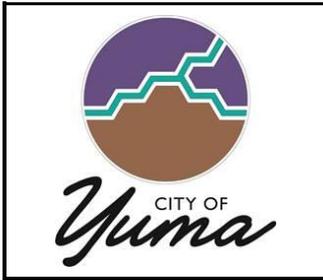


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on October 28, 2019, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



Agenda Planning and Zoning Commission Meeting *City Hall Council Chambers One City Plaza*

Monday, October 28, 2019, 4:30 p.m.

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 Commission or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

September 09, 2019 (3 of 5 required: *Hamel, Counts, Mohindra, Ott*)

October 14, 2019 (3 of 4 required: *Hamel, Counts, Follmuth, Whitehead*)

WITHDRAWALS BY APPLICANT —

1. **CUP-25030-2019:** This is a request by Martin Guzman, on behalf of Francisco and Irene Guzman, for a Conditional Use Permit to allow multiple mobile food vendors on one commercial property in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1744 S. Pacific Avenue, Yuma, Arizona.

TIME EXTENSIONS — NONE

CONTINUANCES — NONE

APPROVALS — NONE

PUBLIC HEARINGS — The Planning & Zoning Commission will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case. As a part of the public hearing process, the City Planning & Zoning Commission is authorized to consider appropriate alternate Zoning Districts, which are no more intensive in development activity than the requested Zoning District. Additionally, the Commission is authorized to supplement requested rezoning actions with the Aesthetic Overlay (AO) District and/or the Public Designation (P) District as may be deemed appropriate.

1. **CUP-27502-2019:** This is a request by GL Thomas Investments, LLC, for a Conditional Use Permit for an office and job training facility in the Light Industrial/Airport Overlay (L-I/AD) District, on the property located at 4457 E. Gila Ridge Road, Yuma, AZ.
2. **CUP-27617-2019:** This is a request by Kimberly Radin, on behalf of Southgate Mall, LLC, for a Conditional Use Permit to allow a drive-through for Dutch Brothers Coffee, on a 34,616 square foot parcel in the General Commercial (B-2) District, for the property located at the southwest corner of S. 4th Avenue and Catalina Drive, Yuma, AZ.
3. **ZONE-27555-2019:** This is a request by Dahl, Robins and Associates, Inc., on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to rezone approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, Yuma, AZ.

INFORMATION ITEMS

1. STAFF
2. COMMISSION
3. PUBLIC — Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

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, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Planning and Zoning Commission Meeting Minutes
September 9, 2019

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, September 9, 2019, at the City of Yuma, Public Works Training Room, 155 W. 14th Street, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Hamel, and Commissioners Gregory Counts, Vinod Mohindra and Tiffany Ott. Commissioners Fred Dammeyer and Shara Whitehead were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Rodney Short Deputy City Attorney; Agustin Cruz, Senior Civil City Engineer, Alyssa Linville, Assistant Director DCD / Zoning Administrator, Jennifer Albers, Principal Planner; and Amelia Griffin, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:35 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – August 26, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Mohindra, second by Counts, to APPROVE the Consent Calendar as presented. Motion carried unanimously (4-0 with 2 absent).

PUBLIC HEARINGS

GP-26567-2019: This is a Major General Plan Amendment request by Dahl, Robins and Associates on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to change the land use designations of Low Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation and Open Space to Low Density Residential, Medium Density Residential and Public/Quasi-Public for approximately 315 acres for properties located at the northeast corner, southeast corner and southwest corner of Avenue 7E and 44th St. (*This is the first of two public hearings.*)

Jennifer Albers, Principal Planner, summarized the staff report.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

Todd Tandarich, 7574 E. 42nd Place, Yuma, AZ, asked for clarification on the proposed parks.

Albers explained that the applicant intends to provide three separate 5-acre retention basins.

Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, said it was most efficient to locate the basins in the center of each development.

Emmanuel Lopez, 7585 E. 40th Road, Yuma, AZ, said he did not receive information on the proposed change. **Lopez** asked if this proposal would affect his property value.

Albers explained at the initial stage notices are mailed to the surrounding property owners about the case itself. **Albers** said the staff report analysis was not developed until the Planning and Zoning Commission meeting. **Albers** added this request would be an increase of approximately 235 dwelling units from the current designation. **Albers** noted that a copy of the staff report was available.

Albers said the Yuma County Assessor's office could provide information regarding property values.

MOTION

Motion by Counts second by Mohindra to CLOSE Case Number GP-26567-2019. Motion carried unanimously (4-0, with 2 absent).

ZONE-26788-2019: This is a request by Elizabeth Valenzuela, on behalf of Yuma Elementary School District No. 1, rezone approximately 10.7 acres from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P), for the property located at the southeast corner of 45th Place and Bennie Avenue.

Rodney Short, Deputy City Attorney, informed the Commission that the applicant was not in attendance and requested to continue the case to the next scheduled Planning and Zoning meeting.

MOTION

Motion by Counts, second by Mohindra, to CONTINUE Case Number ZONE-26788-2019 to September 23, 2019. Motion carried unanimously (4-0, with 2 absent).

INFORMATION ITEMS

Staff

Laurie Lineberry, Director of Community Development, said City Council appointed Jacqueline Follmuth to the Planning and Zoning Commission.

Commission

None

Public

None

ADJOURNMENT

The meeting was adjourned at 4:47 p.m.

Minutes approved this _____ day of _____, 2019

Chairman

**Planning and Zoning Commission Meeting Minutes
October 14, 2019**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, October 14, 2019, at the City Hall Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Hamel, and Commissioners Gregory Counts, Jacqueline Follmuth, and Shara Whitehead. Vice-Chairman Dammeyer and Commissioners Vinod Mohindra and Tiffany Ott were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Rodney Short Deputy City Attorney; Agustin Cruz, Senior Civil City Engineer, Alyssa Linville, Assistant Director DCD / Zoning Administrator, and Amelia Griffin, Assistant Planner.

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

CONSENT CALENDAR

MINUTES – September 9, 2019 & September 23, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Counts, second by Whitehead, to APPROVE the Minutes of September 23, 2019. The minutes of September 9, 2019 were deferred to the next scheduled meeting. Motion carried unanimously (4-0, with 3 absent).

PUBLIC HEARINGS

ZONE-27148-2019: This is a request by Dahl, Robins and Associates, Inc., on behalf of Christopher G. Merziotis, to rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ.

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

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

Glenn Gimbut, 1534 N. 9th Avenue, San Luis Arizona, said he was representing Sam Day and said they were in support of this request. **Gimbut** requested dust control on this property if development did not begin within the next six months.

MOTION

Motion by Whitehead, second by Counts to APPROVE Case Number ZONE-27148-2019. Motion carried unanimously (4-0, with 3 absent).

INFORMATION ITEMS

Staff

Joe Wehrle, Yuma County Assessor, gave a presentation on the Arizona Property Tax System.

Hamel thanked Joe Wehrle for the information.

Commission

Motion by Counts, second by Follmuth to ADOPT the amendments to the Planning and Zoning Commission's by-laws as presented. Motion Carried unanimously (4-0, with 3 absent).

Public

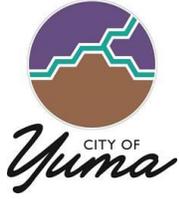
None

ADJOURNMENT

The meeting was adjourned into Executive Session at 5:05 p.m.

