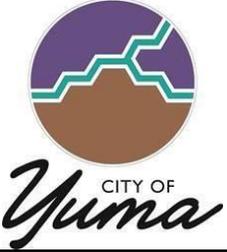


**Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma**

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 April 13, 2020, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p><b>Agenda</b> <b>Planning and Zoning Commission Meeting</b> <b>City Hall Council Chambers</b> <i>One City Plaza Yuma, AZ</i></p> <p><b>Monday, April 13, 2020, 4:30 p.m.</b></p>
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Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona’s Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means.

***City Hall Council Chambers will be closed to the public.***

Members of the public may view the meetings live on City Channels 73 and 72 and live-streamed on the City of Yuma website. Recordings of the meetings will be available on the City’s website after the meeting.

Public comment regarding any **agenda** item shall be limited to those provided in written format to the Planning and Zoning Commission secretary at email address [planning@yumaz.gov](mailto:planning@yumaz.gov) no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

March 23, 2020 (3 of 4 required: *Dammeyer, Beam, Counts, and Arney*)

**WITHDRAWALS BY APPLICANT – NONE**

**TIME EXTENSIONS – NONE**

**CONTINUANCES – NONE**

**APPROVALS –**

1. **CUP-29400-2020:** This is a request by PM Design, on behalf of Hardknocks Limited Partnership, for a Conditional Use Permit to allow a drive-through for a restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District. The property is located approximately 300 feet east of the southeast corner of E. 16th Street and Sunridge Drive, Yuma, AZ.

**PUBLIC HEARINGS – NONE**

**APPEAL HEARINGS –**

1. **VAR-28996-2019:** This is an appeal of a previously denied variance, which was denied by the Hearing Officer on February 13, 2020. The Variance request was to reduce the rear yard setback from 10’ to 6’ 6”, in the Low Density Residential (R-1-6) District, for the property located at 2784 S. 44<sup>th</sup> Trail, Yuma, AZ.

**INFORMATION ITEMS**

1. STAFF
2. COMMISSION

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

## ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

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

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

**Planning and Zoning Commission Meeting Minutes**  
**March 23, 2020**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, March 23, 2020, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

**PLANNING AND ZONING COMMISSION MEMBERS** present Vice-Chairman Dammeyer, and Commissioners Gregory Counts, Barbara Beam, Lorraine Arney. Chairman Hamel was absent. There are two vacancies.

**STAFF MEMBERS** present included Kenneth McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director DCD / Zoning Administrator; and Charysse Casillas, Administrative Assistant.

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

**Dammeyer** stated that the Planning and Zoning Commission meetings were to be conducted remotely through technological means in order to protect the public and reduce the chance of COVID-19 transmission. Because there were no public hearings scheduled for the agenda, the City Hall Council Chambers were closed to the public. Any public comments that were received regarding an agenda were to be read into the record when the referenced agenda item was discussed.

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**CONSENT CALENDAR**

**MINUTES** – February 24, 2020

**Motion by Arney, second by Counts, to APPROVE the Minutes section of the Consent Calendar. Motion carried unanimously (4-0, with 1 absent).**

**WITHDRAWALS BY APPLICANT –**

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. *(This is the second of two public hearings.) (Continued from March 9, 2020)*

**Alyssa Linville, Assistant Director of DCD / Zoning Administrator**, read into the record a comment received by **Jaime Hernandez, 1440 W. 9<sup>th</sup> Avenue**. **Hernandez** opposed the requested action fearing that the development of apartments would decrease property values and increase traffic along 14<sup>th</sup> Avenue.

**CONTINUANCES** – None

**APPROVALS –**

1. **SUBD-29031-2020**: This is a request by Dahl, Robins & Associates, Inc., on behalf of KDC of Yuma, LLC, for approval of the preliminary plat for the Patagonia Subdivision. This subdivision will contain approximately 29.39 acres, and is proposed to be divided into 21 residential lots, ranging in size from 43,581 square feet to 102,795 square feet. The property is located near the southeast corner of Avenue 9E and 24<sup>th</sup> Street, Yuma, AZ. *(Continued from March 9, 2020)*

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

**QUESTIONS FOR STAFF**

**Counts** questioned if the four existing lots on the property required annexation. **Linville** stated the lots were previously annexed into the city limits.

**Motion by Counts, second by Beam, to APPROVE Case Number SUBD-29031-2020. Motion carried unanimously (4-0, with 1 absent).**

2. **CUP-29082-2020:** This is a request by Enterprise Leasing Co of Phoenix, LLC, on behalf of Jim D. Smith, for a Conditional Use Permit for retail sale or rental of goods in the Light Industrial/Airport Overlay (L-I/AD) District, on the property located at 2811 S Ave 2 ½ E, Yuma, AZ. *(Continued from March 9, 2020)*

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

**QUESTIONS FOR STAFF**

None

**Motion by Arney, second by Beam, to APPROVE Case Number CUP-29082-2020. Motion carried unanimously (4-0, with 1 absent).**

3. **ZONE-29231-2020:** This is a request by Dahl, Robins, and Associates, on behalf of Jeffrey Conte, to rezone approximately 18.34 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, for the property located at the northwest corner of Arizona Avenue and 34<sup>th</sup> Street, Yuma, AZ.

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

**QUESTIONS FOR STAFF**

None

**Motion by Beam, second by Counts, to APPROVE Case Number ZONE-29231-2020. Motion carried unanimously (4-0, with 1 absent).**

4. **CUP-29214-2020:** This is a request by Land Development Consultants, LLC., on behalf of Circle K Stores, Inc., for a Conditional Use Permit to allow the retail sale of motor fuels and a convenience market on a 2.28 acre parcel in the Agriculture (AG) / Conditional General Commercial (B-2) District, for the property located at 6544 E. 32<sup>nd</sup> Street.

