

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

Monday, March 11, 2019, 4:30 p.m.

CALL TO ORDER

INTRODUCTION OF NEW P&Z COMMISSIONER – SHARA MERTEN

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

February 25, 2019 (*3 of 5 required: Hamel, Counts, Dammeyer, Mohindra, Ott*)

WITHDRAWALS BY APPLICANT

None

TIME EXTENSIONS

None

CONTINUANCES

None

APPROVALS

None

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

1. **ZONE-24682-2019:** This is a request by Colvin Engineering, Inc. on behalf of Elliot Construction, Inc., to rezone a 4.87 acre parcel from General Commercial (B-2) to Low Density Residential (R-1-6), for the property located at the southeast corner of S. Araby Road and E. 32nd Street.

INFORMATION ITEMS

1. **STAFF – INTRODUCTION OF THE TREE & SHADE MASTER PLAN**
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
February 25, 2019

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, February 25, 2019, at the City of Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Chris Hamel, and Commissioners Gregory Counts, Fred Dammeyer, Vinod Mohindra, and Tiffany Ott. There are two vacancies.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Rodney Short, Deputy City Attorney; Agustin Cruz, Senior Civil Engineer, and Amelia Griffin, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:32 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – January 28, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Ott, second by Counts, to APPROVE the Consent Calendar as presented. Motion carried unanimously (5-0).

Commissioner Dammeyer arrived at 4:33 p.m.

PUBLIC HEARINGS

SUBD-24256-2018: This is a request by Dahl, Robins & Associates, Inc., on behalf of Barkley Limited Partnership, for approval of the preliminary plat for the Livingston Ranch Unit No. 2 Subdivision. This subdivision will contain approximately 32.58 acres, and is proposed to be divided into 99 residential lots, ranging in size from 7,364 square feet to 14,683 square feet. The property is located at the northwest corner of 40th Street and Avenue B ½ Yuma, AZ.

Laurie Lineberry, Director of Community Development, summarized the staff report, recommending **APPROVAL.**

Lineberry explained why Condition of Approval #13 was added.

QUESTIONS FOR STAFF

Commissioner Mohindra asked for clarification on the USBR comment noted in the staff report. **Lineberry** referred to the applicant.

APPLICANT / APPLICANT'S REPRESENTATIVE

Christopher Robins, 1560 S. 5th Avenue, Yuma, AZ, "as the Director said we are in agreement with the Conditions of Approval with the exception of condition 13. It was unprecedented what happened on the previous subdivision. That was done under a somewhat different developer and different engineer at the time. They had 50' wide lots. Our narrowest lot is 70' in this subdivision. Nobody wants to go through that again. I think there were actually 19 Lot Tie/Lot Splits. One maybe didn't record."

Lineberry said Lot Tie/Lot Split number 16 failed to move forward.

Robins – “It’s nothing we want to go through again. It’s nothing I guarantee the developer wants to go through again, and the city doesn’t want to go through it again. Our concern is that by having this condition attached to the preliminary plat, which I think might be unusual for subdivisions all around. I know we have had a bad experience with the previous development. We would like to have that condition removed. We don’t envision any lots getting any smaller, but often times you have homeowners who want to buy one and a half lots. They will go together either with the developer and take three lots and combine them and split them to create two. That would be considered a Lot Split or Lot Line adjustment. We don’t want to preclude that from happening. We don’t envision going to the extent it was done in the previous development. We respectfully request that condition be removed. We will do our best to make sure we don’t have any Lot tie/Lot splits.”

Robins commented this property was not directly adjacent to the central canal and this unit was somewhat adjacent to the USBR drain. He added it would not be fenced but that was in line with what has been done with previous subdivisions.

Mohindra asked if the applicant would take any measures to mitigate the possibility of children playing near the canal. **Robins** said no.

Hamel said he understood the concern and added that the City was attempting to prevent the issue from reoccurring.

