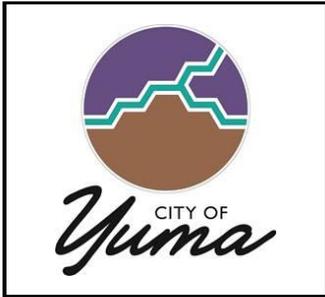


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

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 February 24, 2020, 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 Yuma, AZ

Monday, February 24, 2020, 4:30 p.m.

CALL TO ORDER

ELECTION OF OFFICERS – CHAIR AND VICE-CHAIR

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

January 27, 2020 (3 of 4 required: Hamel, Counts, Follmuth, and Dammeyer)

WITHDRAWALS BY APPLICANT – NONE

TIME EXTENSIONS – NONE

CONTINUANCES – NONE

APPROVALS –

1. **SUBD-28737-2019:** This is a request by Vega and Vega Engineering, on behalf of Proxima Centauri Development, LLC, for approval of the final plat for the Autumn Valley Subdivision, proposed to be divided into 22 residential lots ranging in size from 6,000 square feet to 11,559 square feet. The property is located at the southeast corner of 16th Street and 44th Avenue, Yuma, AZ. (Continued from February 10, 2020.)
2. **ZONE-28855-2019:** This is a request by Land Development Consultants, LLC., on behalf of Circle K Stores, Inc., to rezone a 2.28-acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32nd Street. (Continued from February 10, 2020.)

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. **GP-28299-2019:** This is a General Plan Amendment request by Shelley Anderson on behalf of the Anderson E W & Elizabeth Trust 4/2/76, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.54 acres, for the properties located between 8th Place, 9th Street, 14th Avenue and Arena Drive. (Continued from February 10, 2020.)
2. **SUBD-28854-2019:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Christopher George Merziotis Trust, for approval of the final plat for the Spirit Park Subdivision. This subdivision will contain approximately 19.31 acres, and is proposed to be divided into 13 industrial lots, ranging in size from 44,907 square feet to 116,023 square feet. The property is located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ. (Continued from February 10, 2020.)
3. **CUP-28856-2019:** This is a request by Katherine Nickle, on behalf of Javier and Maria Almeida, for a Conditional Use Permit to allow a skin care salon and construction office in the Light Industrial/Airport Overlay (L-I/AD) District. The property is located at 2580 S. 24th Street, Suite B and C, Yuma, AZ. (Continued from February 10, 2020.)

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
January 27, 2020**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, January 27, 2020, at the Public Works Training Room, 155 W. 14th St., Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Hamel, Vice-Chairman Dammeyer and Commissioners Gregory Counts, and Jacqueline Follmuth, Commissioner Mohindra was absent. There are two vacancies.

STAFF MEMBERS present included Kenneth McCoy, Assistant City Attorney; Agustin Cruz, Senior Civil City Engineer; Alyssa Linville, Assistant Director DCD / Zoning Administrator; Robert Blevins, Principal Planner; Amelia Griffin, Assistant Planner; Jennifer Albers, Principal Planner; Charysse Casillas, Administrative Assistant; and Jessenia Juarez, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:51 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – December 9, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Dammeyer, second by Counts, to APPROVE the Consent Calendar as presented. Motion carried unanimously (4-0, with 1 absent).

PUBLIC HEARINGS

GP-28531-2019: This is a request by the City of Yuma to adopt the 2020 Tree and Shade Master Plan. This policy document outlines the benefits of trees, an analysis of existing conditions, a vision for the future, and an implementation plan as it specifically relates to our community. The Plan is in accordance with the 2016 Parks & Recreation Master Plan and the City of Yuma 2012 General Plan. (Continued from January 13, 2020.)

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

QUESTIONS FOR STAFF

Hamel commented he was happy to see the involved groups taking ownership of such a lofty plan.

Dammeyer asked if any grants were received and if those grants were deducted from the total of the budget allocation. **Linville** said the Parks and Recreation department were actively applying for grants and had received one for \$200,000, but she was not aware if this was deducted.

APPLICANT / APPLICANT'S REPRESENTATIVE

Not Required

PUBLIC COMMENT

None

MOTION

Motion by Follmuth, second by Dammeyer to APPROVE Case Number GP-28531-2019. Motion carried unanimously (4-0, with 1 absent).

GP-27420-2019: This is a General Plan Amendment request by Core Engineering Group on behalf of the Susan Lee Battaille Trust, to change the land use designation from Medium Density Residential to Commercial for approximately 2.82 acres for property located at 7600 E. 32nd Street. (This is the second of two public hearings.) (Continued from January 13, 2019.)

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by Counts, second by Dammeyer to APPROVE Case Number GP-27420-2019. Motion carried unanimously (4-0, with 1 absent).

ZONE-28098-2019: This is a request by Edais Engineering, Inc., on behalf of Riedel Construction Company, LLC, to rezone a 19.3-acre parcel from Agriculture (AG) to Low Density Residential (R-1-6), for the property located east of the southeast corner of Avenue 8½E and 40th Street. (Continued from January 13, 2020.)

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Najeh Edais, 3075 S. Ave. 4E, Yuma, AZ, thanked staff and was available for questions.

Hamel asked if the applicant would be extending the road.

Edais stated he had spoken with Engineering and had come to an agreement to extend the road.

PUBLIC COMMENT

None

MOTION

Motion by Dammeyer, second by Follmuth to APPROVE Case Number ZONE-28098-2019. Motion carried unanimously (4-0, with 1 absent).

ZONE-28275-2019: This is a request by Kerry A. Schimpf, on behalf of The Nelson Family Trust, 4/13/95 and Kerry & Gail Schimpf Trust, 11-19-03, and Kyle P. Nelson, to rezone approximately 14.9 acres from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Aesthetic Overlay (AO) District, for the properties located north of the intersection of E. 8th Street and S. Castle Dome Avenue, Yuma, AZ. (Continued from January 13, 2020.)

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Kerry Schimpf, 2295 Fletcher Parkway, #200, El Cajon, CA, gave a presentation on the proposed project.

Hamel expressed his satisfaction with seeing new construction and business in this portion of the City.

PUBLIC COMMENT

None

MOTION

Motion by Counts, second by Follmuth to APPROVE Case Number ZONE-28275-2019. Motion carried unanimously (4-0, with 1 absent).

INFORMATION ITEMS

Staff

Alyssa Linville, Assistant Director of DCD / Zoning Administrator, reminded the Commission their attendance is important due to the few Commissioners available.

Hamel said he was not available for the Planning and Zoning Meeting on February 10, 2020, and advised staff to make the necessary arrangements for the continuation.

Commission

None

Public

None

ADJOURNMENT

The meeting was adjourned at 5:30 p.m.

Minutes approved this _____ day of _____, 2020

Chairman



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: RICHARD MUNGUIA

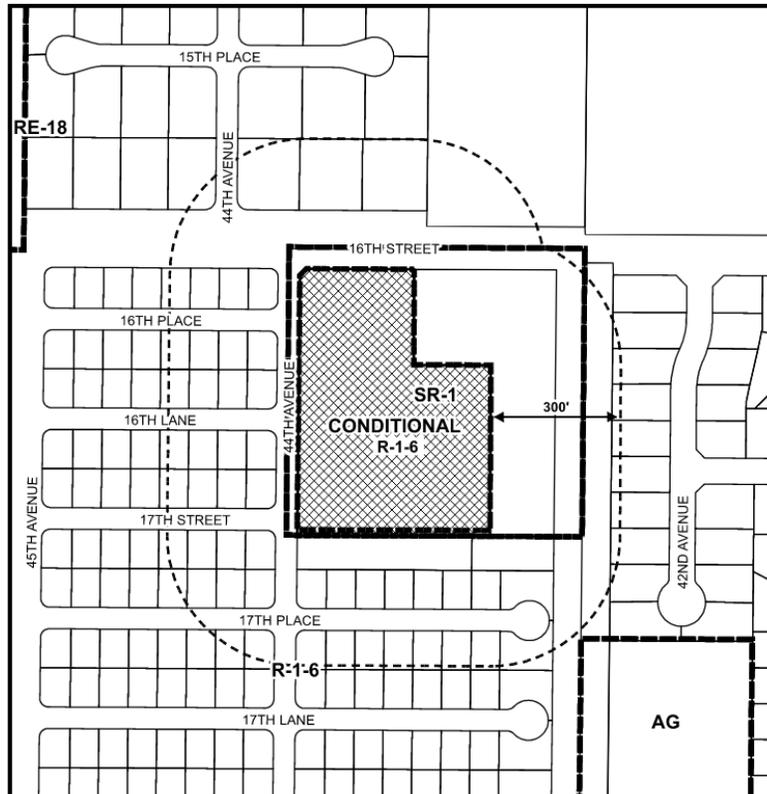
Hearing Date: February 24, 2020

Case Number: SUBD-28737-2019

Project Description/Location: This is a request by Vega and Vega Engineering, on behalf of Proxima Centauri Development, LLC, for approval of the final plat for the Autumn Valley Subdivision, proposed to be divided into 22 residential lots ranging in size from 6,000 square feet to 11,559 square feet. The property is located at the southeast corner of 16th Street and 44th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Conditional Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-6)	Religious Institution; Single Family Residences	Public/Quasi Public; Low Density Residential
South	Low Density Residential (R-1-6)	Single Family Residences	Low Density Residential
East	Suburban Ranch (SR-1)	Religious Institution	Low Density Residential
West	Low Density Residential (R-1-6)	Single Family Residences	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. 1650 (October 10, 1977); Subdivision: Trinity Christian Center Lot Split (May 29, 2019); Autumn Valley Preliminary Plat (December 9, 2019); Rezone: Ordinance O2019-028 (August 7, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Autumn Valley Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-28737-2019 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 final plat, the Planning and Zoning Commission is authorizing the design of the Autumn Valley Subdivision for the property located at the southeast corner of 16th Street and 44th Avenue, Yuma, AZ, subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property was annexed into the City of Yuma in 1977 and split and rezoned to the Low Density Residential (R-1-6) District in 2019. The subject property is currently undeveloped, surrounded by single family homes.

The subject property consists of approximately 5.31 acres. The applicant is proposing to develop the area with 22 single-family dwellings which will meet the land use density requirements of 1.0 to 4.9 dwelling units per acre. The lot sizes will range from 6,000 square feet to 11,559 square feet which meets the minimum lot size requirements for the Low Density Residential (R-1-6) District. The subdivision will be developed with access off of 44th Avenue. No access will be possible off of 16th Street.

Further specified in §154-05.04, the following are some of the development standards required of a development with the Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-6) 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.

With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

1. Does the subdivision comply with the conditions of the rezoning?

Yes. The final plat meets dimensional standards and development standards for the Low Density Residential (R-1-6) District.

- 2. Does the subdivision comply with the conditions of the preliminary plat approval?**
 Yes. The final plat will comply with the Conditions of Approval for the preliminary plat.
- 3. Is the final plat consistent with the preliminary plat that was approved?**
 Yes. The final plat remains consistent with the approved preliminary plat.

Public Comments Received: None Received

External Agency Comments: None Received

Neighborhood Meeting Comments: No Meeting Required

Proposed conditions delivered to applicant on: January 10, 2020

Final staff report delivered to applicant on: January 29, 2020

- Applicant agreed with all of the conditions of approval on: January 14, 2020.
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-Mailed, awaiting reply.

megalodon

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Final Plat Map	Prelim Plat Map	Rezone Conditions	Prelim Plat Conditions	Aerial Photo	Staff Research

Prepared By:
 Richard Munguia
 Senior Planner



Date: Jan 17 2020

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
 Alyssa Linville
 Assistant Director Community Development



Date: 01/21/20

**ATTACHMENT A
FINAL PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision 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 recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) 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.

City Attorney Comments: (928) 373-5058:

4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

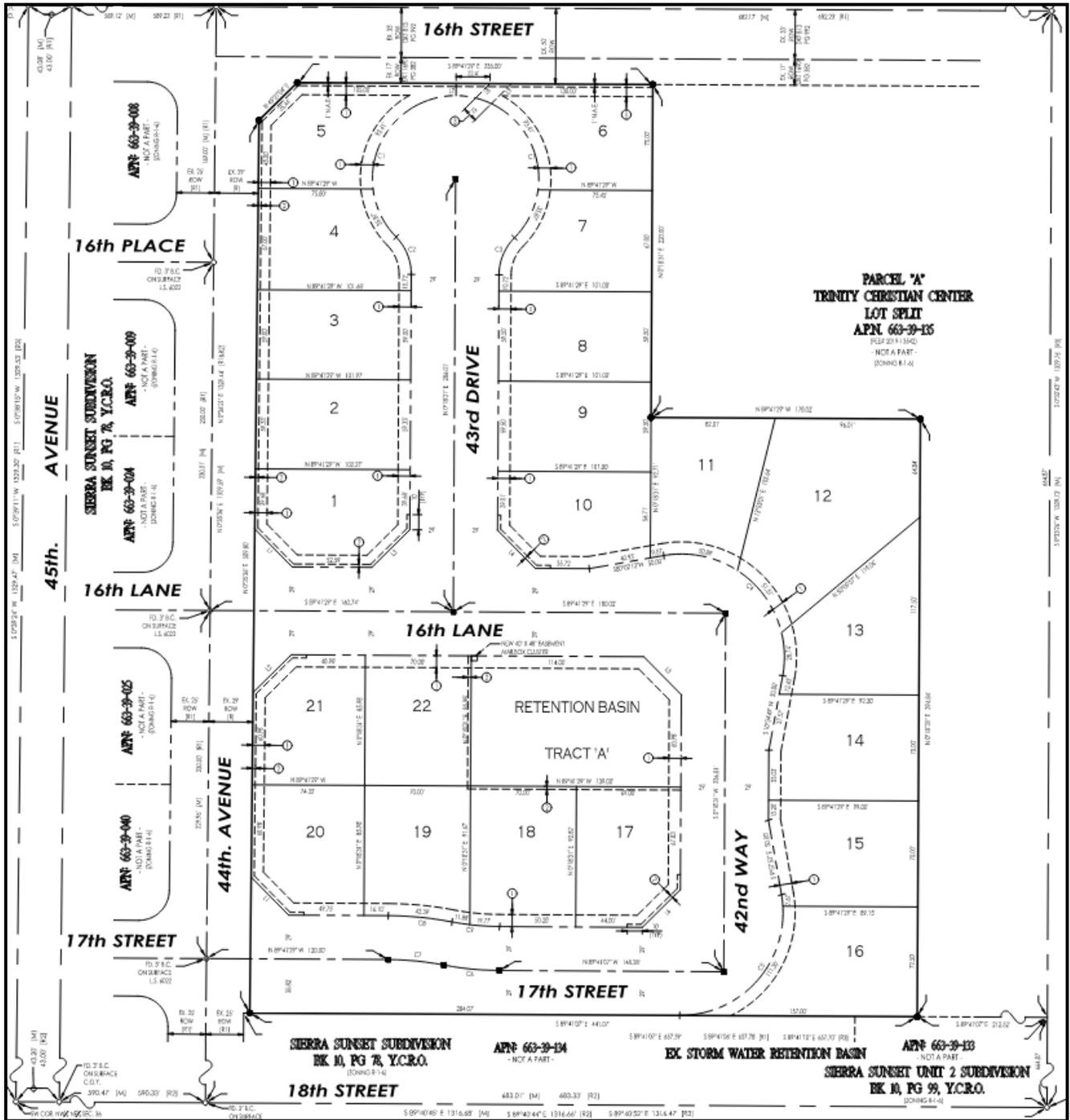
7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 16th Street and 44th Avenue. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

