

**Planning and Zoning Commission Meeting Minutes
June 10, 2019**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, June 10, 2019, at the Public Works Training Room, 155 W. 14th Street, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Vice-Chairman Fred Dammeyer, and Commissioners Gregory Counts, Shara Merten, Vinod Mohindra, and Tiffany Ott. Chairman Chris Hamel was absent. There is one vacancy.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Gregory Torok, Special Deputy Counsel; Agustin Cruz, Senior Civil Engineer, Alyssa Linville, Assistant Director DCD / Zoning Administrator, Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner, Chad Brown, Associate Planner, Amelia Griffin, Administrative Assistant and Yonina Rios, Administrative Assistant.

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

CONSENT CALENDAR

MINUTES – April 8, 2019 and April 22, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES –

1. **ZONE-25470-2019**: This is a request by Chris Delgado, on behalf of BelHeights, LLC, to rezone approximately 4.99 acres from the Agriculture (AG) District to the Recreation Vehicle Subdivision (RVS) District, for the property located at 925 S. George Belle Avenue, Yuma, AZ. *(Continued to June 24, 2019.)*
2. **CUP-25030-2019**: This is a request by Martin Guzman, on behalf of Francisco and Irene Guzman, for a Conditional Use Permit to allow multiple mobile food vendors on one commercial property in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1744 S. Pacific Avenue, Yuma, Arizona. *(Continued from April 8, 2019.) (Continued to July 22, 2019)*

APPROVALS –

1. **ZONE-25834-2019**: This is a request by Saul Albor, Jr., on behalf of Trinity Christ Center Assembly of God, to rezone approximately 5.36 acres from the Suburban Ranch (SR-1) District to the Low Density Residential (R-1-6) District, for the property located at the southeast corner of W. 16th Street and S. 44th Avenue, Yuma, AZ.
2. **ZONE-25872-2019**: This is a request by Vega & Vega Engineering, on behalf of Ricardo and Eva Jaramillo, to rezone approximately .94 acres from the Transitional (TR) District to Limited Commercial (B-1) District, for the property located at 1874 South Avenue B, Yuma, AZ.

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

PUBLIC HEARINGS

GP-25035-2019: This is a General Plan Amendment request by Dahl, Robins & Associates on behalf of Yucca Land Company LLC, to change the land use designation from Commercial to Mixed Use for approximately 19.4 acres, for the property located at the southeast corner of the Mississippi Avenue and 44th Street. *(This is the first of two public hearings.)*

Jennifer Albers, Principal Planner, summarized the staff report.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

None

MOTION

Motion to CLOSE Case Number GP-25035-2019. Motion carried unanimously (5-0, with 1 absent and 1 vacancy).

CUP-25335-2019: This is a request by Dahl, Robins, & Associates, Inc., on behalf of the B & GS Family Limited Partnership, for a Conditional Use Permit to allow a drive-through for Mr. G's Restaurant, on a 40,855 square foot parcel in the General Commercial/Historic/Bed & Breakfast/Infill Overlay (B-2/H/B&B/IO) District, for the property located at 501 S. 4th Avenue, Yuma, AZ. (*Continued from May 13, 2019.*)

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

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

None

MOTION

Motion by Ott, second by Counts, to APPROVE Case Number CUP-25335-2019. Motion carried unanimously (5-0, with 1 absent and 1 vacancy).

CUP-25402-2019: This is a request by John Kettunen, on behalf of JHK Properties AZ LLC and Yuma J&K Investment Properties AZ LLC, for a Conditional Use Permit to allow the construction of a drive-through car wash in the General Commercial (B-2) District. This request includes an exception to reduce the setback along 24th Street from 15' to 8'. The properties are located at 133 W. 24th Street and 2430 S. 1st Avenue, Yuma, Arizona. (*Continued from May 13, 2019.*)

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

QUESTIONS FOR STAFF

Commissioner Counts asked if the current setback on the property would be an issue if the City expanded 24th Street in the future. **Linville** explained the current right-of-way that was dedicated would suffice for any roadway expansions.

PUBLIC COMMENT

None

MOTION

Motion by Ott, second by Mohindra, to APPROVE Case Number CUP-25402-2019. Motion carried unanimously (5-0, with 1 absent and 1 vacancy).

ZONE-25138-2019: This is a request by Barry Olsen, on behalf of Elias Z. Guijarro & Frank Ramirez, to rezone approximately 5.34 acres from the Agriculture (AG) District to the General Commercial (B-2) District, while maintaining the existing Airport Overlay (AD) District, for properties located at the northwest corner of 32nd Street and Avenue 5E, Yuma, AZ. (*Continued from April 22, 2019.*)

Chad Brown, Associate Planner, summarized the staff report, recommending **APPROVAL**.

APPLICANT / APPLICANT'S REPRESENTATIVE

Barry Olsen, 101 E. 2nd Street, Yuma, AZ, explained that the applicant owns the property to the west of the subject parcel. He added this rezone request complimented the area and neighboring uses. **Olsen** stated the applicant was not in agreement with Condition #5. He explained that this development would not impact traffic on Avenue 5E. He said access to this property would be on 32nd Street. **Olsen** said he did not believe under state and federal law that the city could request the right-of-way dedication unless traffic on Avenue 5E would be materially impacted. **Olsen** explained when 32nd street was developed it was determined that the additional right-of-way was not required. **Olsen** requested to remove Condition #5.

Agustin Cruz, Senior Civil Engineer, explained staff was requested 7' of right-of-way to remain consistent. He added developments to the north and south of this property have dedicated right-of-way. **Cruz** said the dedication would benefit the property in the future.

Counts asked for clarification on right-of-way dedications on 32nd Street. **Laurie Lineberry, Director of Community Development**, explained that ADOT had a certain width they were trying to maintain. She added when the major roadways plan was updated the width was not as wide. **Lineberry** explained that Avenue 5E was a collector street and was now identified as a local road.

Counts asked if there were plans to widen Avenue 5E in the near future. **Cruz** said it was an engineering standard and there currently were not any plans to widen Avenue 5E.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

Stanley Gourley, 8291 E. Topeka Place, Yuma, AZ, asked if there were altitude restrictions for this property.

Lineberry explained staff reviews the maps during the plan review process. **Lineberry** added that there were height restrictions in the zone and staff also enforced MCAS height restrictions.

Dammeyer asked if the right-of-way dedication was a part of the rezone process. **Lineberry** said yes.

Mohindra asked if the right-of-way was returned to the property owner if it was not needed. **Cruz** said the right-of-way would be reserved for future development. **Mohindra** asked if the City would need to purchase the requested right-of-way if the condition was removed. **Cruz** said yes.

MOTION

Motion by Mohindra, second by Counts, to APPROVE Case Number ZONE-25138-2019, removing Condition of Approval #5. Motion carried unanimously (5-0, with 1 absent and 1 vacancy).

APPLICATION CONSIDERATION

ZONE-25713-2019: The applicant, Saguaro Desert Land, Inc., has submitted a third request to rezone approximately 7 acres from the Agricultural (AG) District to the Medium Density Residential (R-2) District for the property located at the northwest corner of E. 24th Street and S. Avenue 9E. According to §154-03.03 (K) of the City of Yuma Zoning Code a new rezone request must be substantially different from the request previously denied. The Planning and Zoning Commission shall review the March 29, 2019 Application and compare it to the previously denied July 20, 2018 Application to determine if the new request is substantially different, in order for the March 29, 2019 rezone request to be heard without a 1 year waiting period from the City Council denial date. (*Continued from May 13, 2019.*)

APPLICANT / APPLICANT'S REPRESENTATIVE

Jeff Snow, 3064 S. Avenue B, Yuma, AZ, gave a brief history of the property. **Snow** explained in 2015 and 2016 a luxury product was proposed and was subsequently denied by City Council. In 2018 and 2019

the applicant requested a middle income proposal and that request was also denied by City Council. The applicant has submitted a third request with a low income proposal. **Snow** said this request was intended to be an FHA protected class application. He added the applicant has spent four years attempting to rezone this property. **Snow** explained this proposal was intended for low income individuals. **Snow** stated that City staff has indicated there was a need for multi-family housing in the community. **Snow** said the GYED President stated that the top priority potential employers look for in a community was whether or not there was a sufficient amount of affordable housing available. **Snow** spoke extensively on Arizona's housing issues. **Snow** added that 24th Street was an education corridor. The applicant would like to market to people critical to this community such as teachers, first responders, nurses, and social workers. **Snow** reiterated that property values would not decrease. He added that traffic on 24th Street would most likely decrease due to the development of the new school on Avenue 6E. **Snow** clarified the importance of having multi-family housing available in this community. He added 19,000 people in the City of Yuma have a severe housing problems.

Linville informed the Commission the 2016 denial was a result of a referendum brought by the City of Yuma residents and was not denied by City Council. **Linville** added this request was not submitted as a project to serve FHA or meet FHA requirements. **Linville** explained this hearing was only to determine if the application submitted was substantially different from the original request.

Dammeyer asked for clarification on what the original request was. **Linville** said original request was for luxury apartments and the second request was for low to moderate income apartments.

Mohindra asked if the zoning has changed from the previous request. **Linville** said no.

PUBLIC

Donna White, 12388 E. Del Rico, Yuma, AZ, said this was a seven acre property. **White** explained that medium density residential on this property would permit 80 units and that was not ideal. **White** added she took a census four years ago and there were plenty of apartments available in this community. **White** said the residents were against this proposal and they were prepared to fight this request again.

Stanley Gourley, 8291 E. Topeka Place, Yuma, AZ, said his understanding of a substantial difference was fifty percent of something. **Gurley** said 80 units of luxury apartments and 80 units of low-income apartments was not a substantial change. **Gurley** added that this proposal would bring an additional 300 people to the area. **Gurley** explained this property was surrounded by industrial uses and the applicant has not proposed anything to ensure the safety of the residents. **Gurley** added that a housing activity on this property was incompatible with the surrounding uses. **Gurley** said this request was unsubstantiated by the substantial modification obligation the developer was required to present.

Ott said she was teacher and she did not qualify for Section 8 housing. **Ott** asked for clarification on how the applicant would ensure the housing would serve the intended population. **Snow** said the applicant could not guarantee it but they would market specifically to teachers, nurses, first responders, and social workers.

Dammeyer asked for clarification on what the substantial change was. **Snow** said there has been a substantial change in the housing industry. He identified cities in other states that have removed single-family zoning.

Jeanne Vatterott-Gale, 1580 S. Hetteema Street, Yuma, AZ, said the Commission had to determine if this request was substantially different from the original request. She said making a decision on the basis of income was not appropriate. **Vatterott-Gale** stated the decision needed to be made on the basis of the proposed rezone request.

Mohindra said he did not see a substantial change from the original request.

MOTION

Motion by Mohindra, second by Ott, to DENY the Application Consideration. The Commission did not find the rezone request to be substantially different than the previous request. Motion carried (4-1, with Counts voting nay, 1 absent and 1 vacancy).

INFORMATION ITEMS

Staff

Linville informed the Commission that staff added a condition to the Final Plat for Livingston Ranch Unit No. 2 Subdivision. She stated the condition required all exterior subdivision fencing to remain masonry. She said there have been issues with residents adding RV gates on the exterior of subdivision. **Linville** stated City Council approved the Final Plat on May 15, 2019 with the additional condition. **Linville** said the condition would be added to all subdivisions moving forward.

Commission

None


Public

None

ADJOURNMENT

The meeting was adjourned at 5:33 p.m.

Minutes approved this 24 day of June, 2019



Chairman