building size, from 25,700 square feet to 20,356 square feet, and the removal of an 800 square foot storage building are the only notable changes from the previously approved Conditional Use Permit.</p>					
EXCEPTION TO DEVELOPMENT STANDARDS?	Yes	X	No			

EXCEPTION REQUEST AND ANALYSIS

The Hearing Officer may grant an exception to Section 154-09-02(F)(2) Yards (Setbacks) as a part of a CUP if the exception is supportable by the four findings of fact in §154-03.04(D)(1) of the Yuma City Code.

EXCEPTION REQUEST – A REDUCTION IN SETBACKS TO ALLOW PARKING, A GENERATOR, AND EIGHT FOOT HIGH PERIMETER WALLS AS FOLLOWS:

- a. 13th Street: Allow parking within the 20-foot parking setback.
 - b. 3rd Avenue: Allow parking within the 20-foot parking setback.
 - c. 3rd Avenue: Allow the installation of an emergency power generator within the 20-foot building setback.
 - d. 12th Street: Allow parking within the 20-foot parking setback.
 - e. Perimeter of Property: Allow the construction of 8' high block wall and access gates along the entire perimeter of the property within the required 20-foot landscape strip.
 - f. 12th Street: Allow parking and a drive isle within the 20-foot parking setback.
-

A. Are there special circumstances or conditions applying to the land, building, or use referred to in the application and which do not apply to other properties in the district?

Applicant's Response: “[Yes.] The special circumstance for this project is that this is an existing infill site within the Infill Overlay District. The major constraint is that the site is too small to construct an adequate Utilities Administration Complex to meet the City of Yuma’s needs. The City has recently acquired additional property adjacent to the site to meet their needs. However, even with this additional property the site is still inadequate, but with the proposed requests for variance, the site will be adequate for the development of the new City of Yuma Utilities Administration Complex.”

Staff Analysis: Yes. Setbacks such as those proposed for this project are common in the area and would not appear noticeable when compared to some of the older properties.

B. Were such special circumstances created by the owner or the applicant?

Applicant's Response: “[No.] The City of Yuma's policy of promoting the development of infill sites located within the City of Yuma is set forth in Resolution No. R2017-014, adopting an Infill Overlay (Incentive) District and adopting an Infill Incentive Plan. This is a special circumstance affecting the project site and not created, or caused, by the development of this project. To utilize an existing infill site and construct this new facility within the vicinity of the City of Yuma Fleet Maintenance Facility and other existing City of Yuma facilities; the City of Yuma is proposing the construction of the new City of Yuma Utilities Administration Complex on this project site.”

Staff Analysis: No. The Infill Overlay has allowances in setback reductions to match the existing streetscape. The northern portion of the property has been at the same width for many decades.

C. Is the authorization of the Variance necessary for the preservation and enjoyment of substantial property rights?

Applicant's Response: “[Yes.] The proposed requests for variance are consistent with the existing construction of the surrounding properties. Several existing buildings located on the west side of 3rd Avenue within the B-2 District are constructed with a zero setback and some have parking within the 20-foot parking setback. A couple of existing buildings on the east side of 2nd Avenue within the L-1 District are constructed with a zero setback and some have parking within the 20-foot parking setback. The existing buildings on the north side of 12th Street within the R-2-5 District do not meet a 20-foot building setback.”

Staff Analysis: Yes. Some of the existing adjacent buildings were constructed with a zero setback and some have parking in the setback. The Infill Incentives do encourage setbacks to maintain existing character in the neighborhood.

D. **Will the authorizing of the application be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general?**

Applicant's Response: “[No.] The construction of a new City of Yuma, Utility Administration Complex will provide a new, modern facility on a site that is currently vacant and has minimal maintenance and surveillance. This new facility will be landscaped and well lit, thus improving the overall aesthetic of the neighborhood. City of Yuma equipment and material storage, light and heavy-duty vehicles and loading and unloading of trucks will all be screened within a new 6' high block decorative wall. This project will not be detrimental to the adjacent properties and will improve the safety and general welfare of the neighborhood.”

Staff Analysis: No. The new development will be a great asset to the neighborhood and should increase safety and bring a greater sense of security to residents and the public in general.

