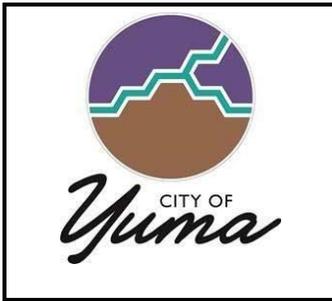


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

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 June 8, 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, June 8, 2020, 4:30 p.m.

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 along with limited public, in-person access, consistent with social distancing requirements.

City Hall Council Chambers will be open with limited public access.

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 can be provided in written format to the Planning and Zoning Commission secretary at email address planning@yumaaz.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

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

May 11, 2020 (3 of 5 required: *Dammeyer, Counts, Arney, Scott, and Edgar*)

WITHDRAWALS BY APPLICANT – NONE

TIME EXTENSIONS – NONE

CONTINUANCES – NONE

APPROVALS – NONE

PUBLIC HEARINGS

1. **CUP-30101-2020:** This is a request by Steven L. Rhodes, on behalf of Jim D. Smith, for a Conditional Use Permit to allow retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 639 E. 39th Street, Yuma, AZ.

INFORMATION ITEMS

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

ADJOURN

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

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

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

**Planning and Zoning Commission Meeting Minutes
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 Battaile 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

**Planning and Zoning Commission Meeting Minutes
May 11, 2020**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, May 11, 2020, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present Commissioners Gregory Counts, Lorraine Arney, Joshua Scott, Fred Dammeyer and Janice Edgar. Chairman Chris Hamel and Commissioner Barbra Beam was absent.

STAFF MEMBERS present included Kenneth McCoy, Assistant City Attorney; Rodney Short, Deputy City Attorney, attended the meeting (outside of the meeting room) to assist anyone from the public who wanted to speak on an item or who may have questions regarding an item; Alyssa Linville, Assistant Director DCD; and Charysse Casillas, Administrative Assistant.

Commissioner Dammeyer called the meeting to order at 4:39 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – January 27, 2020

April 27, 2020

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS –

Motion by Arney, second by Edgar, to APPROVE the Consent Calendar as amended with the deferral of the minutes from January 27, 2020 to a future meeting, and removing Case # SUBD-29684-2020 from Consent for further discussion. Motion carried unanimously (5-0, with 2 absent).

1. **SUBD-29684-2020**: This is a request by Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc., for approval of the preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision. This subdivision contains approximately 40.89 acres and is proposed to be divided into 177 residential lots, ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 1/2E, Yuma, AZ.

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Arney, second by Edgar, to APPROVE Case Number SUBD-29684-2020, subject to the Conditions of Approval as listed in the Staff Report. Motion carried unanimously (5-0, with 2 absent).

PUBLIC HEARINGS – None

APPEAL HEARINGS - None

INFORMATION ITEMS

Staff

None

Commission

None

Public

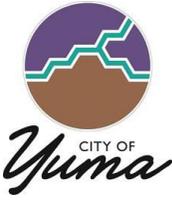
None

ADJOURNMENT

Dammeyer adjourned the meeting at 4:44 p.m.

Minutes approved this _____ day of _____, 2020

Chairman



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

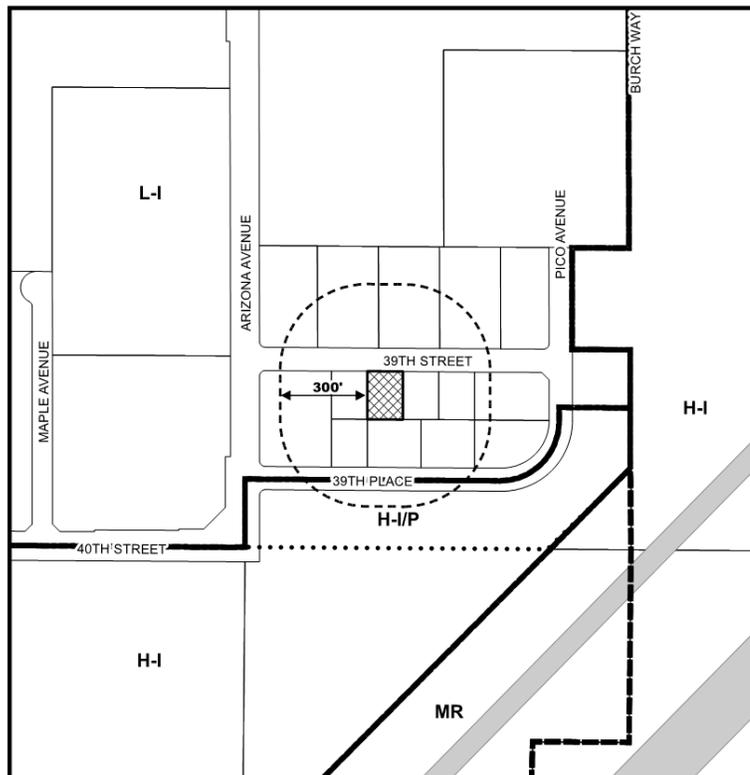
Hearing Date: June 8, 2020

Case Number: CUP-30101-2020

Project Description/Location: This is a request by Steven L. Rhodes, on behalf of Jim D. Smith, for a Conditional Use Permit to allow retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 639 E. 39th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Airport District (L-I/AD)	Vacant Building	Industrial
North	Light Industrial/Airport District (L-I/AD)	Vacant Land	Industrial
South	Light Industrial/Airport District (L-I/AD)	Contractor's Offices	Industrial
East	Light Industrial/Airport District (L-I/AD)	Vacant Land	Industrial
West	Light Industrial/Airport District (L-I/AD)	Vacant Land	Industrial