Minutes approved this _____ day of _____, 2019

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: CHAD BROWN

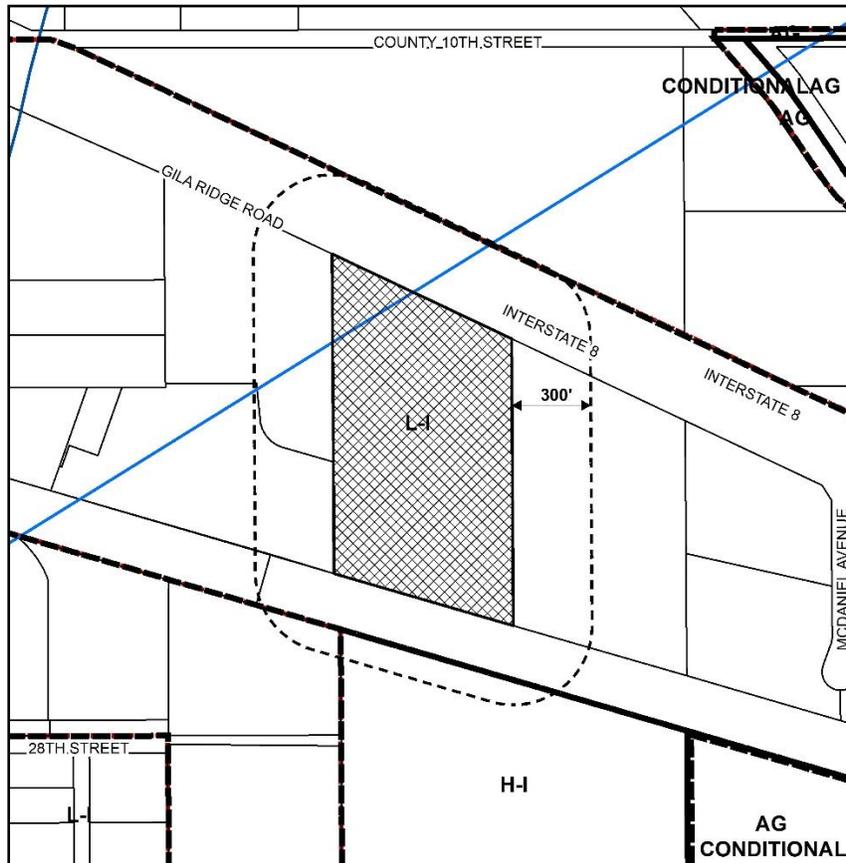
Hearing Date: October 28, 2019

Case Number: CUP-27502-2019

Project Description/Location: This is a request by GL Thomas Investments, LLC, for a Conditional Use Permit for an office and job training facility in the Light Industrial/Airport Overlay (L-I/AD) District, on the property located at 4457 E. Gila Ridge Road, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Airport Overlay (L-I/AD)	Hilltown Packing Co., Inc	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Interstate 8	Industrial
South	Heavy Industrial/Airport Overlay (H-I/AD)	Rail Road Line	Industrial
East	Light Industrial/Airport Overlay (L-I/AD)	Nunes Vegetables	Industrial
West	Light Industrial/Airport Overlay (L-I/AD)	Outdoor storage/ Taylor Farms	Industrial

Location Map:



Prior site actions: Annexation: Ordinance No. O2005-78 (September 21, 2005).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit for an office and job training facility in the in the Light Industrial/Airport Overlay (L-I/AD) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-27502-2018 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by G.L. Thomas Investments for an office and job training facility for the property located at 4457 E. Gila Ridge Road, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located at 4457 E. Gila Ridge Road, in the Light Industrial (L-I) District. The approximately 18-acre parcel has a variety of uses and buildings, including outdoor storage, parking, farm equipment repair, several structures, and one 9,000 sq. ft. building. This Conditional Use Permit (CUP) request is for an office and job training facility, within the office portion (~3,500 sq. ft.) of the 9,000 sq. ft. building. The back of the same building is to be used for field mechanic storage, work, and dispatch.

The use of the property occurs on the property primarily during the growing season, roughly Mid-October through April. The goal of this CUP is to continue already existing business patterns. There are pre-season orientations averaging approximately 100 employees, in multiple sessions. There would be approximately 500 people receiving general safety trainings and employee orientations. Most of these employees are transported to and from the site in buses.

During winter months office personnel are on site from 6:00 AM to 7:00 PM. This includes administrative, field supervisors, food safety, and educational personnel. General office hours for the public will be 7:00 AM to 5:00 PM.

Adequate lighting, paved parking, and paved access must be established as per the Zoning Code for the proposed uses.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

Yes.

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	N/A	N/A
B.	Parking	Adequate paved parking must be provided for the proposed uses.	#5
C.	Lighting	All paved parking areas must be adequately lit with down lit fixtures.	#6
D.	Hours of Operation	Hours of operation will occur between 6:00 AM to 7:00 PM.	#4
E.	Indoor/Outdoor Activities	N/A	N/A
F.	Noise	N/A	N/A
G.	Air Quality	N/A	N/A
H.	Hazardous Materials	N/A	N/A
I.	Crime Prevention (CPTED)	Adequate lighting shall be required.	#1
J.	Other	N/A	N/A

2. Does the site plan comply with the requirements of the zoning code?

Yes. The focus area identified within this CUP request meets the requirements of the code; including paved parking and landscaping. The remainder of the site is being used for various industrial uses and is considered legal non-conforming as these uses were established prior to annexation.

3. Does the proposed use and site plan comply with Transportation Element requirements?

No.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
Gila Ridge Road	40 FT H/W ROW	29 FT H/W ROW	-11 FT	0 FT

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-09-02 (E)(3), in which a CUP is required for any use allowed in the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing, or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site will utilize existing access along Gila Ridge Road.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The property is considered to provide adequate transition as no residential development exists nor is it contemplated within the area.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reduction and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use of the site includes proper screening and landscaping consistent with the Crime Prevention through Environmental Design (CPTED) principles for visual surveillance.

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: October 1, 2019.

Proposed conditions delivered to applicant on: October 9, 2019.

Final staff report delivered to applicant on: October 10, 2019.

Applicant agreed with all of the conditions of approval on: October 10, 2019.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Aerial	External Agency Comments	Elevation and Floor Plan	Staff Research

Prepared By: *Chad Brown* **Date:** *10.10.19*
Chad Brown
Associate Planner Chad.Brown@yumaaz.gov (928)373-5000, x1234

Approved By: *Alyssa Linville* **Date:** *10.14.19*
Alyssa Linville,
Assistant Director Community Development

Approved By: *Laurie L. Lineberry* **Date:** *10.14.19*
Laurie L. Lineberry, AICP,
Community Development Director

**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: Laurie Lineberry, Community Development Director
(928) 373-5175:**

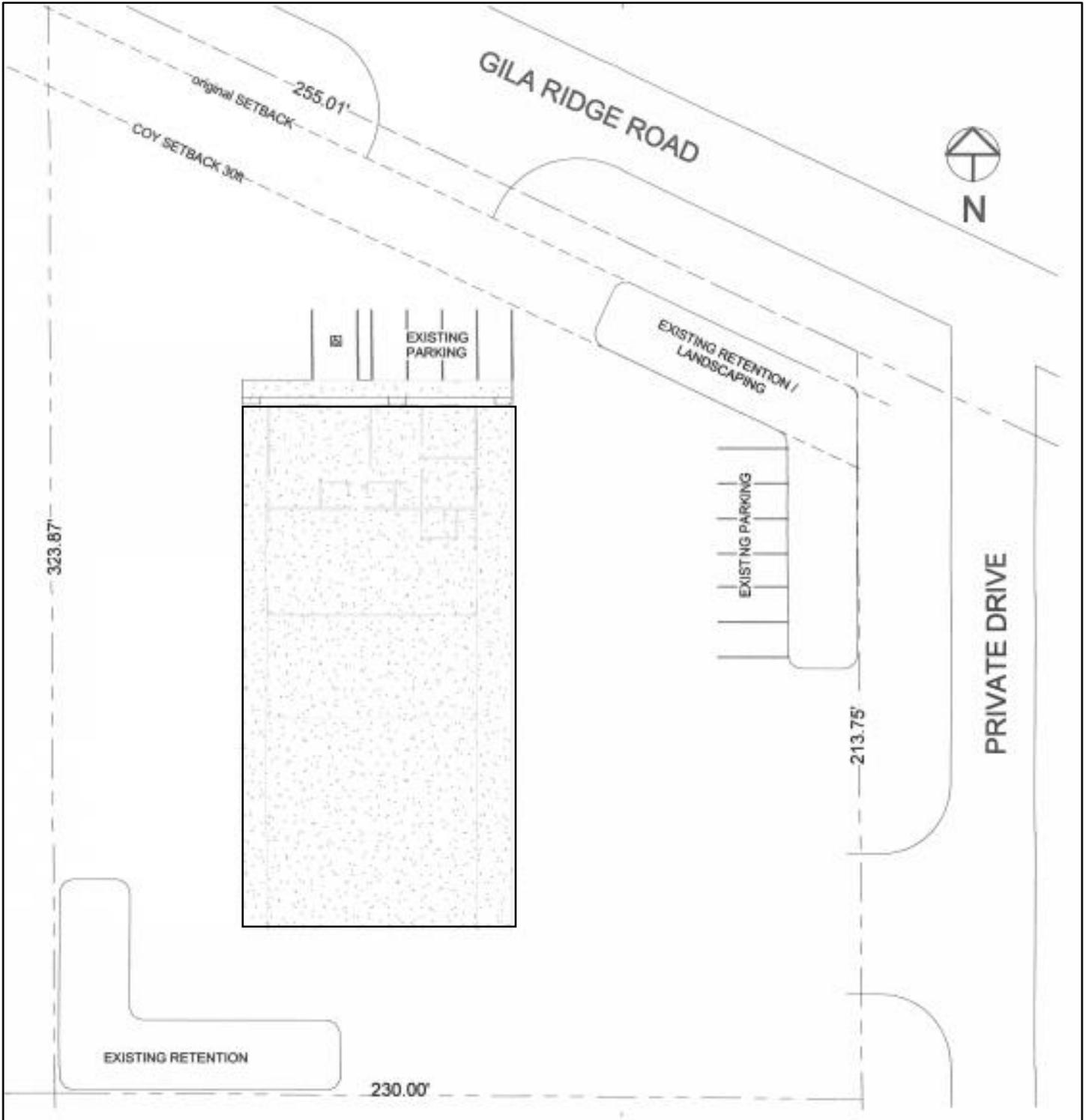
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any Building Permit, Certificate of Occupancy, or City of Yuma Business License for this property.
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: Chad Brown, Associate Planner, (928) 373-5000 X 3038