NOTIFICATION

- o Legal Ad Published: The Sun (02/21/20)
- o 300' Vicinity Mailing: (02/12/20)
- o 34 Commenting/Reviewing Agencies noticed: (02/12/20)
- o Site Posted on: (03/05/20)

- o Neighborhood Meeting: N/A
- o Hearing Date: (03/12/20)
- o Comments due: (02/24/20)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		02/13/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.		02/14/20	X		
Yuma County Planning & Zoning		02/18/20	X		
Yuma County Assessor		02/13/20	X		
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.		02/13/20	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		02/3/20	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		02/13/20	X		
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	NR				
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		02/24/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

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

PUBLIC COMMENTS RECEIVED:



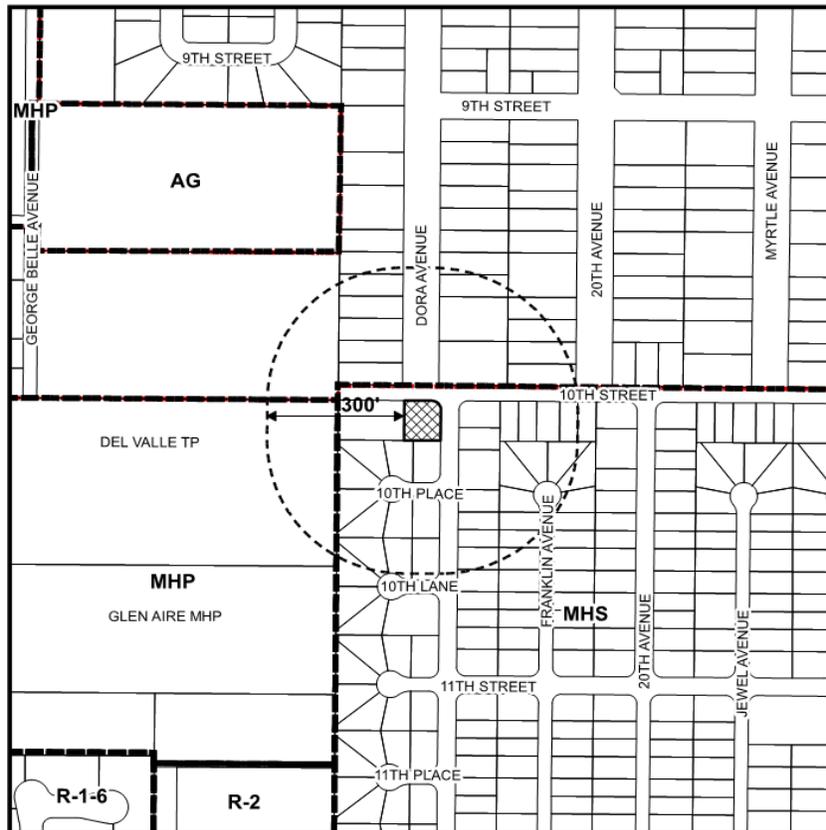
STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Erika Peterson

Hearing Date: APRIL 23, 2020 **Case Number:** VAR-29787-2020

Project Description/Location: This is a request by Fredy M. Pinto for a Variance to increase the allowable fence height in the front yard setback from 4' to 6' in the Manufactured Housing Subdivision (MHS) District, for the property located at 1006 S. Dora Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
North	Yuma County	Single-Family Residence	Medium Density Residential
South	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
East	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
West	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential

Location Map:



Prior site actions: Subdivision: Magnolia Village Unit Two (June 15, 1972); Annexation: Ord. O98-03 (February 21, 1998); Rezone: Ord. O98-33 (May 6, 1998);

Staff recommendation: Staff recommends **APPROVAL** of the request to increase the allowable fence height in the front yard setback from 4' to 6' in the Manufactured Housing Subdivision (MHS) District, for the property located at 1006 S. Dora Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, because the request meets the criteria of §154-03.04 of the Yuma City Code.

Staff Analysis: The subject property, located in the Magnolia Village Unit Two Subdivision, is located on the southwest corner of 10th Street and Dora Avenue. The property was developed under Yuma County's jurisdiction and annexed into the City in 1998. The applicant is requesting to increase the allowable fence height in the front yard setback from 4' to 6', for an existing chain-link fence.

Currently, the property features a single-family residence with a chain-link security fence. According to the aerial imagery from 1998, the chain-link fence, or a fence of some sort has been installed on the property, even prior to annexation in 1998. The current owner, Mr. Fredy Pinto, purchased the property in 2017 as is and has not altered it in any way.

Due to the location of the home, traffic and safety are valid concerns. The fence provides additional protection and safety for the tenant residing in the home. A fence such as this one would not detract from the character of the neighborhood as the property directly adjacent to the west also has a chain-link fence similar to the one on this property.

If the variance were approved the property owner could keep the fence at its current height and location.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) "There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."

Is this statement correct for this application?