Robins - “Our concern is again, is if two buyers want to get together and they want a larger backyard, a larger swimming pool, or room for a building, they buy three lots combine them split them into two lots and it would be one and a half times the original lot size. In our minds that would be considered somewhat of a Lot Split.”

Hamel commented it changed the characteristic of the subdivision.

Robins - “I agree but that was a completely different scenario with the 50’ wide lots. It didn’t work out for the developer and didn’t work out for the builder. In our case this is planned for the floor plans they have. I really don’t envision too many cases where homeowners get together and possibly want a larger lot. They can probably purchase a lot in Livingston Ranch Estates. It’s gated and adjacent to this. There is only four or five developed lots in there right now. I would hate to see a condition that prevents us from the minor chance of that occurring.”

Dammeyer asked if this condition has been added to any other subdivisions. **Lineberry** said no and added this issue has not occurred in any other subdivision. **Lineberry** said the process was painful for everyone. **Lineberry** explained the lots have to be combined before they are split.

Counts commented that three-fourths of the development has already been completed. He added that he didn’t understand why the condition would be added to this plat.

Lineberry explained the process was an anomaly and staff would not do it again. She added that staff did not want to stop the development, but at the same time staff was challenging their own planning ethics about what should and should not move forward. **Lineberry** said staff could come up with language to make the applicant more comfortable.

Robins - “I completely get where you're coming from. If this is a slap on the wrist I get that. And again, this development is different it was done under a previous developer and previous engineer. This subdivision is different. There is a different lot size. I don’t expect to see the need for these at all. We don’t want to do them, you don’t want to review them, and the developer doesn’t want to pay for having them done. I don’t want to set a precedent for this being included in other subdivisions. As far as language

goes, I can just give you my understanding that we won't be doing what we did there because there is not a need for it."

Lineberry said the condition would be removed and minutes would be verbatim. **Robins** agreed.

PUBLIC COMMENT

None

MOTION

Motion by Mohindra, second by Dammeyer, to APPROVE Case Number SUBD-24256-2018, removing Condition #13. Motion carried unanimously (5-0).

INFORMATION ITEMS

Staff

Laurie Lineberry, Director of Community Development, informed the Commission that the discussion item on the agenda "Introduction of the Tree & Shade Master Plan" would be presented at the next Planning and Zoning Commission meeting.

Commission

Hamel commented that the Air Show would take place on March 8th from 5:00p.m.-8:00p.m. and on March 9th from 9:00a.m.-3:00p.m.

