

Planning and Zoning Commission Meeting Minutes
August 14, 2023

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, August 14, 2023, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel, Vice-Chairman Lorraine Arney and Commissioners Joshua Scott, Branden Freeman, John Mahon, Edgar Olvera, and Ashlie Pendleton.

STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Jerry Anaya, Engineering Manager; Emily Hart, Assistant City Attorney; Amelia Domby, Senior Planner; Erika Peterson, Associate Planner; and Lizbeth Sanchez, Administrative Specialist.

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

CONSENT CALENDAR

MINUTES – July 10, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Lorraine Arney, second by Branden Freeman to APPROVE the Consent Calendar as presented. Motion carried unanimously, (7-0).

Action Items–

CUP- 41562-2023: *This is a request by Gerald E. Hall and Melissa Hall on behalf of Main Street Yuma, LLC, for a Conditional Use Permit to allow Cat Grooming and Boarding, in the Old Town/Bed and Breakfast Overlay/Historic Overlay/Infill Overlay (OT/BBO/H/IO) District, for the property located at 102 E. 3rd Street, Yuma, AZ.*

Amelia Domby, Senior Planner summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

Chairman Chris Hamel asked if there would be any issues regarding parking for the proposed project. **Domby** clarified that the property was in the Old Town District and no additional parking would be required.

Commissioner Branden Freeman asked why a Conditional Use Permit was required. **Domby** said that the use was not listed as permitted use within the Old Town Zoning District, therefore a Conditional Use Permit was required, if it was approved by the Zoning Administrator.

APPLICANT/APPLICANT’S REPRESENTATIVE

Melissa Hall, 9727 S. Somerton Avenue, Yuma AZ, was available for questions. **Hall** stated that she chose the Downtown area because she wanted her students and clients to have somewhere to spend their time while they are waiting for their cats to be groomed.

PUBLIC COMMENT

Sherry Johnson, Customer, in favor of the proposed project.

Jenna Butler, 279 W. Rio Colorado Dr, Yuma, AZ, in favor of proposed project.

Motion by Lorraine Arney, second by Joshua Scott APPROVE CUP-41562-2023 as presented. Motion carried unanimously, (7-0).

CUP-41564-2023: *This is a request by Dahl, Robins & Associates, Inc., on behalf of McMahan-Kays, LLC, for a Conditional Use Permit to allow the use of a drive-through car wash, in the Limited Commercial/Infill Overlay (B-1/IO) District. This proposal includes an exception request to reduce the 4th Avenue setback from 15 feet to 4 feet for the car wash drive-through lane. The property is located on the southeast corner of 19th Street and 4th Avenue, Yuma, AZ.*

Erika Peterson Associate, Planner summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Hamel asked if the proposed project would have two entrances. **Peterson** confirmed.

Vice-Chairman Lorraine Arney asked if the existing building would be demolished. **Peterson** confirmed.

APPLICANT/APPLICANT'S REPRESENTATIVE

Christopher Robins, 1560 S. 5th Avenue, stated that he was opposed to conditions 6,7 and 8. **Robins** mentioned that condition 6 requests a one-time dimension site plan that identified future City infrastructure and stated that this was already shown in the site plan that was provided to the City. **Robins** requested to replace conditions 6, 7 and 8 with the following "The owner/developer shall grant a 12 foot no-build easement along the 4th Avenue frontage of proposed parcel B. The owner/developer shall grant a no-build easement corner triangle with 25-foot legs at the southeast corner of 19th Street and 4th Avenue. At the time the city constructs additional roadway improvements on 4th Avenue, between the driveway and 19th Street, the owner/developer shall dedicate the no-build easement areas as right-of-way."

Hamel asked City staff if there was anyway that the applicants request could be granted. **Jerry Anaya, Engineering Manager** said that the applicant would have to agree to dedicate the right-of-way once improvements to 4th Avenue were done. **Robins** said that if the City grants a no-build easement across parcel A at this time, the applicant will dedicate the right-of-way, in the future, upon the City's request when the improvements to 4th Avenue were done.

Commissioner John Mahon asked if the City widened 4th Avenue, would the applicant ask for a reduced setback for parcel A. **Robins** replied that at this time a reduced setback for parcel A was not being requested and that parcel A would require its own conditions once developed.

Commissioner Joshua Scott asked what the issue was with dedicating the right-of-way now. **Robins** stated that the property was in the Infill Overlay, and this would provide flexibility with the development of the property and noted that the area may be used as a retention area. **Scott** said that this could cause a setback issue if the developer uses the 15 foot no-build easement for setback purposes. **Robins** clarified that the area was being treated as a right-of-way, it just wasn't being dedicated at this time.