Yes

No

Applicants Response: "At the meeting on March 3, 2020, photos of the area including an aerial shot were displayed. Attached in a picture taken at night. All show that the chain link fence is not a barrier to viability around the corner of 10th Street and Dora Avenue. At the meeting it was also stated that the fence is not a barrier."

Staff Analysis: Magnolia Village was constructed under the jurisdiction of Yuma County between 1970-1972. In 1998, it was annexed into the City and later rezoned from the Agriculture (AG) District to the Manufactured Housing Subdivision (MHS) District. Several variances were granted under Yuma County's jurisdiction in this subdivision for reduced side yard setbacks. The subject property is located on the southwest corner of West 10th Street and South Dora Avenue and has an existing 6 foot chain-link fence around the property that was not installed by the current owner or tenant. According to the aerial imagery from 1998, the chain-link fence, or a fence of some sort has been installed on the property, even prior

to annexation. The fence provides protection against speeding drivers, increased vehicular and pedestrian traffic, and promotes the safety of the tenant residing in the home.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

Yes No

Applicant Response: *“The property was purchased by Corbett Turner in 2001. He died in 2005. His widow Sharon Turner continued living there until she died on September 24, 2012. At that time, April D. Witt rented the place from the heirs. The heirs sold the place to someone else who sold the place to Freddy Pinto. April has remained in the home since 2012. The fence was erected prior to 2005.”*

Staff Analysis: The special circumstance was not created or caused by the property owner or tenant. The existing chain-link fence was installed many years prior to the current ownership.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

Yes No

Applicant Response: *“The location is on a corner. The six foot high fence has served as a barrier to vehicle traffic and human traffic. Since the fence is chain link with no blockage of view, there has not been a complaint until now. The person that lives there now is single and uses the locked fence as a barrier to people entering the property without her knowledge. This has been a protected for her both day and night. She has two cats but does not have a dog for protection.”*

Staff Analysis: Staff believes that the fence does not significantly alter the character of the neighborhood. Because the property is located on a corner lot at one of the subdivision entrances, the fence provides a safety barrier from both vehicle and pedestrian traffic. The fence is constructed out of chain-link material allowing visibility into the property and along the intersection on West 10th Street and South Dora Avenue. In addition, the City of Yuma has added additional safety measures in the right-of- way by installing three bollards and a directional sign along the north side of the property on West 10th Street, providing extra safety protection to the property from vehicle impact and trespassing.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

Yes No

Applicant Response: *“Because of the location of this property, with the Dora Ave. starting at 8th St. running to 10th St. and making a slight job as it cross 10th St. and continues southward into the areas, this corner is very vulnerable to problems with interference by others. The fence protects the property and is not an interference to others in the locality. It*

is not detrimental to other persons, property, neighborhood, or public health, safety, and general welfare.”

Staff Analysis: The fence, as constructed, is not materially detrimental to any person residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public health, safety, and general welfare, and still allows visibility through the openings of the chain-link fence in the event of an emergency or for vehicular traffic. The granting of this variance will allow the existing fence to remain as it has even prior to annexation into the city.

2. Are any of the adjacent property owners opposed to this request? No

Public Comments Received: None received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

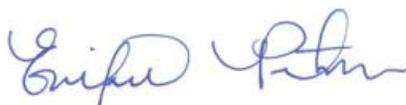
Proposed conditions delivered to applicant on: April 14, 2020

Final staff report delivered to applicant on: April 14, 2020

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – Conditions of Approval were e-mailed to applicant on April 14, 2020 but comments have not been received.

Attachments:

A	B	C	D
Conditions of Approval	Site Plan	Photos	Staff Research

Prepared By:  **Date:** 4/14/2020
Erika Peterson, Assistant Planner Erika.Peterson@YumaAZ.gov (928)373-5000, x3071

Approved By:  **Date:** 04/14/2020
Alyssa Linville, Assistant Director Community Development

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department Of Community Development Comments: Alyssa Linville, Assistant Director
Community Development, (928) 373-5000 x 3037:**

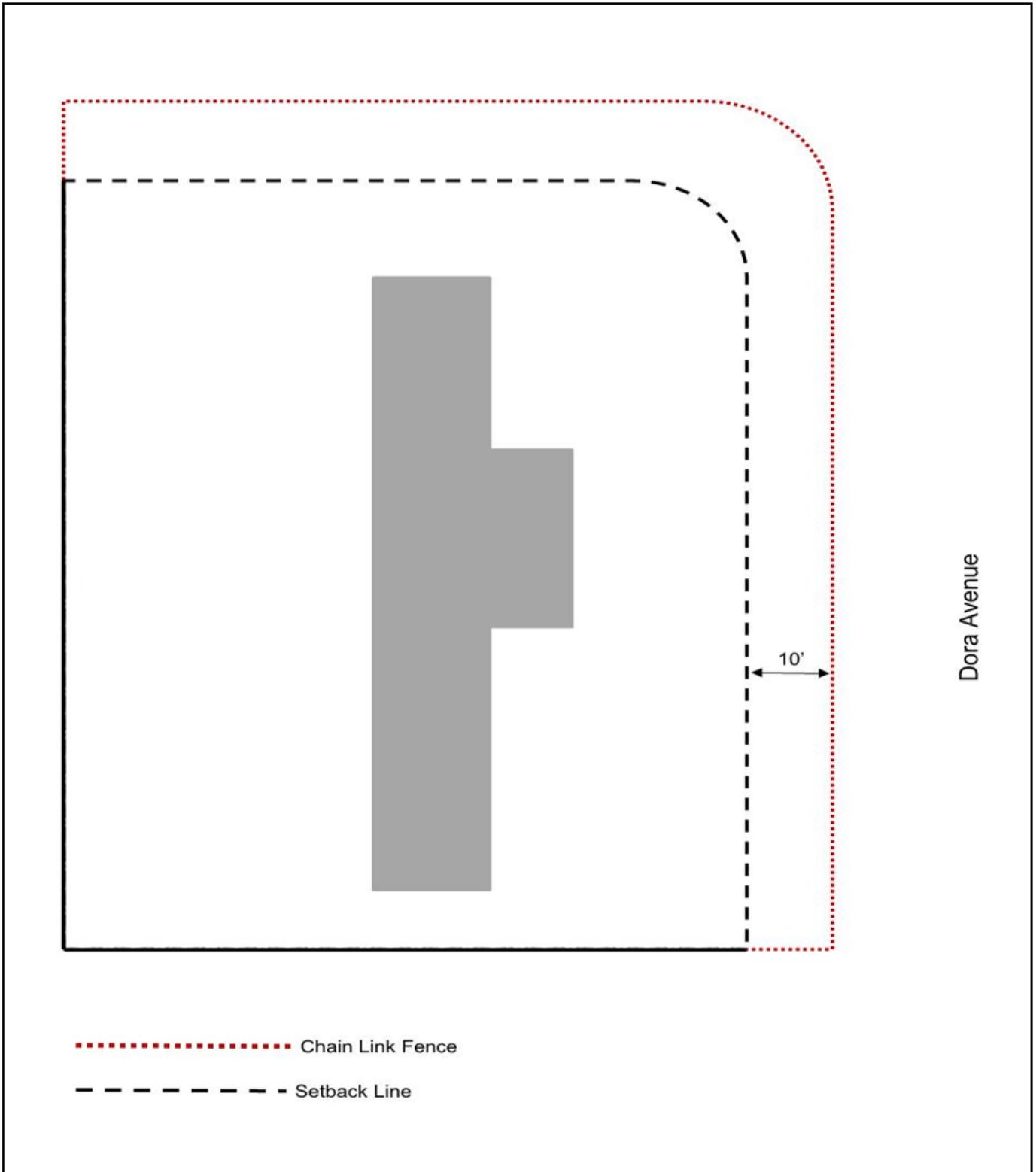
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning: Erika Peterson, Assistant Planner, (928) 373-5000 x 3071

4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
5. In any case where a Variance 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 Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

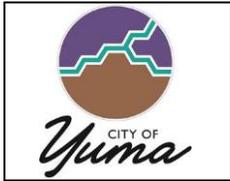
ATTACHMENT B
SITE PLAN



ATTACHMENT C
PHOTOS



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – VARIANCE
CASE #: VAR-29787-2020
CASE PLANNER: ERIKA PETERSON

I. PROJECT DATA

General Location	Southwest corner of W. 10 th Street and S. Dora Avenue										
Parcel Number(s)	664-14-094										
Parcel Size(s)	7113.85 square feet										
Total Acreage	.16 acre										
Proposed Dwelling Units	1 existing										
Address	1006 S. Dora Avenue										
Applicant	Fredy Pinto										
Applicant's Agent	N/A										
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	75+	APZ1	APZ2	CLEAR ZONE			

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
North	Yuma County	Single-Family Residence	Medium Density Residential
South	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
East	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential
West	Manufactured Housing Subdivision (MHS) District	Single-Family Residence	Medium Density Residential