Location Map:



Prior site actions: Annexation: Ord. 1889 (12/28/1979); Subdivision: S81-10 (Triple S Industrial Park Unit 1).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow retail in the Light Industrial/Airport Overlay (L-I/AD) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-30101-2020 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 Steven L. Rhodes Sr., on behalf of Jim D. Smith, to allow retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 639 E. 39th Street, 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: BDG Custom Creations is requesting a Conditional Use Permit for a retail business at 639 E. 39th Street, which is located in the Light Industrial (L-I) Zoning District.

BDG Custom Creations is a company specializing in the application of custom decorations, printing, embroidery, sublimation printing, laser engraving, sand engraving, and impact engraving. In addition, they custom decorate apparel, gifts, and awards. Limited retail sales of school uniforms, business attire, gifts, and awards will also be available to the public. Presently, the business has 3 employees. The company will operate Monday- Friday from 9am to 6pm during the months of July through October and Monday- Friday between 10am to 5pm during the months of November through June.

The current construction of the building is compatible with the general use of their operation, therefor not requiring any modifications to the building, site or landscaping.

The existing building is approximately 2,882 square feet. It was built in 1995 on a 0.47 acre property and was last occupied by an adult boutique. The property provides adequate off-street parking and lighting, meeting the City of Yuma zoning standards. The existing landscape may need to be replaced to meet the code requirement.

The parking requirement for the purpose of this space to be utilized as an office, showroom/retail, manufacturing, and warehousing are as follows: One space for each 300 square feet of gross floor area to be provided for the office, one space for each 400 square feet of gross floor area for showroom/retail area, one space for each 500 square feet of gross floor area for manufacturing, and one space for each 1,500 square feet of gross floor area for warehousing. According to the parking requirements, a total of 7 spaces must be provided for the use of off-street

parking; 1 space for warehousing, and 2 spaces for office areas, 3 spaces for showroom/retail area, and 1 space for manufacturing area. Currently the property has paved access and 10 parking stalls on site, meeting the requirements of the City of Yuma Zoning Code.

Exterior lighting, if changed, must be reviewed to ensure there is sufficient security while keeping the light on the property. Since the property is in the 75dB+ noise zone, an outdoor to indoor noise reduction level of 30 decibels was incorporated into the design and construction of this building and must be maintained.

The properties to the north, east, and west are vacant. The property to the south is used as an industrial building for a battery and electrical supply contractor.

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	Landscaping will need to be replaced and maintained.	# 3

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

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

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

Yes. Access is paved and of sufficient width to accommodate traffic and emergency vehicles.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
E. 39 th St. – Local Commercial /Industrial	29 FT H/W ROW	40 FT H/W ROW	+11 FT	0 FT

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

Yes. The City Council approved the rezoning allowing for retail as a Conditional Use and the proposed site plan matches the approved/recorded subdivision plat.

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 154-09.02(E)(3).

- (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 use of the site as a retail business operating in a vacant building will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

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

Yes. The adjacent roads are paved and provide adequate access points to meet the anticipated traffic this new business will draw. These access points will provide the necessary ingress, egress, and traffic circulation demanded by the requested conditional use.

- (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. This project will not be directly adjacent to residential uses and no new residential uses are anticipated nearby due to aviation-related restrictions on dwellings near runways.

- (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 size, appearance, and location of this existing building will fit in with similar-sized commercial/ industrial buildings along E. 39th Street in the surrounding development.

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

Yes. The existing building is close to the military runway and an Avigation Disclosure has been recorded, Fee # 2018-26921. There are only a few other buildings nearby and the proposed retail business should not create noise nor should it be disturbed by the obvious and expected aircraft noise. When the building was constructed, it was designed so as to provide sound attenuation from nearby overhead flight activities.

- (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. Lighting, signage, and landscaping will be in accordance with City Code to achieve compatibility with existing neighbors and to dissuade mischief.

Public Comments Received: None Received.

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: May 7, 2020

Proposed conditions delivered to applicant on: May 7, 2020

Final staff report delivered to applicant on: May 27, 2020

- Applicant agreed with all of the conditions of approval on: May 7, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – Conditions of Approval were e-mailed to applicant May 7, 2020 but comments have not been received.

ATTACHMENTS:

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

Prepared By:



Date:

5/19/2020

Erika Peterson
Assistant Planner

Erika.Peterson@yumaaz.gov (928)373-5000, x3071

Approved By:



Date:

05/19/2020

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) 373-5000, x 3037:

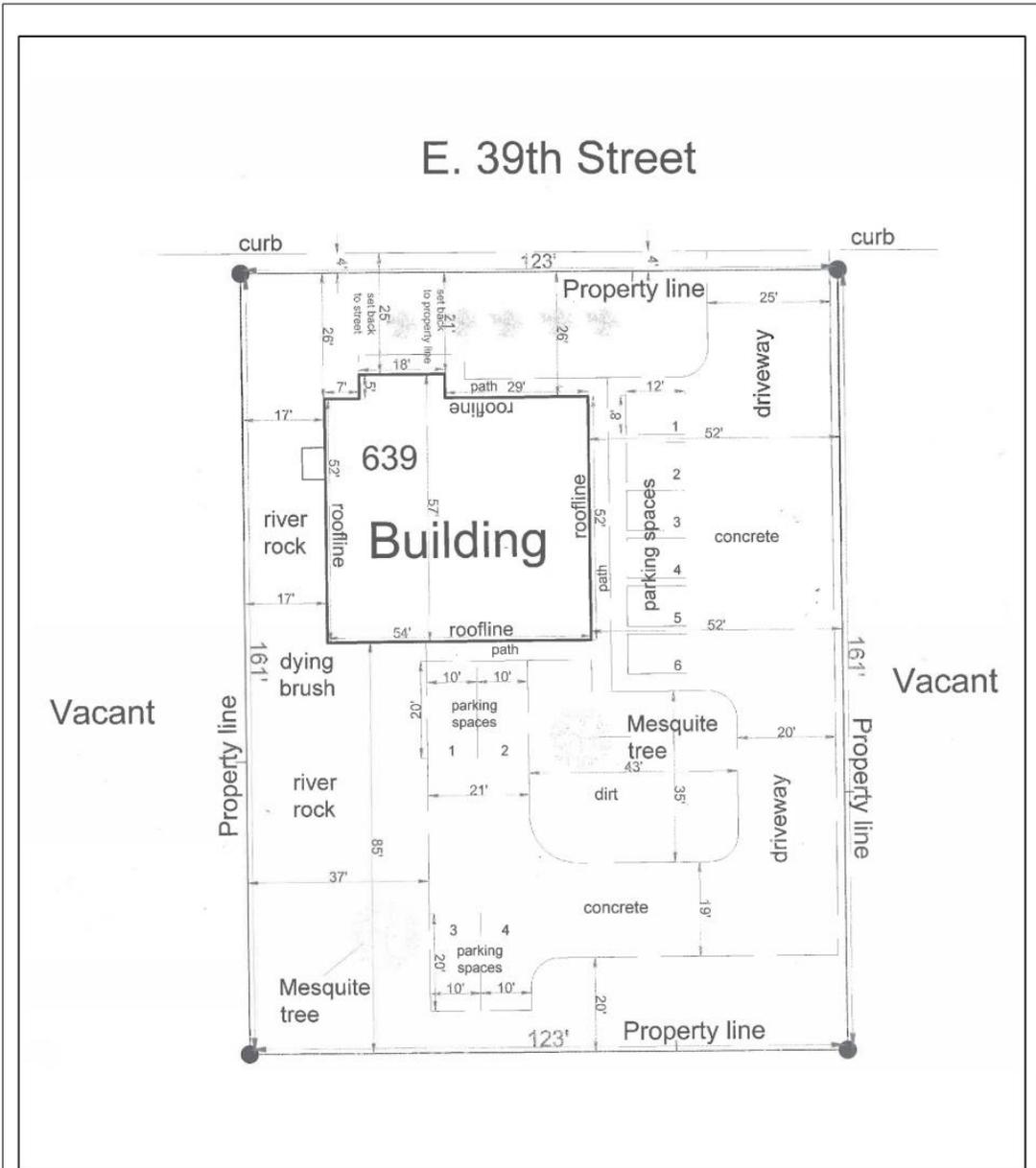
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

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

3. Landscaping shall be replaced/installed and maintained on the property in accordance with the Yuma City Code.
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. 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.
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. 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**



SITE PLAN



Prepared by: EP

Checked by:



Date: 04/14/2020

Revised:

Revised:

Case #:

CUP-030101-2020

ATTACHMENT C
PHOTOS



East side



North side



South side

ATTACHMENT D
EXTERNAL AGENCY COMMENTS

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

Condition(s)

No Condition(s)

Comment

Enter conditions here: The subject property is within the 75 dB noise contour, please file an Avigation Easement recognizing noise, interference or vibrations may occur at MCAS/Yuma International Airport and ensure outdoor to indoor noise reduction level of 30 decibels are maintained.

DATE:	4/24/20	NAME:	Gen Grosse	TITLE:	Property/Community Relations
CITY DEPT:	Yuma County Airport Authority				
PHONE:	928-726-5882				

**ATTACHMENT E
AERIAL PHOTO**



ATTACHMENT F
STAFF RESEARCH