4. Hours of operation will be 6:00 AM to 7:00 PM.
5. Adequate paved parking must be provided for the proposed use.
6. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downward so as to not have light trespass onto the right-of-way or neighboring properties.
7. 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.
8. 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.
9. 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.
10. Prior to the expiration date of the Conditional Use Permit, 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
AERIAL



IMAGE: RECTANGLE WITH SOLID LINE REPRESENTS SUBJECT AREA, THE DASHED LINE REPRESENTS THE SUBJECT PROPERTY.

**ATTACHMENT D
EXTERNAL AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

Any new access or changes to existing access from the State Highway System shall be obtained through the ADOT Encroachment Permit Process. This refers to driveway connections to East Gila Ridge Road. Please contact Gerry Ramirez, ADOT Permits Supervisor, (928) 317-2106 for further information on obtaining a permit.

DATE: 9/17/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159

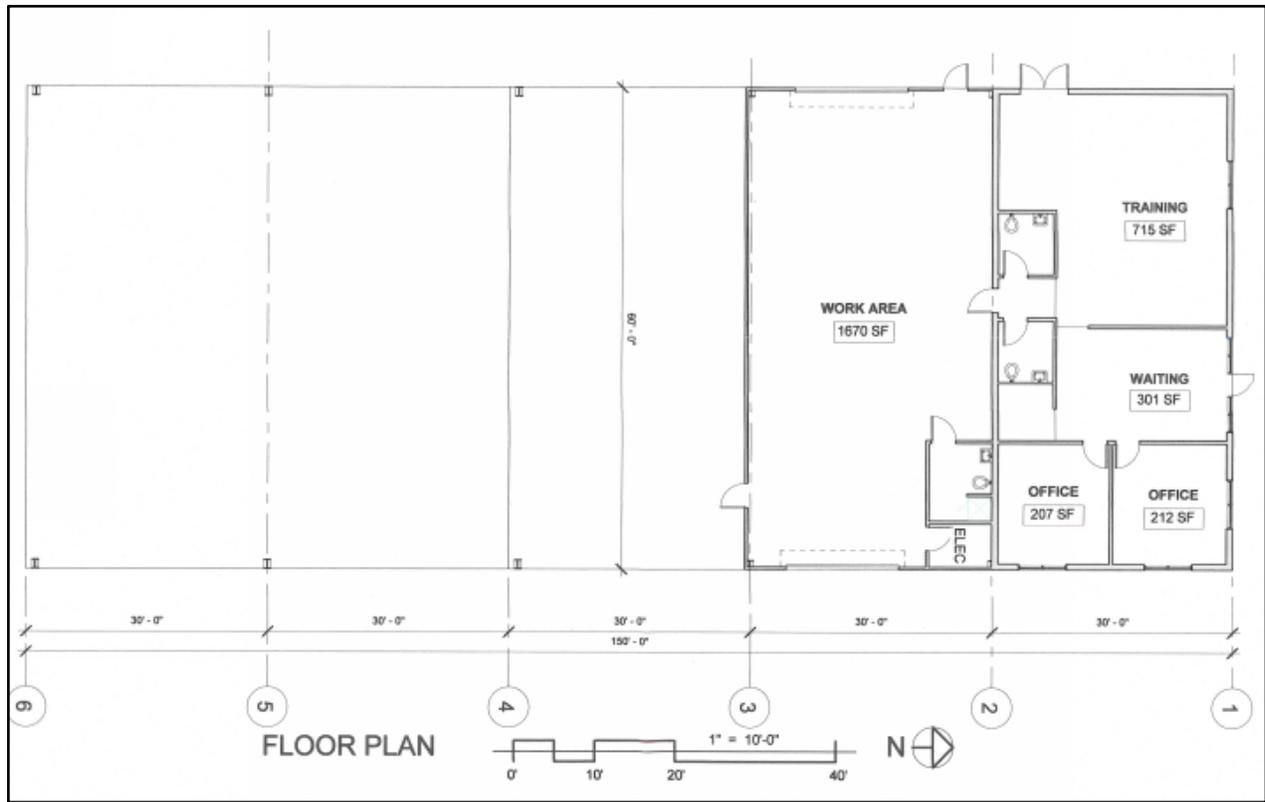
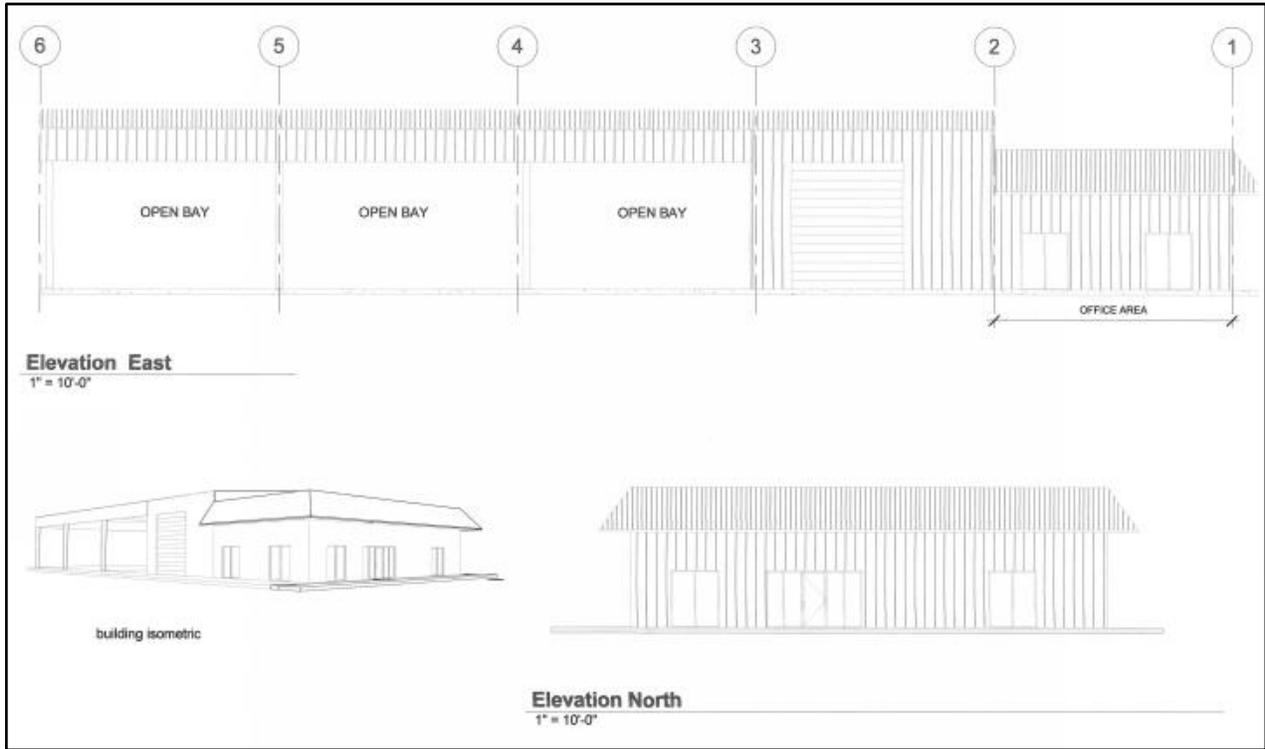
COMMENT NO COMMENT

Enter comments below:

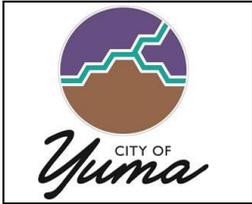
While the subject property is within the 65 dB noise contour, land use and related structures are compatible without restrictions per FAA Order 1050-1E. Please file an avigation easement recognizing noise, interference or vibrations at MCAS Yuma/Yuma International Airport. Thank you.