Anaya asked that the case be continued to the next Planning and Zoning meeting for further discussion. **Mahon** commented that he has lived in Yuma his whole life, and that the property has always been vacant, suggested working with the applicant to make this project work.

Jennifer Albers, Assistant Director of Planning, informed the Commission that the next scheduled Planning and Zoning meeting was scheduled for August 28, 2023.

Commissioner Branden Freeman mentioned that the changes to the conditions were minor, and he suggested the Commission make a motion now. **Freeman** asked for the language of Mr. Robins' proposed condition. **Albers** noted that staff and the commission didn't have a copy of the proposed condition.

PUBLIC COMMENT

None

Motion by Branden Freeman second by John Mahon to APPROVE CUP-41564-2023 with the removal of conditions 6,7 and 8 and replacing it with the following. "The owner/developer shall grant a 12 foot no-build easement along the 4th Avenue frontage of proposed parcel B. The owner/developer shall grant a no-build easement corner triangle with 25-foot legs at the southeast corner of 19th Street and 4th Avenue. At the time the city constructs additional roadway improvements on 4th Avenue, between the driveway and 19th Street, the owner/developer shall dedicate the no-build easement areas as right-of-way." Motion carried (6-1) with Scott voting Nay.

GP-41398-2023: *This is a General Plan Amendment request by Thompson Design Architects on behalf of the Housing Authority of the City of Yuma (HACY), to change the land use designation from Medium Density Residential to High Density Residential for approximately 1.2 acres, for the properties located at 430 and 440 Magnolia Avenue, Yuma, AZ.*

Jennifer Albers, Assistant Director of Planning summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

Christopher Thompson, Thompson Design Architects, 675 W. 16th Street, Yuma, Az, stated that they sympathize with the neighbors and are doing what they can to address their concerns. Thompson said that the intent was to start the project with 12 units, and if the increased density request was approved, 8 additional units would be built. Thompson noted that the intent was to have families occupy the units, not migrants.

Freeman stated that he was in support of the proposed project adding that Yuma needed more low-income apartments.

Scott asked for clarification on why neighbors claim that the initial intent for the property was for single family homes. Michael Morrissey, Executive Director of Housing Authority of the City of Yuma, clarified that the intent for the property has always been apartments and was unsure of where the neighbors obtained that information. Morrissey added that this project would be a great opportunity to make a difference in the community for families in need of affordable housing.

Mahon asked if there was a previous design prior to the rezone request. Thompson replied that the design consisted of 12 units, 2-3 bedrooms. Thompson added that if the amendment was approved two additional buildings would be built.

Luz Acosta, 634 E. Marisela St., Somerton, AZ, on behalf of applicant. Acosta wanted to address neighbor concerns about crime and resources. Acosta noted that Housing Authority of Yuma has partnered with 18 agencies that promote higher education, nutrition, and healthcare and that it was the applicant's intention to share these resources within this community.

PUBLIC COMMENT

Tom Bedoya 1852 W 3rd Place, Yuma, AZ, is against the proposed project. Bedoya asked for clarification on the location of the storm retention basin. Bedoya also said that apartments would decrease the value of the neighboring properties. Bedoya was confused regarding the ownership of the property, and asked if the City of Yuma was the property owner. Albers clarified that the City of Yuma and the Housing Authority of Yuma were separate entities. Morrissey clarified that the Arizona Housing Development Corporation was the property owner.

Lynn Pancrazi, County Supervisor, 3748 W. 18th Place, Yuma, AZ, asked staff to investigate past flooding incidents in the area and to take the steps to prevent future flooding in the area. Pancrazi also requested a traffic study starting from 8th Street to the property. Pancrazi suggested a right turn entrance and a right turn exit to help prevent traffic. Anaya said he would discuss it with the City's traffic engineer.

Commissioner Edgar Olvera noted that the area is not in a floodplain according to the Federal Emergency Management Flood Map (FEMA).

Elizabeth Bedoya, 1852 W. 3rd Place, Yuma, AZ is opposed to the proposed project. **Bedoya** mentioned that they were previously told that single family homes would be built on the property. **Bedoya** expressed concerns about traffic and mentioned that apartments would only increase the crime rate in the area.

Hamel mentioned that his concern with the area was the high density.

Motion by Lorraine Arney second by Branden Freeman to APPROVE GP-41398-2023 as presented. Motion carried (4-3) with Hamel, Scott, and Mahon voting Nay.

INFORMATION ITEMS

Staff

None

Commission

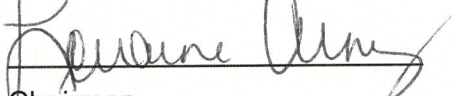
None

Public

None

Chairman Chris Hamel adjourned the meeting at 5:38 PM.

Minutes approved this 28 day of August, 2023.


Chairman