Community Planning Comments: Richard Munguia, Senior Planner, (928) 373-5000, x3070

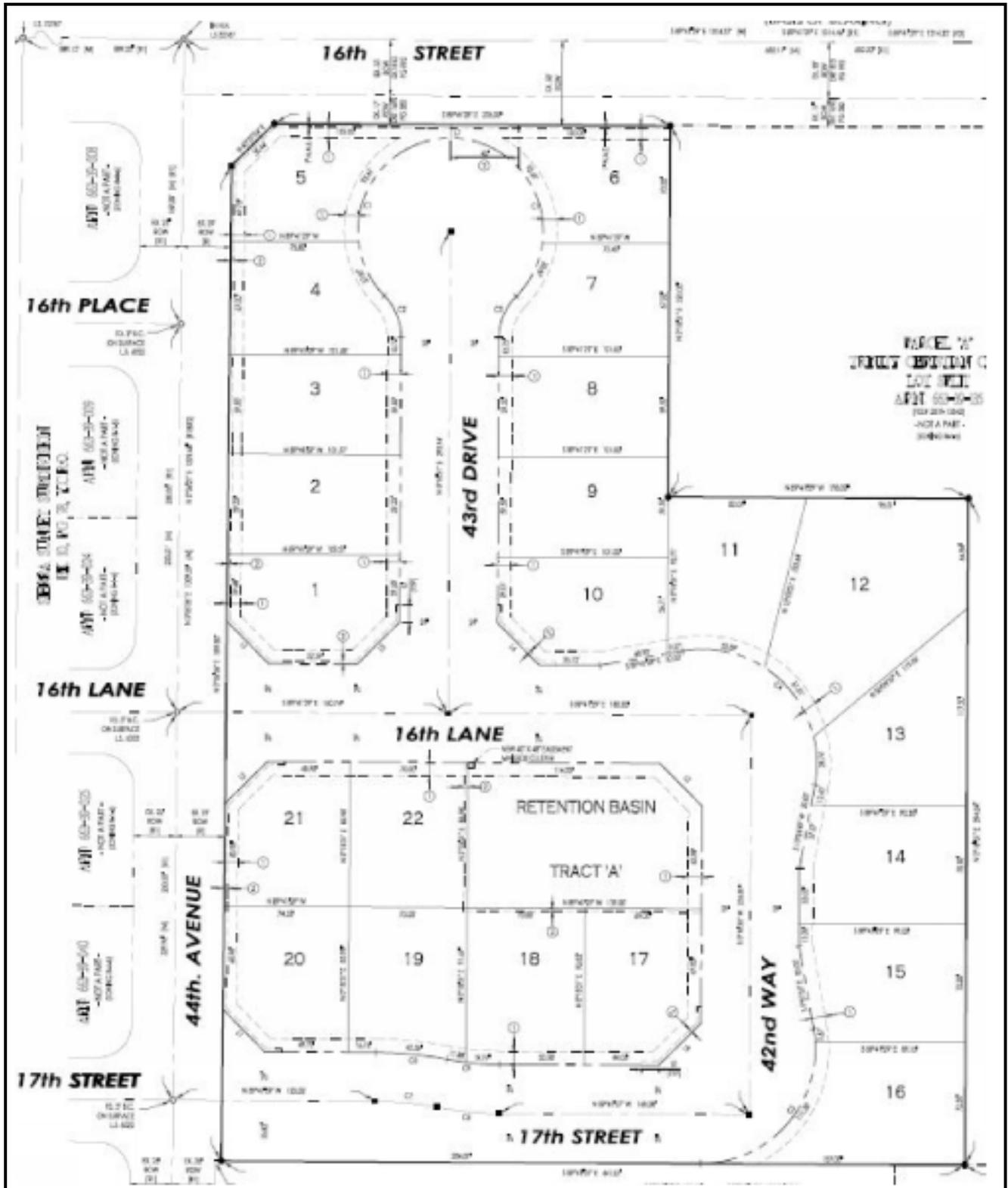
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. A time frame of build-out for the subdivision shall be submitted to the Crane School District to enable the districts to adequately plan for future school facilities.
10. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

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 FINAL PLAT MAP



**ATTACHMENT C
PRELIMINARY PLAT MAP**



**ATTACHMENT D
REZONE CONDITIONS**

**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 rezone for the site:

Department Of 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.

Engineering, Augustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner shall dedicate, by warranty deed or plat, 4 feet of right-of-way along 44th Ave to meet the City of Yuma Standard of 29' half-width for a local street.
5. Owner shall dedicate, by warranty deed or plat, a 25 by 25 corner visibility triangle at the southeast corner of 44th Avenue and 16th Street according to City of Yuma Construction Standard 2-096.
6. Owner shall dedicate, by warranty deed or plat, a one-foot non-access easement along 16th Street frontage and along the 25 by 25 corner triangle.

Community Planning, Alyssa Linville, Assistant Director Community Development, (928) 373-5000, ext. 3037:

7. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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 E
PRELIMINARY PLAT CONDITIONS**

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

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

1. The conditions 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.

City Attorney Comments: (928) 373-5058:

4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

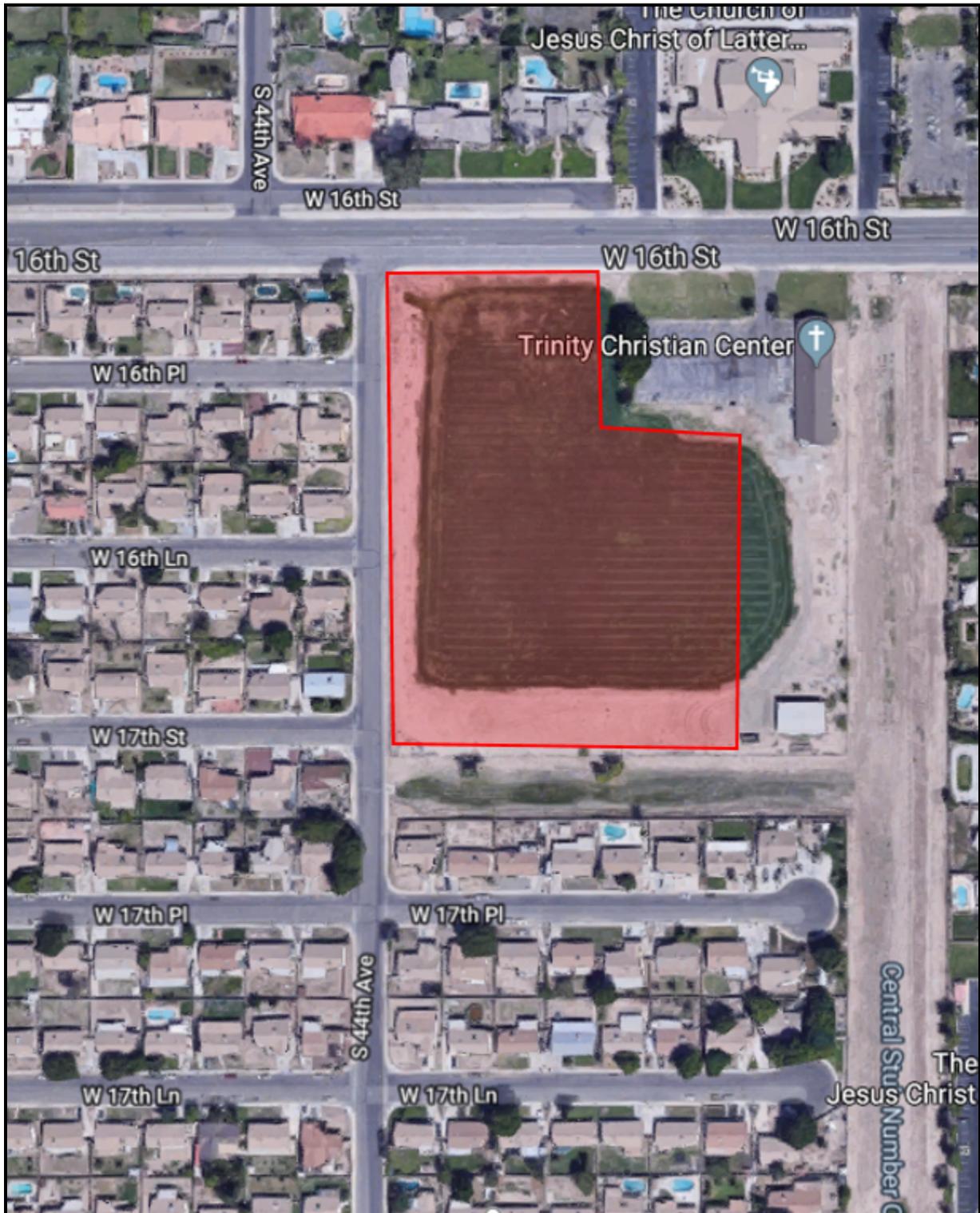
7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 16th Street and 44th Avenue. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

Community Planning Conditions: Richard Munguia, Senior Planner (928)373-5000, x3070

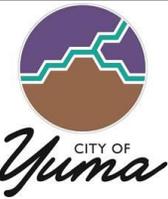
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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 F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-28737-2019
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

Project Location:	Located at the southeast corner of W. 16 th Street and S. 44 th Avenue												
Parcel Number(s):	663-39-136												
Parcel Size(s):	5.31 acres												
Total Acreage:	5.31 acres												
Proposed Dwelling Units:	22												
Address:	N/A												
Applicant:	Proxima Centauri Development, LLC												
Applicant's Agent:	Vega and Vega Engineering												
Land Use Conformity Matrix:	Conforms: Yes X No												
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X					
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone					
	Existing Zoning			Use(s) on-site			General Plan Designation						
Site	Conditional Low Density Residential (Cond. R-1-6)			Undeveloped			Low Density Residential						
North	Low Density Residential (R-1-6)			Religious Institution; Single Family Residences			Public/Quasi Public; Low Density Residential						
South	Low Density Residential (R-1-6)			Single Family Residences			Low Density Residential						
East	Suburban Ranch (SR-1)			Religious Institution			Low Density Residential						
West	Low Density Residential (R-1-6)			Single Family Residences			Low Density Residential						
Prior Cases or Related Actions:													
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>									
Pre-Annexation Agreement	Yes		No	N/A									
Annexation	Yes	X	No	Ord. 1650 (October 10, 1977)									
General Plan Amendment	Yes		No	N/A									
Development Agreement	Yes		No	N/A									
Rezone	Yes	X	No	Ordinance O2019-028 (August 7, 2019)									
Subdivision	Yes	X	No	Trinity Christian Center Lot Split (May 29, 2019); Autumn Valley Preliminary Plat (December 9, 2019)									
Conditional Use Permit	Yes		No	N/A									
Pre-Development Meeting	Yes	X	No	August 21, 2018									
Design Review Commission	Yes		No	N/A									
Enforcement Actions	Yes		No	N/A									
Avigation Easement Recorded	Yes		No	X									
Land Division Status:	Legal lot of record												
Irrigation District:	Yuma County Water User's Association												
Adjacent Irrigation Canals & Drains:	30.96 acre feet a year												
Water Conversion Agreement Required	Yes	X	No										

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision				Conforms		
Lot Size	Minimum:	6,000 sq ft	Maximum:	11,559 sq ft	Yes	X	No
Lot Depth	Minimum:	75.45 ft	Maximum:	157 ft	Yes	X	No
Lot Width/Frontage	Minimum:	50.28 ft	Maximum:	111.30 ft	Yes	X	No
Setbacks	Front:	20 ft	Rear:	10 ft	Side:	7 ft	Yes
District Size	5.31	Acres			Yes	X	No
Density	4.1	Dwelling units per acre			Yes	X	No

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes		No		N/A	X
Stub Streets	Yes		No		N/A	X
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						
Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X
Issues: None						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

NOTIFICATION

- **Legal Ad Published: The Sun** (01/17/20)
- **300' Vicinity Mailing:** (12/23/19)
- **34 Commenting/Reviewing Agencies noticed:** (12/26/19)
- **Site Posted:** (02/03/20)
- **Neighborhood Meeting:** N/A
- **Hearing Dates:** (02/24/20)
- **Comments Due:** (01/06/20)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		01/02/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users		12/27/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor		12/26/19	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.		12/30/19	X		
Yuma Irrigation District	NR				
Arizona Game and Fish		12/27/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration		12/31/19	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 Holiman, Fire		12/31/19	X		
Randy Crist, Building Safety		12/31/19			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		01/06/20			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	
Given to Applicant on January 8, 2020 via US Mail.	

PUBLIC COMMENTS RECEIVED: NONE

INTERNAL COMMENTS

Condition(s)

No Condition(s)

Comment

Enter conditions here: If highly expansive soils are encountered, mitigation measures will be needed to address the conditions.

