Notice of Public Hearing of the
Hearing Officer of The City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on May 13, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

CITY OF Yuma	**Agenda** **Hearing Officer Public Hearing** City Hall Council Chambers *One City Plaza* **Thursday, May 13, 2021 9:30 a.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 Hearing Officer will be conducted with limited public, in-person access, consistent with social distancing requirements.

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

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer 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 Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- April 22, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-33894-2021:** *This is a request by Ronald Pailliotet, on behalf of the City of Yuma, for a variance to reduce the minimum square feet of lot area per multi-family unit from 2,000 square feet to 600 square feet and to eliminate the requirement for on-site parking for a proposed rooftop restaurant in the Old Town (OT) District, for the property located at 46 W. 2nd Street, Yuma, AZ. (Continued from April 8, 2021)*

2. **VAR-34547-2021:** *This is a request by Alan Cubberley, on behalf of Circle K Stores, Inc., for a Conditional Use Permit for soil and ground water remediation in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 379 W. 1st Street, Yuma, AZ.*

3. **VAR-34488-2021:** *This is a request by Ronald Pailliotet, on behalf of John F. & Flora Pailliotet Trust, to allow an accessory building to exceed 50% of the total square footage of the primary residence and to reduce the minimum side street driveway length of 20' to 10' in the Low Density Residential (R-1-6) District, for the property located at 595 W. 19th Street, Yuma, AZ.*

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. 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, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149

Hearing Officer Meeting Minutes
April 22, 2021

A meeting of the City of Yuma's Hearing Officer was held on April 22, 2021, at City Hall Council Chambers, 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; Agustin Cruz, Senior Civil Engineer; Robert Blevins, Principal Planner; Alejandro Marquez, Administrative Assistant and Lizbeth Sanchez, Administrative Assistant.

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

CONSENT CALENDAR

Walsma approved the minutes of April 8, 2021.

PUBLIC HEARINGS

VAR-34088-2021: *This is a request by Mark DeAnda, on behalf of Markal Investments, Inc., for a variance to allow single-family dwellings on two lots of 5,320 square foot each, which is less than 6,000 square feet minimum; and to allow three lots of less than the 50 foot minimum width. The property is located at 780 S. 2nd Avenue, Yuma, AZ.*

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

QUESTIONS FOR STAFF
Walsma asked if there were any comments submitted by the public. **Blevins** answered yes, there was one positive comment.

Walsma then asked if there were any incentives for development in an Infill Overlay District. **Blevins** replied yes, there are discounts on building permits, reductions in setbacks, less parking spaces and increased lot coverages. **Walsma** asked if there were going to be any parking spaces on the properties. **Blevins** replied there will be detached garages constructed in the alley way.

APPLICANT/APPLICANTS REPRESENTATIVE
Mark DeAnda, 2839 S. Hope Drive Yuma, Arizona, commented on the style of homes and parking garages to be constructed on the properties.

Walsma asked about the possibility of only developing the two lots instead of splitting them into three. **DeAnda** replied yes he could develop the two lots, but as an investor he wanted to make three.

Walsma expressed concern of the safety issues. **Blevins** replied that all plans have to be approved by Building Safety and the Fire Department before construction begins.

OPEN PUBLIC COMMENT
None

DECISION
Walsma granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Walsma adjourned the meeting at 9:47 a.m.

Minutes approved and signed this _____ day of _____, 2021.

_____
Hearing Officer

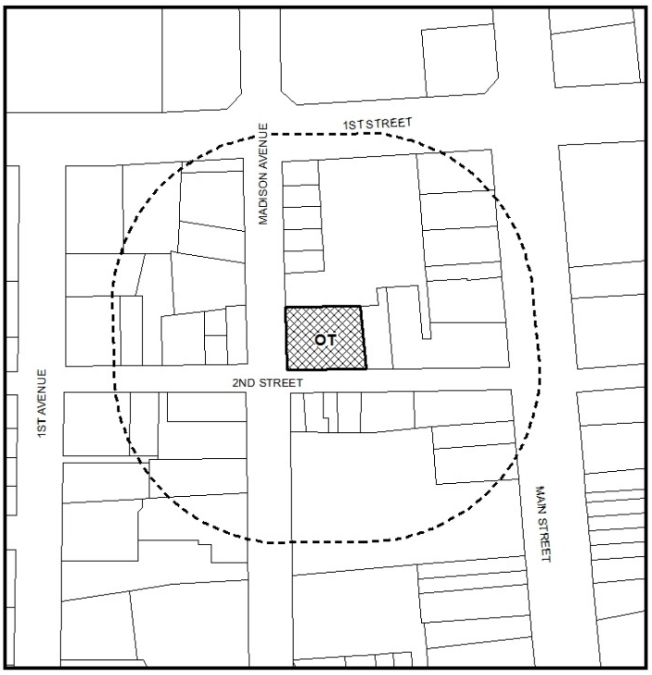
STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Alyssa Linville

Hearing Date: May 13, 2021 **Case Number**: VAR-33894-2021

Project Description/Location: This is a request by Ronald Pailliotet, on behalf of the City of Yuma, for a variance to reduce the minimum square feet of lot area per multi-family unit from 2,000 square feet to 600 square feet and to eliminate the requirement for on-site parking for a proposed rooftop restaurant in the Old Town (OT) District, for the property located at 46 W. 2nd Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Old Town/Bed and Breakfast Overlay/ Historic/Infill Overlay (OT/BB/H/IO)	Vacant	Mixed Use
North	Old Town/Bed and Breakfast Overlay/ Historic/Infill Overlay (OT/BB/H/IO)	Public Parking	Mixed Use
South	Old Town/Bed and Breakfast Overlay/ Historic/Infill Overlay (OT/BB/H/IO)	Various Commercial Uses	Mixed Use
East	Old Town/Bed and Breakfast Overlay/ Historic/Infill Overlay (OT/BB/H/IO)	Jimmie Dee's	Mixed Use
West	Old Town/Bed and Breakfast Overlay/ Historic/Infill Overlay (OT/BB/H/IO)	Multi-Tenant Office(s)	Mixed Use

Location Map:



Prior site actions: None

Staff recommendation: Staff recommends **APPROVAL** of the request to reduce the minimum square feet of lot area per multi-family unit from 2,000 square feet to 600 square feet and to eliminate the requirement for on-site parking for a proposed rooftop restaurant in the Old Town (OT) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

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

Staff Analysis: The subject property, located within the Brinley Avenue Historic District, is located at the northeast corner of 2nd Street and Madison Avenue. The property measures approximately 12,171 square feet and is currently undeveloped. Until its demolition in 2010, the site featured the Gandolfo Annex, an individually listed, historic structure, which was constructed in 1905. The Gandolfo Annex was an example of a mixed-used development, featuring a hotel and commercial space. This development relied solely upon the public parking areas utilized by most other businesses in the area.

The developer is proposing to construct a three-story, mixed-use project, featuring 20 Class-A apartments, retail space, ground level parking garage and a roof-top restaurant. This variance request is to reduce the number of on-site parking stalls required and increase the allowable density for residential units.