Prior Cases or Related Actions:					
Type	Conforms			Cases, Actions or Agreements	
Pre-Annexation Agreement	Yes		No	N/A	
Annexation	Yes	X	No	Ord. O98-03 (February 21, 1998)	
General Plan Amendment	Yes		No	N/A	
Development Agreement	Yes		No	N/A	
Rezone	Yes	X	No	Ord. O98-33 (May 6, 1998)	
Subdivision	Yes	X	No	Magnolia Village Unit Two (June 15, 1972)	
Conditional Use Permit	Yes		No	N/A	
Pre-Development Meeting	Yes	X	No	Date: March 5, 2020	
Design Review Commission	Yes		No	N/A	
Enforcement Actions	Yes		No	X	BS-005701-2020
Avigation Easement Recorded	Yes		No	X	Fee #

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)	No
Does the proposed variance meet the criteria of §154-03.04(D) of the Yuma City Code?	Yes

A. "There is a special circumstance(s), or condition(s) that applies to the property, building, or use referred to in the application that does not apply to most other properties in the district."

Is this statement correct for this application?

Yes No

Applicants Response: "At the meeting on March 3, 2020, photos of the area including an aerial shot were displayed. Attached in a picture taken at night. All show that the chain link fence is not a barrier to viability around the corner of 10th Street and Dora Avenue. At the meeting it was also stated that the fence is not a barrier."

Staff Analysis: Magnolia Village was constructed under the jurisdiction of Yuma County between 1970-1972. In 1998, it was annexed into the City and later rezoned from the Agriculture (AG) District to the Manufactured Housing Subdivision (MHS) District. Several variances were granted under Yuma County's jurisdiction in this subdivision for reduced side yard setbacks. The subject property is located on the southwest corner of West 10th Street and South Dora Avenue and has an existing 6 foot chain-link fence around the property that was not installed by the current owner or tenant. According to the aerial imagery from 1998, the chain-link fence, or a fence of some sort has been installed on the property, even prior to annexation. The fence provides protection against speeding drivers, increased vehicular and pedestrian traffic, and promotes the safety of the tenant residing in the home.

B. "The special circumstance(s) was not created or caused by the property owner or applicant."

Is this statement correct for this application?

Yes No

Applicants Response: "The property was purchased by Corbett Turner in 2001. He died in 2005. His widow Sharon Turner continued living there until she died on September 24, 2012. At that time, April D. Witt rented the place from the heirs. The heirs sold the place to someone else who sold the place to Freddy Pinto. April has remained in the home since 2012. The fence was erected prior to 2005."

Staff Analysis: The special circumstance was not created or caused by the property owner or tenant. The existing chain-link fence was installed many years prior to the current ownership.

C. "The granting of the variance(s) is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations."

Is this statement correct for this application?

Yes No

Applicants Response: "The location is on a corner. The six foot high fence has served as a barrier to vehicle traffic and human traffic. Since the fence is chain link with no blockage of view, there has not been a complaint until now. The person that lives there now is single and uses the locked fence as a barrier to people entering the property without her knowledge. This has been a protected for her both day and night. She has two cats but does not have a dog for protection."

Staff Analysis: Staff believes that the fence does not significantly alter the character of the neighborhood. Because the property is located on a corner lot at one of the subdivision entrances, the fence provides a safety barrier from both vehicle and pedestrian traffic. The fence is constructed out of chain-link material allowing visibility into the property and along the intersection on West 10th Street and South Dora Avenue. In addition, the City of Yuma has added additional safety measures in the right-of-

way by installing three bollards and a directional sign along the north side of the property on West 10th Street, providing extra safety protection to the property from vehicle impact and trespassing.

D. “The granting of this variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

Yes No

Applicants Response: “Because of the location of this property, with the Dora Ave. starting at 8th St. running to 10th St. and making a slight job as it cross 10th St. and continues southward into the areas, this corner is very vulnerable to problems with interference by others. The fence protects the property and is not an interference to others in the locality. It is not detrimental to other persons, property, neighborhood, or public health, safety, and general welfare.”

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NOTIFICATION

- Legal Ad Published: The Sun (3/30/2020)
- 300’ Vicinity Mailing: (3/25/2020)
- Site Posted on: (04/16/2020)
- 34 Commenting/Reviewing Agencies Noticed: (03/25/2020)
- Neighborhood Meeting Date: N/A
- Hearing Date: (04/23/2020)
- Comments Due: (04/06/2020)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	3/26/2020	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	3/27/2020	X		
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	3/26/2020	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	3/26/2020	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	Yes	3/26/2020	X		
Randy Crist, Building Safety	Yes	3/26/2020	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	4/3/2020	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request on March 10, 2020.	

PUBLIC COMMENTS RECEIVED:

Name:				Contact Information:						
Method of Contact:	Phone		FAX		Email		Letter		Other	
Comment:										