DATE: 9/13/19 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: (928) 726-5882

ATTACHMENT E ELEVATION AND FLOOR PLAN



**ATTACHMENT F
STAFF RESEARCH**



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: CUP-27502-2019
CASE PLANNER: CHAD BROWN

I. PROJECT DATA

Project Location:		Located along E Gila Ridge Road, near the Avenue 4 ½ E alignment									
Parcel Number(s):		197-06-017									
Parcel Size(s):		78,4372 sq. ft.									
Total Acreage:		18 acres									
Proposed Dwelling Units:		N/A									
Address:		4457 East Gila Ridge Road									
Applicant:		G.L. Thomas Investments, LLC									
Applicant's Agent:		N/A									
Land Use Conformity Matrix:		Conforms:		YES	X	NO					
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None				
Airport	X	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 Overlay (L-I/AD)	Hilltown Packing Co., Inc					Industrial				
North	Light Industrial/Airport Overlay (L-I/AD)	Interstate 8					Industrial				
South	Heavy Industrial/Airport Overlay (H-I/AD)	Rail Road Line					Industrial				
East	Light Industrial/Airport Overlay (L-I/AD)	Nunes Vegetables					Industrial				
West	Light Industrial/Airport Overlay (L-I/AD)	Outdoor storage/ Taylor Farms					Industrial				
Prior Cases or Related Actions:			Yes.								
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>							
Pre-Annexation Agreement	Yes		No	N/A							
Annexation	Yes	X	No	September 21, 2005 (Ordinance No. O2005-78)							
General Plan Amendment	Yes		No	N/A							
Development Agreement	Yes		No	N/A							
Rezone	Yes		No	N/A							
Subdivision	Yes		No	N/A							
Pre-Development Meeting	Yes	X	No	July 30, 2019 (PDM-27106-2019)							
Conditional Use Permit	Yes		No	N/A							
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:			N/A								
Water Conversion Agreement Required			Yes		No	X					

Adjacent Irrigation Canals & Drains: None.

Transportation Element:

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
GILA RIDGE ROAD – 2 LANE COLLECTOR	40 FT H/W ROW	29 FT H/W ROW				X
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	N/A					
ISSUES:	None.					

DETAILED NARRATIVE

The subject property is located at 4457 E. Gila Ridge Road, in the Light Industrial (L-I) District. The approximately 18-acre parcel has a variety of uses, including outdoor storage, parking, farm equipment repair, several structures, and one 9,000 sq. ft. building. This Conditional Use Permit (CUP) request is for an office and job training facility, within the office portion (~3,500 sq. ft.) of the 9,000 sq. ft. building. The back of the same building is to be used for field mechanic storage, work, and dispatch.

The use of the property occurs on the property primarily during the growing season, roughly Mid-October through April. The goal of this CUP is to continue already existing business patterns. There are pre-season orientations averaging approximately 100 employees, in multiple sessions. There would be approximately 500 people receiving general safety trainings and employee orientations. Most of these employees are transported to and from the site in buses.

During winter months office personnel are on site from 6:00 AM to 7:00 PM. This includes administrative, field supervisors, and educational personnel. General office hours for the public will be 7:00 AM to 5:00 PM.

Adequate lighting, paved parking, and paved access must be established as per the Zoning Code for the proposed uses.

EXCEPTION TO DEVELOPMENT STANDARDS?	Yes		No	X	
-------------------------------------	-----	--	----	---	--

NOTIFICATION

- Legal Ad Published: The Sun (10/4/19)
- 300' Vicinity Mailing: (9/9/19)
- 34 Commenting/Reviewing Agencies noticed: (9/12/19)

- Hearing Date: (10/28/19)
- Comments due: (9/23/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	9/13/19		X	
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	9/13/19	X		
Yuma County Planning & Zoning	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	9/17/19		X	
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	9/13/19	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
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	9/17/19	X		
Alan Kircher, Deputy Building Official	YES	9/18/19	X		
Agustin Cruz, Senior Civil Engineer	YES	9/17/19	X		
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/18/19		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NOT REQUIRED.	N/A
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request.	

INTERNAL COMMENTS RECEIVED:

Condition(s)

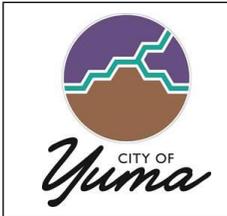
No Condition(s)

Comment

Enter conditions here: The subject parcel is located within the 65dB Noise Contour for MCAS Yuma and pursuant to Marine Corps Order 11010.16 Air Installations Compatible Use Zones this use (Business/Professional Services) would be considered a compatible use. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

DATE: 28 Sept 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103

Mary Ellen Finch



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: BOB BLEVINS

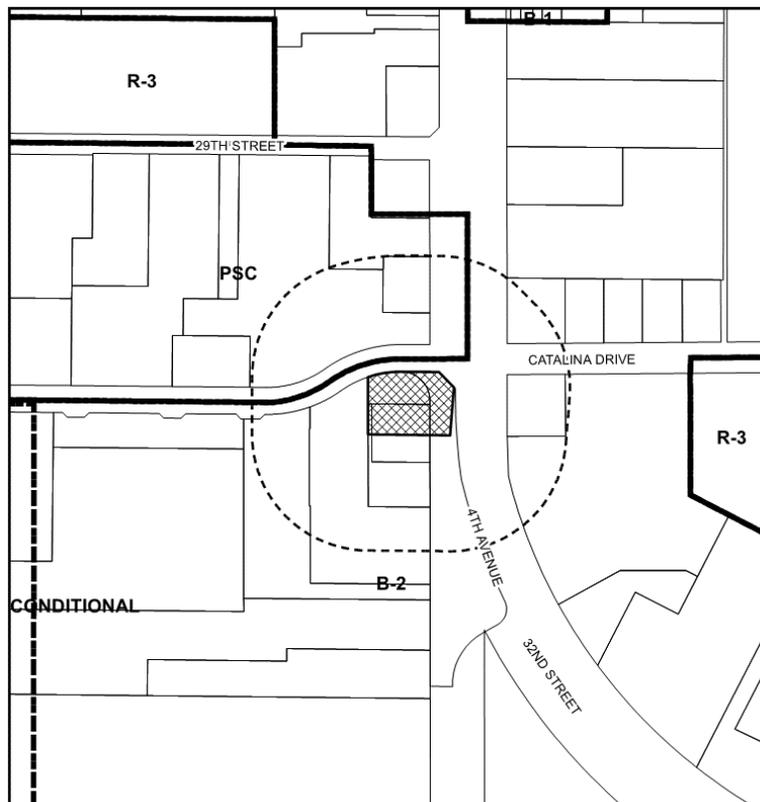
Hearing Date: October 28, 2019

Case Number: CUP-27617-2019

Project Description/Location: This is a request by Kimberly Raden, on behalf of Southgate Mall, LLC, for a Conditional Use Permit to allow a drive-through for Dutch Brothers Coffee, on a 34,616 square foot parcel in the General Commercial (B-2) District, for the property located at the southwest corner of S. 4th Avenue and W. Catalina Drive, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant Building	Commercial
North	Planned Shopping Center (PSC)	Eddie's Grill	Commercial
South	General Commercial (B-2)	Chipotle Mexican Grill	Commercial
East	General Commercial (B-2)	Carl's Jr.	Commercial
West	General Commercial (B-2)	Vacant Building	Commercial

Location Map:



Prior site actions: Annexation: #672 (07/21/1956); Development Agreement: Fee# 2014-07356 (Southgate Mall Exchange Agree.); Subdivision: Fee# 2019-21048 (Southgate Mall Lot Tie #2).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through for Dutch Brothers Coffee, on a 34,616 square foot parcel in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-27617-2019 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Kimberly Raden, on behalf of Southgate Mall, LLC for a drive-through for Dutch Brothers Coffee for the property located at the southwest corner of S. 4th Avenue and W. Catalina Drive, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: Dutch Brothers Coffee is proposing a new 862 square foot freestanding store at the southwest corner of S. 4th Avenue and W. Catalina Drive with a drive-through window on a newly-created 34,616 square foot parcel. An existing building (former Paul Bensel Jewelers) will be demolished, and the access points will be adjusted to allow access off of Catalina Drive and internally through the Southgate Mall parking lot. A lot split / tie was recently recorded including access points and right-of-way dedication.

The customer states:

“The building has been designed with double drive through [lanes] to hold a sixteen car stack and its layout does not encumber traffic on public streets or adjacent access aisles. The proposed height and massing is compatible with the character of the surrounding shopping center. The site development proposes to add landscaping, totaling 28% of the parcel, and provisions have been made for adequate site and security lighting.

“The coffee stand will not have public access to the interior. The drive-thru and walk-up window will operate 5:30 a.m. – 10 p.m. Sunday through Thursday, and 5:30 a.m. – 11:00 p.m. Friday through Saturday. The restaurant typically will have 2 deliveries a week. There is anticipated to be 40 to 50 employees with a shift crew size of 4-6 people.”

The Dutch Brothers Coffee building will have drive-through and walk-up windows only, with no internal customer seating.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	A specific landscaped buffer will be planted (or a wall built) to mitigate glare from vehicle headlights in the drive-thru lanes.	6
B.	Parking	N/A	
C.	Lighting	Exterior lighting cannot trespass onto adjacent residential properties.	4
D.	Hours of Operation	N/A	
E.	Indoor/Outdoor Activities	N/A	
F.	Noise	N/A	
G.	Air Quality	N/A	
H.	Hazardous Materials	N/A	
I.	Crime Prevention (CPTED)	Trash enclosure must have anti-graffiti coating and be painted.	7
J.	Other	N/A	

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan conforms to the zoning code, including uses and development standards.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes. Access will be of sufficient width to accommodate traffic and emergency vehicles. A no-build easement along the 4th Avenue and Catalina Drive frontages was incorporated into the recent Southgate Mall Lot Tie #2.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
W. Catalina Drive	35 FT H/W ROW	30 FT	-5 FT	None
S. 4 th Avenue	62 FT H/W ROW	100 FT	+38 FT	None

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes. A restaurant drive-through is permitted as a Conditional Use in the B-2 Zoning District, and therefore conforms to prior Council actions.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve the request as per Section 154-08.04(E)(1).

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use should not have any significant negative impact on persons living or working in the neighborhood. This is already a busy commercial intersection, and there are no nearby residences. Points of access are a sufficient distance from the intersection.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The new drive-through traffic circulation plan and parking lot are shown on the site plan. New construction and development must adhere to the site plan.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development.

Yes. Specific landscaping plantings are required as a condition of approval to shield traffic from headlight glare.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. New construction is at the same or lower height as nearby existing construction, and it will be compatible with other development in the neighborhood.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The new parking lot lighting will be reviewed to verify it illuminates the property while not encroaching on the neighbors or right-of-way. A photometric survey is required to make certain the needed exterior lighting does not trespass beyond the property lines.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. New landscaping is proposed which will be concentrated along the right-of-way boundaries. It will compliment the existing landscaping.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: 09/26/19

Proposed conditions delivered to applicant on: 09/25/19

Final staff report delivered to applicant on: 10/16/19

- Applicant agreed with all of the conditions of approval on: 09/27/19
- 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	E
Conditions of Approval	Site Plan	Elevations of Proposed Development	Aerial Photo	Staff Research

Prepared By:  **Date:** 10/2/19
 Robert M. Blevins, Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By:  **Date:** 10.02.19
 Alyssa Linville, Assistant Director/Zoning Administrator

Approved By:  **Date:** 10.02.19
 Laurie L. Lineberry, AICP, Community Development Director

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: Laurie Lineberry, Community Development Director (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.
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: Robert M. Blevins, Principal Planner (928) 373-5189:

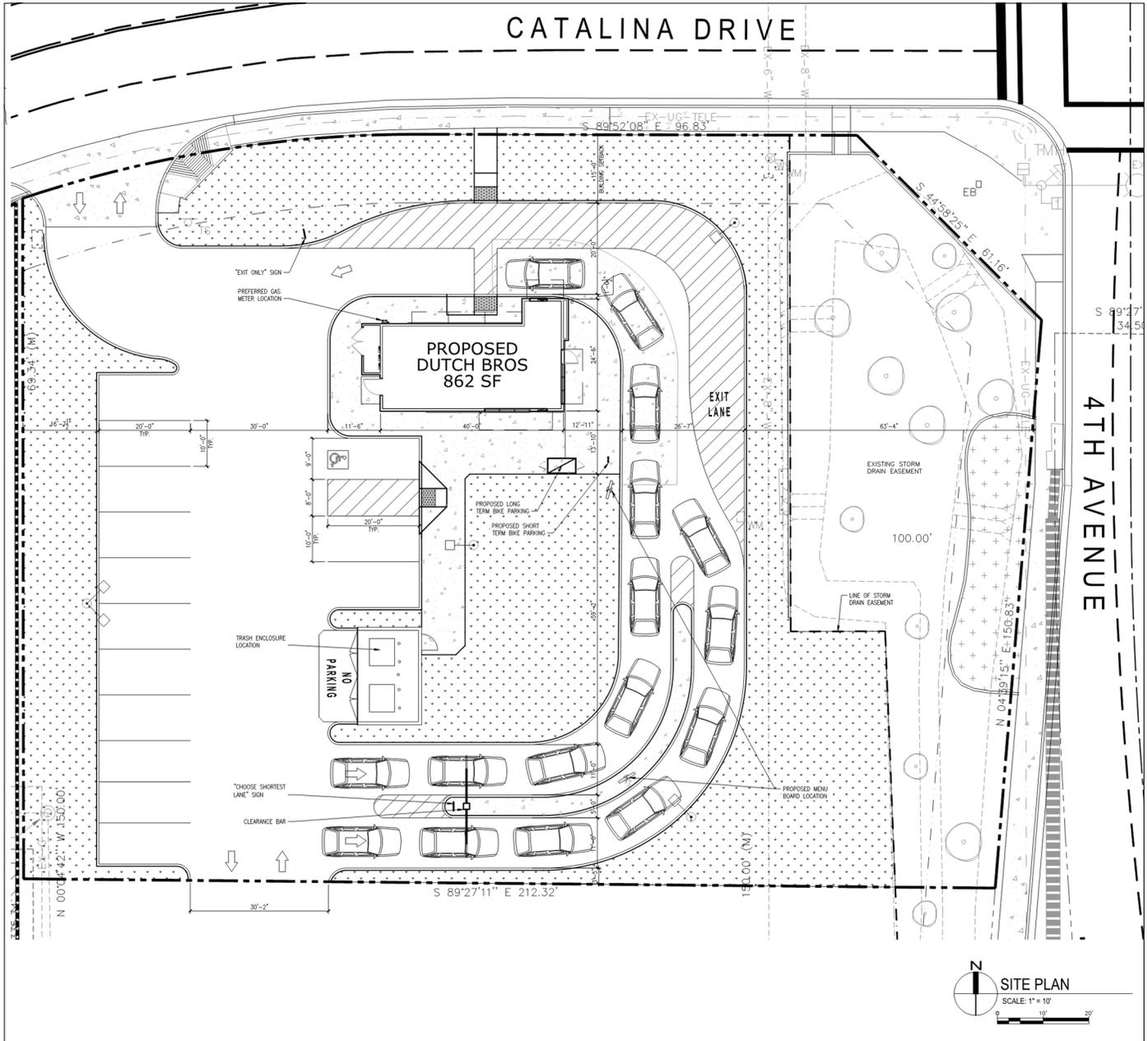
4. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downwards so as not to have light trespass onto the right-of-way or neighboring properties. As part of the electrical and building permit process, a photometric data site plan must be submitted, showing the light emissions to be contained upon the property. If using LED exterior lighting, the color temperature of the LEDs must be 3000 K or lower.
5. All exterior appearance, including, but not limited to: signage, buildings, parking, lighting, and landscaping shall be reviewed according to the City of Yuma Aesthetic Overlay (AO) Standards with an in-house approval.
6. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; or screening to be accomplished with a continuous screen row of planted shrubs at full growth, planted close together; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 4th Avenue and Catalina Drive prior to date of business opening. The wall or planting to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.
7. The trash enclosure must be of block construction with solid gates and the entire enclosure coated with an anti-graffiti coating and painted to compliment the main development on the property.
8. 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.
9. 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.