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

**QUESTIONS FOR STAFF**

None

**Motion by Counts, second by Arney, to APPROVE Case Number CUP-29214-2020. Motion carried unanimously (4-0, with 1 absent).**

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**PUBLIC HEARINGS** – None

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**INFORMATION ITEMS**

**Staff**

**Linville** commented there were two new Commissioners appointed and they would be present for the next meeting.

**Commission**

None

**Public**

None

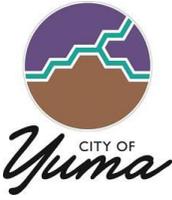
**ADJOURNMENT**

**Dammeyer** adjourned the meeting at 4:50 p.m.

Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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Vice - Chairman



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

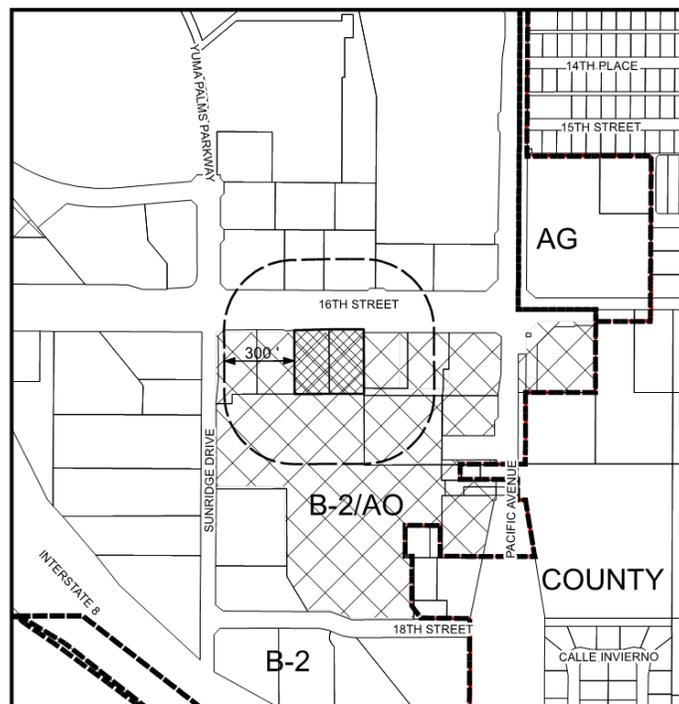
**Hearing Date:** April 13, 2020

**Case Number:** CUP-29400-2020

**Project Description/Location:** This is a request by PM Design, on behalf of Hardknocks Limited Partnership, for a Conditional Use Permit to allow a drive-through for a restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District. The property is located approximately 300 feet east of the southeast corner of E. 16<sup>th</sup> Street and Sunridge Drive, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	Commercial
North	General Commercial (B-2)	Panda Express	Commercial
South	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	Commercial
East	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	Commercial
West	General Commercial/Aesthetic Overlay (B-2/AO)	Freddy's Frozen Custard & Steamburgers	Commercial

**Location Map:**



**Prior site actions:** Pre-Annexation Agreement: R2015-021; Annexation: O2015-051;  
Conditional Use Permit: CUP-13479-2016 (Cane's drive-through) expired;  
Design Review Commission: DHRC-13691-2016 (04/27/16) expired.

**Staff Recommendation:** Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through for a restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Conditional Use Permit CUP-29400-2020 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 PM Design, on behalf of Hardknocks Limited Partnership, to allow a drive-through for a restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District. The property is located approximately 300 feet east of the southeast corner of E. 16<sup>th</sup> Street and Sunridge Drive, Yuma, AZ, 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:** This request is for drive-through lanes for a proposed Raising Cane's Chicken Fingers 3,198 square foot restaurant. It will have both indoor and outdoor seating. The drive-through is designed to accommodate 17 queued vehicles.

The property owner will be completing a lot split/lot tie to add approximately 18.88 feet to the width of the Raising Cane's parcel on the east side to provide for adequate space for the drive-through and circulation. The result will be a 1.05 acre parcel.

A prior CUP for Raising Cane's was approved in 2016, which had a different layout, circulation, and property boundaries. The CUP expired in 2017 since no work commenced, and the applicant at the time withdrew the proposal.

Additionally, the exterior appearance of the Raising Cane's building, and other site features, needs the aesthetic review and approval of the Design and Historic Review Commission (DHRC). A prior DHRC case was also approved in 2016. Due to the relocation of structures and access, a new DHRC case will need to be reviewed at a future hearing.

Antonio Martinez, Community Liaison Specialist, of the Marine Corps Air Station-Yuma, notes:

"The requested use is compatible with Marine Corps Order 11010.36C Air Installations Compatible Use Zones with the following conditions: Maximum buildable space (Floor Access Ratio) is 24%. The subject parcel is located within the Accident Potential Zone II for Runway 17."

This condition about buildable area is not yet adopted or enforceable, yet is included as an informational comment.

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

None The neighborhood is commercial with several other similar uses along this portion of 16<sup>th</sup> Street.

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Non-issue	
B.	Parking	Non-issue	
C.	Lighting	Will verify light does not trespass.	5
D.	Hours of Operation	Non-issue	
E.	Indoor/Outdoor Activities	Non-issue	
F.	Noise	Non-issue	
G.	Air Quality	Non-issue	
H.	Hazardous Materials	Non-issue	
I.	Crime Prevention (CPTED)	Non-issue	
J.	Other	The site plan shows part of the new development on an adjacent property.	4

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

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

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

Yes No changes to the existing 16<sup>th</sup> Street driveway locations are proposed. Access will be of sufficient width to accommodate traffic and emergency vehicles.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
16 <sup>th</sup> Street- Principal Arterial 6 Lane	62 FT H/W ROW	84 FT H/W ROW	-22 FT	0 FT

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

Yes Yes, the City Council approved Development Agreements for Gomez Plaza.

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

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

Yes The Planning and Zoning Commission has the authority to review and approve the request as per Section 154-08.04(E)(3 & 4).

**(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 new use will fit in with similar uses along 16<sup>th</sup> Street, and should not create a significant change to the neighborhood.

**(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 points of access already exist. Vehicular access to the site will be off a private access road. This will provide safe and convenient access to surrounding public streets; to both 16<sup>th</sup> Street and Pacific Avenue.

**(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 There is no existing or contemplated residential development in the vicinity.

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

Yes New construction will be at a similar height as nearby existing construction, and it will be compatible with other developments in the neighborhood.

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

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

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

Yes New landscaping will be concentrated along the right-of-way and other property boundaries. It will be designed to incorporate CPTED goals of allowing visibility, and with no areas hidden from monitoring for crime prevention.

**Public Comments Received:** None Received.

**External Agency Comments:** See Attachment D.

**Neighborhood Meeting Comments:** No Meeting Required.

**Discussions with Applicant/Agent:** 09/09/2019

**Proposed conditions delivered to applicant on:** 03/13/2020

**Final staff report delivered to applicant on:** 04/01/2020

- Applicant agreed with all of the conditions of approval on: 03/16/2020  
 Applicant did not agree with the following conditions of approval: (list #'s)

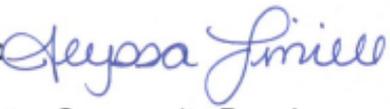
**ATTACHMENTS:**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Conditions of Approval	Site Plan	Elevations	External Agency Comments	Aerial Photo	Staff Research

**Prepared By:**   
Robert M. Blevins,  
Principal Planner

**Date:** 3/18/20

Robert.Blevins@yumaaz.gov (928) 373-5189

**Approved By:**   
Alyssa Linville  
Assistant Director Community Development

**Date:** 03/18/20

**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) 373-5000, ext 3037:**

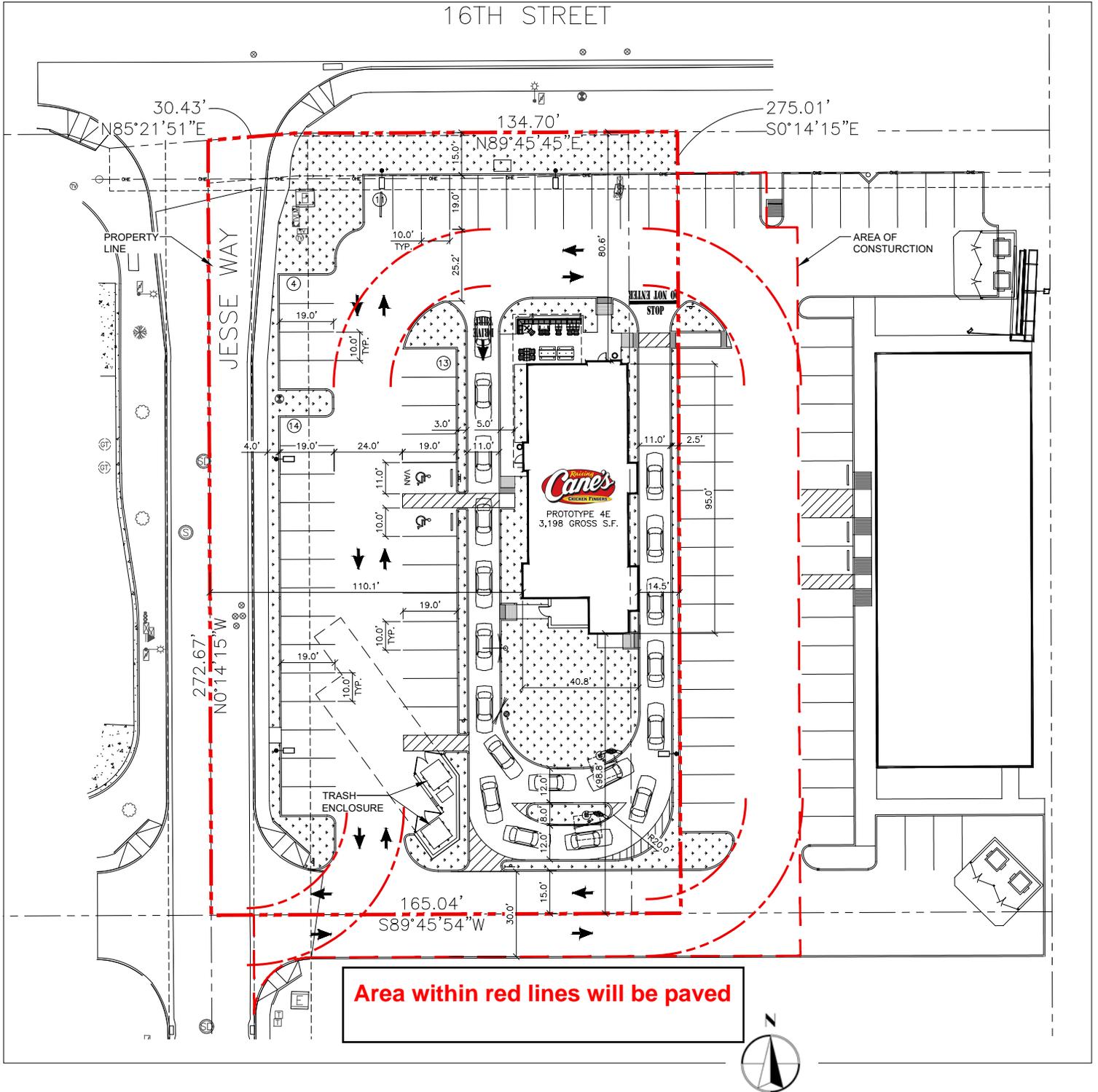
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

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

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. A lot split/tie is to be completed prior to the submittal of any building or grading permit.
5. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downwards so as not to have light trespass onto the right-of-way or neighboring properties. As part of the electrical and building permit process, a photometric data site plan must be submitted, showing the light emissions to be contained upon the property. If using LED exterior lighting, the color temperature of the LEDs must be 3000 K or lower.
6. The trash enclosure must be of block construction with solid gates and the entire enclosure coated with an anti-graffiti coating and painted to compliment the main development on the property.
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.
8. 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.
9. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

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

**ATTACHMENT B  
SITE PLAN**



# ATTACHMENT C ELEVATIONS



FRONT ENTRY ELEVATION  
SCALE: 1" = 12'-0"



DRIVE THRU ELEVATION  
SCALE: 1" = 12'-0"



SIDE ENTRY ELEVATION  
SCALE: 1" = 12'-0"



REAR ELEVATION  
SCALE: 1" = 12'-0"

**ATTACHMENT D  
EXTERNAL AGENCY COMMENTS**

COMMENT     NO COMMENT

*Enter comments below:*

If this request were to be in Yuma County's jurisdiction, Special Use permits are required for facilities in the Local commercial zoning district, but not in the General Commercial zoning district. The request appears to be satisfactory as per YC development standards.

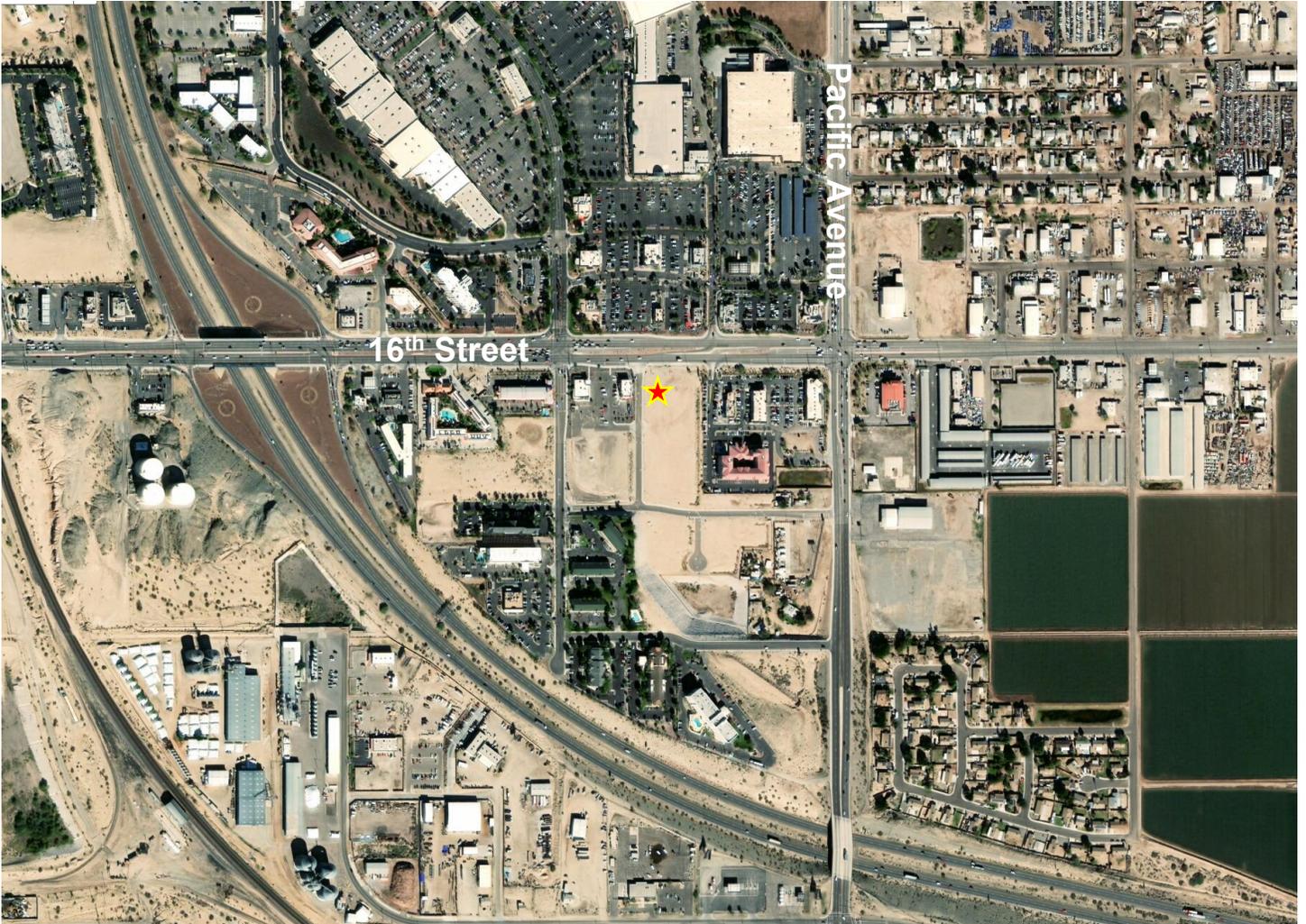
DATE:                    2/27/20                    NAME: Javier Barraza                    TITLE: Senior Planner  
AGENCY:                    DDS/Planning & Zoning Section

Condition(s)                     No Condition(s)                     Comment

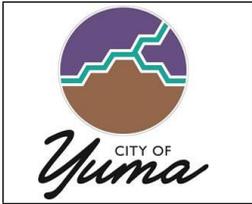
Enter conditions here: MCAS Yuma has reviewed the request for APN 665-40-046 and portion of 665-40-047. The subject parcel is located within the Accident Potential Zone II for Runway 17. The requested use is compatible with Marine Corps Order 11010.36C Air Installations Compatible Use Zones with the following conditions: Maximum buildable space (Floor Access Ratio) is 24%. Thank you for the opportunity to comment.

DATE:                    12 Mar 2020                    NAME: Antonio Martinez                    TITLE: Community Liaison Specialist  
CITY DEPT:                    MCAS Yuma  
PHONE:                    928-269-2103                    

ATTACHMENT E  
AERIAL PHOTO



**ATTACHMENT F**  
**STAFF RESEARCH**



**STAFF RESEARCH – CONDITIONAL USE PERMIT**

**CASE #: CUP-29400-2020  
CASE PLANNER: BOB BLEVINS**

**I. PROJECT DATA**

Project Location:		Approximately 300 feet east of the southeast corner of E. 16 <sup>th</sup> Street and Sunridge Drive												
Parcel Number(s):		665-40-046 and a portion of 665-40-047												
Parcel Size(s):		45,830 sq. ft.												
Total Acreage:		1.05												
Proposed Dwelling Units:		None												
Address:		Not yet assigned												
Applicant:		Hardknocks Limited Partnership												
Applicant's Agent:		PM Design												
Land Use Conformity Matrix:		Conforms:		YES		NO								
Zoning Overlay:		Public	AO	Auto		B&B		Historic		Infill	X	None		
Airport	Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone		
	<b>Existing Zoning</b>			<b>Use(s) on-site</b>				<b>General Plan Designation</b>						
<b>Site</b>	General Commercial/Aesthetic Overlay (B-2/AO)			Vacant				Commercial						
<b>North</b>	General Commercial (B-2)			Panda Express				Commercial						
<b>South</b>	General Commercial/Aesthetic Overlay (B-2/AO)			Vacant				Commercial						
<b>East</b>	General Commercial/Aesthetic Overlay (B-2/AO)			Vacant				Commercial						
<b>West</b>	General Commercial/Aesthetic Overlay (B-2/AO)			Freddy's Frozen Custard & Steakburgers				Commercial						
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement		Yes	X	No		R2015-021								
Annexation		Yes	X	No		O2015-051								
General Plan Amendment		Yes		No		N/A								
Development Agreement		Yes		No		N/A								
Rezone		Yes		No		N/A								
Subdivision		Yes		No		N/A								
Pre-Development Meeting		Yes	X	No		PDM-27740-2019 (09/19/2019)								
Conditional Use Permit		Yes	X	No		CUP-13479-2016 (Cane's drive-through) expired.								
Design Review Commission		Yes	X	No		DHRC-13691-2016 (04/27/16) expired.								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes	X	No		Fee # 2015-25411								
Land Division Status:		Parcels are legal lots of record.												
Irrigation District:		None												
Water Conversion Agreement Required		Yes		No	X									
Adjacent Irrigation Canals & Drains:		None												

Transportation Element:							
FACILITY PLANS							
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck	
16 <sup>TH</sup> STREET – PRINCIPAL ARTERIAL 6 LANE	62 FT H/W ROW	84 FT H/W ROW	X			X	
Bicycle Facilities Master Plan	Pacific Avenue – Existing Bike Lane						
YCAT Transit System	16 <sup>th</sup> Street – Red Route						
ISSUES:	None						
<u>DETAILED NARRATIVE</u>	<p>This request is for drive-through lanes for a proposed Raising Cane's Chicken Fingers 3,198 square foot restaurant. The drive-through is designed to accommodate 17 queued vehicles.</p> <p>The property owner will be completing a lot split/lot tie to add 18.88 feet to the east side of the Raising Cane's parcel to provide for adequate space for the drive-through and circulation.</p> <p>A prior CUP for Raising Cane's was approved in 2016, which had a different layout, circulation, and property boundaries. The CUP expired in 2017 since no work commenced, and the applicant at the time withdrew the proposal.</p> <p>Additionally, the exterior appearance of the Raising Cane's building, and other site features, need the review and approval of the Design and Historic Review Commission (DHRC).</p> <p>A prior DHRC case was also approved in 2016. Due to the relocation of structures and access, a new DHRC case will need to be reviewed at a future hearing.</p>						
EXCEPTION TO DEVELOPMENT STANDARDS?	Yes		No	X			

**NOTIFICATION**

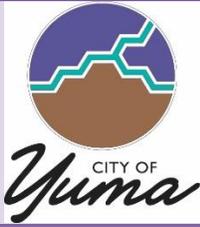
- Legal Ad Published: The Sun 03/20/20
- 300' Vicinity Mailing: 02/24/20
- 34 Commenting/Reviewing Agencies noticed: 02/27/20
- Site Posted on: 04/06/20

- Hearing Date: 04/13/20
- Comments due: 03/09/20

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	02/27/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	02/27/20	X		
Yuma County Planning & Zoning	YES	02/27/20		X	X
Yuma County Assessor	YES	02/27/20	X		
Arizona Public Service	NR				
Spectrum Cable	YES	02/27/20	X		
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	02/27/20	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 Co.	NR				
Western Area Power Administration	YES				
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Franklin, Fire	YES	02/17/20	X		
Alan Kircher, Building Safety	YES	02/27/20	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03/12/20		X	X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
NOT REQUIRED	Staff Report Attachment D for Agency Comments
<b>Prop. 207 Waiver</b>	
Received by Owner's signature on the application for this land use action request.	

**PUBLIC COMMENTS RECEIVED: NONE**



DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING  
MEMORANDUM

**MEETING DATE:** April 13, 2020

**TO:** Members of the City of Yuma's Planning and Zoning Commission

**FROM:** Amelia Griffin, Assistant Planner, (928) 373-5000, ext. 3034

**SUBJECT:** Appeal of Hearing Officer Determination (VAR-28996-2019)

RE: 2784 S. 44<sup>th</sup> Trail

The subject property, located at the above referenced address, is currently being developed with a single-family residence. Upon submittal of a site plan, it was determined that the placement of the patio for the smallest model home offered in this subdivision, would not meet the required rear yard setback. The zoning code requires a 10' rear yard setback in the R-1-6 zoning district. The property owner's desire was to reduce the rear yard setback from 10' to 6' 6" for the placement of the patio.

After analyzing the request, staff was unable to recommend approval. Staff was able to identify a special circumstance related to the shape of the lot. However, the special circumstance was created by the property owner during the design of the subdivision. It is during the design of the subdivision that the developer should ensure that each lot can accommodate at least one standard housing option. While the variance request did not warrant a recommendation of approval it can be stated that the location of the patio would not impact neighboring properties. The proposed patio would be located along the exterior of the subdivision adjacent to an enhancement area maintained by a Municipal Improvement District (MID).

On February 13, 2020, the Hearing Officer denied the property owner's variance request to reduce the rear yard setback from 10' to 6' 6" for the construction of a patio, finding that the special circumstance was created by the property owner and the granting of the variance was not necessary for the preservation of substantial property rights enjoyed by other property owners. Following the denial from the Hearing Officer, the applicant filed an appeal.

According to the City of Yuma's Zoning Code, §154-02.02 (C), "*All variance decisions from the Hearing Officer are appealable to the Planning and Zoning Commission for the purposes of A.R.S. § 9-462.06.A.*" The City of Yuma's Zoning Code, §154-03.04 (D), allows the Hearing Officer to grant a variance when the findings of fact are made that all four (4) of the following criteria exist:

1. There is a special circumstance(s) or condition(s), applying to the property or building referred to in the application and which does not apply to most other properties in the district;
2. That such special circumstance(s) was not created, or caused, by the property owner or applicant;

VAR-28996-2019

April 13, 2020

3. The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity under identical zoning designations; and
4. The granting of the variance shall not be materially detrimental to any person(s) residing, or working, in the vicinity, to adjacent property, to the neighborhood or to the public health, safety and general welfare.

The Planning and Zoning Commission will now sit as a quasi-judicial appellate body and is tasked with reviewing the original staff report and the minutes from the February 13, 2020 Hearing Officer Meeting. Staff takes a neutral position during this appeal hearing and does not provide a recommendation to the Planning and Zoning Commission in its review. When reviewing this Appeal, the Planning Commission is empowered to consider whether the requested relief from the strict application from the zoning requirements meets the four (4) criteria for the requested relief to be granted and the variance issued. This inquiry is fact based and involves the evaluation of the variance criteria against the unique characteristics of the subject property. The Planning Commission may give deference to the prior determination of the Hearing Officer but is not bound by that prior decision.

Sincerely,

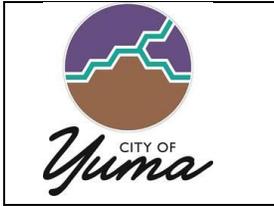


Amelia Griffin  
Assistant Planner

Enclosures:

Attachment A February 13, 2020 Staff Report

Attachment B February 13, 2020 Hearing Officer Minutes



**STAFF REPORT TO THE HEARING OFFICER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE – VARIANCE  
Case Planner: Amelia Griffin**

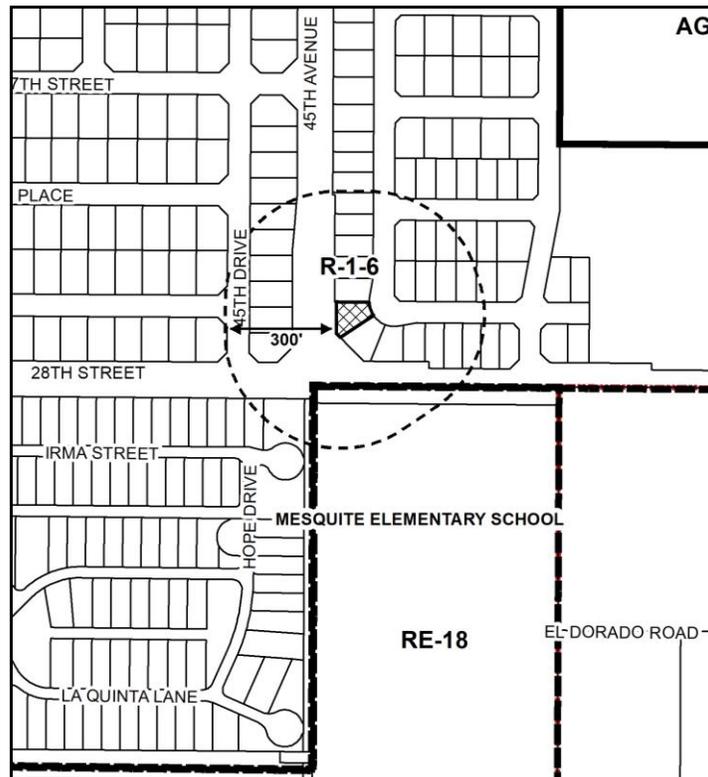
**Hearing Date:** February 13, 2020

**Case Number:** VAR-28996-2019

**Project Description/Location:** This is a request by Mayra Cobian, on behalf of Park West Yuma Development, LLC, for a variance to reduce the rear yard setback from 10' to 6' 6", in the Low Density Residential (R-1-6) District, for the property located at 2784 S. 44<sup>th</sup> Trail, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
<b>North</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
<b>South</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
<b>East</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

**Location Map:**



**Prior site actions:** Pre-Annexation Agreement: R2012-30 (March 22, 2013); Annexation: Ord. #O2013-30 (June 14, 2013); General Plan Amendment: R2013-18 (March 11, 2013) Rezone: Ord. #2013-30 (June 14, 2013); Subdivision: Park West Unit No. 4 Final Plat (October 31, 2018)

**Staff recommendation:**

Staff recommends **DENIAL** of the request to reduce the rear yard setback from 10' to 6' 6" in the Low Density Residential (R-1-6) District, for the property located at 2784 S. 44<sup>th</sup> Trail, Yuma, AZ, because it does not meet the criteria of §154-.03.04 of the Yuma City Code. Although Staff is not recommending a variance for the aforementioned items, if a variance is granted Staff recommends that the variance be conditioned to include conditions listed in Attachment A.

**Staff Analysis:**

The subject property is located in the Park West Unit No. 4 and is zoned Low Density Residential (R-1-6). The minimum lot size for this zoning district is 6,000 square feet. The required setbacks are as follows: front yard is 20 feet, side yard is 7 feet, and 10 feet in the rear.

This property is one of the few irregularly shaped lots in this subdivision and per the developer, the placement of the patio of the smallest model home would not meet the required setbacks. The provided site plan shows that in order to fit the patio on this irregularly shaped lot, a variance would be required.

The applicant is requesting to reduce the rear yard setback from 10' to 6' 6'. After further review of the property, staff has determined that the special circumstance was created by the property owner and therefore should meet the setback requirements for the Low Density Residential Single Family Residential (R-1-6) District. The subject property is 6,637 square feet which exceeds the 6,000 square foot minimum lot size for this zoning district. The developer could propose an alternative patio option that would meet setback requirements.

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

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

Is this statement correct for this application?

Yes

No

**Applicant Response:** "Lot 298 is an irregular shaped lot on a curve in Parkwest subdivision. The irregularities are caused by the lots position on the curve, the large angle on the west side of the lot and the overall reduction of 5 feet of lot depth for the improvements for the corner of 45th Avenue and 28th Street. Due to all of these special circumstances none of the models offered in Parkwest will fit this specific lot. A variance for the rear yard setback from 10 feet to 6.5 feet will be required to build model 1405 on this lot."

**Staff Analysis:** The subject property, located in the Park West Unit No. 4 Subdivision is situated near the intersection of S. 44<sup>th</sup> Trail and W. 27<sup>th</sup> Lane. The property was developed within the City and was therefore subject to all City Standards. The required setbacks for the Low Density Residential District (R-1-6) are as follows: 20' front yard setback, 7' side yard setback, 10' street side setback, and a 10' rear yard setback. The position of the lot along a cul-de-sac resulted in an irregularly shaped property. Overall, the majority of properties located within the subdivision are rectangular in shape.

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *"This request for a variance was not caused by the property owner. Instead due to the circumstances of the irregularities; position, angle and depth reduction, as outlined above. A variance from 10 feet to 6.5 feet to build on lot 298."*

**Staff Analysis:** The special circumstance was created by the property owner. The subject property, located within Park West Unit. No. 4 was subdivided in October 2018 by the current property owner. The minimum lot size for the Low Density Residential (R-1-6) District is 6,000 square feet and the subject property is 6,637 square feet and therefore exceeds the minimum size requirement for this zoning district.

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *"A variance on the rear yard setback from 10 feet to 6.5 feet will not interfere or disturb neighborhood properties. In addition, public health, safety and general welfare will remain up kept in granting this variance. A rear yard setback from 10 feet to 6.5 feet will not be materially detrimental."*

**Staff Analysis:** The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. There are alternative patio options that could meet setback requirements.

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *"The granting of the variance will keep consistency throughout the neighborhood and preserve the value and appearance throughout the subdivision."*

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

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

**Public Comments Received:** None received.

**External Agency Comments:** No comments received.

**Neighborhood Meeting**

No Meeting Required.

**Proposed conditions delivered to applicant on:** January 29, 2020

**Final staff report delivered to applicant on:** February 6, 2020

- Applicant agreed with all of the conditions of approval on: January 29, 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
Conditions of Approval	Site Plan	Staff Research

Prepared By: *Amelia Griffin* Date: *02/05/20*  
Amelia Griffin  
Assistant Planner Amelia.Griffin@yumaaz.gov (928)373-5000, ext. 3034

Approved By: *Alyssa Linville* Date: *02/05/20*  
Alyssa Linville,  
Assistant Director Community Development

**ATTACHMENT A  
CONDITIONS OF APPROVAL**

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

**Department of Community Development Comments: Alyssa Linville, Community Development Assistant Director (928) 373-5175:**

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

**Community Planning: Amelia Griffin, Assistant Planner, (928) 373-5000 ext. 3034**

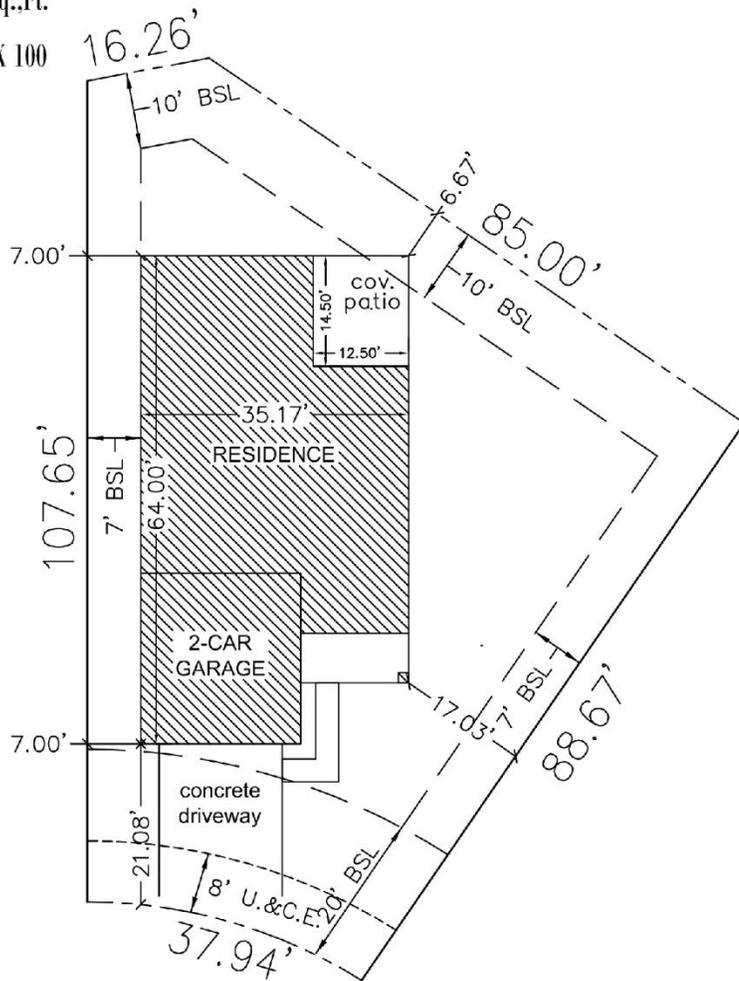
3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within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

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

**ATTACHMENT B  
SITE PLAN**

IT IS NOT A REPRESENTATION TO PURCHASER. IT IS A COURTESY OF THE CITY OF YUMA. IT IS ADVISED THAT THIS IS THE RIGHT OF FIRST NOTICE TO BUYER.

**% Lot Coverage**  
 Lot Area: 6637 Sq..ft.  
 =  $\frac{1736 \text{ Sq..ft.}}{6637 \text{ Sq..ft.}} \times 100$   
 = 26.2 %



Plan: 1405  
 Elevation: B

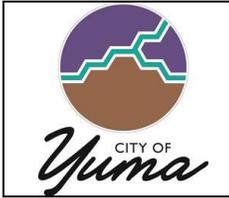
**LOT #298**  
**Park West 4**  
**2784 South 44th Trail**

44TH TRAIL

**298**

  
**H B C**  
 HOMES  
 3064 S. AVE B YUMA, ARIZONA  
 TELEPHONE (928) 782-3072

**ATTACHMENT C**  
**STAFF RESEARCH**



**STAFF RESEARCH – VARIANCE  
CASE #: VAR-28996-2019  
CASE PLANNER: AMELIA GRIFFIN**

**I. PROJECT DATA**

General Location		Located near the intersection of S. 44 <sup>th</sup> Trail and W. 27 <sup>th</sup> Lane												
Parcel Number(s)		693-15-298												
Parcel Size(s)		6,637 square feet												
Total Acreage		.15 acres												
Proposed Dwelling Units		1 proposed												
Address		2784 S. 44 <sup>th</sup> Trail												
Applicant		Park West Yuma Development, LLC												
Applicant's Agent		Mayra Cobian												
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
	<b>Existing Zoning</b>				<b>Use(s) on-site</b>				<b>General Plan Designation</b>					
<b>Site</b>	Low Density Residential (R-1-6)				Single Family Residence				Low Density Residential					
<b>North</b>	Low Density Residential (R-1-6)				Single Family Residence				Low Density Residential					
<b>South</b>	Low Density Residential (R-1-6)				Single Family Residence				Low Density Residential					
<b>East</b>	Low Density Residential (R-1-6)				Single Family Residence				Low Density Residential					
<b>West</b>	Low Density Residential (R-1-6)				Single Family Residence				Low Density Residential					
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>					<u>Cases, Actions or Agreements</u>							
Pre-Annexation Agreement		Yes	X	No		R2012-30 (March 22, 2013)								
Annexation		Yes	X	No		Ord. #O2013-30 (June 14, 2013)								
General Plan Amendment		Yes	X	No		R2013-18 (March 11, 2013)								
Development Agreement		Yes		No		N/A								
Rezone		Yes		No		Ord. #O2013-30 (June 14, 2013)								
Subdivision		Yes	X	No		Park West Unit No. 4 (October 31, 2018)								
Conditional Use Permit		Yes		No		N/A								
Pre-Development Meeting		Yes		No		N/A								
Design Review Commission		Yes		No		N/A								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes	X	No		Fee # 2013-12945								
Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)													No	
Does the proposed variance meet the criteria of §154-03.04(D) of the Yuma City Code?													No	

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *“Lot 298 is an irregular shaped lot on a curve in Parkwest subdivision. The irregularities are caused by the lots position on the curve, the large angle on the west side of the lot and the overall reduction of 5 feet of lot depth for the improvements for the corner of 45<sup>th</sup> Avenue and 28<sup>th</sup> Street. Due to all of these special circumstances none of the models offered in Parkwest will fit this specific lot. A variance for the rear yard setback from 10 feet to 6.5 feet will be required to build model 1405 on this lot.”*

**Staff analysis:** The subject property, located in the Park West Unit No. 4 Subdivision is situated near the intersection of S. 44<sup>th</sup> Trail and W. 27<sup>th</sup> Lane. The property was developed within the City and was therefore subject to all City Standards. The required setbacks for the Low Density Residential District (R-1-6) are as follows: 20’ front yard setback, 7’ side yard setback, 10’ street side setback, and a 10’ rear yard setback. The position of the lot along a cul-de-sac resulted in an irregularly shaped property. Overall, the majority of properties located within the subdivision are rectangular in shape.

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *“This request for a variance was not caused by the property owner. Instead due to the circumstances of the irregularities; position, angle and depth reduction, as outline above. A variance from 10 feet to 6.5 feet to build on lot 298.”*

**Staff analysis:** The special circumstance was created by the property owner. The subject property, located within Park West Unit. No. 4 was subdivided in October 2018 by the current property owner. The minimum lot size for the Low Density Residential (R-1-6) District is 6,000 square feet and the subject property is 6,637 square feet and therefore exceeds the minimum size requirement for this zoning district.

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

Is this statement correct for this application?

Yes  No

**Applicant Response:** *“A variance on the rear yard setback from 10 feet to 6.5 feet will not interfere or disturb neighborhood properties. In addition, public health, safety and general welfare will remain up kept in granting this variance. A rear yard setback from 10 feet to 6.5 feet will not be materially detrimental.”*

**Staff analysis:** The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. There are alternative patio options that could meet setback requirements.

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

Is this statement correct for this application?

Yes       No

**Applicant Response:** *“The granting of the variance will keep consistency throughout the neighborhood and preserve the value and appearance throughout the subdivision.”*

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

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## NOTIFICATION

- **Legal Ad Published: The Sun** (01/24/20)
- **300' Vicinity Mailing:** (01/15/20)
- **Site Posted on:** (02/06/20)
- **34 Commenting/Reviewing Agencies Noticed:** (01/15/20)
- **Neighborhood Meeting Date:** (N/A)
- **Hearing Date:** (02/13/20)
- **Comments Due:** (02/27/20)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	1/16/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	1/15/20	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	1/15/20	X		
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	1/16/20	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	1/22/20	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	YES	1/15/20	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	1/21/20	X		
Alan Kircher, Building Safety	YES	1/16/20	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	1/23/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

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

Hearing Officer Meeting Minutes  
February 13, 2020

A meeting of the City of Yuma's Hearing Officer was held on Thursday, February 13, 2020, at City Hall Room 190, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Pamela Walsma.

**CITY OF YUMA STAFF MEMBERS** present included Kenneth McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Amelia Griffin, Assistant Planner; Jessenia Juarez, Administrative Assistant.

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

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**CONSENT CALENDAR**

**Walsma** approved the minutes of January 23, 2020.

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**PUBLIC HEARINGS**

**VAR-28996-2019:** This is a request by Mayra Cobian, on behalf of Park West Yuma Development, LLC, for a variance to reduce the rear yard setback from 10' to 6' 6", in the Low Density Residential (R-1-6) District, for the property located at 2784 S. 44<sup>th</sup> Trail, Yuma, AZ.

**Amelia Griffin, Assistant Planner**, summarized the staff report, recommending **DENIAL**.

**QUESTION FOR STAFF**

**Walsma** asked if the residence had already been built. **Griffin** replied yes.

**Walsma** then asked if there were safety concerns associated with the requested variance. **Griffin** stated no.

**Walsma** questioned if the recommendation for denial was based on the request not meeting the four criteria, and Staff's finding that the special circumstance was created by the property owner. **Griffin** stated yes, and added it also did not meet the criteria for the preservation of substantial property rights.

**Kenneth (Scott) McCoy, Assistant City Attorney**, mentioned the property is subject, to a municipal improvement district that was formed for the Park West subdivision. **McCoy** stated that the is improvement district was responsible for perimeter landscaping around the subdivision. This property was located on the perimeter, and while the perimeter may look barren now, in the future the municipal improvement district intends to fund landscaping improvements.

**Walsma** asked if the variance affected the appearance of the planned perimeter landscaping. **McCoy** stated no. **Walsma** asked if in the past other new developments received setback variances for odd shaped lots. **McCoy** deferred to Planning Staff.

**Alyssa Linville, Assistant Director Community Development**, stating this new subdivision had not received any variances, adding that the granting of this variance would set precedent. **Linville** went on to say that other lots within subdivisions under different zoning designations have received variances for setbacks. **Linville** added there are alternatives for the patio that could be built without the need for a variance.

**Walsma** asking if that would be a redesign of the patio. **Linville** stated yes.

**APPLICANT/APPLICANTS REPRESENTATIVE**

Mayra Cobian, representing Halls General Contractor, 3064 S. Ave B, Yuma, AZ said she had no questions.

**OPEN PUBLIC COMMENT**

None

**DECISION**

**Walsma** denied the variance, finding that the Special Circumstance was created by the Property Owner or applicant, and that it was not necessary to preserve substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations and there is no special circumstance that applies to the property. She added there are other options for the design of the patio that would then meet requirements.

**Walsma** adjourned the meeting at 9:40 a.m.

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Minutes approved and signed this 27<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Pamela Walsma, Hearing Officer