Planning and Zoning Commission Meeting Minutes
July 13, 2020

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, July 13 2020, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

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

STAFF MEMBERS present included Bob Blevins, Principal Planner; Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director DCD; and Jessenia Juarez, Administrative Assistant.

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

CONSENT CALENDAR

MINUTES – January 27, 2020 & June 22, 2020

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Edgar, second by Arney, to APPROVE the Consent Calendar, with the deferral of the Minutes for January 27, 2020 to a future meeting. Motion carried unanimously, (5-0), with 2 absent.

PUBLIC HEARINGS –

CUP-30291-2020: This is a request by Dahl, Robins and Associates, Inc., on behalf of Jeffrey Conte, for a Conditional Use Permit to allow the construction of a new YCAT maintenance facility, offices, and bus yard, in the Light Industrial/Airport Overlay (L-I/AD) District. The property is located at the northwest corner of Arizona Avenue and 34th Street, Yuma, AZ.

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Commissioner Counts asked if fuel storage would be above or below ground. Linville said the fuel tanks would be aboveground. **Counts** then asked about the pending Lot Tie on the subject and adjacent property. **Linville** replied that the two parcels would be tied together, and the single family home on one of the parcels would be demolished.

Commissioner Arney then stated her concern for the increase in traffic this use would bring to the area, and noted the Staff Report did not address that issue. **Linville** stated that although Engineering was not present at this meeting to speak to her concern, Engineering did not require any roadway improvements in connection with the Conditional Use Permit request.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT
None

Motion by Counts, second by Edgar, to APPROVE CUP-30291-2020, subject to the Conditions of Approval in Attachment A. Motion carried (4-1), with Arney voting Nay and with 2 absent.

CUP-30514-2020: This is a request by Pancrazi Real Estate Services, on behalf of RTB Enterprises, for a Conditional Use Permit for an industrial use within 600' of residential in the Light Industrial/Airport Overlay (L-I/AD) District, on the property located at 2180 S. Pacific Ave, Yuma, AZ.

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF
None

APPLICANT / APPLICANT'S REPRESENTATIVE
Tom Pancrazi, 350 W 16th St, Yuma AZ discussed the applicant's disagreement to Conditions # 7 through # 9 in the Staff Report. **Pancrazi** stated the applicant felt those conditions were too restrictive to the business operation as it is today. **Pancrazi** noted that the majority of deliveries to the property will not be by tractor-trailer, and that weekend activities would be staff loading their vehicles with equipment for the next week's jobs.

Pancrazi then discussed the condition that required the shielding of outside storage and activities. He said there was not a plan to have a lot of outside storage and felt the condition as worded was too restrictive. **Pancrazi** went on to say that the Owner would be installing chain link fence around the property. **Pancrazi** went on to say the neighboring property, a mobile home park, had expressed their support of the proposed Conditional Use, and showed photos taken from the mobile home park that he felt demonstrated existing mitigation to the noise and visual concerns expressed by Staff.

Hamel asked Pancrazi for clarification on the planned installation of fencing. **Pancrazi** said it would be a chain link fence and indicated on the site plan where it would be installed on the west and south sides of the property. **Hamel** also asked Staff what the expectation was for screening storage areas. **Linville** replied that any storage area within the property was to be screened, not the whole property.

Arney asked how many employees there were. **Bob Peterson, 4K Electric, 5244 E Hamlin Place**, stated there would be seven employees, three of which are family members. The employees would not be onsite unless they are loading or unloading their work vehicles, or when receiving deliveries. **Peterson** added that the present business model only encompasses work in State Prisons, Federal Detention Centers and County Jails all over the country. They do hire local sub-contractors, and the seven main employees manage them and the work. **Peterson** went on to say he has an agreement with the neighboring business at their present facility to receive the deliveries in their absence. That neighbor has keys to the building and can use the forklift to offload deliveries and leave them in the warehouse, if needed. On a weekly basis, employees are generally in the warehouse less than 20 hours. **Peterson** noted

that could change depending on what happens in the business in the next couple of years, but he did not want to be restricted to what he said was happening in the business today.

Hamel asked for clarification if it was primarily smaller vehicles and not tractor-trailers that made the deliveries. **Peterson** said off-hours work would be the loading their own equipment, not deliveries, and yes, smaller vehicles and occasionally a tractor-trailer made the majority of deliveries. **Hamel** stated he understood Staff's intent with the conditions, and felt the applicant was trying to be a good neighbor. He asked Staff how the conditions could be modified to meet the applicant part way. **Linville** said she would require the identification of hours of operation, as it was important to protect the neighbors to the south. **Linville** continued by saying if the applicant operates as they say, then it is likely there won't be complaints from those neighbors, but protections need to be in place in the event the business model changes, as the applicant acknowledged could happen.

Hamel asked how changes to the business model would be addressed. **Linville** said the proposed use is for Electrical Contractor, not specific classifications of Electrical Contractor. It would allow for future contracts, but if the business model does change and the neighbors are going to be impacted by the change then the CUP would need to be revised and the neighbors notified.

Pancrazi noted that the prior CUP application for this property received a tremendous amount of public objection based on the incorrect belief that toxic chemicals were going to be used at the site, not from the increase in traffic.

Counts asked if the applicant had any plans to do any production on site, which could involve the use of caustic chemicals. **Peterson** said there he had no intent or plans ever to have production on this site. The business is an electrical contractor in a specialized field, and unless his customers have a big change in the way they do things, there were no plans to change anything. **Peterson** added that if, in two years from now, all the prisons in the state or country already had all the equipment that they install, a new business plan may need to be developed.

Arney asked if screening could be added to the chain link fence to satisfy Condition # 8. **Linville** advised that the City Code says that appropriate screening defined as a solid wall, and specifically prohibits slats in a chain link fence.

Scott McCoy, **Assistant City Attorney,** said that Conditions of Approval were designed to not only protect neighboring property owners, but also the owner of the subject property by providing entitlements that the Owner can rely upon. **McCoy** suggested that this case either be recessed briefly to allow Staff and the Applicant to work on the Conditions, or continued to a future date. **Hamel** stated his agreement.

At 5:15pm, the Applicant and his representative, as well as City Staff recessed to discuss the conditions. The Chairman then called the next case on the agenda.

Discussion on this case resumed at 5:45pm.

McCoy stated that an agreement had been reached on Conditions # 7 through # 9, leaving Conditions # 1 through # 6 unchanged. Condition # 7 now reads as *"The hours of operation will be Monday through Friday 4:00 a.m. to 8:00 p.m. and Saturday and Sunday 8:00 a.m. to 4:00 p.m.; occasionally staff will be on-site after hours."* Condition # 8 now reads as *"All storage shall take place in a screened storage yard."* Condition # 9 now reads as *"All truck (un)loading shall take place during regular business hours with the exception that emergency calls for service*

may be responded to during after-hours including incidental loading and unloading in connection with the emergency response."

Hamel asked the applicant if he was in agreement with the modified conditions. **Pancrazi** stated yes.

PUBLIC COMMENT
None

Motion by Arney, second by Edgar, to APPROVE CUP-30514-2020, subject to the Conditions of Approval in Attachment A, modified as follows: Condition # 7: "*The hours of operation will be Monday through Friday 4:00 a.m. to 8:00 p.m. and Saturday and Sunday 8:00 a.m. to 4:00 p.m.; occasionally staff will be on-site after hours.*"; Condition # 8: "*All storage shall take place in a screened storage yard.*"; Condition # 9: "*All truck (un)loading shall take place during regular business hours with the exception that emergency calls for service may be responded to during after-hours including incidental loading and unloading in connection with the emergency response.*" Motion carried unanimously (5-0) with 2 absent.

SUBD-30285-2020: This is a request by Edais Engineering, Inc., on behalf of Riedel Construction Company, LLC, for approval of the final plat for La Estancia Subdivision. This subdivision contains approximately 40 acres and is proposed to be divided into 179 residential lots, ranging in size from approximately 6,000 square feet to 12,794 square feet, for the property located at the southeast corner of S. Avenue 8 ½ E and E. 40th Street, Yuma, AZ.

Bob Blevins, Principal Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF
Hamel asked about an open area shown on the site plan and asked its purpose. **Blevins** said it would be a retention/common area that would landscaped and part of a Municipal Improvement District.

APPLICANT / APPLICANT'S REPRESENTATIVE
None

PUBLIC COMMENT
Earl Smith, 8577 E 39th Place, Yuma, AZ commented about the condition of the subdivision wall to the north of the subject property. He stated the wall was beginning to buckle under the weight of the blowing sand that has accumulated and asked who was responsible for the repair.

Blevins replied that the general location of the wall was notoriously sandy so it was not unusual to see sand accumulate. The wall in question was not a part of the subdivision being discussed at this meeting; however, Mr. Smith's concerns had been communicated to the Engineering Department who would be sending inspectors out to look at the wall's structural integrity. **Blevins** added that he was unable to say at this time who was responsible for repairs to the wall.

Motion by Arney, second by Edgar, to APPROVE SUBD-30285-2020, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (5-0, with 2 absent).

ZONE-26265-2019: This is a request by Dahl, Robins, and Associates. on behalf of Smoketree Desert Land, LLC., to rezone an 18.34 acre parcel from Agriculture (AG) to Medium Density Residential/Planned Unit Development (R-2/PUD), for the property located at the southwest corner of S. Avenue 7 ½ E and E. 36th Street, Yuma, AZ.

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Edgar asked if there were time limits for the installation of the amenities, for both this phase and Phase 1. **Linville** replied that Phase 1 was being developed under a Development Agreement, which outlined those requirements. For example, the BBQs and Picnic Tables were to be installed once the occupancy reached 50%. Another example outlined in the Development Agreement is the installation of playground equipment. The installation of that amenity is up to the Developer to determine if there are enough children in the neighborhood to warrant the installation of the playground equipment. **Edgar** replied that circumstances could change over time, and wondered if residents purchased homes in that development anticipating that there would be playground equipment. **Linville** stated she would need to defer that question to the applicant. **Linville** went on to say this phase, Phase 2, was not subject to a development agreement, so the amenities had to be installed prior to the recordation of the plat.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Counts, second by Arney, to APPROVE ZONE-26265-2019, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (5-0), with 2 absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

Tom Pancrazi thanked Staff and the Commission for allowing them the time during this meeting to reach an agreement on the Conditions of Approval for their case.

ADJOURNMENT

Counts adjourned the meeting at 5:49 p.m.

Minutes approved this 27 day of July, 2020

Chairman