The proposed increase in residential density is not out of character for downtown areas throughout the country and will only further the efforts of revitalizing our historic downtown. Mixed-use development has proven itself as an attractive form of housing for individuals of all ages, providing residents with easy access to retail services and other amenities. Historically, the Gandolfo Annex serviced as this mixed-use attraction, providing visitors with access to lodging (24 rooms) and retail services. This proposed variance will allow the re-establishment of a once thriving mixed-use development. Additionally, the development would have no more of an impact on parking, than what had previously existed when the Gandolfo Annex was in operation.

Recently, the City Council indicated their desire to see an increase in residential and mixed-use development within the downtown area; this proposed development project is in keeping with these goals and objects.

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: *The special circumstance stems from the current situation in Historic downtown Yuma where there are no comparable low-rise mixed-use buildings with Class A apartments for market-rate lease, therefore in order to construct this style of building a*

variance request to the current development standards applicable to the OT zoning district is required.

In addition, due to the grade and elevation changes of the property as it relates to the roadway and sidewalk, significant grading modifications will likely need to be made to the site in order to make the property developable and accessible from the public way. The costs of these modifications are considered prohibitive without the requested relief from the strict application of the zoning code to allow for greater densities than currently permitted.

Staff Analysis: The subject property was originally developed and subdivided prior to the establishment of any zoning regulations. Upon its initial development in 1905, the property featured a two-story, 17,000 square foot building, which was utilized for various commercial purposes and as a hotel annex. This building was an example of mixed-use development featuring residential and commercial space. Throughout the years, the property relied on various off-street and off-site parking options; including the public parking areas located within the area. This parking condition was legalized within the zoning code as no on-site parking is required for structures built on or prior to November 1, 1995. Unfortunately, in 2010 the building was demolished and therefore lost this parking exception.

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: *The absence of a comparable low-rise mixed use building in the vicinity of this property was not created or caused by the property owner or applicant.*

Further, the grade and elevation issues associated with the property are a result of the demolition of an inhabitable structure that was creating a public nuisance on the property. Portions of the soil were required to be removed as part of the demolition of the structure, which lowered the grade of the property to below the sidewalk, roadway and adjacent properties.

Staff Analysis: The special circumstance was not created by the property owner or applicant. The historic structure was forced to be demolished as a result of poor soil conditions, inadequate renovation efforts, and an earthquake which rendering much of the building unsalvageable. The property owner explored numerous options and methods for redevelopment prior to making the decision to demolish the historic structure.

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: *The granting of this variance request will allow for the preservation of property rights enjoyed by other property owners/developers in the Historic Yuma Downtown area such as the recently constructed Home2Suites by Hilton and the Hilton Garden Inn.*

Staff Analysis: If the historic structure were still standing, a developer could have converted the building for both residential and commercial purposes (a similar use to the hotel annex and commercial space) without the need to provide for off-street parking. However, because the building was demolished, the developer must meet current code requirements as it relates to on-site parking and residential density allowances. The developer intends on providing parking for the residential component of the project through the construction of a ground floor parking garage. However, for the proposed commercial space, 600 square feet of ground level retail space and a roof-top restaurant, the developer would like to utilize the public parking utilized by most commercial businesses within the area.

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 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. Further, by putting the property to a productive use, it is anticipated that the granting of the requested variance relief will materially benefit the adjacent properties, the neighborhood and the public's health, safety and general welfare.*

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. The granting of this variance will allow for the construction of a mixed-use building; a use similar to what existing on the site for a number of years. In fact, the impact should be less than the prior development, as this proposed project will rely less on the available public parking through the construction of parking garage.

2. Are any of the adjacent property owners opposed to this request? Yes.

<u>Public Comments Received</u>:

Name:	Jerry and Leonor Stewart				Contact Information:						
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
Mr. and Mrs. Stewart expressed their concern with parking request as they do not believe the existing public parking could accommodate an increase in usage.											

Name:	George and Neely Tomkins				Contact Information:						
Method of Contact:	Phone		FAX		Email	X	Letter		Other		
Inquired about the parking and the potential users for the site. Plan on attending the public meeting. See Attachment F.											

Name:	Jim D. Smith				Contact Information:						
Method of Contact:	Phone		FAX		Email		Letter	X	Other		
See Attachment F.											

Name:	Chris Wheeler				Contact Information:						
Method of Contact:	Phone		FAX		Email	X	Letter		Other		
See Attachment F.											

Name:	Matt Molenar				Contact Information:	
Method of Contact:	Phone		FAX		Email	
See Attachment F.						

Name:	Richard Files				Contact Information:						
Method of Contact:	Phone		FAX		Email		Letter	X	Other		
See Attachment F.											

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: April 5, 2021

Final staff report delivered to applicant on: April 5, 2021

X	Applicant agreed with all of the conditions of approval on: April 5, 2021
	Applicant did not agree with the following conditions of approval: (list #'s)
	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Conceptual Images	Agency Notifications	Agency Comments	Public Comments	Aerial Photo

Prepared By:
Alyssa Linville,
Assistant Director
Community Development
Alyssa.Linville@yumaaz.gov (928)373-5000, ext. 3037

Date: May 7, 2021

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, 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.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

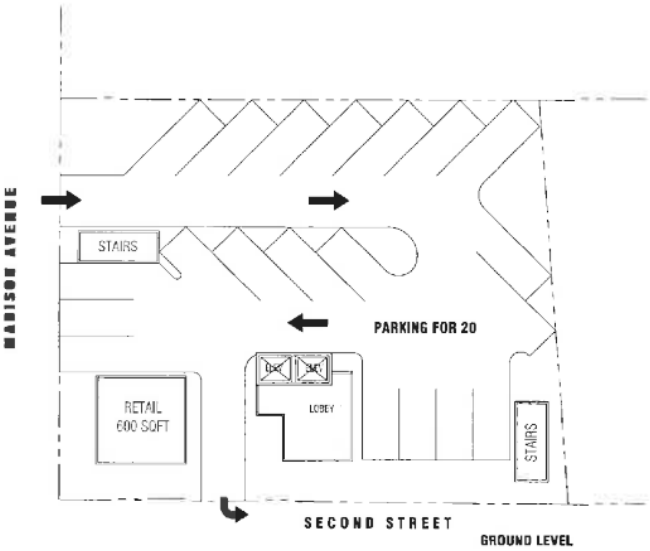
4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.

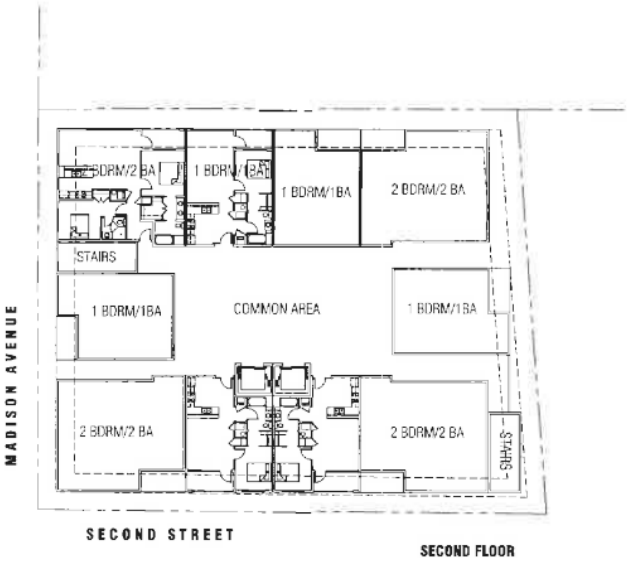
5. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.