10. 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.
11. Prior to the expiration date of the Conditional Use Permit, 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**



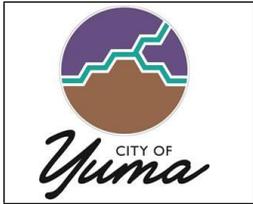
ATTACHMENT C ELEVATIONS OF PROPOSED DEVELOPMENT



ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – CONDITIONAL USE PERMIT

**CASE #: CUP-27617-2019
CASE PLANNER: BOB BLEVINS**

I. PROJECT DATA

Project Location:	Southwest corner of 4 th Avenue and Catalina Drive										
Parcel Number(s):	Parts of 695-26-010, 695-26-047, 695-18-050										
Parcel Size(s):	34,616 square feet										
Total Acreage:	0.79										
Proposed Dwelling Units:	None										
Address:	3000 S. 4 th Avenue										
Applicant:	Southgate Mall, LLC										
Applicant's Agent:	Kimberly Raden										
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	General Commercial (B-2)	Vacant Building	Commercial
North	Planned Shopping Center (PSC)	Eddie's Grill	Commercial
South	General Commercial (B-2)	Chipotle Mexican Grill	Commercial
East	General Commercial (B-2)	Carl's Jr.	Commercial
West	General Commercial (B-2)	Vacant Retail	Commercial

Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	#672 (07/21/1956)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes	X	No	Fee# 2014-07356 (Southgate Mall Exchange Agree.)
Rezone	Yes		No	N/A
Subdivision	Yes	X	No	Fee# 2019-21048 (Southgate Mall Lot Tie #2)
Pre-Development Meeting	Yes	X	No	PDM-25616-2019 (06/25/2019)
Conditional Use Permit	Yes		No	N/A
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes		No	X Fee #

Land Division Status: Parcel is a legal lot of record.

Irrigation District: None

Water Conversion Agreement Required: Yes No X

Adjacent Irrigation Canals & Drains: None

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
W. CATALINA DRIVE	35 FT H/W ROW	30 FT				X
S. 4 TH AVENUE	62 FT H/W ROW	100 FT				X

Bicycle Facilities Master Plan	Catalina Drive: Existing Bike Route; 4 th Avenue: Existing Bike Path.
YCAT Transit System	4 th Avenue Green Route 4A
ISSUES:	None

<u>DETAILED NARRATIVE</u>	<p>Dutch Brothers Coffee is proposing a new 862 square foot freestanding store at the southwest corner of S. 4th Avenue and W. Catalina Drive with a drive-through window on a newly-created 34,616 square foot parcel. An existing building (former Paul Bensei Jewelers) will be demolished, and the access points will be adjusted to allow access off of Catalina Drive and internally through the Southgate Mall parking lot.</p> <p>The Dutch Brothers Coffee building will have drive-through and walk-up windows only, with no internal customer seating.</p> <p>The customer states:</p> <p>“The building has been designed with double drive through [lanes] to hold a sixteen car stack and its layout does not encumber traffic on public streets or adjacent access aisles. The proposed height and massing is compatible with the character of the surrounding shopping center. The site development proposes to add landscaping, totaling 28% of the parcel, and provisions have been made for adequate site and security lighting.</p> <p>“The coffee stand will not have public access to the interior. The drive-thru and walk-up window will operate 5:30 a.m. – 10 p.m. Sunday through Thursday, and 5:30 a.m. – 11:00 p.m. Friday through Saturday. The restaurant typically will have 2 deliveries a week. There is anticipated to be 40 to 50 employees with a shift crew size of 4-6 people.”</p>
---------------------------	--

EXCEPTION TO DEVELOPMENT STANDARDS?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	X	<input type="checkbox"/>
-------------------------------------	-----	--------------------------	----	-------------------------------------	---	--------------------------

NOTIFICATION

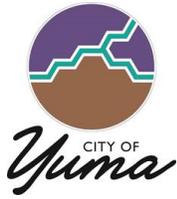
- Legal Ad Published: The Sun 10/04/19
- 300' Vicinity Mailing: 09/09/19
- 34 Commenting/Reviewing Agencies noticed: 09/12/19

- Site Posted on: 10/21/19
- Hearing Date: 10/28/19
- Comments due: 09/23/19

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	09/13/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	09/13/19	X		
Yuma County Planning & Zoning	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	09/17/19	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	09/13/19	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	09/16/19	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 Franklin, Fire	YES	09/17/19	X		
Alan Kircher, Building Safety	YES	09/12/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	09/18/19	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NOT REQUIRED	N/A
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request.	

PUBLIC COMMENTS RECEIVED: NONE



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: October 28, 2019

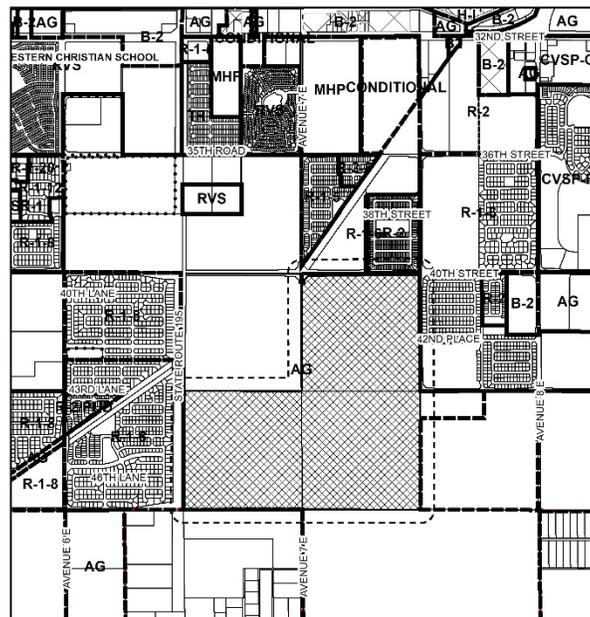
Case Number: ZONE-27555-2019

Project Description/Location:

This is a request by Dahl, Robins and Associates, Inc., on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to rezone approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Low Density Residential, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space
North	Agriculture (AG) and Medium Density Residential (R-2)	Undeveloped and Single Family Homes	Low and Medium Density Residential
South	Agriculture (AG) and County Rural Area (RA-10)	Undeveloped	Rural Density Residential
East	Low Density Residential (R-1-6 and R-1-5) and Agriculture (AG)	Undeveloped	Commercial and Low Density Residential
West	Low Density Residential (R-1-8)	SR-195 and Single Family Homes	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Resolution R2019-044 (October 16, 2019)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District.

Suggested Motion: Move to **APPROVE** Rezone ZONE-27555-2018 as presented, subject to the staff report, information provided during this hearing, and the requirements set forth in the Conditional Settlement and Release Agreement approved by City Council on June 5, 2019.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, subject to the requirements set forth in the Conditional Settlement and Release Agreement approved by City Council on June 5, 2019, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject properties are located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street. While currently undeveloped, the intended development for the area includes a variety of low and medium density housing subdivisions featuring centralized basins and an area park, a site for a future school, and an area for commercial development. A General Plan Amendment was approved on October 16, 2019 amending the land use designation so as to support the proposed rezoning.

This potential residential development is limited to a maximum of 2,224 dwelling units as agreed upon within a recently adopted settlement agreement, between the City of Yuma and the applicant. The development standards for the residential zoning designations will still apply. Below, are some of the development standards which apply to the Low Density Residential (R-1-6) District and the Medium Density Single-Family Residential (R-2-5) District:

Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-40) District shall not exceed 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Medium Density Single-Family Residential (R-2-5) District:

1. The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall not exceed 45% of the lot area;
2. A minimum front yard setback of 15-20 feet;
3. A minimum side yard setback of 5 or 9 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet;
6. A 15-gallon street tree and accompanying irrigation system; and
7. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

As part of this proposed residential development, the property owner intends on addressing on-site retention requirements through the installation of centralized basins and a local area park; a 10-acre park site to be dedicated to the City of Yuma as required within the previously mentioned settlement agreement during the time of platting. The agreement also indicates that the 10-acre park site may be utilized for retention/detention purposes. The following comment was made by the Parks and Recreation Department regarding the location of the future park:

We suggest that the park be built along a major roadway (Avenue 7E). The reasons for this request the park will be used heavily by people outside of the subdivision just as the park at Ocotillo is. The design of the park is approximately 10 acres which most of it will be open green space, and the open green space will be used primarily for soccer along with football practice and games. Three times a week the park at Ocotillo is packed with kids and adults (mostly from outside the neighborhood) playing soccer, if the park were in the middle of the subdivision this would bring heavy traffic and parking issues internal to the neighborhood.

The proposed commercial zoning is approximately 12 acres and would support of a variety of potential commercial uses. Such uses include, the retail sale of goods and services, restaurants, religious institutions, grocery stores, and child care services. Upon development of this commercial site, all City of Yuma development standards will need to be adhered to. These development requirements include paved parking, access, setbacks, landscaping, and lighting.

Upon the platting of the subsequent development, right-of-way dedications will need to be addressed for those new and existing roadways/alignments. Below is a list of the dedications that will need to be addressed at such time:

1. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7E, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
2. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 50 feet half-width right-of-way along 48th Street, as required for a minor collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.

3. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along 44th Street, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
4. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7 ½ E, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
5. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 50 feet half-width right-of-way along 40th Street, as required for a minor collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
6. Owner/developer shall dedicate to the City of Yuma, via plat, all required corner visibility triangles in all major and local intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. A one-foot non-access easement shall be dedicated, via plat, to the City of Yuma, along all collector street and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
8. Owner/developer shall dedicate to the City of Yuma, via plat, additional right of way for a bridge crossing on 48th Street similar to what was dedicated on Ocotillo Unit 4B.
9. Owner/developer shall dedicate to the City of Yuma, via plat, additional right of way for turn lanes as required for collector streets and minor arterial streets as specified in City of Yuma Construction Standard 2-050.

In addition to the future dedication requirements, the City of Yuma also received a comment from the Arizona Department of Transportation (ADOT) requesting that a Traffic Impact Analysis (TIA) be completed to assess the potential impact that this future development may have on area roadways. A copy of this comment can be seen on Attachment B. Similar to the dedication requirements, this comment will also need to be addressed in the near future. It is Staff's recommendation that if warranted, this TIA be completed prior to the design and/or platting of the subdivision.

The proposed mixed-use development featuring a variety of single-family housing options, a school site, a park and open space, and a commercial development component, will provide future residents within the area ease of access to goods and services. The request to rezone the properties from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element?

Yes.

2. Are there any dedications or property easements identified by the Transportation Element?

Yes.

Transportation Element	Planned	Existing	Difference	Requested
State Route 195	130 FT H/W ROW	130 FT H/W ROW	0 FT	0 FT
Avenue 7E – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
40 th Street – Minor Arterial	50 FT H/W ROW	0 FT and 61 FT H/W ROW	-50 FT	0 FT
Mississippi Avenue/Avenue 7½ E – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
44 th Street – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
48 th Street – Minor Arterial	50 FT H/W ROW	0 FT	-50 FT	0 FT

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes.

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council’s prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: Several comments were received during the General Plan Amendment process in opposition of the proposal; however, none have been received during the rezone.

External Agency Comments: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: October 16, 2019

Attachments:

A	B	C	D
External Agency Comments	Proposed Zoning Map	Aerial Photo	Staff Research

Prepared By: 
Alyssa Linville,
Assistant Director of
Community Development

Date: 10.21.19
(928)373-5000, ext. 3037

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 10.21.19

ATTACHMENT A
EXTERNAL AGENCY COMMENTS

COMMENT NO COMMENT

Enter comments below:

Any development occurring at the SEC of the intersection of Ave 7E and 40th St, could potentially impact our easement which may require a License Agreement. Please have the developer or their representative contact our office at the number listed below

DATE: 9/18/19 NAME: Dennis Patane TITLE: Land & Realty Specialist
AGENCY: Western Area Power Administration
PHONE: 602 605-2713
RETURN TO: Alyssa Linville
 Alyssa.Linville@YumaAZ.gov

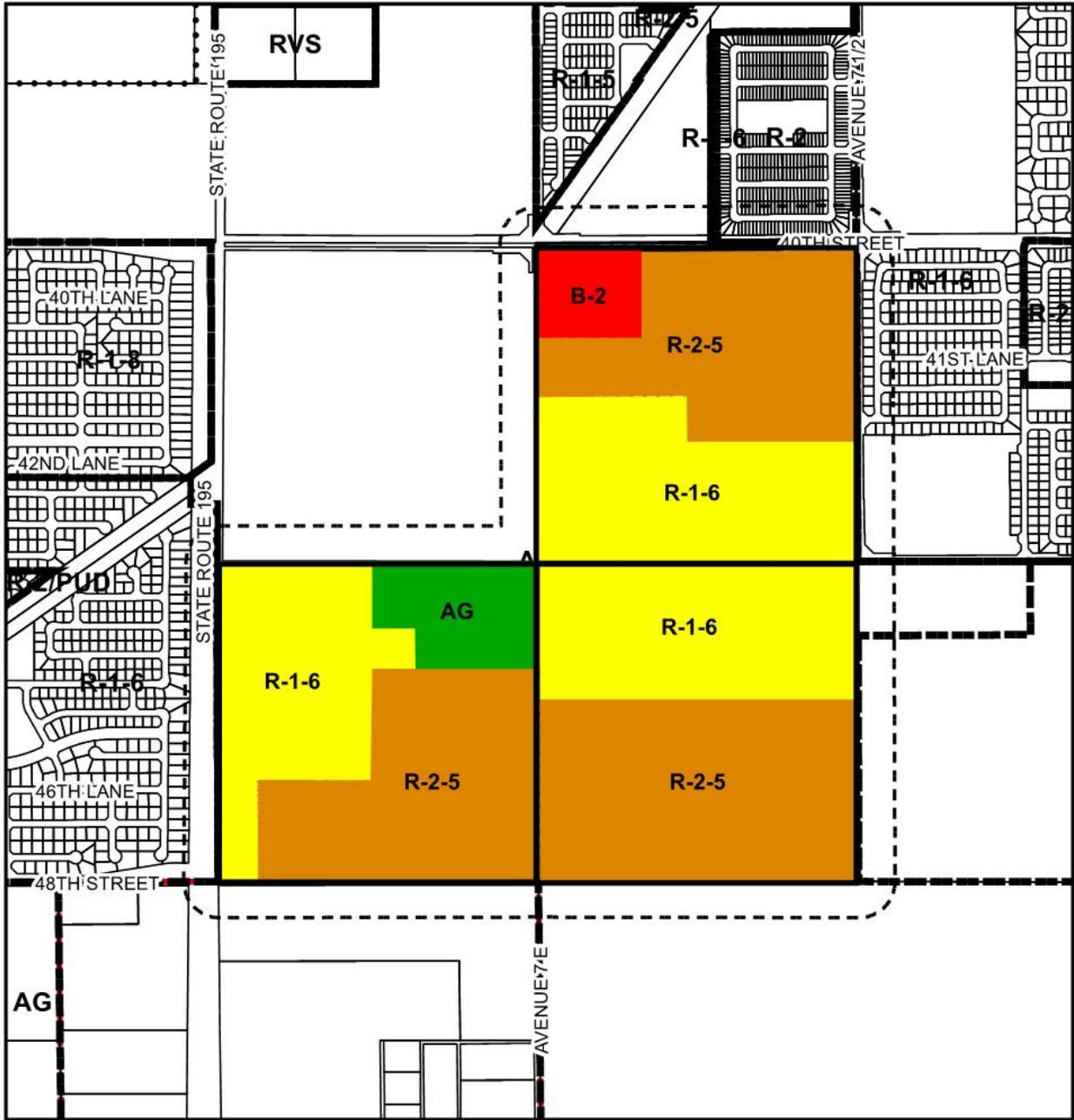
COMMENT NO COMMENT

Enter comments below:

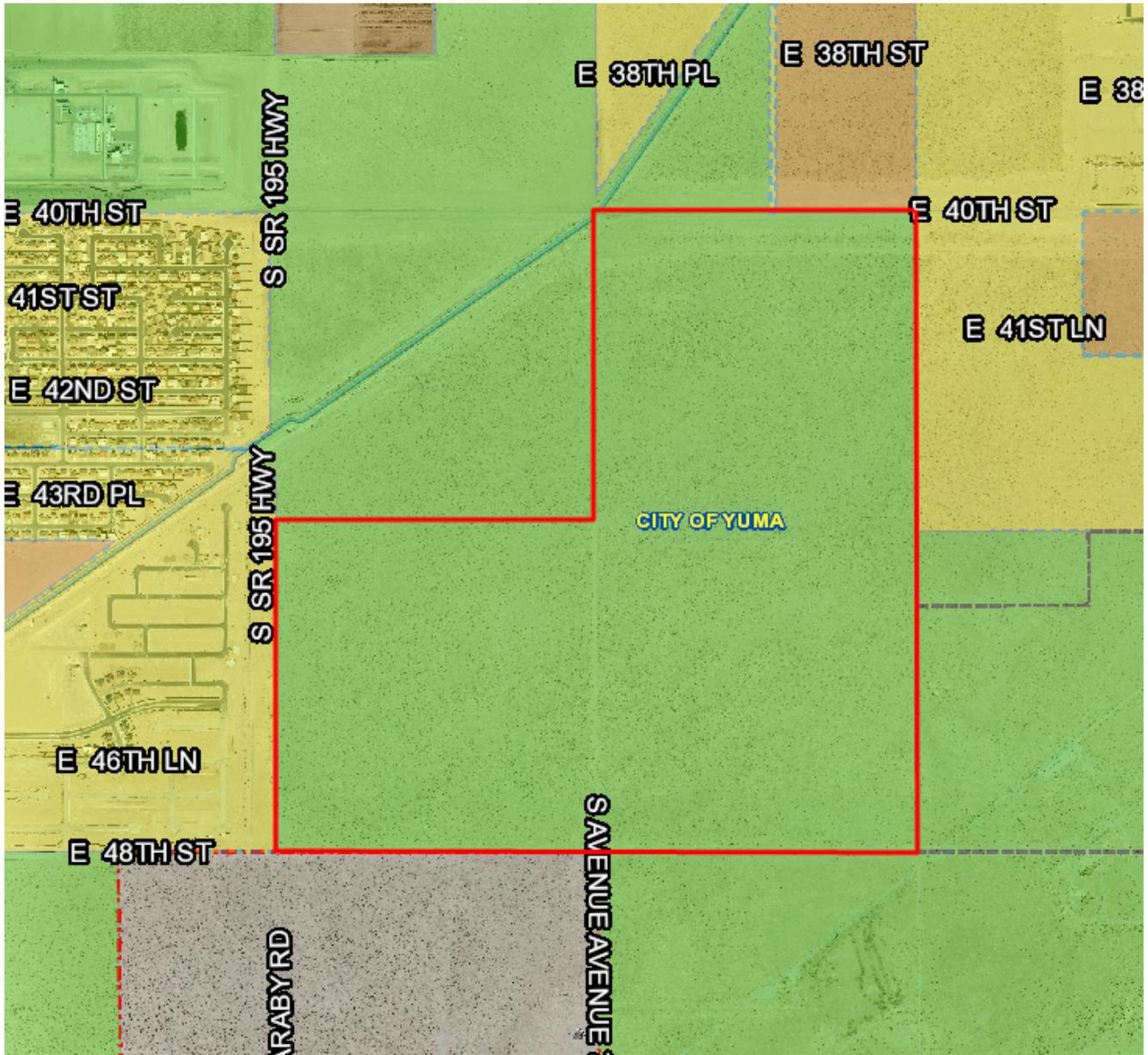
ADOT Southwest District is requesting a Traffic Impact Analysis (TIA) be completed for the proposed development. We would like to assess the potential impacts the new development would have on the intersection of State Route 195 and County 14th Street. Direct access to SR 195 from the development will not be permitted as this is an access-controlled highway.

DATE: 9/17/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159
RETURN TO: Alyssa Linville
 Alyssa.Linville@YumaAZ.gov

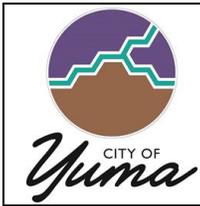
ATTACHMENT B
PROPOSED ZONING MAP



ATTACHMENT C
AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH – REZONE

CASE #: ZONE-27555-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		NEC, SEC and SWC of Avenue 7E and 44 th Street											
Parcel Number(s):		197-15-001, 197-15-002 and 197-16-002											
Parcel Size(s):		160 acres, 160 acres and 160 acres											
Total Acreage:		455.88			portion								
Proposed Dwelling Units:		2400											
Address:		N/A											
Applicant:		Brian L. Hall Living Trust and Michael T. Hall Living Trust											
Applicant's Agent:		Dahl, Robins and Associates											
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	Agriculture (AG)			Undeveloped			Low Density Residential, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space						
North	Agriculture (AG) and Medium Density Residential (R-2)			Undeveloped and Single Family Homes			Low and Medium Density Residential						
South	Agriculture (AG) and County Rural Area (RA-10)			Undeveloped			Rural Density Residential						
East	Low Density Residential (R-1-6 and R-1-5) and Agriculture (AG)			Undeveloped			Commercial and Low Density Residential						
West	Low Density Residential (R-1-8)			SR-195 and Single Family Homes			Low 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. O97-81 (January 2, 1998)								
General Plan Amendment		Yes	X	No	GP-26567-2019 (In Process)								
Development Agreement		Yes		No	N/A								
Rezone		Yes		No	N/A								
Subdivision		Yes		No	N/A								
Conditional Use Permit		Yes		No	N/A								
Pre-Development Meeting		Yes	X	No	May 18, 2019								
Design Review Commission		Yes		No	N/A								
Enforcement Actions		Yes		No	N/A								
Avigation Easement Recorded		Yes		No	X	Fee #							
Land Division Status:		Legal lots of record.											
Irrigation District:		Yuma Mesa Irrigation and Drainage District (YMIDD)											
Adjacent Irrigation Canals & Drains:		"A" Canal											
Water Conversion: (5.83 ac ft/acre)					1,836.45 Acre Feet a Year								
Water Conversion Agreement Required		Yes		No	X								

II. CITY OF YUMA GENERAL PLAN

Land Use Element:									
Land Use Designation:			Low Density Residential, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space						
Issues:			None						
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				
Transportation Element:									
FACILITY PLANS									
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard	Truck		
State Route 195		130FT HW	130FT HW			X	X		
Avenue 7E – Collector		40FT HW	0FT HW						
40 th Street – Minor Arterial		50FT HW	0 FT and 61FT HW					X	
Mississippi Avenue – Collector		40FT HW	0FT HW						
48 th Street – Minor Arterial		50FT HW	0FT HW						
Bicycle Facilities Master Plan		Future Bike Lanes – 40 th Street, Avenue 7E and 48 th Street							
YCAT Transit System		40 th Street – Proposed Estancia Route							
Issues:		None							
Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Saguaro Park				Future: On-Site Park TBD (See Site Plan)				
Community Park:	Existing: Kennedy Park				Future: South Mesa Park				
Linear Park:	Existing: East Main canal Linear Park				Future: Gila Valley Main Canal Linear Park				
Issues:		None							
Housing Element:									
Special Need Household:		N/A							
Issues:		None							
Redevelopment Element:									
Planned Redevelopment Area:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:	X		
Conforms:		Yes		No		N/A			
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes		No	X				
Renewable Energy Source		Yes		No	X				
Issues:		N/A							
Public Services Element:									
<u>Population Impacts</u> Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person		Dwellings & Type <i>Single Family</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation	
		Maximum	Per Unit		Officers	GPD	AF	GPD	
		2224	2.8	6227	11.75	1,868,160	2092.7	622,720	
Fire Facilities Plan:		Existing: Fire Station No. 5			Future: Fire Station No. 7				
Water Facility Plan:		Source:	City	X	Private	Connection:	40 th Street 30" PVC		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 40 th Street 30" PVC		

Issues:	None
---------	------

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X
--------------------------	--------------	---------------------------	-----	----	---

Issues:	None
---------	------

Growth Area Element:

Growth Area:	Araby Rd & Interstate 8	Arizona Ave & 16 th St	Avenue B & 32 nd St.
--------------	-------------------------	-----------------------------------	---------------------------------

	North End	Pacific Ave & 8 th St	Estancia	None	X
--	-----------	----------------------------------	----------	------	---

Issues:	None
---------	------

NOTIFICATION

- Legal Ad Published: The Sun (10/04/19)
- 300' Vicinity Mailing: (09/09/19)
- 34 Commenting/Reviewing Agencies noticed: (09/12/19)

- Neighborhood Meeting: (N/A)
- Hearing Dates: (10/28/19)
- Comments Due: (09/23/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	09/13/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	09/13/19	X		
Yuma County Planning & Zoning	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	09/18/19		X	
Yuma Irrigation District	NR				
Arizona Game and Fish	Yes	09/23/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	Yes	09/18/19		X	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	Yes	10/07/19			X
Andrew McGarvie, Engineering	Yes	09/30/19		X	
Kayla Holiman, Fire	Yes	09/17/19	X		
Randy Crist, Building Safety	Yes	09/12/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	09/18/19			X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on October 28, 2019 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

INTERNAL COMMENTS

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s)

No Condition(s)

Comment

Enter conditions here: The subject parcels are located approximately 1.5 miles (197-15-001) and 1 mile (197-15-002 and 197-16-002) from the northern boundary of the BMGRW. As such they are on the very edge of the acceptable density boundary for the BMGR Buffer zone identified in the Yuma County 2020 Comprehensive Plan / Yuma Regional Development Plan. Due to the proximity to the Range and associated flight paths an Range and Military Ground Support Disclosure is requested along with an Avigation disclosure on these parcels which will be passed on as the parcels are developed for residential use.

DATE: 18 Sept 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