DATE: 12-31-19 NAME: Alan Kircher TITLE: Depuyu Building Official
CITY DEPT: DCD/Building Safety
PHONE: 928-373-5169
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

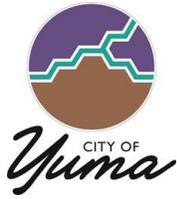
Condition(s)

No Condition(s)

Comment

Enter conditions here: The subject parcel APN 663-39-136 is located near a flight path. MCAS Yuma does not have an objection with the request provided. An avigation disclosure is requested. Thank you for the opportunity to review and comment.

DATE: 6 Jan 2020 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: (928) 269-2941
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov



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

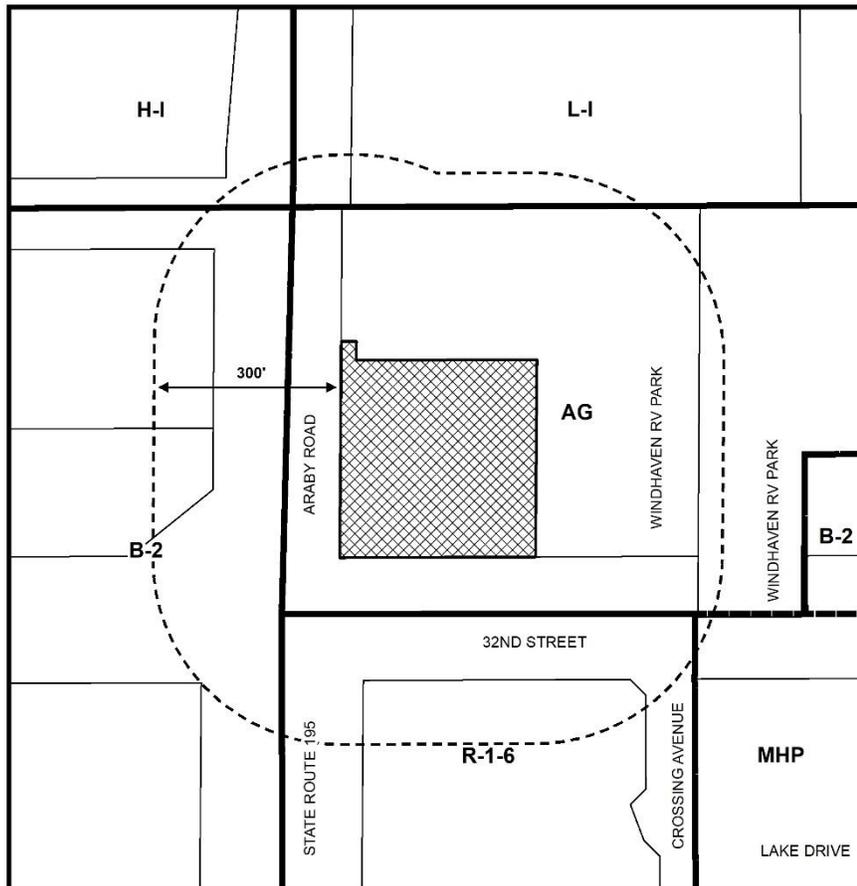
Hearing Date: February 24, 2020

Case Number: ZONE-28855-2019

Project Description/Location: This is a request by Land Development Consultants, LLC., on behalf of Circle K Stores, Inc., to rezone a 2.28 acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32nd Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Circle K	Commercial
North	Agriculture (AG)	RV Park	Commercial
South	Low Density Residential (R-1-6)	Vacant	Low Density Residential
East	Agriculture (AG)	RV Park	Commercial
West	General Commercial (B-2)	Jack-in-the-Box	Commercial

Location Map



Prior site actions: Annexation: #O99-29 (07/03/1999).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to General Commercial (B-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-28855-2019 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 rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone a 2.28 acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32nd Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The property is the location of a Circle K convenience store and fuel station, in operation since 1987. The property was annexed in 1999. No further zoning action has occurred since then. Rezoning to B-2 for this property would not be limited to a new Circle K. B-2 allows many commercial uses including, as examples: offices, restaurants, retail stores, auto sales and repair, private schools, and day care.

Circle K is now in the process of remodeling their stores and this property is scheduled for a complete demolition and rebuild. There will be a new and larger store in a slightly different location with new fuel stations.

The new convenience store and fuel stations need a Conditional Use Permit, required in the B-2 District. Concerns might be about access, circulation, and vehicle stacking lanes. Prior to applying for a Conditional Use Permit, a property must have the correct zoning for the use, therefore the need for a rezoning.

ADOT is considering the need for a Traffic Impact Analysis (TIA) and new Encroachment Permit, due to the increase in size of the proposed new building. Since a Conditional Use Permit is needed, conditioned upon approval of a site plan, ADOT agrees these requirements will be reviewed and met at that stage of development planning. Discussion with the property owner is already in progress on these issues.

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

Yes The General Plan Land Use Element for the area is Commercial.

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

No

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

Yes This rezoning request is not in conflict with other Elements of the General Plan.

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?

N/A No prior Council actions have occurred since annexation.

Public Comments Received: None

External Agency Comments: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

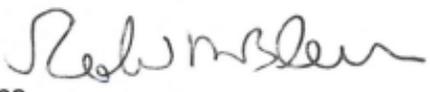
Proposed conditions delivered to applicant on: January 9, 2020

Final staff report delivered to applicant on: January 30, 2020

- Applicant agreed with all of the conditions of approval on: January 9, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D
Conditions of Approval	External Agency Comments	Aerial Photo	Staff Research

Prepared By: 
Robert M. Blevins
Principal Planner

Date: 1/14/20
Robert.Blevins@yumaaz.gov (928)373-5189

Approved By: 
Alyssa Linville
Assistant Director Community Development

Date: 01/14/20

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 rezone for the site:

Department Of 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, Robert M. Blevins, Principal Planner (928) 373-5189:

4. Each of the conditions listed above shall be completed within one (1) year of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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
EXTERNAL AGENCY COMMENTS

COMMENT NO COMMENT

Enter comments below:

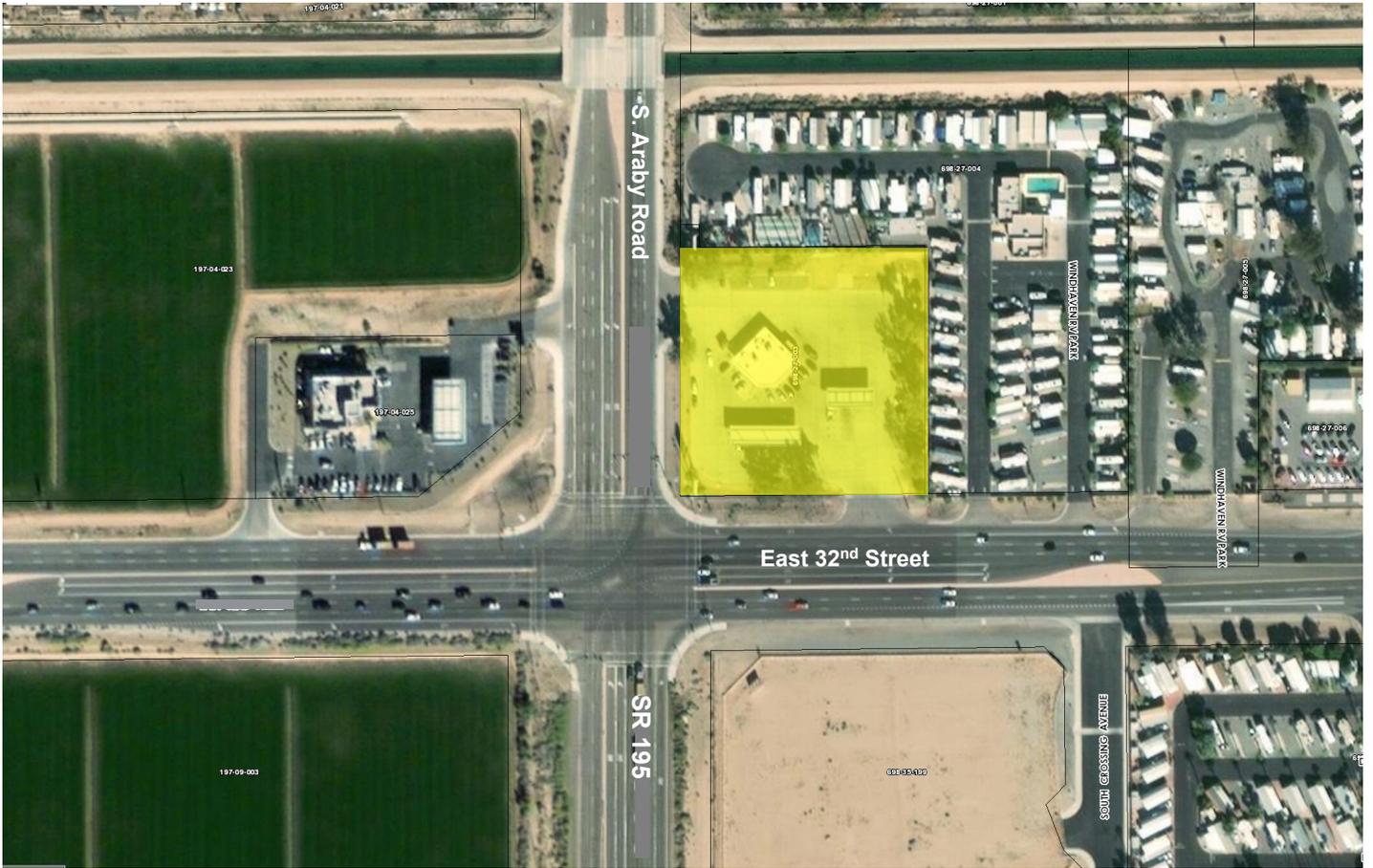
The property is located along State Route 195 (Araby Road) with an existing access to the state highway. Circle K has an existing facility and we assume this zoning action precedes construction of a new facility on the same site. Please have Circle K contact ADOT to discuss the need for a Traffic Impact Analysis (TIA) and/or new encroachment permit. State law requires a change in use to obtain an encroachment permit and a larger facility constitutes a change in use for encroachment purposes.

DATE: 12-30-19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159

The Assessor's Office has no concerns about the proposed re-zoning but we do have a comment. The re-zoning of this property will not affect the taxation of it. Assessors use the current use of the property to determine its value. Since this property has been used commercially for many years it has been assessed as such since 1987 when the store was built.

Joe Wehrle
Yuma County Assessor
192 South Maiden Lane
Yuma, AZ 85364
joe.wehrle@yumacountyaz.gov
(928) 373-6073

ATTACHMENT C
AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH – REZONE

CASE #: ZONE-28855-2019
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:	Northeast corner of E. 32 nd Street and S. Araby Road										
Parcel Number(s):	698-27-003										
Parcel Size(s):	99,512 sq. ft.										
Total Acreage:	2.28										
Proposed Dwelling Units:	None										
Address:	6544 E. 32 nd Street										
Applicant:	Circle K Stores, Inc.										
Applicant's Agent:	Land Development Consultants, LLC.										
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)			Circle K			Commercial				
North	Agriculture (AG)			RV Park			Commercial				
South	Low Density Residential (R-1-6)			Vacant			Low Density Residential				
East	Agriculture (AG)			RV Park			Commercial				
West	General Commercial (B-2)			Jack-in-the-Box			Commercial				
Prior Cases or Related Actions:											
Type	Conforms			Cases, Actions or Agreements							
Pre-Annexation Agreement	Yes		No	N/A							
Annexation	Yes	X	No	#O99-29 (07/03/1999)							
General Plan Amendment	Yes		No	N/A							
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	PDM-27716-2019 (09/19/2019 @ 2 p.m.)							
Design Review Commission	Yes		No	N/A							
Enforcement Actions	Yes		No	N/A							
Avigation Easement Recorded	Yes		No	X	Fee #	If no, add to Conditions of Approval					
Land Division Status:	Parcel is a legal lot of record.										
Irrigation District:	Yuma Mesa Irrigation and Drainage District										
Adjacent Irrigation Canals & Drains:	None										
Water Conversion: (5.83 ac ft/acre)	N/A										
Water Conversion Agreement Required	Yes		No	X							

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Commercial
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
32 nd Street – Principal Arterial		62 FT H/W ROW		97 FT H/W ROW				X
SR-195 – Principal Arterial		62 FT H/W ROW		129 FT H/W ROW			X	X
Bicycle Facilities Master Plan	Proposed Bike Path 32 nd Street							
YCAT Transit System	Silver Route 9 & Orange Route 2							
Issues:	None							

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Terraces Park	Future: Terraces Park
Community Park:	Existing: None	Future: Proposed South Mesa Community Park
Linear Park:	Existing: None	Future: Proposed “B” Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	None
Adopted Redevelopment Plan:	North End: <input type="checkbox"/> Carver Park: <input type="checkbox"/> None: <input checked="" type="checkbox"/>
Conforms:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Renewable Energy Source	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Issues:	None	

Public Services Element:

Population Impacts 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		Projected	Police	Water		Wastewater
	<i>Non-residential</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	0	0	0	0.00	0	0.0	0
	Minimum						
0	0	0	0.00	0	0.0	0	
Fire Facilities Plan:	Existing: Fire Station #5			Future: Fire Station #5			
Water Facility Plan:	Source:	City <input checked="" type="checkbox"/>	Private <input type="checkbox"/>	Connection:	16” PVC on SR-195 (Araby Rd.)		
Sewer Facility Plan:	Treatment:	City <input type="checkbox"/>	Septic <input checked="" type="checkbox"/>	Private <input type="checkbox"/>	Connection:		
Issues:	No viable sewer access within ½ mile.						

Safety Element:

Flood Plain Designation:	Flood Zone X <input type="checkbox"/>	Liquefaction Hazard Area:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	X <input checked="" type="checkbox"/>
Issues:	None				

Growth Area Element:

Growth Area:	Araby Rd & Interstate 8	X <input checked="" type="checkbox"/>	Arizona Ave & 16 th St		Avenue B & 32 nd St.	
	North End		Pacific Ave & 8 th St		Estancia	None <input type="checkbox"/>
Issues:	None					

NOTIFICATION

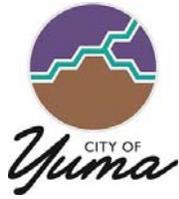
- Legal Ad Published: The Sun 01/17/20
- 300' Vicinity Mailing: 12/23/19
- 34 Commenting/Reviewing Agencies noticed: 12/26/19

- Hearing Date: 02/24/20
- Comments Due: 01/06/20

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	01/02/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	12/26/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	12/26/19		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.	YES	12/30/19		X	
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	YES	12/31/19	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	12/31/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/06/20	X		
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A
Prop. 207 Waiver	
Mailed to applicant on 01/08/20	

PUBLIC COMMENTS RECEIVED: NONE



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Jennifer L. Albers

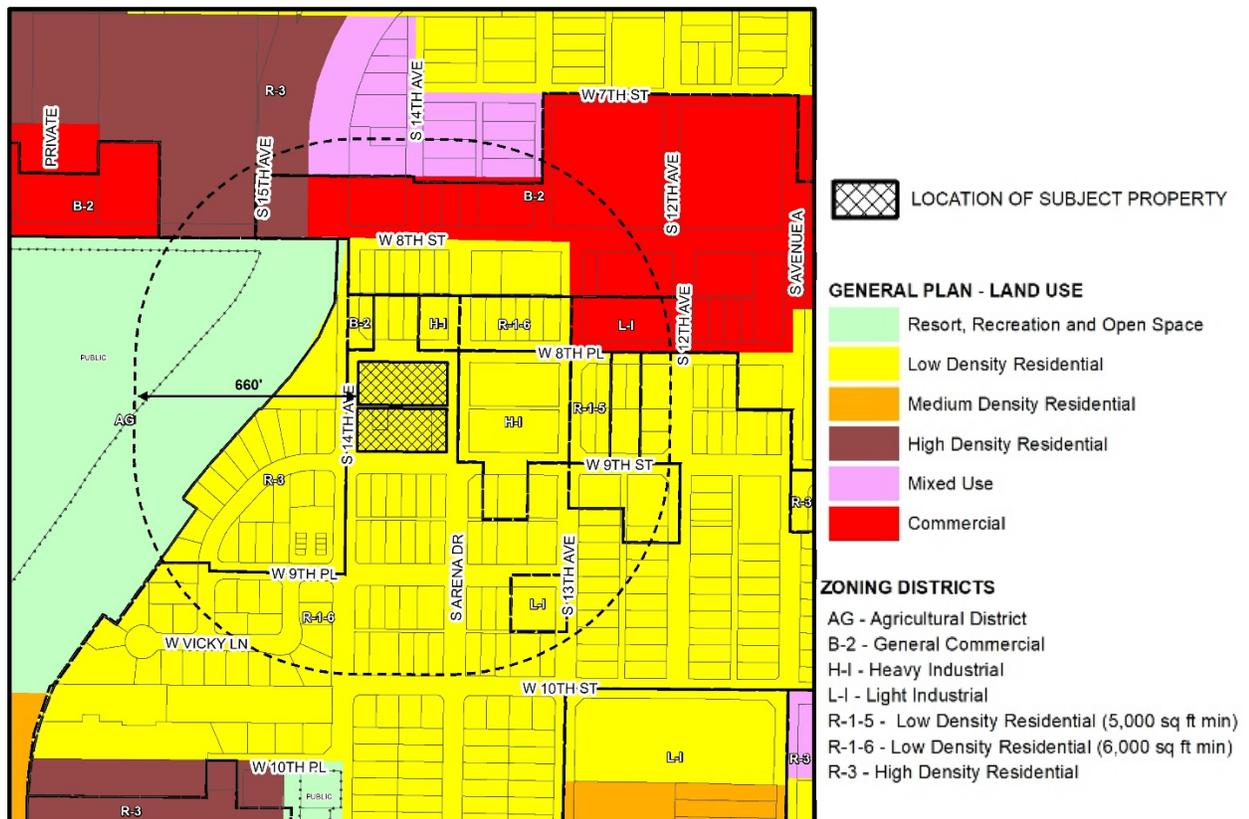
Hearing Date: February 24, 2020

Case Number: GP-28299-2019

Project Description/Location: This is a General Plan Amendment request by Shelley Anderson on behalf of the Anderson E W & Elizabeth Trust 4/2/76, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.54 acres, for the properties located between 8th Place, 9th Street, 14th Avenue and Arena Drive.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential/ Infill Overlay (R-1-6/IO)	2 structures – 1 single family home vacant and 1 duplex	Low Density Residential
North	Infill Overlay/General Commercial (B-2/IO), Low Density Residential (R-1-6/IO) and Heavy Industrial (H-I/IO)	Retail fire wood sales, single family homes and auto body shop	Low Density Residential
South	Low Density Residential/ Infill Overlay (R-1-6/IO)	Single family homes	Low Density Residential
East	Heavy Industrial/Infill Overlay (H-I/IO)	Industrial steel operation	Low Density Residential
West	High Density Residential/Infill Overlay (R-3/IO)	Single family homes and Stormwater Basin	Low Density Residential

Location Map



Prior site actions: Code Enforcement CODE-BS004981-2018 – vacant/unsafe structure

Staff Recommendation: Staff recommends the Planning and Zoning Commission take public comment at this, the first of two public hearings. The second public hearing will be held on February 24, 2020.

Suggested Motion: Move to close the first public hearing on this general plan amendment request.

Staff Analysis: This is a General Plan Amendment request by Shelley Anderson on behalf of the Anderson E W & Elizabeth Trust 4/2/76, to change the land use designation from Low Density Residential to High Density Residential for approximately 1.54 acres, for the properties located between 8th Place, 9th Street, 14th Avenue and Arena Drive.

The existing Low Density Residential land use designation (1 to 4.9 dwelling units per acre) supports the following types of zoning, Suburban Ranch (SR-1), Residential Estate (RE-12, RE-18, RE-35), Low Density Residential (R-1-5, R-1-6, R-1-8, R-1-12, R-1-20, R-1-40) and Residence-Manufactured Housing (RMH).

The proposed High Density Residential land use designation (13 to 18 dwelling units per acre) supports the following types of zoning: High Density Residential District (R-3), Residence-Manufactured Housing District (R-MH), Recreational Vehicle Subdivision District (RVS) and Manufactured Housing Park District (MHP).

The applicant's intent in changing the land use designation is to develop a multi-family residential development under the High Density Residential (R-3) zoning district at a future date.

Density

The current land use designation of Low Density Residential would allow from 2 to 8 dwelling units to be constructed on the subject 1.54 acres. Historically, 12 residential lots existed on this block similar in size to the parcels to the north and south. The City would recognize the previous lot configuration of 12 parcels for this block if a development was going to be pursued of that size.

The requested High Density Residential land use designation would allow from 20 to 28 dwelling units to be constructed in a multi-family development. The applicant intends to have a future property owner pursue a rezone to the High Density Residential (R-3) zoning district.

Population

Information from the 2013-2017 American Community Survey provides data on population by housing unit type. The information shows an average household size of 2.8 persons per single-family dwelling and 1.7 persons per multi-family dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Low Density Residential:
 - Minimum 2 homes – Expected population: 6
 - Maximum 8 homes – Expected population: 22
- High Density Residential:
 - Minimum 20 homes – Expected population: 34
 - Maximum 28 homes – Expected population: 48

The 2010 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefor the expected school-age population is estimated at:

- Low Density Residential:
 - Minimum expected population: 6 – School Age: 1
 - Maximum expected population: 22 – School Age: 4
- High Density Residential:
 - Minimum expected population: 34 – School Age: 7
 - Maximum expected population: 48 – School Age: 10

Transportation

The property is located between 8th Place, 9th Street, 14th Avenue and Arena Drive. Access to the property will be from one of those local streets. The nearest major roadway is 8th Street to the north.

According to the City of Yuma Transportation Master Plan, 8th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2018 as 16,905 vehicles on 8th Street east of Magnolia Avenue. 8th Street is identified as a Minor Arterial roadway.

Housing

The Housing Element of the City of Yuma 2012 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

Objective 1.3: Encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.

An Action Item of the Housing Element is to consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options.

The General Plan amendment request is to provide a housing choice other than Low Density Residential single family homes, which is the predominant housing option in the City of Yuma.

Public Services

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Yuma Elementary School District One and the Yuma Union High School District.

According to the Yuma Elementary School District One School Boundary Maps, the elementary students in the subject area are within the boundary of O.C. Johnson Elementary School located at 1201 W. 12th Street and junior high school students are within the boundary of Woodard Junior High School at 2250 8th Avenue.

According to the Yuma Union High School District, the high school students are within the boundary of Yuma High School located at 400 S. 6th Avenue.

1. Does the proposed amendment impact any elements of the General Plan?

No The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing
14 th Avenue – Local	29' HW	33' HW
8 th Place and Arena Dr. – Local	29' HW	33' HW
Median Disclosure	No	

2. Does the proposed amendment impact any of the facility plans?

No The change in land use will not significantly impact any of the facilities plans.

3. Is the proposed amendment in conflict with Council's prior actions?

Yes The subject request to High Density Residential is to a land use designation that would allow a more intense zoning designation and is in conflict with the current zoning on the property. The last City Council action on the property was in 1965 to designate the zoning on the property to a Low Density Residential Zoning.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: February 24, 2020
- City of Yuma Planning and Zoning Commission: March 9, 2020
- City of Yuma City Council: April 15, 2020

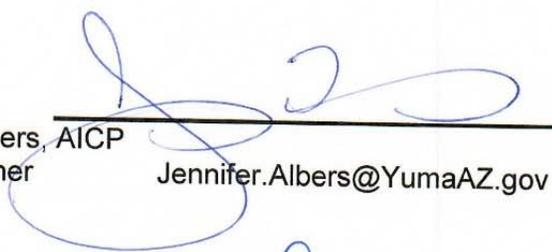
Public Comments Received: See Attachment A
Agency Comments: See Attachment B
Neighborhood Meeting Comments: See Attachment D

Attachments

A	B	C	D	E
Public Comments	Agency Comments	Staff Worksheet	Neighborhood Meeting Comments	Aerial Photo

Prepared By:

Jennifer L. Albers, AICP
 Principal Planner



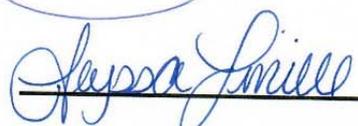
Date:

2/10/20

Jennifer.Albers@YumaAZ.gov (928) 373-5180

Reviewed By:

Alyssa Linville,
 Assistant Director Community Development



Date:

02/10/20

**ATTACHMENT A
PUBLIC COMMENTS**

Name:	Norma Valle – 1/22/20			Contact Information:	(928) 246-7953		
Method of Contact:	Phone	X	FAX	Email	Letter	Other	
<p>Comment: Renters are not needed in the community. Need homeowners who will be here for years not renters who are here for 6 months. Have already seen crime as a result of rental units nearby and don't want to see it increase.</p>							
Name:	Neil Walker – 1/24/20			Contact Information:	(928) 343-0673		
Method of Contact:	Phone	X	FAX	Email	Letter	Other	
<p>Comment: Question about whether would be RV Park or Apartments.</p>							
Name:	Mary Evitch – 1/22/20			Contact Information:	evitch7@aol.com		
Method of Contact:	Phone		FAX	Email	X	Letter	Other
<p>Comment: January 22, 2020</p> <p>Dear Ms. Alders and City of Yuma Mayor and Constituents for the City of Yuma</p> <p>Enclosed you will find the letter I have written regards my concerns after attending the Neighborhood meeting on December 5, 2019. The subject presented was: the request to change the current Low Density Residential Plan to one of High Density Residential.</p> <p>The Neighborhood letter is attached to this email. It reviews many of the concerns voiced at the meeting along with my concerns with the change and educational needs of children along the importance of their safety and elderly safety.</p> <p>Please read and share your thoughts with me and to help me understand. Since it was understood during this meeting that the same kind of houses across from this empty lot with two condemned homes setting on it. Could have the same kind of homes built on it. This would give the Neighborhood a more consistency of appearance.</p> <p>Thanking you in advance and look forward to your response.</p> <p>Cordially, Mary Evitch RN CMSRN MSN Certified in Spiritual Direction Certified in Stephen Ministry</p> <p>----- January 21, 2020 Mary Evitch: evitch7 @ aol.com Jennifer. Albers@YumaAZ.gov City of Yuma: General Plan amendment: Case number GP-28299-2019 Dear City of Yuma Council and Jennifer Albers: I attended the first neighborhood meeting held on December 5, 2019. The City of Yuma representative Jennifer Albers was there along with the property owner representative (son). The consensus of the meeting was not in favor of changing the current zoning of property. Many important factors were raised making this change.</p>							

For example the previous people that had rented the buildings from the Anderson family, **concern was with increase of crime; as some families had already experienced some problems. Another concern was the amount of traffic for the area,** one neighbor voiced concern since she had experienced **several car accidents with the increase of traffic on the street which connects 16th Street and 8th Street due to the increased speed of the drivers. It was voiced the street needs more lighting and a recommended speed for the area, so hopefully the drivers adhere to the posted speed limit.** This brings up **the concern I voiced for safety of children and of the elderly** due to **poor adherence to the Stop sign on 9th street and arena drive.** I grew up in this area I recall the time a young child was riding his bike and a car did not stop, ran over the child. She returned to stop sign, after; since she thought she had ran over a cat. Two families ran out of their homes at hearing the child scream, my family (my mother and siblings); and the Amavisca family. The driver made a complete ride around the block with the boys' bike was pinned to the grill of her vehicle. The child spent six months in a Spika cast for the injury he received. I myself avoided an accident recently, as a business truck from the **local refrigeration company ran the stop sign at the corner of 9th street and arena drive,** as he was talking on his phone. I honked my horn but he did not even acknowledge the horn beep; as he continued to talk on his cell phone. On any given day you can sit outside my house and see how many people driving on 9th Street and Arena Drive; do not make a complete stop. Some people stop the length of time it takes to move their head from one side to the other. Increasing the amount of people to this area is only going to increase the chances of someone getting injured, centrally to housing area. Recently, there was a shooting in the area killing two males during the holiday season. This was shared with me by the neighbor who lives closest to that corner (occurred on 14th Street where the concern was voiced about the speed people drive). **Yet, another concern was voiced with the sewer odor which can already be smelled.** What will happen with increasing the population to this area of atmospheric concern? One other concern is the **education of the children moving into this area.**

At the meeting was the investor who did not identify himself other than asks questions about money, costs, and the limitations on his plans. I understand as Ms. Alders made a statement that more housing is needed in the Yuma area, however, **the concerns of the neighborhood should be considered when it means tripling the amount of people to a given area.** Investors come in make their investments as a gain and move on. I remember when an investor came from the Phoenix area with big plans to build homes. He ran out of money and left behind the area where the Beltran Steel Company sits today with sand hills from where he was building since he had to mobilize the sand to build his homes. Previously the Beltran Steel Company was at the top of the hill where the Arizona Refrigeration Company now exists. The neighborhood continues to have Business Company's move within the residential area. I am not clear with this since I previously understood the surrounding land was intended for residents and not necessarily small areas with more people per square foot. Ms. Alders voiced a concern that Yuma needs more housing but I am neither convinced nor sure that it needs to be this particular area only to be used to triple the amount of people. I believe there are statistics available which supports that when more people are put in a small area; many of the concerns voiced at the Neighborhood meeting as highlighted in this letter become greater issues of concern: **Most importantly crime and safety of children and the elderly and meeting the educational needs of the children.**

Why the concern with education of the children? Will the closest public school (O.C. Johnson) be able to handle the influx of children moving into this school district? Education helps open doors of opportunity for growth and job opportunity.

I hope the City of Yuma Council makes the **best humane decision with regards to safety and health, where everyone has a win/win. All of the concerns brought up by the Neighborhood meeting are very important for the concern of families within a developing Neighborhood.**

Thanking you all for reading my letter with regards to concerns for safety of a neighborhood filled with families made of children and elders which are our future and our history within Yuma as it develops throughout the years.

Cordially,

Mary Evitch RN MSN

Certified in Spiritual Direction

Certified in Stephen Ministry

Name:	Christie Stanart – 1/28/20			Contact Information:	justwhatcouldbe@gmail.com					
Method of Contact:	Phone		FAX		Email	X	Letter		Other	
Comment:										
<p>Hi Jennifer. Thank you for the opportunity to respond to the possible rezoning of the parcel of land at 8th Place and 14th Ave. Below is the content of my letter or I attached it if it is easier. I am out of state on a family emergency (grandmother has stage 4 colon cancer) but am hoping to return for the meeting. I sat down and really tried to give the proposal consideration but am having a hard time getting over the location and size. Having lived in condos and apartments, these objections are not anti-development or anti-complex. I think it a terrible location for that size. However, I would love to see development there and wish that the City of Yuma could provide some incentive for builders to adopt the area?</p> <p>-----</p> <p>January 28, 2020 – To Whom it May Concern,</p> <p>As a concerned homeowner in close proximity to the property in question, I am opposed to the rezoning of the property (case #GP-28299-2019) at 8th Place and 14th Ave. I respectfully ask for no zoning change on this parcel not because I am anti-growth but because I am a supporter of appropriate urban development. Here is a brief list of a few compelling reasons brought to light at the meeting held on 12/5/19 with other neighborhood homeowners as well as my own concerns:</p> <ol style="list-style-type: none"> 1. The current zoning of the property is very compatible with the surrounding properties. <p>Allowing the rezoning would support an inappropriate use of large scale development in an area of stability. The neighborhood in which the rezoning is proposed is an area of stability (with some issues we would prefer not be compounded). Yet, the proposed rezoning seeks significant change. While this change would be beneficial to the owner of the land who seeks to rezone it and create more opportunity for development, thus a higher probability of sale, the proposed development is large scale, out of appropriate scalability within the neighborhood visage, surrounding roads and ability of traffic to safely support the massive an unexpected change. There is not significant space or interest to expand the surrounding area and roads to support the increase in traffic flow, improve pedestrian safety, or limit imposition of size/general appearance. I believe the initial zoning took those incredibly important issues into consideration and zoned it appropriately. I am not indifferent to the plight of the owner who would like to sell the property. However, that should not be significant enough reason to support rezoning. I am absolutely pro-growth and were that meeting in December a meeting to gauge the development of that area for appropriate houses, rather than a large-scale apartment dwelling, the owner would have my support. I would personally love to see the property developed and the abandoned homes that currently reside there, attracting crime and creating an eye-sore, gone. The strong request to not rezone stems from the project itself, not the development of the land in question.</p> <p>It is common knowledge that 14th Ave is used as a thoroughfare for Yuma residents who do not live in the area. It is already burdened by additional significant traffic with an insufficient road infrastructure. 14th Ave simply cannot handle a dramatic increase in traffic that will occur if the rezoning is permitted. Additionally, both streets are narrow and do not allow for turn lanes that could limiting traffic flow.</p> <p>Additionally, there are several areas along 14th Ave that are high-risk for pedestrians already due to heavy traffic flow, misaligned streets, and unclear views for pedestrian crossing including an already over-trafficked walking route for neighborhood students to school. I believe that the significant increase in traffic flow that will result from this rezoning is a notable risk to students and other pedestrians.</p> <p>If this rezoning is approved and the planned development completed, the residential neighborhoods surrounding the property will witness a dramatic increase in traffic in an already heavily congested area, which will lead to more accidents, injuries, and fatalities. I have personally phoned in 3 traffic accidents behind my home on 14th Ave, less than a block from the suggested rezoning site.</p>										

2. There is no neighborhood circumstance or change in the neighborhood justifying the rezoning.

I have not been told of any circumstances that would justify asking residents to personally absorb the inappropriate zoning. I purchased my home three years ago and can state unequivocally that I would not have done so if this suggested size of complex would have been pending. There were already a myriad of issues that I accepted in an area that sees little attention addressing issues like traffic. I overlooked the abandoned homes. I overlooked the difficulty in pulling out onto 14th Ave from my street due to poor line of sight of oncoming traffic. I overlooked the three existing apartment complexes, one of which is a major eyesore. I made the very large investment based on knowns in the neighborhood and am now being asked to accept an unjustified unknown that will compound the issues I already am not happy with. The fact that it has remain undeveloped due to lack of interest in utilizing the current appropriate zoning should not be justifiable circumstance to warrant rezoning. This makes no sense. If Yuma accepts this argument, it would then allow property owners who desire the windfall of a significant up-zoning to simply apply and disregard the investments of other local owners who purchased with a certain set of knowns. Yuma should not create such an incentive by rezoning the property inappropriately without the support of the residents who will be impacted. Every single resident who attended the initial meeting was opposed to the zoning request.

3. There is an unknown impact to property value that residents not benefitting by the proposed development will be forced to accept.

Generally, rising property values indicate positive trends for a neighborhood. They signal that a neighborhood has become a desirable place to live, locate a business, and influence developers' decisions to make long-term investments in its future. For individual homeowners, who depend on home equity to provide resources for retirement or finance a child's education, home values are extremely important. Property values also may be a proxy for quality of life factors that can be hard to measure and often reflect access to good schools, jobs, shops, parks, and other amenities.

Were this a public park that the residents could access, which beautified the area, there would at least be the argument that they are benefitting from the development. In this scenario dozens and dozens of residents are only asked to accept inconvenience and the possibility that our property values will be negatively impacted, for one landowner to make a sale.

Much of the research suggests that the type of apartment complex matters less than the quality of the properties' design, management, and maintenance.

Several researchers found that larger, more concentrated affordable housing developments were more likely than smaller developments to have a negative impact on nearby property values. For example, a 1993 study by Robert Lyons and Scott Loveridge of subsidized housing in Ramsey County, Minnesota, found substantial reductions in property values when the housing was clustered, as opposed to negligible effects when subsidized units were scattered throughout a neighborhood. In a 2007 study, Ingrid Ellen and her colleagues found that federally subsidized rental housing did not generally lead to reductions in nearby property values. They did, however, suggest that larger more concentrated developments may be an exception, decreasing nearby property values within the first three years of completion.

Since I am already faced daily with an existing unsightly large complex that only detracts from my property value, I cannot vote positively in favor of a complex simply because it "might" have good management. When I brought up the unsightly complex issue at the meeting on 12/5/19, I was told that particular complex is not managed but has individual owners. That actually makes no difference to my objection. Bad management and owners/renters exist, yes. But a property of THIS magnitude without exceptional management would create a monumental depression in property values. That is just common sense. Having worked with the juvenile court system and having come into contact with a wide

area of managed housing options in Yuma I know that there are no guarantees—there are large complexes all over the city that have minimal if not terrible management oversight.

In closing, I would like to reiterate that I am pro-development. This simply is not the right project for that piece of land. Unlike Rio Sante Fe Apartments, where the bulk of the complex is hidden behind a nice park, this lot will basically be a massive high rise in the middle of single-story dwellings with nowhere to hide the impact to residential views. If I had bought a home directly across from the impending complex, I would not only object but be incredibly dismayed that I would have to look at that, from my window each day, in the sanctity of my home. You cannot buttress quality of life of current owners by simply stating there needs to be more housing in Yuma. There must be better options with less impact to traffic and a higher probability of less silhouette impact to current owners.

I would be remiss to not mention that this development falls in what has been categorized as one of Yuma's "dangerous neighborhoods" according to Arizona crime rates and statistics and a high rate of vehicular accidents. I have lived in the area for 8 years (3 in my current home and 4 in the Sunset Mesa Condos). I have called 911 for at least 3 accidents on 14th Ave, and have been a resident through at least 3 murders, 2 of which happened very recently, one house away from mine. There are 22 sex offenders registered within 1 mile of my home. There is a high level of adult foot traffic during all hours of the day and night. There is constant graffiti up and down 14th Ave. Based on the current issues previously stated, when something is developed on that particular parcel of land, it seems that the City of Yuma should take into consideration that it should be an upgrade to the area rather than risking decline of an area that is stable but could easily become unstable. Clearly bringing in a complex of that magnitude without appropriate attention to road infrastructure, current crime issues, student safety, and inability for that parcel of land to deflect any negative impact to neighborhood silhouette would be incredibly insensitive and inconsiderate of current residents.

For the foregoing reasons, I urge you to not approve this proposed rezoning.

Thank you for your valuable time and consideration,
Christie Stanearth

Name:	Bertha Gutierrez, Beatriz Moran and Mary Harlan – 2/6/20	Contact Information:	hamdlite@aol.com				
Method of Contact:	Phone	FAX	Email	X	Letter	Other	

Comment:

02-06-2020

RE: 14th Ave/Arena Dr, 8th Pl/9th St
GENERAL PLAN AMENDMENT- LDR TO HDR
CASE NUMBER GP-28299-2019

We are property owners at 1465 W 9th St. We attended the first meeting at the site of the proposed change of residential area from Low Density Residential to High Density Residential.

We expressed our great concern against the high rise building proposal due to influx of additional residents and traffic that this high density unit will bring. More congestion that 14th Ave. has already caused existing residents.

If must be, construction should be limited to single home units on proposed property.

Our sister that lives across the street does not want a high rise building across the street limiting her view.

We are also concerned as to what class of residents would be living there and bringing un-wanted activity.

Sincerely,
Bertha Gutierrez
Beatriz Moran
Mary Harlan

Name:	Jaime Hernandez			Contact Information:	1440 W. 9 th Place					
Method of Contact:	Phone		FAX		Email		Letter	X	Other	

Comment:

To: Jennifer L. Albers, City of Yuma Principal Planner

I oppose the re-zoning of the property located between Arena Avenue / 14th Avenue and between 9th Street / 8th Place in the City of Yuma (Case # GP-28299-2019) due to the following:

- 1.- There are two big apartment complexes, one South of 8th Street and another one just North of 8th Street which brings a lot of traffic driving on 14th Avenue in order to connect between 8th Street all the way to 24th Street. The traffic gets compounded with an elementary school, O.C. Johnson and in the winter months with all the harvest busses that drive to pick up field workers staying at the south apartment complex. Plus, the residents who live in the area also generate a lot of traffic on 14th AV.
- 2.-The construction of another 18 unit apartment complex will bring in 140 vehicles per day along 14th Avenue. There is already a lot of accidents at the intersection of 8th Street and 14th Avenue due to all the traffic generated in the area by the two apartment complexes, year-around residents and also the snowbirds who move to the area along 8th Street.
- 3.-There will be additional accidents due to traffic driving in excess of 35 MPH along 14th Avenue and traffic back-ups created by the vehicles turning in and out of the new proposed apartment complex.
- 4.-The property values will drop due to a new proposed apartment complex.
- 5.-Residents living West of 14th Avenue along 9th Place have only two access streets to 14th Avenue and the additional traffic will make it almost impossible to turn into or out of 14th Avenue.
- 6.-I do not think that City of Yuma needs another apartment complex in the area due to the existing South Apartment complex having a tough time renting to long term tenants.
- 7.-People who live in apartments are not the long term residents that we want to see in our areas.
- 8.-The existing zoning should remain as is and let a developer build 1500 square feet homes instead.

Please re-consider the request and deny it. We are trying to keep the place safe and clean year round for all the residents in the area. I personally have my Dad and older brother living on 9th Street behind my property. I also have a sister and younger brother living just West of 14th Avenue on 9th Place. I also have an uncle on Arena Drive and a cousin living on 12th Avenue just South of 10th Street. The area for me is considered a family place and like I said I want to keep safe for everybody.

Thanks for your considerations.

Sincerely,



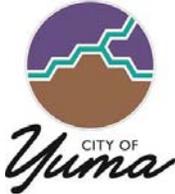
Jaime C. Hernandez
1440 W. 9th Place
Yuma, AZ. 85364 928-920-6264

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	1/4/20	NAME:	Matt Buckley	TITLE:	Principal
AGENCY:	G.W. Carver Elementary School			PHONE:	(928) 502-7600
<i>Enter comments below:</i>					
<p>I am writing in support of this rezoning of the property listed in case number GP-28299-2019. This rezoning could provide more affordable residential housing in our area. In recent years, we have lost affordable housing that used to exist in this area because it has been purchased by private companies for corporate housing and is reducing the number of housing opportunities for our families. Our school has lost families due to their residences being sold and they do not have other available/affordable housing in the area. This has forced established families to have to relocate to different parts of town where affordable options are more prominent. I support this rezoning to give our families in the community more opportunities for affordable housing options.</p>					

DATE:	2/23/20	NAME:	Mary Ellen Finch	TITLE:	Community Liaison Officer
AGENCY:	MCAS Yuma			PHONE:	(928) 269-2047
<i>Enter comments below:</i>					
<p>The subject parcels fall under known flight paths and due to the residential nature of the request an Avigation Disclosure is request 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</p>					

**ATTACHMENT C
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: GP-28299-2019 CASE PLANNER: JENNIFER L. ALBERS</p>
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I. PROJECT DATA

Project Location:		820 S. Arena Drive							
Parcel Number(s):		664-08-045, -046, -047 and -048							
Parcel Size(s):		33,791 sf, 5,629 sf, 25,376 sf and 2,775 sf							
Total Acreage:		1.54							
Proposed Dwelling Units:		Maximum: 28		Minimum: 20					
Address:		820 S. Arena Drive							
Applicant:		Anderson E W & Elizabeth Trust 4/2/76							
Applicant's Agent:		Shelley Anderson							
Land Use Conformity Matrix:		Current Zoning District 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	Current Use	General Plan Designation
Site	Low Density Residential/ Infill Overlay (R-1-6/IO)	2 structures – 1 single family home vacant and 1 duplex	Low Density Residential
North	Infill Overlay/General Commercial (B-2/IO), Low Density Residential (R-1-6/IO) and Heavy Industrial (H-I/IO)	Retail fire wood sales, single family homes and auto body shop	Low Density Residential
South	Low Density Residential/ Infill Overlay (R-1-6/IO)	Single Family Homes	Low Density Residential
East	Heavy Industrial/Infill Overlay (H-I/IO)	Industrial steel operation	Low Density Residential
West	High Density Residential/Infill Overlay (R-3/IO)	Single Family and Stormwater Basin	Low Density Residential

Prior Cases or Related Actions:				
<u>Type</u>	<u>Conforms</u>		<u>Cases, Actions or Agreements</u>	
Pre-Annexation Agreement	Yes	No	N/A	
Annexation	Yes X	No	Ordinance 787 Adopted 12/15/59	
General Plan Amendment	Yes	No	N/A	
Development Agreement	Yes	No	N/A	
Rezone	Yes	No X	Ordinance 984 Adopted 1965 to Res "A"	
Subdivision	Yes X	No	Originally Lots 1-12 of Block 8 Timmons Addition 1903	
Conditional Use Permit	Yes	No	N/A	
Pre-Development Meeting	Yes X	No	Date: 5/15/18	
Enforcement Actions	Yes X	No	CODE-BS004981-2018 – vacant/unsafe structure	

Land Division Status:	Parcels are legal lots of record								
Irrigation District:	None								
Adjacent Irrigation Canals & Drains:	East Main Canal								
Water Conversion: (5.83 ac ft/acre)	8.98 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							
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			
14 th Avenue – Local		29' HW	33' HW							
8 th Place and Arena Dr. – Local		29' HW	33' HW							
Bicycle Facilities Master Plan		14 th Avenue Bike Route								
YCAT Transit System		N/A								
Issues:		None								
Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:		Existing: Netwest Park				Future: Netwest Park				
Community Park:		Existing: Carver Park				Future: Carver Park				
Linear Park:		Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park				
Issues:		None								
Housing Element:										
Special Need Household:		N/A								
Issues:		None								
Redevelopment Element:										
Planned Redevelopment Area:		8 th Street Study Area								
Adopted Redevelopment Plan:		North End:		Carver Park:		None:	X			
Conforms:		Yes	X	No						
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources		Yes		No	X					
Renewable Energy Source		Yes		No	X					
Issues:		None								
Public Services Element:										
Population Impacts 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>Multi-Family</i>		Projected Population		Police Impact	Water Consumption		Wastewater Generation	
		Maximum	Per Unit		Officers	GPD	AF	GPD		
		28	1.7	48	0.09	14,280	16.0	4,760		
		Minimum								
		20	1.7	34	0.06	10,200	11.4	3,400		
Fire Facilities Plan:		Existing: Fire Station No. 1				Future: Fire Station No. 1				
Water Facility Plan:		Source:	City	X	Private	Connection:	6" Line – Arena Dr, 14 th Ave and 9 th St			
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 8" Line - Alleyway			
Issues:		Connecting to sewer from exterior parcels potentially								
Safety Element:										
Flood Plain Designation:		500 Year Flood			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 01/25/20

Display Ad Published: 01/25/20

660' Vicinity Mailing: 01/13/20

54 Commenting/Reviewing Agencies noticed: 11/19/19

Site Posted: 12/2/19

Neighborhood Meeting: 12/5/19

Hearing Dates: 02/10/20 & 02/24/20

Comments Due: 01/21/20

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	Yes	12/11/19	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	Yes	12/10/19	X	
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	Yes	1/4/20		X
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	Yes	12/17/19	X	
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	NR			
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	Yes	12/11/19	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			

AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers(ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	Yes	12/11/19	X	

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Susan Smith, Police	NR			
Rod Hamilton, Police	NR			
Damon Chango, Parks and Rec – Admin	NR			
Ron Ramirez, Parks and Rec – Grounds	NR			
Jeff Kramer, City Engineer	NR			
Joel Marcuson, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	Yes	12/11/19	X	
Alan Kircher, DCD – Building Safety	Yes	12/11/19	X	
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
12/5/19	See Attachment
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: 12/5/19

Location: NWC 14th Avenue and 8th Place

Attendees: Chris Beltran, Adolfo Enriquez, Richard Moran, Mary Evitch, Mary Harlan, Beatriz Moran, Bertha Gutierrez, Zaida Madrigal, John Loroña, Jaime C. Hernandez, Silvestre Nieves, Ismael Hernandez and Ismael Hernandez, Louis J. Loroña, Luis Hernandez, Christie Stanearth, Hector Nuñez, Jorge Hernandez, Irma Enriquez, Blanca Barrera, Maria G. Solorio, Guadalupe Solorio.

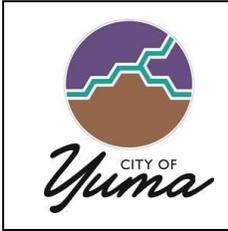
Applicant: Shelly Anderson with Agustin Tumbaga, City Staff: Jennifer Albers, Erika Peterson

SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:

- THE APPLICANT SUMMARIZED THE PROCESS AND SHARED THAT THE APARTMENTS WOULD BE DEVELOPED BY AN INTERESTED BUYER. NOTED THAT THIS IS FIRST STEP IN PROCESS WITH MORE DETAIL AVAILABLE AT THE REZONING STAGE.
- Q - WILL ARENA DRIVE OR THE OTHER LOCAL STREETS BY WIDENED?
A - NO THERE ARE NO PLANS TO WIDEN THE STREETS.
- Q - HOW HIGH WILL THE APARTMENTS BE?
A - AT THIS POINT AN EXACT CONFIGURATION IS NOT KNOWN BUT NO MORE THAN THREE STORIES.
- Q - IF IT IS SINGLE FAMILY HOMES, HOW BIG WILL THEY BE?
A - LIKELY WOULD BE SIMILAR TO THE NEIGHBORING HOMES.
- COMMENTS:
- TRAFFIC IS ALREADY SIGNIFICANT, ON ALL THE STREETS BUT IN PARTICULAR 14TH AVENUE, AND AN APARTMENT PROJECT WITH 28 UNITS WILL MAKE IT WORSE.
- IF THE PROJECT GOES FORWARD, A TURN LANE WILL NEED TO BE INSTALLED ON 14TH AVENUE INTO THE PROJECT.
- THERE IS CURRENTLY A PROBLEM WITH SEWER SMELL IN THE SUMMER AND THIS PROJECT WOULD MAKE IT WORSE.
- NEIGHBORS VERY CONCERNED ABOUT UPKEEP IN THE NEIGHBORHOOD AND ON THE SITE:
 - SEMIS HAVE BEEN PARKING ON THE STREETS AND THE PROPERTY
 - THE EXISTING BUILDINGS ON SITE HAVE BEEN CONDEMNED BUT PEOPLE ARE STILL GOING IN AND OUT OF THE STRUCTURES.
 - THE PROPERTY OWNER IS NOT TAKING CARE OF THE PROPERTY.
 - THE NEIGHBORHOOD IS FEELING AND LOOKING MORE RUN DOWN AND THE CITY SHOULD LOOK INTO DOING SOMETHING ABOUT IT.
- NEIGHBORS OVERWHELMINGLY AGAINST AN APARTMENT PROJECT ON THE SITE. WANT TO SEE NO CHANGE IN THE GENERAL PLAN AND HAVE SINGLE FAMILY HOMES CONSTRUCTED SIMILAR TO THE EXISTING HOMES IN THE AREA.

ATTACHMENT E
AERIAL PHOTO





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

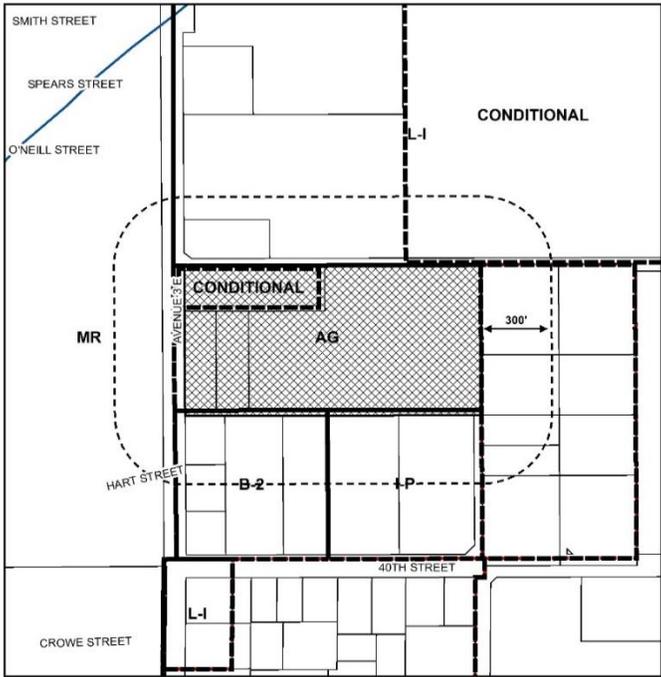
Hearing Date: February 24, 2020

Case Number: SUBD-28854-2019

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Christopher George Merziotis Trust, for approval of the final plat for the Spirit Park Subdivision. This subdivision will contain approximately 19.31 acres, and is proposed to be divided into 13 industrial lots, ranging in size from 44,907 square feet to 116,023 square feet. The property is located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Conditional Light Industrial/Airport Overlay (Cond. L-I/AD)	Undeveloped	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Sam Day Auto Sales/ Undeveloped	Industrial
South	General Commercial/Airport Overlay (B-2/AD); Industrial Park/Airport Overlay (I-P/AD)	Various Commercial/ Industrial Uses	Commercial/Industrial
East	Yuma County	Undeveloped	Industrial
West	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

Location Map



Prior site actions: Annexation: Ord. 2015 (July 3, 1981); Rezone: Ord. O2019-037 (November 20, 2019; AG to L-I); Subdivision: SUBD-27953-2019 (Preliminary Plat)

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Sprit Park Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-28854-2019 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 final plat, the Planning and Zoning Commission is authorizing the design of Spirit Park Subdivision for the property located at Southeast corner of 38th Street and Avenue 3 E, subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis:

The rezone request contains four parcels located at the southeast corner of Avenue 3E and the 38th street alignment. Historically, a majority of the area was used for the housing of equine and accessory equestrian facilities. In its entirety, the subject area is approximately 19.31 acres in size. The intent of this rezone is to allow the development of an industrial subdivision. The proposed subdivision will subdivide the parcels into 13 lots intended for the development of various industrial uses. The site, which was recently rezoned to the Light Industrial (L-I) District, will allow for industrial uses such as assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair.

The site, which was recently rezoned to the Light Industrial (L-I) District, will allow for industrial uses such as assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair. The principal purposes of the Light Industrial (L-I) Zoning District are to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor; dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development.

While there are a variety of uses permitted within the proposed Light Industrial (L-I) District, there may be limitations on specific uses as the property is located within the 70/75 dB noise contour of the Airport Overlay (AD) District. The Airport Overlay (AD) District will also require additional sound attenuation to be incorporated into the design and construction of all new buildings.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma's Zoning Code. These development requirements include paved parking, access, setbacks, height limitations, landscaping, and lighting.

1. Does the subdivision comply with the conditions of the rezoning?

Yes

2. Does the subdivision comply with the conditions of the preliminary plat approval?

Yes

3. Is the final plat consistent with the preliminary plat that was approved?

Yes

Public Comments Received: None received.

External Agency Comments: None received.

Neighborhood Meeting Comments: No meeting required.

Proposed conditions delivered to applicant on: January 27, 2020

Final staff report delivered to applicant on: January 29, 2020

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval: Applicant is not in agreement with the need to provide sidewalks within the industrial subdivision.
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	H	I
Conditions of Approval	Final Plat Map	Prelim Plat Map	Rezone Conditions (if any)	Prelim Plat Conditions	Aerial Photo	Staff Research

Prepared By: *Alyssa Linville* **Date:** *01/28/2020*
 Alyssa Linville, Assistant Director DCD Alyssa.Linville@YumaAz.gov (928)373-5000, ext. 3037

**ATTACHMENT A
FINAL PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Jay Simonton, 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 recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) 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.

City Attorney Comments: (928) 373-5058:

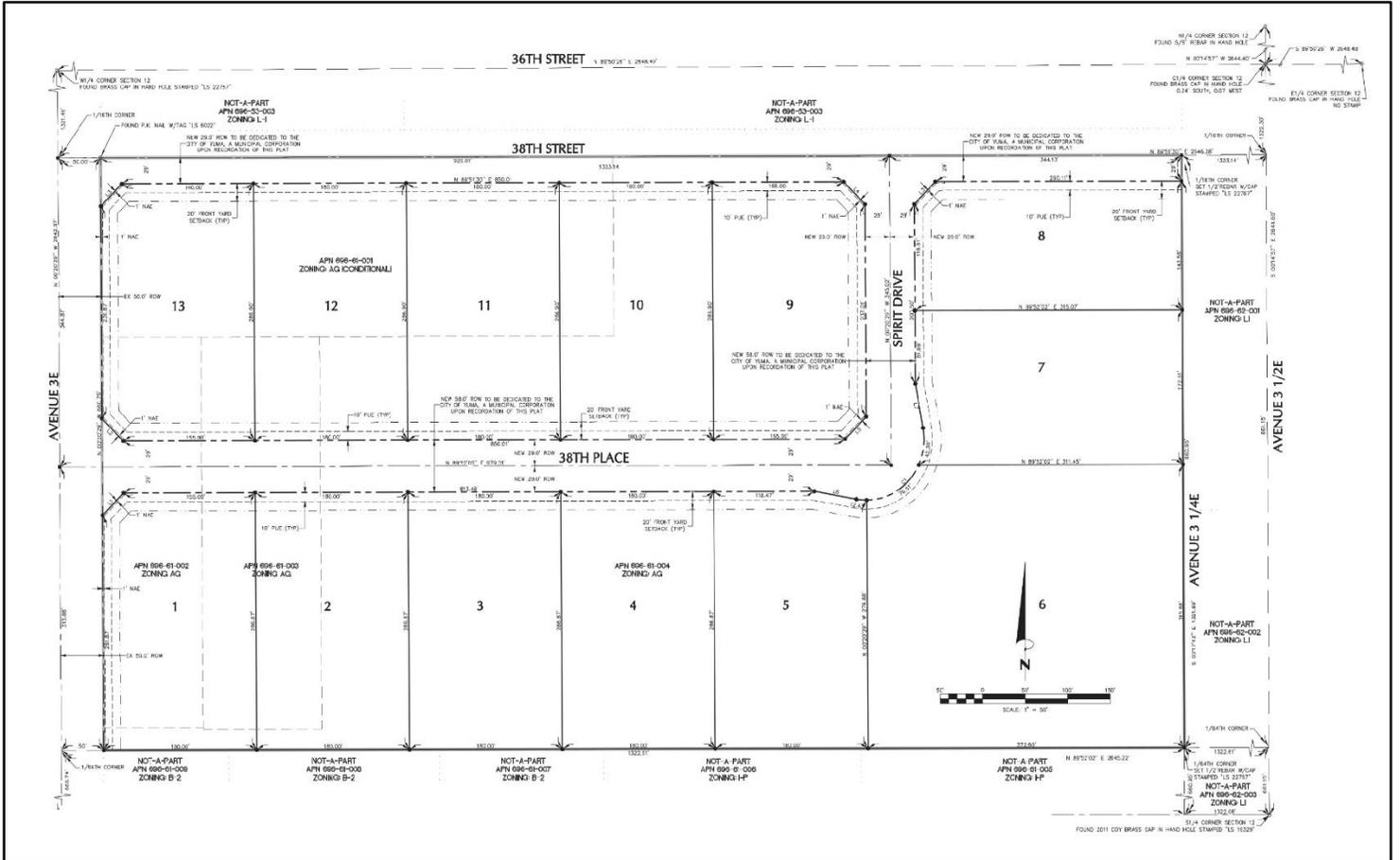
4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Community Planning Comments: Alyssa Linville, Assistant Director DCD, (928) 373-5000, ext. 3037:

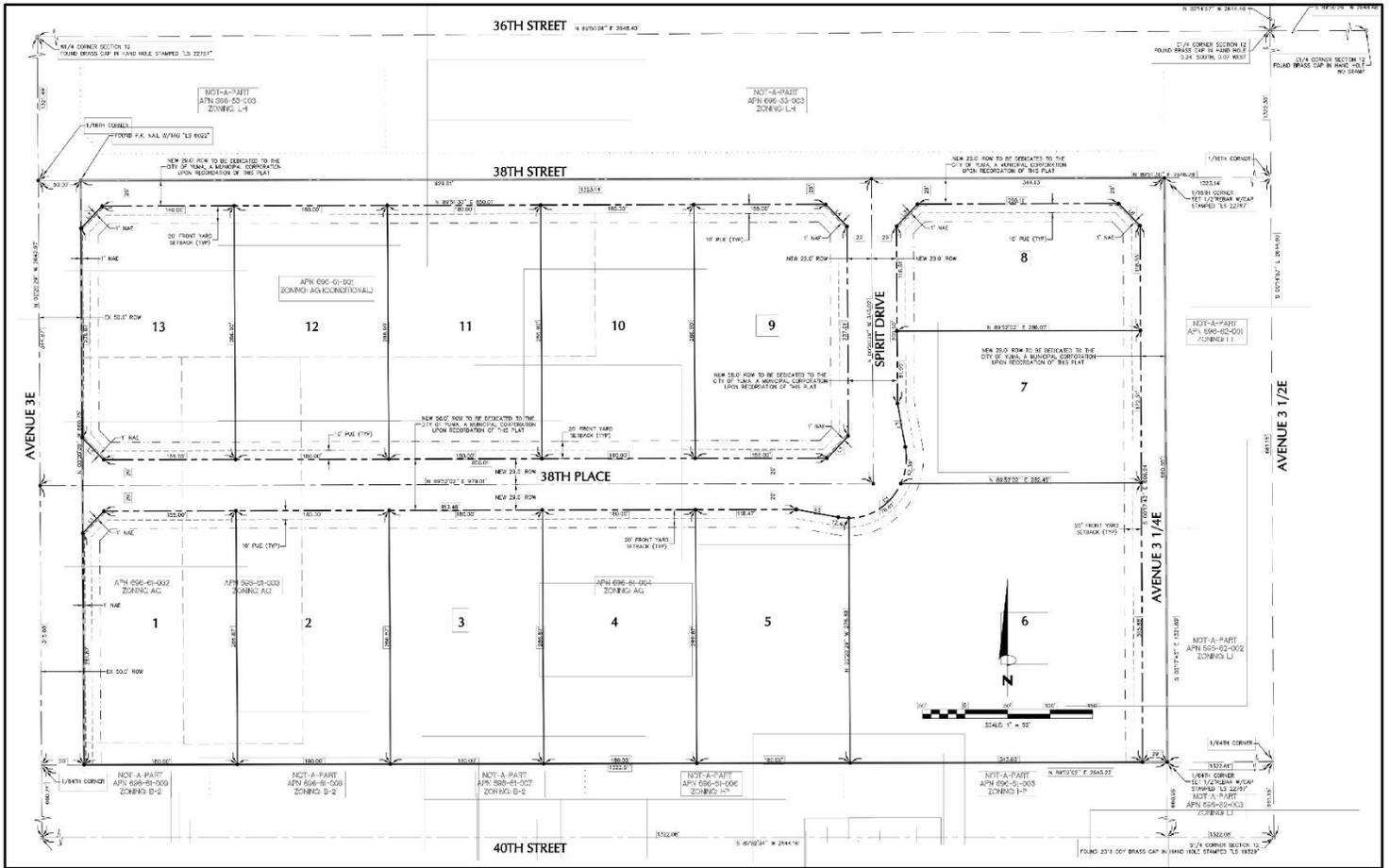
7. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

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 FINAL PLAT MAP



ATTACHMENT C PRELIMINARY PLAT MAP



**ATTACHMENT D
REZONE CONDITIONS**

Department of 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.

Engineering, Agustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38th Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.
6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.

Community Planning, Alyssa Linville, Assistant Director Community Development, (928) 373-5000, ext. 3037:

7. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

ATTACHMENT E
PRELIMINARY PLAT CONDITIONS

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

8. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
9. 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.
10. 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.

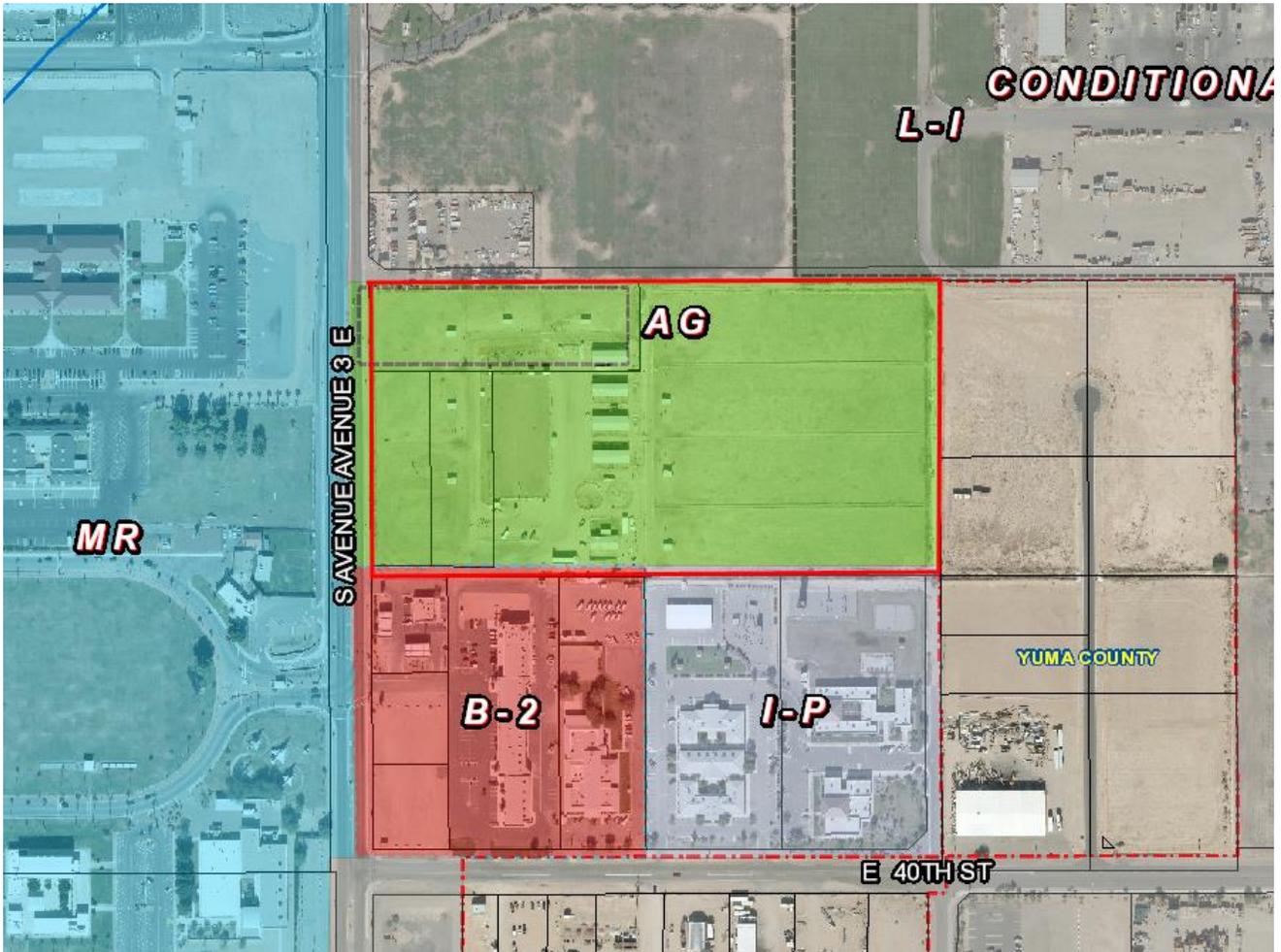
City Attorney Comments: (928) 373-5058:

11. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
12. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
13. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

**Community Planning Conditions: Alyssa Linville, Assistant Director Community Development,
(928) 373-5000, ext. 3037**

4. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

ATTACHMENT F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-28854-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:	South East corner of 38 th Street and Avenue 3 E												
Parcel Number(s):	696-61-001, 696-61-002, 696-61-003, 696-61-004												
Parcel Size(s):	841,143 square feet												
Total Acreage:	19.31 acres												
Proposed Dwelling Units:	none												
Address:	3899 S. Avenue 3 E												
Applicant:	Christopher George Merziotis Trust												
Applicant's Agent:	Dahl, Robins & Associates, Inc.												
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	Conditional Light Industrial/Airport Overlay (Cond. L-I/AD)	Undeveloped	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Sam Day Auto Sales/ Undeveloped	Industrial
South	General Commercial/Airport Overlay (B-2/AD); Industrial Park/Airport Overlay (I-P/AD)	Various Commercial/ Industrial Uses	Commercial/Industrial
East	Yuma County	Undeveloped	Industrial
West	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Ord. 2015 (July 3, 1981)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Ord. O2019-037 (November 20, 2019)
Subdivision	Yes	X	No	SUBD-27953-2019 (Preliminary Plat)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	November 20, 2018
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	

Land Division Status:	Legal lots of record			
Irrigation District:	Yuma Mesa Irrigation and Drainage District (YMIDD)			
Adjacent Irrigation Canals & Drains:	None			
Water Conversion Agreement Required	Yes		No	X

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms		
Lot Size	Minimum:	44,907 SF	Maximum:	116,023 SF	Yes	X	No		
Lot Depth	Minimum:	286.87 FT	Maximum:	315.07 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	76.61 FT	Maximum:	180 FT	Yes	X	No		
Setbacks	Front:	20 FT	Rear:	20 FT	Side:	0 FT	Yes	X	No
District Size	19.31	Acres				Yes	X	No	
Density	Dwelling units per acre						Yes		No

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes		No		N/A	X
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes	X	No		N/A	
Stub Streets	Yes		No		N/A	X
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						
Blocks	Conforms					
Length	Yes		No		N/A	X
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes	X	No		N/A	
Issues: None						
Lots	Conforms					
Minimum Width	Yes		No		N/A	X
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes	X	No		N/A	
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

NOTIFICATION

- Legal Ad Published: The Sun (01/17/20)
- 300' Vicinity Mailing: (12/23/19)
- 34 Commenting/Reviewing Agencies noticed: (12/26/19)
- Site Posted: (02/03/20)
- Hearing Dates: (02/24/20)
- Comments Due: (01/06/20)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	12/27/2019	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	Yes	12/20/2019	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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	12/31/2019	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	12/31/2019	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	None received
Prop. 207 Waiver	
Given to Applicant on February 10, 2020 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED



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

Hearing Date: February 24, 2020

Case Number: CUP-28856-2019

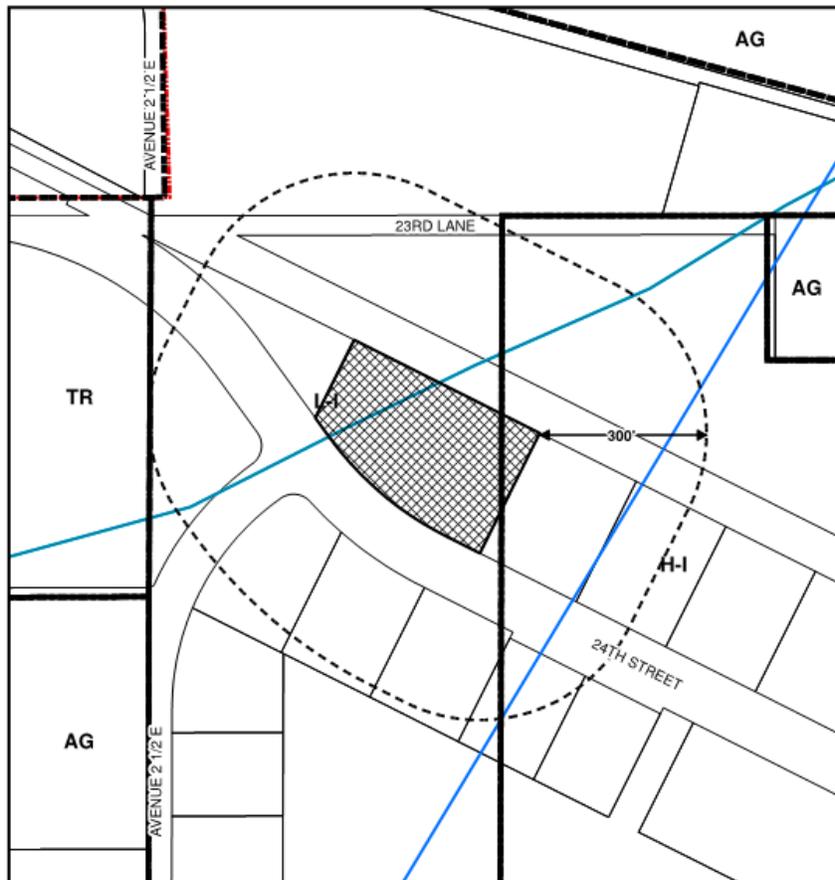
Project

Description/Location:

This is a request by Katherine Nickle, on behalf of Javier and Maria Almeida, for a Conditional Use Permit to allow a skin care salon and construction office in the Light Industrial/Airport Overlay (L-I/AD) District. The property is located at 2580 S. 24th Street, Suite B and C, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Airport Overlay (L-I/AD)	Conrad's Pools and Spa	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Date Pac	Industrial
South	Light Industrial/Airport Overlay (L-I/AD)	Keller Reality	Industrial
East	Light Industrial/Airport Overlay (L-I/AD)	Vacant Lot	Industrial
West	Light Industrial/Airport Overlay (L-I/AD)	Contractor yard for Conrad's Pools and Spa	Industrial

Location Map:



Prior site actions: Annexation Ord. #1999 (May 1, 1981); Subdivision S81-11 (January 22, 1985; Conditional Use Permit: CU2004-009 (July 26, 2014)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a skincare salon and contractor's office within 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-28856-2019 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 Katherine Nickle for a skincare salon and contractor's office for the property located at 2580 E. 24th Street, 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 was initially developed in 2004 for Paradise Pools and Spas and has recently been purchased and occupied by Conrad's Pools and Spas. The existing building has three suites. Conrad's pools occupy Suite A and they are proposing to lease Suite B and C. There will be no additions or alterations to the existing building. The paved parking and ingress/egress will remain the same as well.

The proposed contractor's office will operate Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., with one employee. The skincare salon will operate Monday through Saturday by appointment only, with one employee. The parking requirement for retail sales and service is one parking space per 400 square feet of gross floor area, the existing building is 6,000 square feet and requires 15 parking spaces. The parking lot has 44 parking spaces available.

The subject parcel currently has one pole sign for Conrad's Pools and Spas, any additional signage will be required to meet the zoning ordinance requirements for signage within the Light Industrial district.

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	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

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

Yes.

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

Yes.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
24 th Street-Minor Arterial	50' H/W ROW	50' H/W ROW	0 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? Yes

(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 is authorized under the zoning code, Section 154-09.02 (E)(3), to grant conditional use permits for any use allowed in the General Commercial (B-2) District, except any type of medical facility.

(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 skincare salon and contractor's office, as described by the applicant, will not be detrimental to the health and safety, or the general welfare of persons residing or working in the vicinity. The proposed uses will be in character with other similar uses within the area.

(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 existing parking lot is paved and has a driveway for ingress and egress onto 24th Street. Onsite traffic circulation is provided with drive aisles for employees and customers.

(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 setbacks are in accordance with the Light Industrial (L-I) District of the City of Yuma Zoning Code. The existing building will remain as is with no additions or alterations. There are no residential uses in the immediate area. The nearest residential subdivision is over 1,000 feet southwest of the subject parcel.

(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 area is currently zoned Light Industrial (L-I) and the height and bulk of the existing building is consistent with the surrounding development and general character of the neighborhood. Similar uses exist within the 300 feet radius of the subject parcel.

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

Yes. The property is located within the 70 to 75dB noise contours and therefore requires noise attenuation to 25dB. The existing building was built to code and addressed the sound attenuation for the area at the time of construction. The proposed use will not generate exterior noise that is beyond noise already generated. Security lighting is provided.

(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 design of the site incorporates landscaping, security lighting, and some fenced areas in order to utilize crime prevention strategies.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: N/A

Discussions with Applicant/Agent: Emailed conditions, January 06, 2020

Proposed conditions delivered to applicant on: January 06, 2020

Final staff report delivered to applicant on: January 29, 2020

- Applicant agreed with all of the conditions of approval on: January 08, 2020
- Applicant did not agree with the following conditions of approval:
- 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	Site Photos	Aerial	Staff Research

Prepared By: *Cheri Skinner*

Date: *1/16/2020*

Cheri Skinner, Associate Planner cheri.skinner@yumaaz.gov

Approved By: *Alyssa Linville*

Date: *01/16/2020*

Alyssa Linville, Assistant Director
Community Development

ATTACHMENT A
CONDITIONS OF APPROVAL

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

Community Development Comments: Alyssa Linville, Assistant Director Community Development, (928) 373-3037

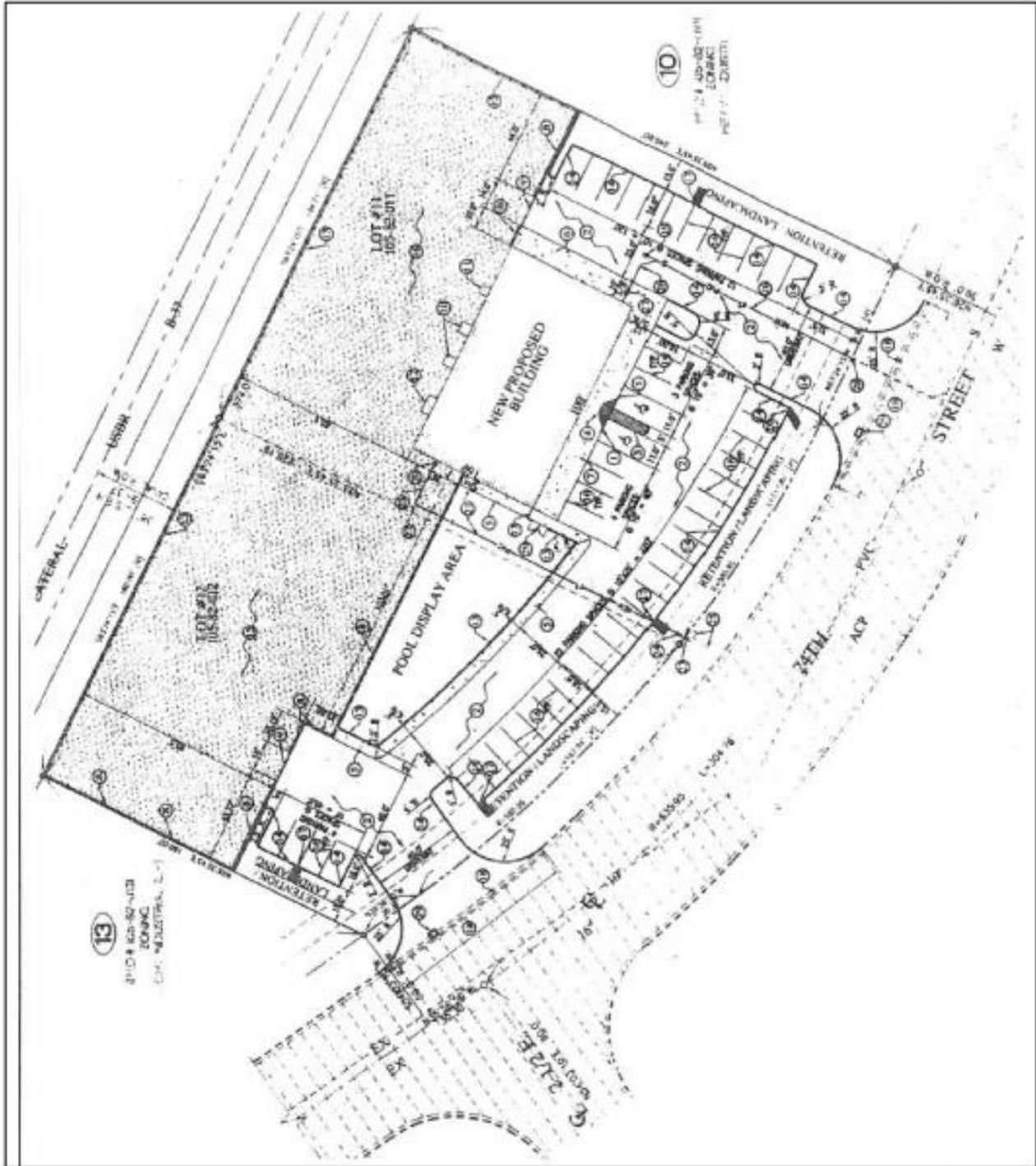
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed 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: Cheri Skinner, Associate Planner, (928) 373-5000 X3040

4. 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.
5. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.
6. 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.
7. 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.

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.

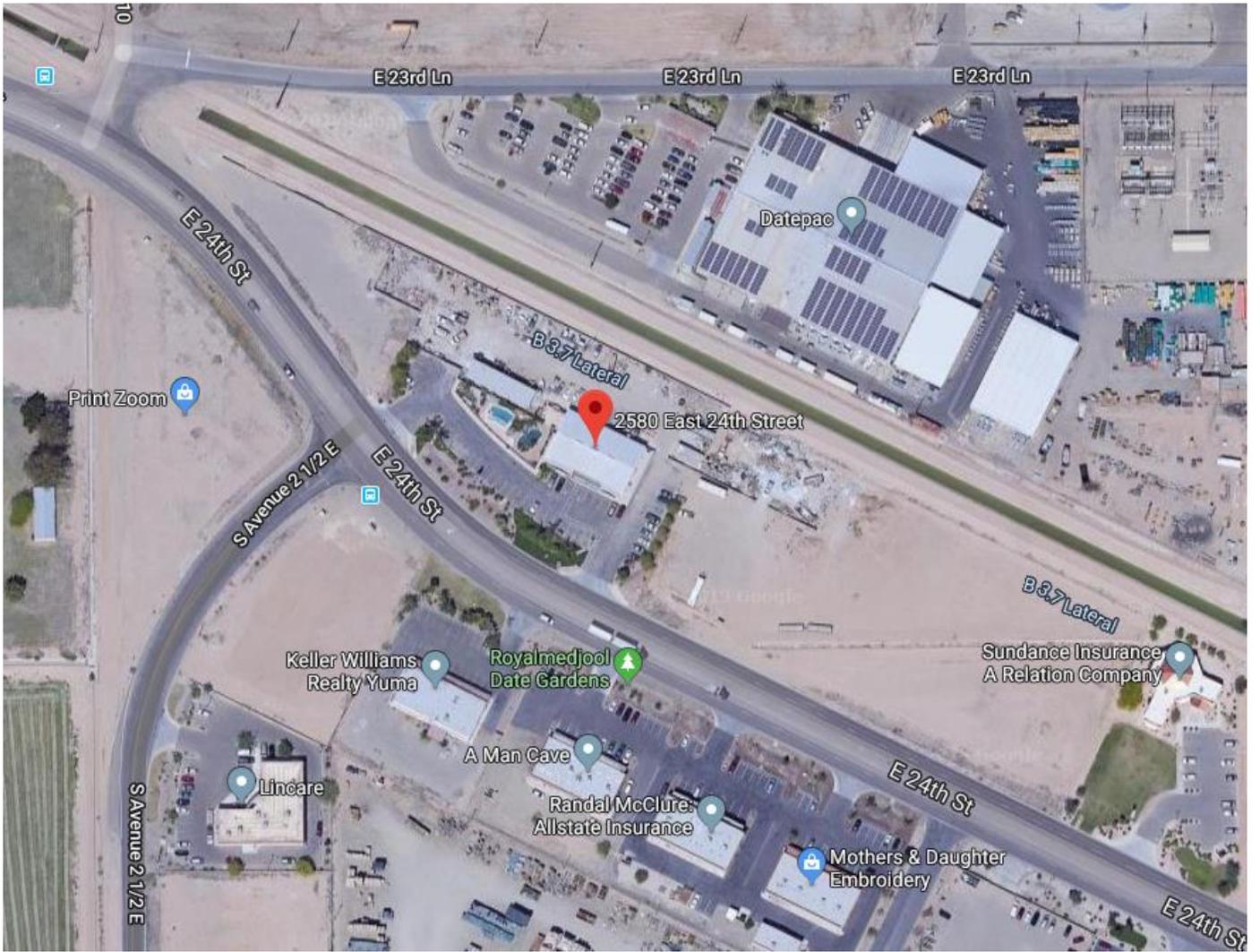
ATTACHMENT B
SITE PLAN



ATTACHMENT C
SITE PHOTO



ATTACHMENT D
AERIAL



**ATTACHMENT E
STAFF RESEARCH**