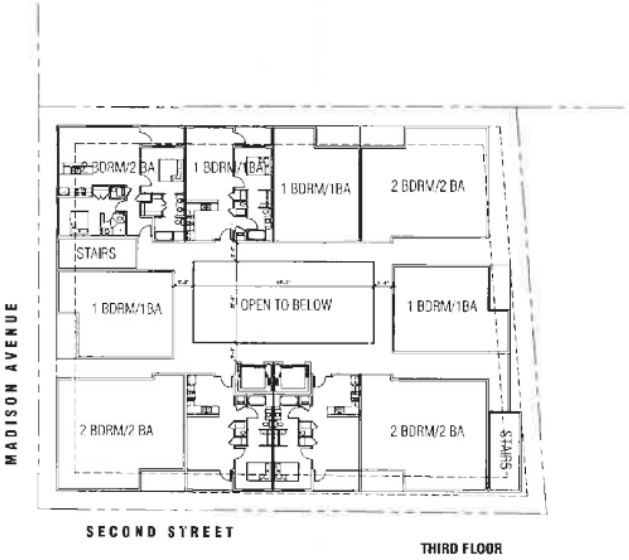
6. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

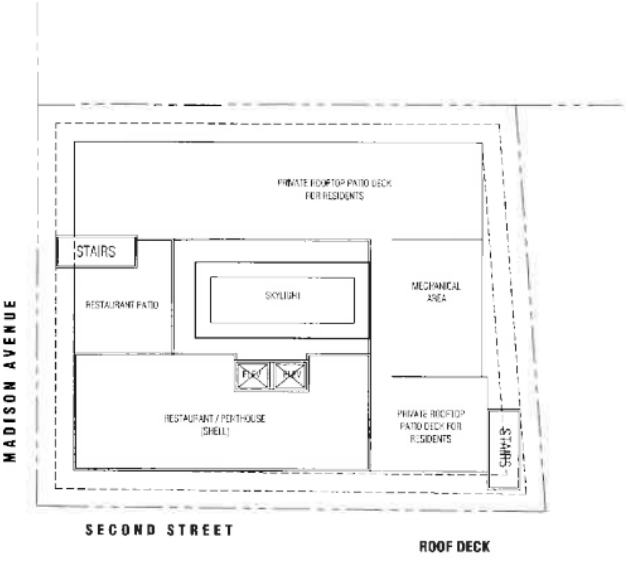
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN

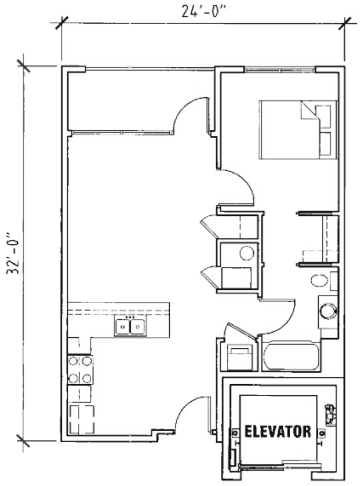




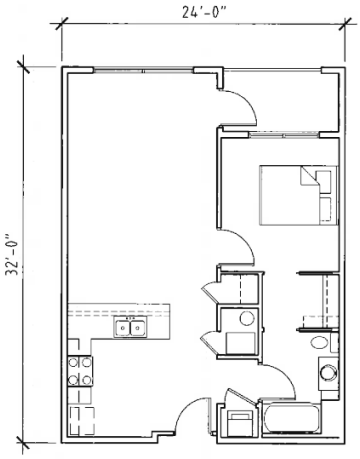




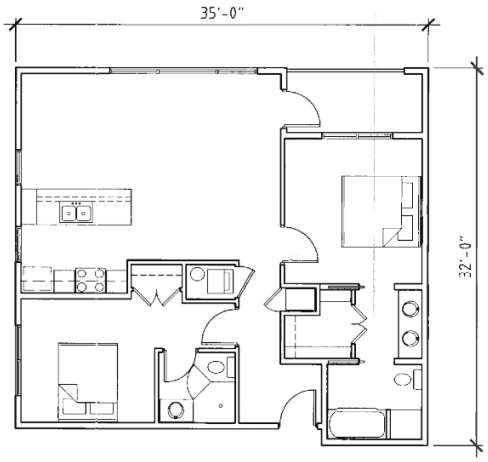
ATTACHMENT C
CONCEPTUAL IMAGES



1 BDRM / 1 BA 612 SQFT



1 BDRM / 1 BA 680 SQFT



2 BDRM / 2 BA 986 SQFT

ATTACHMENT D
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (MM/DD/YY)
- **300' Vicinity Mailing:** (MM/DD/YY)
- **Site Posted on:** (MM/DD/YY)
- **34 Commenting/Reviewing Agencies Noticed:** (MM/DD/YY)
- **Neighborhood Meeting Date:** (MM/DD/YY)
- **Hearing Date:** (MM/DD/YY)
- **Comments Due:** (MM/DD/YY)

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	Yes	03/11/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	03/10/21	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	03/10/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	03/10/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	03/11/21	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	03/16/21			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	03/22/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS

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

☐ Condition(s) ☐ No Condition(s) ☒ Comment

Enter conditions here: Must meet all fire and life safety code requirements for new use, and maintain adequate fire department access.

DATE:	3/16/21	NAME:	Kayla Franklin	TITLE:	Fire Marshal
CITY DEPT:	Fire				
PHONE:	928-373-4865				
RETURN TO:	Alyssa Linville Alyssa.Linville@YumaAZ.gov				

LAW OFFICES OF JIM D. SMITH

221 S. Second Avenue, Yuma, Arizona 85364
(928) 783-7809
jimmiedeesmith@gmail.com

Via email: Alyssa.Linville@YumaAz.gov
Alyssa Linville
City of Yuma
One City Plaza
Yuma, AZ 85364

Re: Variance Case #: VAR-33894-2021
46 W. Second Street

Ms. Linville:

I am the owner of the Properties at 38 W. Second St. (Jimmie Dee's Bar) and 49 W. Second St. (TerHark Accounting Office). My properties are immediately next door to and across the street from this proposed development.

Please lodge this Letter as an **Objection** to the Pending Variance Application filed by the City of Yuma which seeks to reduce the minimum square feet of lot area for a multi-family development from 2,000 sq ft to 600 sq ft and an objection to any development of this property with reduced on site parking.

My Objection is based upon Parking and the Proposed high density multi story, multi-family development on the Property. The Assessor's Office shows that the size of this lot is **12,171 sq ft.** The maximum residential units this land area would accommodate is only 6 multi-family residential units in the Old Town Zoning District.

Parking in this area is already a problem. This proposed development of a high density multi story, multi-family residential building (20 units on one small 12,171 sq ft lot) **is not** a compatible use with the Businesses in this Area.

The property for which the variance is requested (46 W. 2nd St.) is next door to the Bar -Night Club, Jimmie Dee's Bar at 38 W. Second St. which I own which and night time noise is an issue.

The Commission and City Council are also requested to take into consideration that this area (one Block from Main Street) is re-developing into part of the Yuma Down Town Entertainment District.

Very truly yours,

Jim D. Smith
President - Somerton Farming Co.
President - Yuma Building Corp

Neely Tomkins
Tomkins Pottery
78 W 2nd St.
928 750-1195

Revision of notes presented at hearing April 8
Subject: 46 W 2nd St.

I want to applaud the city for all the efforts going into the plans for the North End. Infill of our vacant lots is a good thing. Following a proven trend of mixed-use infill is also good, when well thought out with the future in mind.

My main objection is the possible granting of a variance of the required parking for new construction. There is also the possibility of reducing future requirements as incentives for redevelopment. I am **not** against future development, but there has to be a more creative solution that is beneficial to everyone.

Business owners down here know of the parking problems. Recently we enjoyed a Main St. dinner in the middle of the week, during a pandemic! and the parking lots were almost full. We almost had to park in front of our shop.

Our shop is on 2nd St, between Madison and 1st Ave. We have 9 parking spaces on that narrow street, 4 residences and 8 businesses, several w/ 2 cars. The Board of Realtors has onsite parking that has been serving as overflow. If everyone is home and all businesses are open. …no parking for all of us let alone customers.

One block east between Main and Madison there are 14 parking spaces on a one-way street. These are usually full. When the old Drake Hotel is done, they will also have the same problem. We should think about the future, especially along 2nd St., once one of our best-preserved historical streets.

History Lesson

The staff did a wonderful job with this report. The report is missing a few unrecorded facts only because the writers are probably not old enough to know about them.

The staff analysis states:

This proposed variance will allow the re-establishment of a once thriving mixed-use development. Additionally, the development would have no more of an impact on parking, than what had previously existed when the Gandolfo Annex was in operation.

My husband and I moved here and had a studio space in the Gandolfo Annex from 1971 – 1979. At that time there were 4 artists-in-residence and two permanent tenants downstairs, Anne Orto's Hobby Craft Shop and Dr. Birdick who also lived there. Upstairs was unused except for a mixture of itinerant renters and crew members from the Southern Pacific who stayed overnight. None of these upstairs people had cars or needed parking. Later, some art students rented a few rooms upstairs as studio space. Jimmie Dee's, Ruth's Café and the bank took up the rest of the block.

My point is this property hasn't used any notable amount of parking for 50 years. Twenty apartments, retail and a restaurant will be quite a change.

As for the density, twenty apartments with 20 parking spaces might work if all tenants only have 1 car.

This may seem picky, but some day every space will count. Look ahead to the day when the movie theatre, the Red Moon and old Littlewood spaces, the train car space, the county buildings, The Drake, the old Penney's building, The Del Sol, Plaza Paints, the School of Beauty and the Christian Science Church are all up and running. This is a huge amount of additional parking for our already existing buildings. As previously stated, there are already parking problems for some of us. Add new infill construction that will use existing parking and the future of parking becomes even more difficult.

In conclusion:

Those of us who rent or own historic structures have few choices with the parking. I feel a new construction project can and should plan for most of their own parking. They should not add to our already stressed parking situation.

All of you want to see the streets full and more customers that you can take care of, but in an effort to revitalize the downtown, don't jeopardize that potential growth with the unenjoyable experience of not enough parking.

Please reconsider using parking waivers in the future as an incentive for infill development. There must be other ways to incentivize new development.

Greetings all,

I would like to respectfully disagree.

While I acknowledge there is more limited parking on busy evenings, during block parties, and occasionally on weekends, the limited parking is hardly what I, or I suspect any of us, have dealt with when visiting thriving downtowns or busy tourist areas. To that end, I think we might consider what merits a response by local merchants that, at least on the surface, appears to suggest we impose limitations on development by mandating unrealistic and prohibitive measures that not a single other thriving downtown or metro area has required of new businesses, or at least not one with vision.

In the context of preserving the historical character of downtown, this idea also falls flat. I can't think I am the only one who notices the blight of unoccupied and ageing buildings presently on Main Street, 2nd Ave, and Madison Avenue? Most have been there for a decade or longer. Why would we want to preserve this?

If this is the type of character and stance we are taking, one that preserves vacancies by discouraging development, perhaps we should ask the owners of these empty buildings to simply level them to add parking spaces for us? In the end, if the merchants are successful in removing incentives, or worse, at requiring unreasonable provisions to developers, this is where we will find downtown- In 20 years, downtown will look exactly the same as it does now. That is not why I have a business downtown. I enjoy the success and liveliness of downtown. And I'd like to see it continue.

I know I'm new to the downtown area, at 7 years, I'm younger than a lot of businesses here, but where I aware discussions like this were taking place prior to opening, I would have never invested my time or money in a business here, where the is clearly an attitude averse to growth and change, and one that seems predicated on personal convenience. That is far and away the most concerning part of what I have read in responses thus far.

I also may not have decided to move downtown, where I presently live on 3rd Street, and where I experience no challenge parking 7 days a week, with no assigned space, for my truck, and for my significant others. In two years, it has never once been an issue for either of us.

While I do enjoy a good debate over issues affecting business, here I think is an opportunity to come together to solve a problem that doesn't exist, but that will if we are successful at encouraging development and growth. It is an opportunity to be creative, to engage the businesses and residents here, and also, but no less importantly, the municipal organizations who take up significant portions of the parking lots we depend on. That would be a good problem for all of us to have, and one I hope, for the future of downtown Yuma, we can all one day embrace.

Best,
Chris Wheeler
Owner
Prison Hill Brewing Co

Looking to the future, as both a business owner and a Yuma resident, I'm excited to see that someone is ready to tackle one of the last dark corners of our downtown revitalization.

The investment coming to 2nd Street will make a tremendous difference, bringing much-needed new business and new life to a block that has been thus far untouched.

I see the concerns that have been raised over parking, and while I understand the perspective, it's not one I share.

If I had been told 16 years ago when I bought the MGM building that I would have to create parking spaces or build a parking garage, I would have gone elsewhere – as would many of you.

Asking a new business to fix a parking problem created decades ago is both unfair and unrealistic, and discourages growth, change and development.

If we all had the burden of solving a parking problem on our own as individual business / property owners, Downtown Yuma would be a ghost town.

Someday we may have a real parking problem – but we don't yet.

I agree it's important to plan for that situation.

But it's not right that it should fall on the shoulders of just the latest person looking to invest in downtown.

We have someone finally willing to invest their good money in those buildings that have sat as an embarrassment to our downtown for decades.

There is a good reason the city of Yuma is offering incentives to move this along.

We need those buildings put to good use.

Needing a parking garage would be a great problem to have, as they say.

Let's work together and work with the City of Yuma to find a long-term solution for continued growth while addressing future needs such as parking.

In the meantime, let's be positive and encouraging, and welcome this investor as we continue our momentum for Downtown Yuma.

--

Matt Molenar, President
MGM Design
928-782-5915
http://mgmdesign.com

Richard W. Files
7816 Lorenzo Lane
Yuma, Az 85365
rwfiles@roadrunner.com

May 7, 2021

Dear Ms. Linville,

As a mortgage holder (and prior owner) of office space in historic downtown Yuma, this letter, written in a personal capacity, supports the granting of a variance for The Magellan Building project at 46 W. 2nd Street.

Like so many cities, Yuma's downtown suffers from the urban flight of the 1970's and 1980's. Also like many cities, Yuma has long sought to revitalize the downtown area and has made great strides in this regard - to a point where Mr. Pailliotet, a local Yuma developer, is ready, willing, and able to invest in his vision of downtown Yuma's future with a project that is nothing short of stunning.

The Magellan project represents a turning point that will change downtown Yuma's skyline, and also change the attitudes and perceptions of both residents and visitors alike. The project will lead to more downtown projects from others, and further the revitalization downtown merchants and property owners have sought for decades. Downtown apartments mean more commerce, more people in restaurants and shopping, a livelier, more urban and inviting downtown atmosphere, all of which will enhance the Entertainment District. Just looking at the proposed inspirational design beckons both young and the not so young, to want to live there or be near.

The value, walkability, and possibilities this project will bring to the downtown area far outweigh whatever balance was sought under a superannuated requirement of 2000 square feet of lot area per residential unit (possibly put in place with the thought of preserving commercial buildings from becoming boarding houses). To paraphrase Alan Durning from his book, *Unlocking Home: Three Keys to Affordable Communities*, "Misguided laws and regulations almost wiped out these kinds of housing, with disastrous consequences . . . But they're finally making a comeback in smart cities."

The Power Apartments at 20 West Third Street, constructed in 1915 and listed on the National Register of Historic Places, would not meet the 2000 square foot requirement without a variance, *nor could any viable two or more story apartment complex in the Old Town District be built without a variance*. In other words, as currently written, the code has ***a built-in recognition that a variance will be needed for apartment complexes which under the code are allowed as of right***. A variance in this multi-family application should

be viewed as "normal" for the construction of any apartments in the Old Town District, a routine part of the process as written.

Please do not allow this code requirement hold up the process. The need for apartments, which translates to foot traffic downtown, will further nearly every planning and development goal imaginable including infill, connection to the Riverfront, removal of blight, protection of agricultural land, strengthening property values, and increasing housing options to name a few.

Those who believe in the vision of a vibrant, historic downtown Yuma urge you to bring this project forward.

Thank-you,

Richard W. Files

Richard W. Files

ATTACHMENT G
AERIAL PHOTO

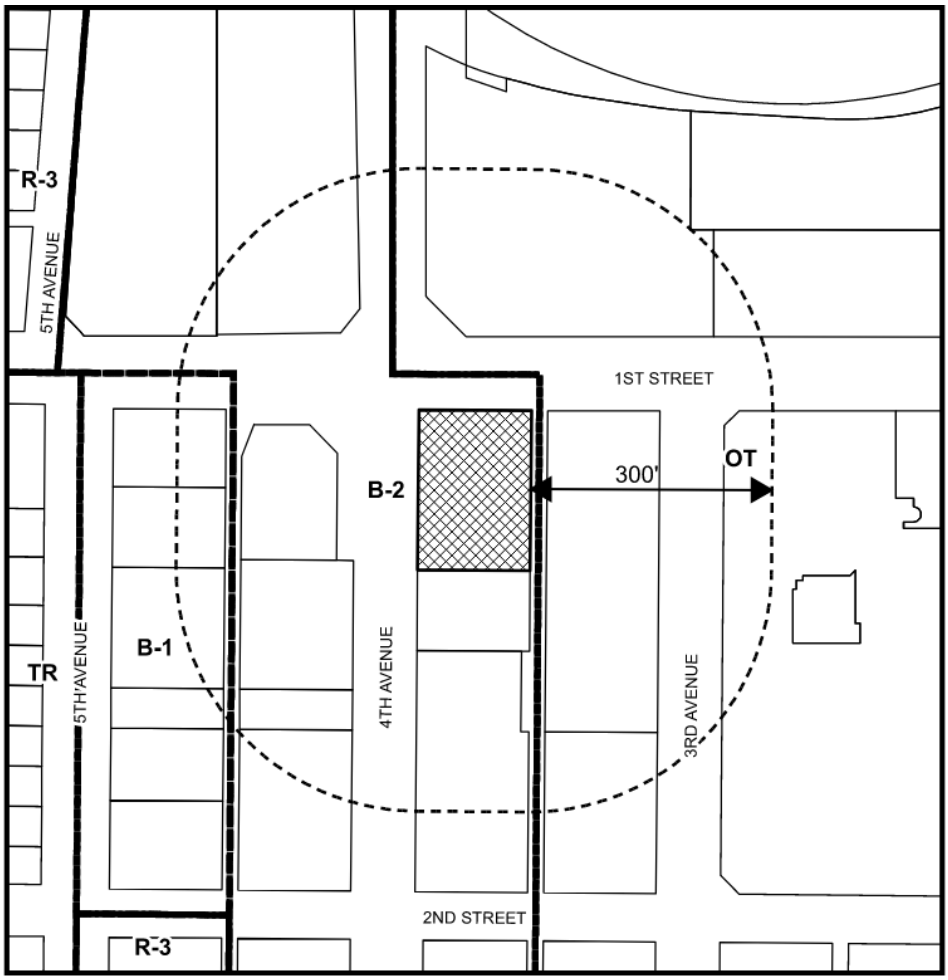
STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: RICHARD MUNGUIA

Hearing Date: May 13, 2021 **Case Number:** CUP-34547-2021

Project Description/Location: This is a request by Alan Cubberley, on behalf of Circle K Stores, Inc., for a Conditional Use Permit for soil and ground water remediation in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 379 W. 1st Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay (B-2/IO)	Circle K	Commercial
North	Old Town/Infill Overlay/Historic (OT/H/IO)	Undeveloped	Public/Quasi-Public
South	General Commercial/Infill Overlay (B-2/IO)	Massage Parlor	Commercial
East	Old Town/Infill Overlay (OT/IO)	Yuma County Sheriff's Office	Mixed Use
West	General Commercial/Infill Overlay (B-2/IO)	Chevron	Commercial

Location Map:



Prior site actions: Annexation: January 12, 1915; Variance: BA-86-029 (October 21, 1986).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit for soil and ground water remediation in the General Commercial/Infill Overlay (B-2/IO) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-34547-2021 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 Hearing Officer is authorizing the request by Alan Cubberley, on behalf of Circle K Stores, for soil and ground water remediation in the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 379 W. 1st 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: The property is currently operating as a Circle K convenience store with auto fuel sales. The applicant is asking to install a soil and groundwater remediation system on-site. The system will consist of a 24'X14' compound area, an 8' concrete enclosure with swing gates to the south, a 500 cubic feet per minute thermal/catalytic oxidizer (trailer mounted), a 55 gallon air/water separator, three 55 gallon steel drums to contain water, a temporary 500 gallon propane tank, and a diesel generator. The applicant has obtained the applicable permits from the Arizona Department of Environmental Quality (ADEQ general permit 102).

The purpose of the system is to reduce petroleum hydrocarbon concentrations in the soil beneath the subject property. The concrete compound is to provide security, public safety, and helps to limit the visual noise of the system's equipment. Appropriate staff will periodically take samples to ensure that the system is working as intended.

The expected timeline is not longer than two years, and should not create additional noise pollution above normal traffic noise along 4th Avenue. The proposed location of the remediation system will not impede traffic flow.

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	None	

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

Yes.

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

FACILITY PLANS						
Transportation Master Plan	**Planned**	**Existing**	**Gateway**	**Scenic**	**Hazard**	**Truck**
4th Avenue – Minor Arterial	50' H/W ROW	50' H/W ROW	X			X
1st Street – Collector	40' H/W ROW	45' H/W ROW		X		
Bicycle Facilities Master Plan	None					
YCAT Transit System	Yellow Route 95 – 1st Street @ 4th Avenue					
Issues:	None					

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

Yes.

5. Can the Hearing Officer answer the following questions affirmatively?

(1) Is the Hearing Officer, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Hearing Officer has the authority to hear and decide conditional use permit applications for soil remediation per §154.02.02(B).

(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 remediation equipment should not be detrimental to the health, safety, peace, morals, comfort, or general welfare of anyone working or residing in the area.

(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. Circle K has two points of access, and traffic flow will not be impeded due to the proposed location of the remediation system.

(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. The remediation system will be screened and will not interfere with any residential development in the area.

(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 remediation system will be screened and should blend in with the bulk of the buildings in the area.

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

Yes. The applicant has stated that the noise levels should not exceed those of normal traffic along 4th Avenue. The site has adequate lighting for this use.

(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. The applicant has proposed to add security fencing to the areas being serviced by the soil and groundwater remediation equipment.

Public Comments Received:	None Received.
Agency Comments:	See Attachment D.
Neighborhood Meeting Comments:	No Meeting Required.
Discussions with Applicant/Agent:	April 13, 2021; April 19, 2021
Proposed conditions delivered to applicant on:	April 12, 2021
Final staff report delivered to applicant on:	May 5, 2021

X	Applicant agreed with all of the conditions of approval on: April 14, 2021
	Applicant did not agree with the following conditions of approval: (list #'s)
	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Aerial Photo

Prepared By: **Date:**
Richard Munguia
Senior Planner Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

Approved By: **Date: May 6, 2021**
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.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning: Richard Munguia, Senior Planner, (928) 373-5000, x3070

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.

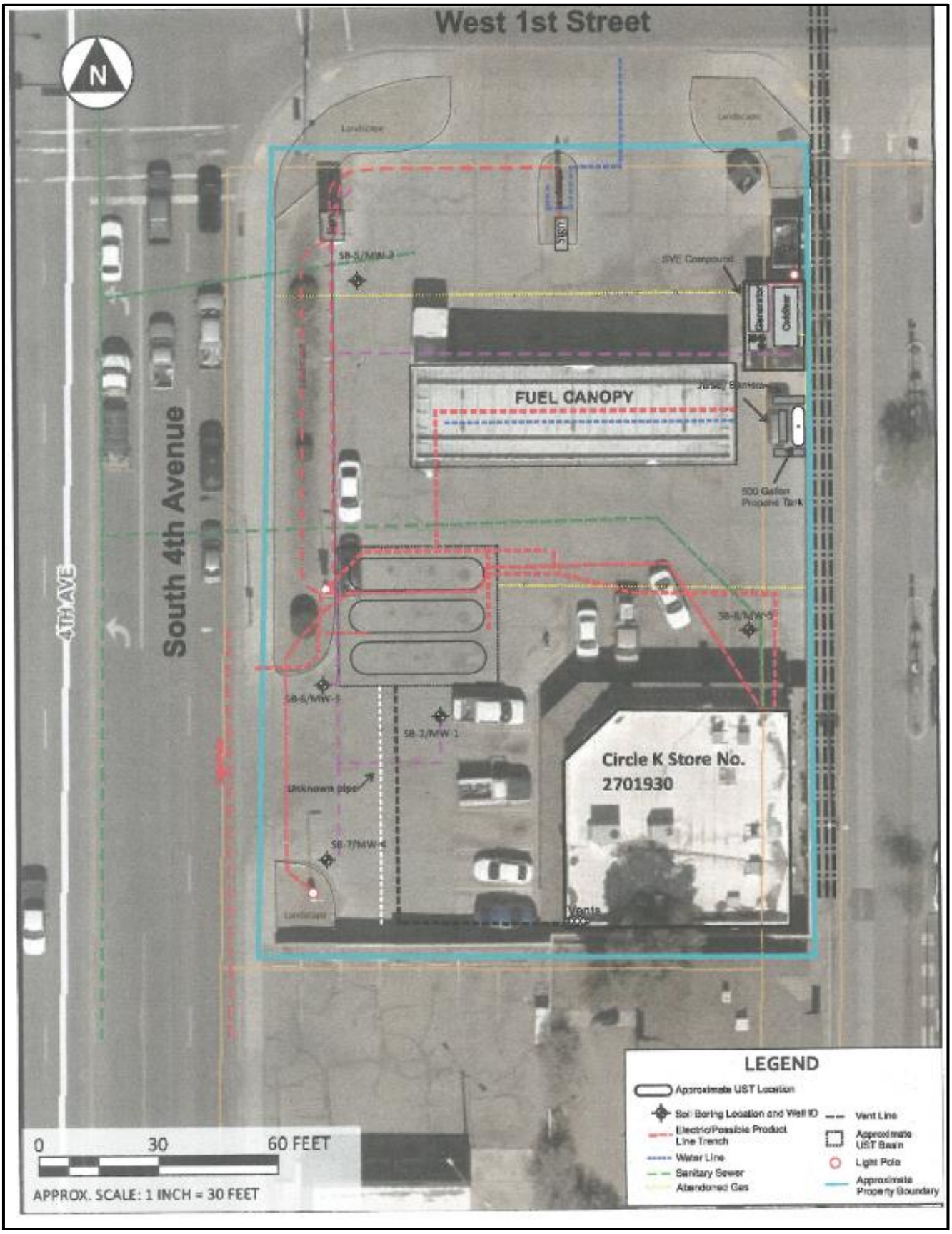
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are 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



ATTACHMENT C
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 04/23/2021
- **300' Vicinity Mailing:** 04/14/2021
- **34 Commenting/Reviewing Agencies noticed:** 04/14/2021
- **Site Posted on:** 05/06/2021
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 05/13/2021
- **Comments due:** 04/26/2021

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	X	04/14/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	04/14/2021	X		
Yuma County Planning & Zoning	X	04/20/2021		X	X
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.		04/20/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	04/14/2021	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	04/16/2021	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	04/15/2021	X		X
Building Safety	X	04/14/2021	X		X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	04/20/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

☐ Condition(s) ☒ No Condition(s) ☒ Comment

Enter conditions here: Comment only from Building Safety. Plans/permits needed for plumbing gas lines or electrical work, as applicable.

DATE: 4-14-2021 NAME: Alan Kircher TITLE: Deputy Building Official
CITY DEPT: DCD/Building Safety
PHONE: 928-373-5169
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☐ Condition(s) ☐ No Condition(s) ☒ Comment

Enter conditions here: Must meet all applicaple codes/ordinances including building and fire safety.

DATE: 4/15/21 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ COMMENT ☐ NO COMMENT

Enter comments below:

If approved, applicant should contact and follow Arizona Department of Environmental Quality (ADEQ) standards.

DATE: 4/20/2021 NAME: Anson Lihosit TITLE: Associate Planner
AGENCY: Yuma County, Planning and Zoning Division
PHONE: 928-817-5090
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

ATTACHMENT E
AERIAL PHOTO

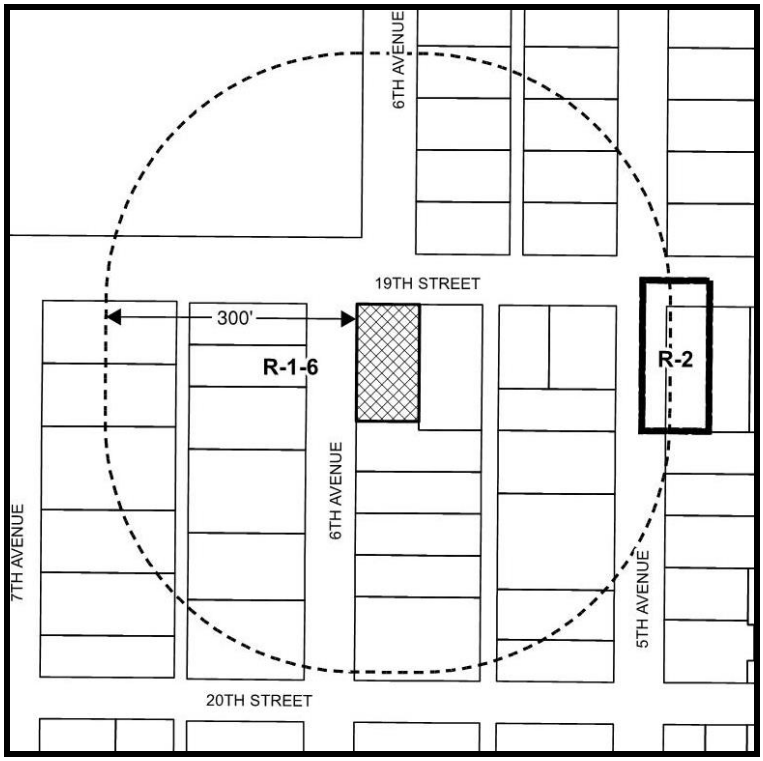
STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: AMELIA GRIFFIN

Hearing Date: May 13, 2021 **Case Number:** VAR-34488-2021

Project Description/Location: This is a request by Ronald Pailliotet, on behalf of John F. & Flora Pailliotet Trust, to allow an accessory building to exceed 50% of the total square footage of the primary residence and to reduce the minimum side street driveway length of 20' to 10' in the Low Density Residential (R-1-6) District, for the property located at 595 W. 19th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
North	Low Density Residential (R-1-6)	Single-Family Residence / Catholic School	Public/Quasi Public / Low Density Residential
South	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ord. 449 (May 29, 1946); Pre-Development Meeting: PDM-34286-2021 (March 23, 2021)

Staff recommendation:	Staff recommends **DENIAL** of the request to allow an accessory building to exceed 50% of the total square footage of the primary residence and **APPROVAL** of the request to reduce the minimum side street driveway length of 20' to 10' in the Low Density Residential (R-1-6) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?	No.

Staff Anaysis: The subject property, located within La Mesa Hermosa Unit No. 3 Subdivision, is located at the northeast corner of 19th Street and 6th Avenue. Currently, the property features a single-family residence and a detached garage, which were constructed in 1937. The applicant is proposing to construct a detached metal 58' x 27' garage located 10' from the west property line for storage of the property owner's vehicles and boat. The primary residence on the subject property is approximately 1,962 square feet and the proposed garage is approximately 1,566 square feet, which will exceed 50% of the primary residence.

The code addressing accessory structures, which was adopted in 2014 and amended in 2017 and 2020, requires accessory buildings or structures to be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. An accessory building or structure cannot exceed 50% of the total square footage of the primary residence. The accessory structures code ensures that no accessory structure becomes a nuisance to the neighbors or those living within the surrounding area. Additionally, if any required parking spaces have direct access and are perpendicular to the side street, a minimum 20' driveway length is required between the side street property line and the near end of the parking spaces.

The applicant intends to paint the new structure to match the existing residence with a light cream color and dark brown trim to unify its appearance. However, the materials proposed are incompatible with the primary residence. Additionally, the proposed 1,566 square foot 13' tall metal garage would not be in character with the surrounding neighborhood.

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: "*The special circumstance stems from the fact that the original house on this large parcel (10,779 sq. ft.) is smaller in square footage (1,515 sq. ft.) compared to the other properties in the surrounding District and the existing detached garage is only 228 sq ft. The proposed accessory building will be 32' from the rear of the principal residential building and more than 7' from the rear of the existing detached garage. Due to the proposed*

position of the accessory building, a driveway of 10' is proposed instead of the required 20' driveway."

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does not apply to most other properties within the district and surrounding residential development in regard to allowable accessory structures. The subject property is located within the La Mesa Hermosa Unit No. 3 Subdivision and the surrounding residences are similar in size and are required to comply with the accessory structures code.

The City of Yuma's Zoning Code allows the construction of accessory structures, such as a detached garage. This provision does however require that such structures do not exceed 50% of the total square footage of the primary residence. The accessory structures code ensures the character within the residential neighborhoods is maintained while also protecting the neighbors. The existing home on the property is approximately 1,962 square feet and the property owner has the ability to construct an approximately 980 square foot detached garage, which is similar to detached accessory structures within the surrounding area.

The majority of the properties located within the La Mesa Hermosa Unit No. 3 Subdivision are situated as to where there is alley access or have an existing driveway within the front yard setback. The subject property was developed without a driveway under Yuma County's jurisdiction in 1937. A 20' minimum driveway length between the side street property line and the near end of the parking spaces would limit the development ability on this property.

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: "*The owner purchased the property in 2020 as is, with the original home and detached garage constructed in 1937*."

Staff Analysis: The special circumstance was not created or caused by the property owner as the residence and surrounding neighborhood was developed prior to the current owners' purchase of the property.

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: *The granting of this variance request will allow for the preservation of property rights enjoyed by other property owners located within three blocks of the subject property with notable accessory buildings such as the following properties located at:*

- *1679 S. 5th Avenue*
- *455 W. 17th Street*
- *2011 S. 6th Avenue*
- *2028 S. 5th Avenue*

Staff Analysis: The accessory structure code was adopted in 2014 and updated in 2017 and 2020. The accessory structure code did not apply to the properties mentioned above as the structures were either placed prior to the adoption of the accessory structure code, did not apply to the zoning district, do not exceed 50% of the primary residence, or the structure is attached to the home.

The property owner has the ability to construct a detached garage that is less than 50% of the primary residence. The primary residence is approximately 1,962 square feet, which would allow an approximately 980 square foot detached accessory structure on the subject property.

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 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 since all R-1-6 zoning setbacks will be adhered to for this proposed accessory building and the rear yard of the property is already enclosed by a six-foot fence. The proposed accessory building will be similar in color to the principal house, with a light cream color and dark brown trim to unify its appearance. This accessory building will only be used for the owner's private use to store vehicles and no commercial activity will occur.*

Staff Analysis: The granting of the variance will 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.

2. Are any of the adjacent property owners opposed to this request? Yes, one neighbor has voiced opposition to this request.

<u>Public Comments Received</u>:

Name:	Neighbor			Contact Information:							
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
A neighbor contacted staff and expressed their concern with the size of the proposed building and added that it could diminish property values within the area. The neighbor also noted that the building could potentially be utilized for commercial purposes by future occupants. Additionally, the neighbor commented that the proposed building would be out of place with the surrounding neighborhood.											

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: May 4, 2021

Final staff report delivered to applicant on: May 6, 2021

X	Applicant agreed with all of the conditions of approval on: May 5, 2021
	Applicant did not agree with the following conditions of approval: (list #'s)
	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Site Photos	Elevation	Aerial Photo

Prepared By: Amelia Griffin **Date:** 05/05/21
Amelia Griffin
Associate Planner Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: Alyssa Linville **Date:** 05/07/2021
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, 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.

3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Engineering: Agustin Cruz, Senior Civil Engineer, (928) 373-5000 x5182

4. Driveways must be in conformance with City of Yuma Construction Standards numbers 3-115 and 3-125.

Community Planning: Amelia Griffin, Associate Planner, (928) 373-5000 x3034

5. The accessory structure (detached garage) must be painted to match the color of the existing residence.

6. 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.

7. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.

8. 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

ATTACHMENT C
AGENCY NOTIFICATIONS

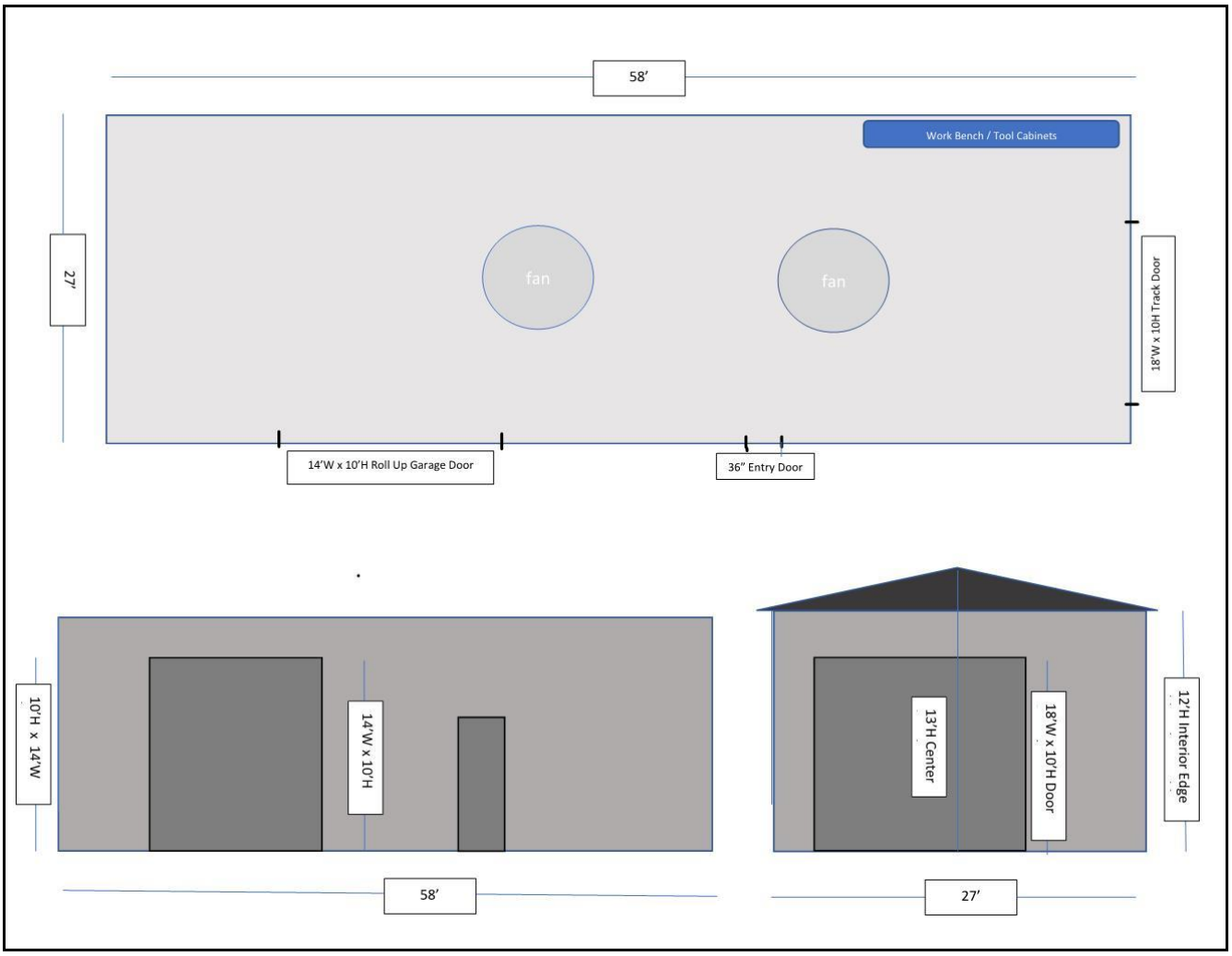
- **Legal Ad Published: The Sun** (04/23/21)
- **300' Vicinity Mailing:** (04/14/21)
- **Site Posted on:** (05/06/21)
- **34 Commenting/Reviewing Agencies Noticed:** (04/14/21)
- **Neighborhood Meeting Date:** (N/A)
- **Hearing Date:** (05/13/21)
- **Comments Due:** (04/26/21)

External List (Comments)	**Response Received**	**Date Received**	**"No Comment"**	**Written Comments**	**Comments Attached**
Yuma County Airport Authority	YES	4/14/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	4/14/21	X		
Yuma County Planning & Zoning	YES	4/20/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	4/20/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	4/14/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	4/16/21	X		
City of Yuma Internal List (Conditions)	**Response Received**	**Date Received**	**"No Conditions"**	**Written Conditions**	**Comments Attached**
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	4/15/21	X		
Building Safety	YES	4/14/21	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/20/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
SITE PHOTOS

ATTACHMENT E
SITE PHOTOS

ATTACHMENT F
ELEVATION



ATTACHMENT G
AERIAL PHOTO