Public

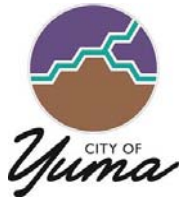
None

ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

Minutes approved this _____ day of _____, 2019

Chairman



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

Hearing Date: March 11, 2019

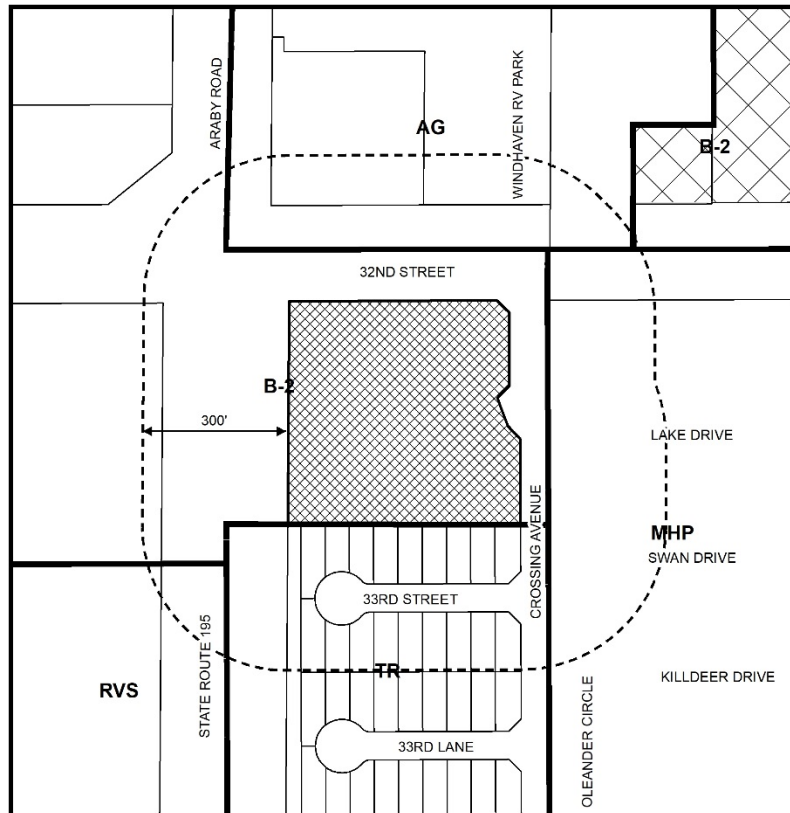
Case Number: ZONE-24682-2019

Project Description/Location:

This is a request by Colvin Engineering, Inc. on behalf of Elliot Construction, Inc., to rezone a 4.87 acre parcel from General Commercial (B-2) to Low Density Residential (R-1-6), for the property located at the southeast corner of S. Araby Road and E. 32nd Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant	Low Density Residential
North	Agriculture (AG)	Circle K Convenience and Fuel	Commercial
South	Transitional (TR)	Araby Crossing Subdivision	Mixed Use
East	Manufactured Home Park (MHP)	Araby Acres RV Park	Commercial
West	General Commercial (B-2)	Agriculture	Commercial

Location Map



Prior site actions: Annexation: #O99-29 (7-3-1999); Rezone: Z1999-018 (AG to B-2); Subdivision: S2007-008 & 008-1; General Plan Amendment: GP-22376-2018.

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone case ZONE-24682-2019 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 City Council for the request to rezone from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District, for the property located at the southeast corner of S. Araby Road and 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 present zoning of General Commercial (B-2) has been in place since 1999. Due to raised medians, turn lanes, and access issues at the busy SR-195/Araby Road and E. 32nd Street intersection, and with the established vehicular circulation in the Araby Crossing Subdivision, commercial development of this site has not occurred.

The proposed Low Density Residential (R-1-6) zoning would allow for 24 single-family home lots. The developer has proposed a conceptual plat of approximately 15 lots of 12,200 square feet in size for homes. There is also the possibility of accessory dwellings on these 201 foot deep lots.

If approved, this rezoning could open the possibility of other development scenarios which might have a more dense concentration of dwellings. The established Araby Crossing Subdivision adjacent to the south generally has lots of 6,150 square feet in size.

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

Yes. The General Plan Designation is Low Density Residential, allowing for R-1-6 zoning.

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

No. A Non-Access Easement along the north and west sides of this property is already in place.

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. The rezoning request will not have a negative effect on the Facilities Plan.

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

Yes. The recent General Plan Amendment to Low Density Residential was approved to accommodate residential development on this property.

Public Comments Received: None Received.

External Agency Comment: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

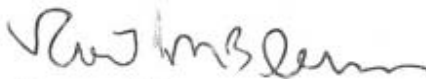
Proposed conditions delivered to applicant on: February 11, 2019

Final staff report delivered to applicant on: February 27, 2019

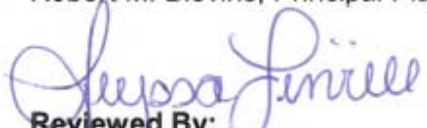
- Applicant agreed with all of the conditions of approval on: February 12, 2019
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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


Prepared By:
Robert M. Blevins, Principal Planner

Date: 2/14/19


Reviewed By:
Alyssa Linville, Principal Planner

Date: 02/14/19

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

Date: 2-14-19

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.

Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:

3. 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 B
EXTERNAL AGENCY COMMENT

COMMENT NO COMMENT

Enter comments below:

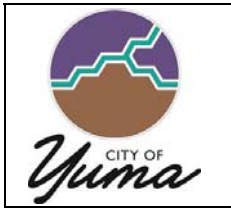
Direct access to State Route 195 from the development will not be permitted as this is an access-controlled highway.

DATE: 1/24/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159

ATTACHMENT C
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-24682-2019
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:	SEC Araby Road and E. 32 nd Street												
Parcel Number(s):	698-35-199												
Parcel Size(s):	212,137.2 sq. ft.												
Total Acreage:	4.87												
Proposed Dwelling Units:	15												
Address:	Not yet assigned.												
Applicant:	Elliot Construction, Inc.												
Applicant's Agent:	Craig Colvin, Colvin Engineering, Inc.												
Land Use Conformity Matrix:	Conforms:			Yes	X	No							
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Airport	None	X					
Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone							

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant	Low Density Residential
North	Agriculture (AG)	Circle K Convenience and Fuel	Commercial
South	Transitional (TR)	Araby Crossing Subdivision	Mixed Use
East	Manufactured Home Park (MHP)	Araby Acres RV Park	Commercial
West	General Commercial (B-2)	Agriculture	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 (7-3-1999)
General Plan Amendment	Yes	X	No	GP-22376-2018 (Resolution # R2018-041)
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Z1999-018 (AG to B-2) (Ord # O99-70)
Subdivision	Yes	X	No	S2007-008, S2007-008-1 (Araby Crossing Subdivision)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 05/01/18 (PDM-21939-2018)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2008-21707
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	

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential
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Noise Contour:	None	Overlay/Specific Area:	N/A
Issues:	Traffic noise from SR-195 and E. 32 nd Street intersection.		
Historic District:	Brinley Avenue	Century Heights	Main Street
Historic Buildings on Site:	Yes	No	X

Transportation Element:

FACILITY PLANS							
Transportation Master Plan		Planned			Existing		
SR- 195 – Principal Arterial		62 FT H/W ROW			129 FT H/W ROW		
32 nd Street – Principal Arterial		62 FT H/W ROW			97 FT H/W ROW		
Median Covenant		Medians and Non-Access Easements already in place.					
Gateway Route	Scenic Route	Hazardous Cargo Route	X	Truck Route	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: Carver Park: None: X
Conforms:	Yes No N/A

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes	No	X
Renewable Energy Source	Yes	No	X
Issues:	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 Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	24	2.8	67	0.13	20,160	22.6	6,720
Minimum							
4		2.8	11	0.02	3,360	3.8	1,120
Fire Facilities Plan:	Existing: Fire Station #5			Future: Fire Station #5			
Water Facility Plan:	Source:	City	X	Private	Connection:	8" PVC line on Crossing Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection:	12" PVC line on Crossing Avenue
Issues:	None						

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X
Issues:	None				

Growth Area Element:						
Growth Area:	Araby Rd & Interstate 8	X	Arizona Ave & 16 th St		Avenue B & 32 nd St.	
	North End		Pacific Ave & 8 th St		Estancia	None
Issues:						

NOTIFICATION

- **Legal Ad Published: The Sun** 02/15/19
- **300' Vicinity Mailing:** 01/21/19
- **34 Commenting/Reviewing Agencies noticed:** 01/24/19
- **Neighborhood Meeting:** 07/26/18
- **Hearing Date:** 03/11/19
- **Comments Due:** 02/04/19

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	01/31/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	01/25/19	X		
Yuma County Planning & Zoning	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	01/24/19		X	
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Ujwal Pandey, Engineering	YES	02/04/19	X		
Kayla Franklin, Fire	YES	01/28/19	X		
Alan Kircher, Building Safety	YES	01/28/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/30/19		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
07/26/18	See Staff Report Attachment
Prop. 207 Waiver	
Mailed to Applicant on 01/15/19 by U.S. Mail	

PUBLIC COMMENTS RECEIVED: