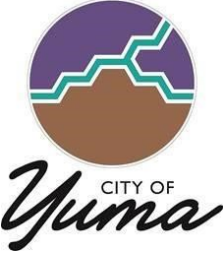


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on December 14, 2020, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

| | |
|---|---|
|  | <p>Revised Agenda</p> <p>Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, December 14, 2020, 4:30 p.m.</p> |
|---|---|

COVID 19 ADVISORY

DUE TO COVID-19 THE CITY HALL COUNCIL CHAMBERS WILL HAVE LIMITED PUBLIC ACCESS.

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 meeting of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means along with limited public, in-person access, consistent with CDC social distancing guidelines.

Due to the very limited capacity available for in-person public access to the Planning and Zoning Commission Meeting, citizens wishing to make public comment regarding any item listed on the agenda are strongly encouraged to provide their comments in written format to email address planning@yumaaz.gov no later than 4:00 p.m. on November 9, 2020. Comments received timely will be entered into the permanent record of the referenced agenda item to be considered by the Planning and Zoning Commission.

**ADHERENCE TO CDC SOCIAL DISTANCING GUIDELINES ARE REQUIRED IN ALL PUBLIC BUILDINGS.
THE USE OF FACE COVERINGS ARE REQUIRED IN PUBLIC BUILDINGS WHEN CDC SOCIAL DISTANCING GUIDELINES CANNOT BE ACHIEVED.**

A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES

November 23, 2020

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS-

C.1 **SUBD-32550-2020:** *This is a request by Vianey Vega, on behalf of Arizona Housing Development Corporation, for approval of the preliminary plat for the AHDC Magnolia Avenue Phase Two Subdivision. This subdivision will contain approximately 40,650 square feet, and is proposed to be divided into 6 residential lots, ranging in size from 5,649 square feet to 9,899 square feet. The property is located at the northeast corner of Magnolia Avenue and 5th Street, Yuma, AZ.*

C.2 ZONE-32945-2020: *This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments, as it relates to the recent approval of State Proposition 207 in the November 2020 General Election.*

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF

E.2 COMMISSION

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

ADJOURN

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

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

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

**Planning and Zoning Commission Meeting Minutes
November 23, 2020**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday November 23, 2020, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

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

STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Alyssa Linville, Assistant Director DCD; Augustin Cruz, Senior Civil Engineer; Chad Brown, Associate Planner; Amelia Griffin, Assistant Planner; Jessenia Juarez, Administrative Assistant, and Alex Marquez, Administrative Assistant.

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

CONSENT CALENDAR

MINUTES –September 14, 2020

WITHDRAWALS BY APPLICANT – None

CONTINUANCES –

SUBD-31702-2020: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Barkley Limited Partnership, for approval of the preliminary plat for the Livingston Ranch Units No. 3 and 4 Subdivision. This subdivision will contain approximately 65.3 acres, and is proposed to be divided into 176 residential lots, ranging in size from 7,395 square feet to 19,451 square feet. The property is located near the northwest and northeast corner of 36th Street and the Avenue B½ alignment, Yuma, AZ. (Continue to January 11, 2021)*

APPROVALS – None

Motion by Counts, second by Edgar, to APPROVE the Consent Calendar. Motion carried unanimously, (5-0) with two absent.

Action Items –

SUBD-31708-2020: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Perricone Arizona Properties, LLC, for the approval of the preliminary plat for the Terra Bella Units 2, 3, 4, & 5 subdivision. This subdivision will contain approximately 34 acres and is proposed to be divided into 105 lots, ranging in size from approximately 9,500 square feet to 10,375 square feet. The property is located at the southwest corner of Avenue 5 ½ E and the 36th Street alignment, Yuma, AZ 85364*

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Christopher Robins 1560 S. 5th Ave. Yuma, AZ 85364, stated that he was in agreement with the Conditions of Approval and was available for questions.

PUBLIC COMMENT

Art Burington 5832 E. 37th Str, Yuma, AZ, expressed concern about traffic congestion at the main entrance of the proposed development and on 37th Street. **Robins** stated the Preliminary Plat was approved in 2005 with two separate access points into the development; one on 37th Street and the other on Terra Bella Parkway and Bella Norte Drive. **Burington** then expressed concern about the traffic turning from the left hand turn lane. **Brown** stated that the plans had been reviewed and approved by the Traffic Engineers.

Dammeyer agreed that there would be more traffic due to development, and that the engineers had approved the design as presented.

Jill Capparelli 3757 S. Plowman Drive Yuma, AZ, stated her increased concern about traffic and asked if the City was planning on installing a 4-way stop sign or traffic signal. She continued by saying she was concerned about the safety of the public in the area. **Dammeyer** asked if the staff had any plans for a 4-way stop sign or traffic signal. **Cruz** replied, there are no plans yet, however several departments had reviewed the plans and if there was a need for a 4-way stop sign or traffic signal one would be installed. **Dammeyer** confirmed that Engineering had reviewed to see whether or not a signal was needed and also asked if a traffic study could be done. **Cruz** replied yes. **Dammeyer** asked Capparelli if her question was answered. **Capparelli** replied yes.

Art Burington spoke again and then asked about the traffic study. **Cruz** replied that the traffic study was done in 2005, and that he would look into it further. **Counts** then asked if a newer study could be done. **Cruz** replied yes. **Arney** commented that since there had been more development since 2005 a new study might be warranted. **Cruz** replied that it was possible the 2005 study took into account new development but the City would look into it. If warranted a new study could be requested. **Robins** noted that the 2005 study had taken into account all future development for the area. **Counts** stated that he would like to see the new study before the Final Plat was submitted. **Dammeyer** asked staff to review the 2005 study to insure future growth was considered.

Motion by Counts, second by Edgar, to APPROVE SUBD-31708-2020, subject to the Conditions of Approval in Attachment A. Motion carried (5-0) with two absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

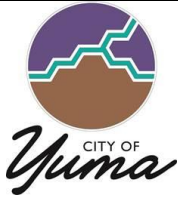
None

ADJOURNMENT

Hamel adjourned the meeting at 4:53 p.m.

Minutes approved this _____ day of _____, 2020

Chairman



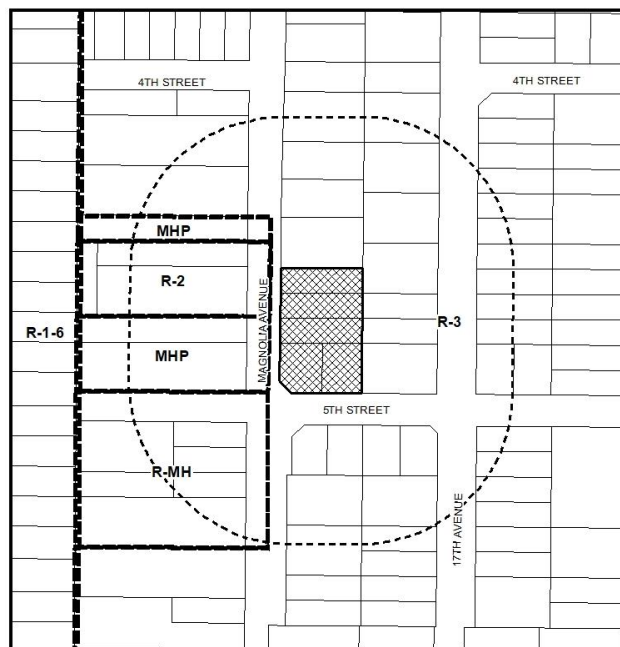
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: December 14, 2020 **Case Number:** SUBD-32550-2020

Project Description/Location: This is a request by Vianey Vega, on behalf of Arizona Housing Development Corporation, for approval of the preliminary plat for the AHDC Magnolia Avenue Phase Two Subdivision. This subdivision will contain approximately 40,650 square feet, and is proposed to be divided into 6 residential lots, ranging in size from 5,649 square feet to 9,899 square feet. The property is located at the northeast corner of Magnolia Avenue and 5th Street, Yuma, AZ.

| | Existing Zoning | Existing Land Use | Designated Land Use |
|--------------|---|--|---|
| Site | High Density Residential/Infill Overlay (R-3/IO) | Single-family residence(s); vacant | Low Density Residential; Medium Density Residential |
| North | High Density Residential/Infill Overlay (R-3/IO) | Multi-family residential | Low Density Residential |
| South | High Density Residential/Infill Overlay (R-3/IO) | Single-family residence(s) | Medium Density Residential |
| East | High Density Residential/Infill Overlay (R-3/IO) | Single-family residence(s); Multi-family residential | Low Density Residential; Medium Density Residential |
| West | Medium Density Residential/Infill Overlay (R-2/IO); Manufactured Housing Park/Infill Overlay (MHP/IO) | Mobile home park; vacant | Medium Density Residential |

Location Map



Prior site actions: Subdivision: Savera Lot Split (July 25, 2018), TNNA Lot Split (July 25, 2018)

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the AHDC Magnolia Avenue Phase Two Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-32550-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of AHDC Magnolia Avenue Phase Two Subdivision, which includes 6 lots ranging in size from 5,649 square feet to 9,899 square feet for the property located at the northeast corner of Magnolia Avenue and 5th Street, subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: Historically, the properties served as a grove for citrus production; however, in recent years the properties were cleared, remaining vacant and undeveloped. In 2018, the vacant properties were split into five resulting parcels; one lot was split into two parcels and the other lot was split into three parcels. Then in 2020, three of the properties were each developed with a single-family residence. Now, with this request, the property owner is proposing to create a sixth lot.

The proposed subdivision will meet the intent and development standards outlined within the High Density Residential (R-3) District through the utilization of development incentives offered within the Infill Overlay (IO) District. One of the primary development incentives that will be utilized with this subdivision is the request to reduce the minimum lot size requirement from 6,000 square feet to 5,649 square feet. In addition, the following are some of the standards that will be required for development within the proposed subdivision:

1. The maximum lot coverage in the High Density Residential/Infill Overlay (R-3/IO) District shall be 60% of the lot area;
2. A minimum front yard setback of twenty feet;
3. A minimum side yard setback of five feet;
4. A minimum street side setback of ten feet;
5. A minimum rear yard setback of ten feet;
6. A maximum building height of forty feet; and
7. A requirement for each lot to provide two off-street parking spaces, appropriately located.

Neighbors within 300' were notified of the proposed development, none of which voiced any thoughts or concerns about the proposed development.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes.

2. Does the subdivision comply with the subdivision code requirements?

Yes.

| <u>Standard</u> | <u>Subdivision</u> | | | | | | <u>Conforms</u> | | | |
|--------------------|--------------------|----------|-------------------------|-------|----------|----------|-----------------|-----|---|----|
| Lot Size | Minimum: | 6,649 SF | | | Maximum: | 9,899 SF | | Yes | X | No |
| Lot Depth | Minimum: | 99 FT | | | Maximum: | 250 FT | | Yes | X | No |
| Lot Width/Frontage | Minimum: | 50 FT | | | Maximum: | 68 FT | | Yes | X | No |
| Setbacks | Front: | 20 FT | Rear: | 10 FT | Side: | 5 FT | | Yes | X | No |
| District Size | .93 | | Acres | | | | | Yes | X | No |
| Density | 6.4 | | Dwelling units per acre | | | | | Yes | X | No |

Issues:

| <u>Requirements</u> | <u>Conforms</u> | | | | | |
|--------------------------|-----------------|---|----|--|-----|---|
| General Principles | Yes | X | No | | N/A | |
| Streets | <u>Conforms</u> | | | | | |
| Circulation | Yes | X | No | | N/A | |
| Arterial Streets | Yes | | No | | N/A | X |
| Existing Streets | Yes | X | No | | N/A | |
| Cul-de-sacs | Yes | | No | | N/A | X |
| Half Streets | Yes | | No | | N/A | X |
| Stub Streets | Yes | | No | | N/A | X |
| Intersections | Yes | X | No | | N/A | |
| Easements | Yes | X | No | | N/A | |
| Dimensional Standards | Yes | X | No | | N/A | |
| Issues: None | | | | | | |
| Blocks | <u>Conforms</u> | | | | | |
| Length | Yes | | No | | N/A | X |
| Irregular Shape | Yes | | No | | N/A | X |
| Orientation to Arterials | Yes | | No | | N/A | X |
| Business or Industrial | Yes | | No | | N/A | X |
| Issues: None | | | | | | |
| Lots | <u>Conforms</u> | | | | | |
| Minimum Width | Yes | X | No | | N/A | |
| Length and Width Ratio | Yes | X | No | | N/A | |
| Fronting on Arterials | Yes | | No | | N/A | X |
| Double Frontage | Yes | | No | | N/A | X |
| Side Lot Lines | Yes | X | No | | N/A | |
| Corner Lots | Yes | X | No | | N/A | |
| Building Sites | Yes | X | No | | N/A | |
| Street Frontage | Yes | X | No | | N/A | |
| Issues: None | | | | | | |

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Yes.

| | | | | | | | | | | |
|--|----------------|---|--|-----------------------------|----------------------|-------------------------------------|--------------|------------------------------|------|---|
| Land Use Element: | | | | | | | | | | |
| Land Use Designation: | | | Low Density Residential and Medium Density Residential | | | | | | | |
| Issues: | | | None | | | | | | | |
| Historic District: | Brinley Avenue | | Century Heights | | | | Main Street | | None | X |
| Historic Buildings on Site: | | Yes | | No | X | | | | | |
| Transportation Element: | | | | | | | | | | |
| FACILITY PLANS | | | | | | | | | | |
| TRANSPORTATION MASTER PLAN | | Planned | Existing | Gateway | Scenic | Hazard | Truck | | | |
| Magnolia Avenue – 2-Lane Collector | | 40 FT H/W ROW | 40 FT H/W ROW | | | | | | | |
| 5 th Street – Local Street | | 29 FT H/W ROW | 30 FT H/W ROW | | | | | | | |
| Bicycle Facilities Master Plan | | Magnolia Avenue: Existing Bike Route | | | | | | | | |
| YCAT Transit System | | N/A | | | | | | | | |
| Issues: | | None | | | | | | | | |
| Parks, Recreation and Open Space Element: | | | | | | | | | | |
| Parks and Recreation Facility Plan | | | | | | | | | | |
| Neighborhood Park: | | Existing: Kiwanis Park | | | | Future: Kiwanis Park | | | | |
| Community Park: | | Existing: Carver Park | | | | Future: Carver Park | | | | |
| Linear Park: | | Existing: East Main Canal Linear Park | | | | Future: East Main Canal Linear Park | | | | |
| Issues: | | None | | | | | | | | |
| Housing Element: | | | | | | | | | | |
| Special Need Household: | | N/A | | | | | | | | |
| Issues: | | None | | | | | | | | |
| Redevelopment Element: | | | | | | | | | | |
| Planned Redevelopment Area: | | None | | | | | | | | |
| Adopted Redevelopment Plan: | | North End: | | | Carver Park: | | X | None: | | |
| Conforms: | | Yes | X | No | | | | | | |
| Conservation, Energy & Environmental Element: | | | | | | | | | | |
| Impact on Air or Water Resources | | Yes | | No | N/A | | | | | |
| Renewable Energy Source | | Yes | | No | N/A | | | | | |
| Issues: | | None | | | | | | | | |
| Public Services Element: | | | | | | | | | | |
| <u>Population Impacts</u> Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person | | Dwellings & Type <i>Single Family</i> | | Projected Population | Police Impact | Water Consumption | | Wastewater Generation | | |
| | | Proposed | Per Unit | | Officers | GPD | AF | GPD | | |
| | | 6 | 2.8 | 17 | 0.03 | 5,040 | 5.6 | 1,680 | | |
| | | | | | | | | | | |
| Fire Facilities Plan: | | Existing: Fire Station No. 1 | | | | Future: Fire Station No. 1 | | | | |
| Water Facility Plan: | | Source: | City | X | Private | Connection | 10" PVC | | | |

| | | | | | | | | | |
|-----------------------------|-------------------------|---------------------------|-----------------------------------|--------|----------|---------|---------------------------------|---------|---|
| Sewer Facility Plan: | Treatment: | City | X | Septic | | Private | | 10" VCP | |
| Issues: | None | | | | | | | | |
| Safety Element: | | | | | | | | | |
| Flood Plain Designation: | Flood Zone X | Liquefaction Hazard Area: | | | | Yes | | No | X |
| Issues: | None | | | | | | | | |
| Growth Area Element: | | | | | | | | | |
| Growth Area: | Araby Rd & Interstate 8 | | Arizona Ave & 16 th St | | | | Avenue B & 32 nd St. | | |
| | North End | | Pacific Ave & 8 th St | | Estancia | | None | X | |
| Issues: | None | | | | | | | | |

Public Comments Received: None Received.

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: November 25, 2020

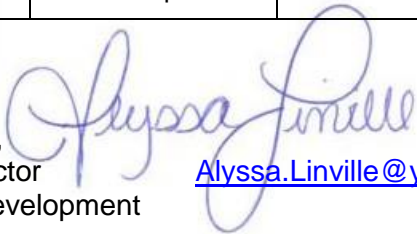
Final staff report delivered to applicant on: November 30, 2020

- Applicant agreed with all of the conditions of approval on: November 30, 2020
- 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 |
|---|----------------------|----------------------|-----------------|-------------|--------------|
| Preliminary Plat Conditions of Approval | Preliminary Plat Map | Agency Notifications | Agency Comments | Site Photos | Aerial Photo |

Prepared By:
 Alyssa Linville,
 Assistant Director
 Community Development



Alyssa.Linville@yumaaz.gov

Date: November 30, 2020
 (928)373-5000, ext. 3037

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions 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.

City Attorney Comments: (928) 373-5058:

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Magnolia Avenue. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

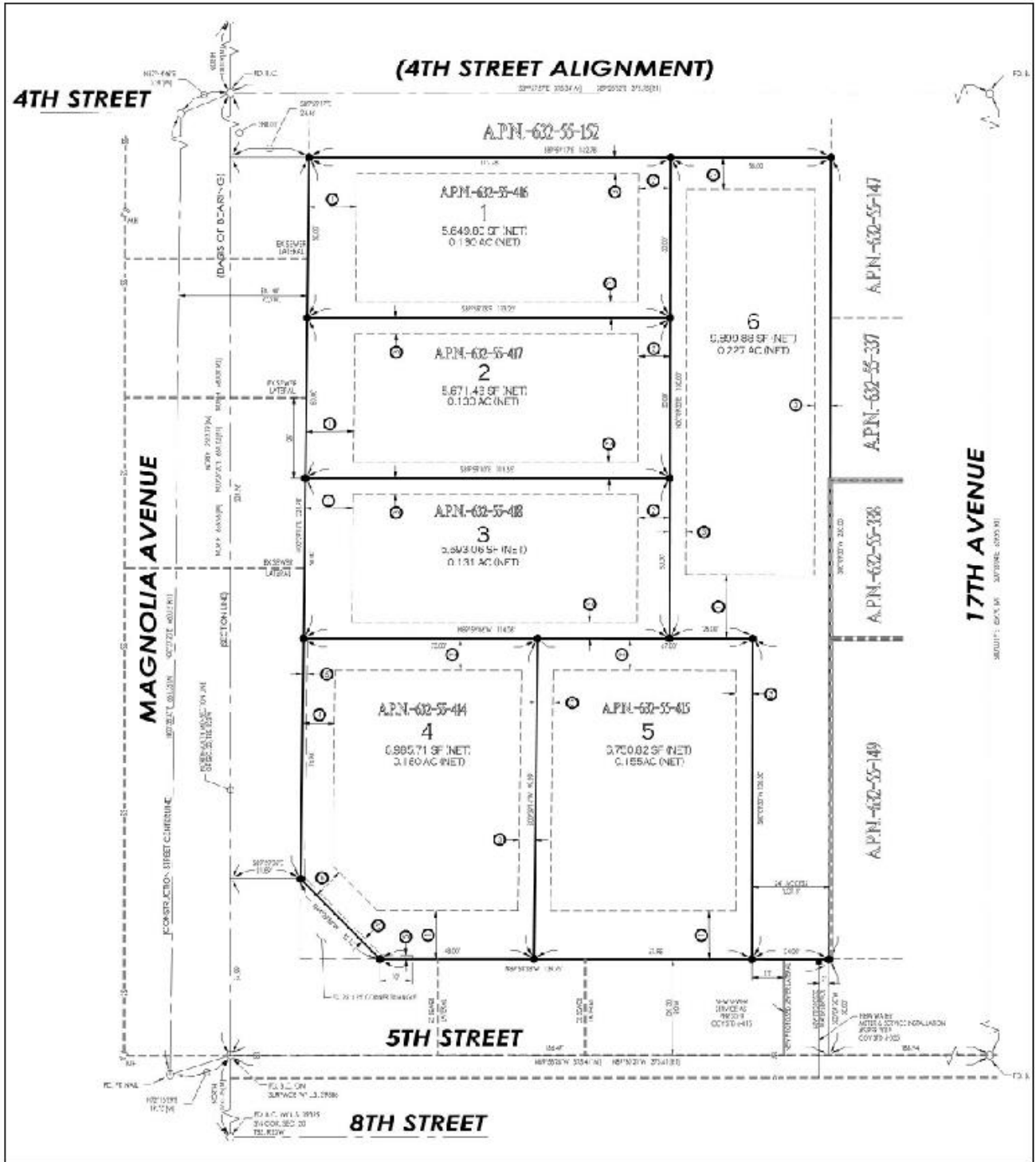
Community Planning Conditions: Alyssa Linville, Assistant Director of Community Development, (928) 373-5000, ext. 3037:

7. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the

approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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 PRELIMINARY PLAT MAP



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/20/2020)
- **300' Vicinity Mailing:** (10/26/2020)
- **34 Commenting/Reviewing Agencies noticed:** (10/29/2020)
- **Site Posted on:** (12/07/2020)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (12/14/2020)
- **Comments due:** (11/09/2020)

| External List (Comments) | Response Received | Date Received | "No Comment" | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | Yes | 10/30/2020 | X | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users' Assoc. | Yes | 11/02/2020 | | X | X |
| Yuma County Planning & Zoning | NR | | | | |
| Yuma County Assessor | Yes | 10/29/2020 | X | | |
| 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 | 10/29/2020 | X | | |
| Yuma Mesa Irrigation District | Yes | 10/29/2020 | X | | |
| Arizona Fish and Game | NR | | | | |
| USDA – NRCS | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | Yes | 11/04/2020 | X | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power Administration | Yes | 11/02/2020 | 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 | Yes | 11/02/2020 | X | | |
| Building Safety | Yes | 11/03/2020 | X | | |
| City Engineer | NR | | | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | Yes | 11/02/2020 | X | | |
| Utilities | NR | | | | |
| Public Works | NR | | | | |
| Streets | NR | | | | |

ATTACHMENT E
SITE PHOTOS



Proposed Flag Lot (5th Street access)

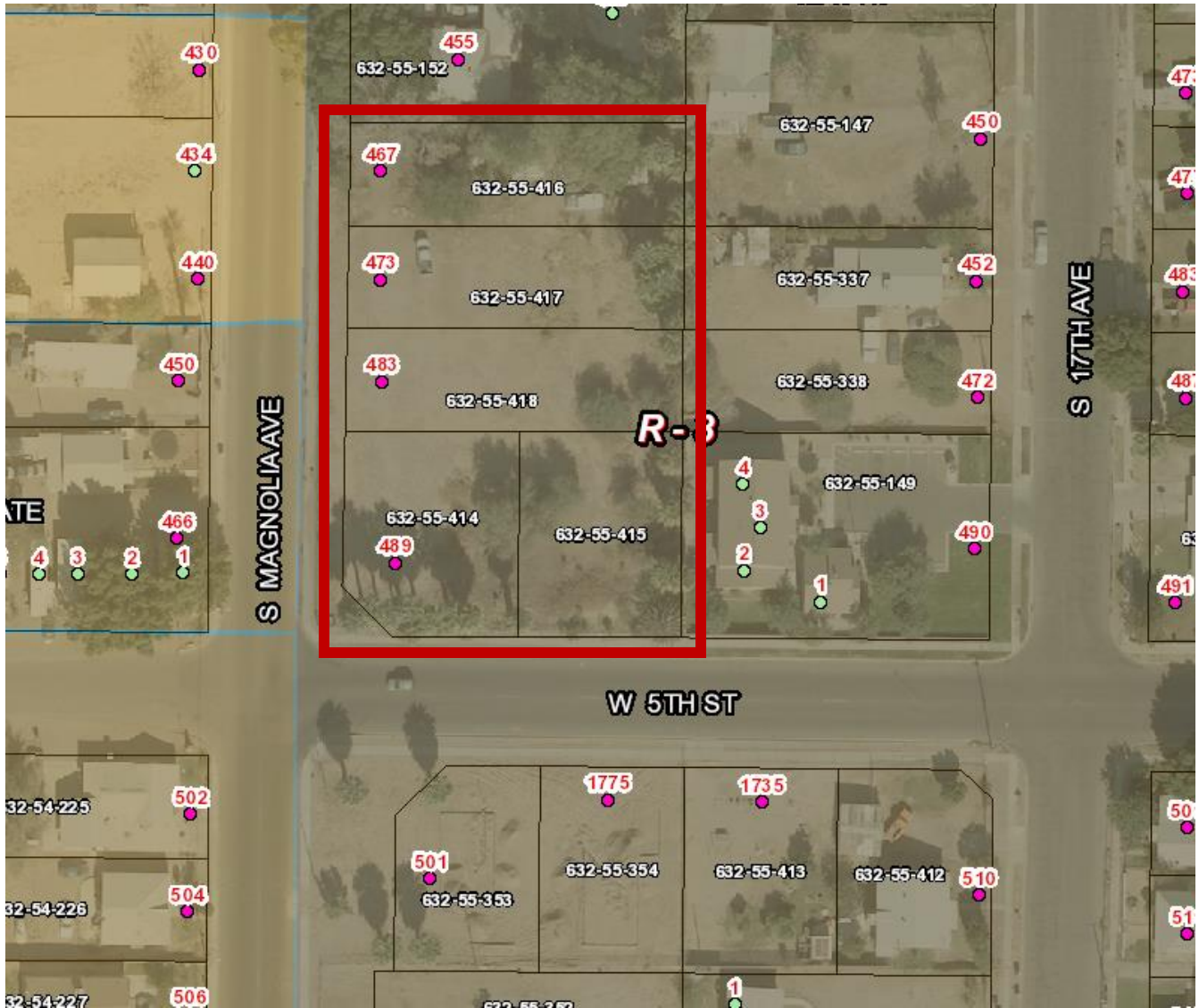


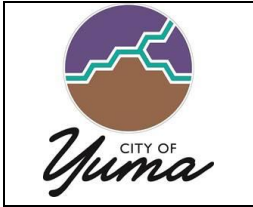
View of the newly constructed residences on the north three lots and the vacant land that will be developed with three additional residences (5th Street access)



Newly constructed homes on the three northern parcels.

ATTACHMENT F
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ALYSSA LINVILLE**

Hearing Date December 14, 2020

Case Number: ZONE-32945-2020

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments, as it relates to the recent approval of State Proposition 207 in the November 2020 General Election.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-32945-2020 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments.

Staff Analysis: On November 3, 2020, Arizona voters approved Proposition 207, the Arizona Smart and Safe Act (the Act). This Act legalizes the responsible use of marijuana by adults 21 years of age or older. Additionally, the Act provides specific definitions related to recreational marijuana, its use and regulation. This proposed text amendment will allow recreational marijuana establishments to collocate with non-profit medical marijuana dispensaries in a single location, within the same building.

In 2011, the City Council originally adopted a zoning ordinance which provided regulations for the operation of medical marijuana dispensaries. With the approval this recent legislation, recreational marijuana establishments will be subject to the same rules and regulations as medical marijuana dispensaries, in addition to the collocation requirement.

Staff has reviewed how other states have addressed and implemented laws related to recreational marijuana, understanding that the law in each state is different and that some of their regulations cannot or do not apply here in Arizona.

In the City of Yuma, the goal is to protect sensitive uses from possible future impacts of marijuana facilities. This is accomplished by requiring buffers from those sensitive uses to any marijuana facility (1,000 feet from schools, day cares, churches and other places of worship, residential zones, parks, libraries and community centers, and 5,280 feet from any other marijuana facility, regardless if these uses are located in the city or the county); allowing marijuana facilities by right (no conditional use permit is required), in General Commercial and Light Industrial zoning districts; requiring the facilities to be located on heavily traveled

roadways; requiring dispensing and growing to be grouped together on the same site; limiting the hours of operation; and by allowing the Arizona Department of Health Services to regulate the actual operation of the use (who can open a facility, how it must be run, reporting requirements, etc.).

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

No. While the 2012 General Plan does not discuss the retail sale recreational marijuana, the proposed amendment does meet the requirements set forth in the voter approved Proposition 207 (Smart and Safe Act).

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. This amendment does fit the overall purpose and intent of the zoning ordinance, which is intended to protect the public health, safety, and welfare.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes. This amendment will add recreational marijuana establishments as a permitted use in the General Commercial (B-2) and Light Industrial (L-I) District, subject to the operational standards identified within the proposed amendment.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No. The proposed text amendment will not change the development standards of the zoning or the subdivision ordinance. The amendment will however, add a new permitted use, as it relates to the retail sale of recreational marijuana.

5. What are the potential impacts of the proposed amendment?

There are many potential impacts that recreational marijuana establishments could create and there are many perceived impacts that could be identified by the general public. Since other states have adopted different laws and the Arizona law is new, there is not enough data to generate a comprehensive list of potential impacts that this new law could have on our community.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes. On December 2, 2020, the City Council introduced an ordinance which would allow the retail sale of recreational marijuana within the City of Yuma; the expected adoption date is December 16, 2020. This proposed amendment will conform to the City Council action.

Public Comments Received: City staff received a number of phone calls and emails by interested individuals wanting to learn more about the rules and regulations.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

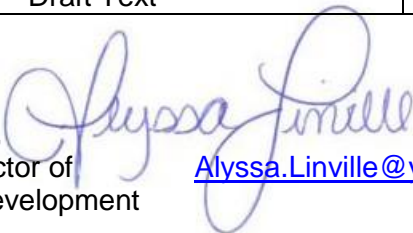
Final staff report delivered to applicant on: N/A

Attachments:

| A | B |
|------------|---------------------|
| Draft Text | Agency Notification |

Prepared By:

Alyssa Linville,
Assistant Director of
Community Development



Date:

Alyssa.Linville@yumaaz.gov

(928)373-5000, ext. 3037

**ATTACHMENT A
DRAFT TEXT**

Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments

§154-22.01 Purpose

Marijuana in any form, including medical **and recreational** marijuana, is illegal under federal law pursuant to the Controlled Substances Act (21 U.S.C §811.) However, under Arizona State law, the Arizona Medical Act (Proposition 203, passed by the voters in 2010) allows a qualifying patient who has an identified debilitating medical condition, to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms; **and the Arizona Smart and Safe Act (Proposition 207, passed by the voters in 2020) allows the responsible adult use of marijuana for persons twenty-one years of age or older. Both Proposition 203 and 207 also** contain provisions for dispensaries to provide medical **or recreational** marijuana to qualifying ~~patients~~ **individuals. This These** changes in state law means that it is possible that medical marijuana dispensaries **and recreational marijuana establishments** could be operating in the City of Yuma. The City has a duty to ensure that the dispensaries are located and operated in a manner that least harms the health, safety and general welfare of its citizens. The purpose of this ordinance is to ensure the health, safety and welfare of the general public. ~~Furthermore, the City of Yuma does not condone the use of medical marijuana or violation of Federal law.~~

§154-22.02 Definitions

Cultivation. To propagate, breed, grow, prepare and package marijuana.

Dual-Purpose Marijuana Facility. An entity that holds both a nonprofit medical marijuana dispensary registration and a recreational marijuana establishment license.

Enclosed, Locked Facility. A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

Medical-Marijuana. All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant.

Recreational Marijuana Establishment. An entity licensed by the State of Arizona to operate a single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

Non-profit Medical Marijuana Dispensary. A not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation. For the purposes of this article, a medical marijuana dispensary and medical marijuana cultivation, together, are considered one use.

§154-22.03 Location Restrictions and Operating Provisions

Medical **and Recreational** Marijuana cultivation and dispensing are subject to the following location restrictions and provisions:

- A. **Each non-profit medical marijuana dispensary and recreational marijuana establishment shall locate within one location, within the same building as a dual-purpose marijuana facility.**
- B. **Each non-profit medical dual-purpose marijuana dispensary facility shall contain both the cultivation of and the dispensary for the marijuana at one location. No separate cultivation location is permitted.**

- C. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities shall be permitted uses in the B-2 and L-I zones, subject to conditions and limitations identified in this article. ~~Non-profit medical Dual-purpose~~ marijuana distribution facilities shall not be permitted in any Heavy Industrial District by way of a CUP (from a Light Industrial District.)
- D. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities shall not be permitted on any site that has any of the following Zoning Overlays: Historic District Overlay, Aesthetic Overlay (and all properties that have a development agreement requiring the Aesthetic Overlay standards), Auto Center Overlay, or Bed and Breakfast Overlay designation.
- E. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities must meet the following distance separation requirements:
1. Must be located at least 1,000 feet from a residentially zoned property, regardless if the residential property is located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the zoning boundary line of the residentially zoned property.
 2. Must be located at least 1,000 feet from all public and private: preschools, kindergartens, elementary schools, secondary or high schools; any place of worship; any public park, adult-oriented businesses, large and small day care facilities, or public community center, regardless if these uses are located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the property line of the protected use.
 3. Must be located at least 5,280 feet from another **dual-purpose** marijuana facility ~~dispensary and cultivation business~~, regardless if the **dual-purpose** marijuana facility ~~dispensary and cultivation business~~ is located in the city or the county. This distance shall be measured from the exterior walls of the building or portion thereof in which each of the marijuana businesses are conducted or proposed to be conducted.
- F. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities are not allowed as an Accessory Use in any zone.
- G. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities are not allowed as a Home Occupation in any zone.
- H. The number of ~~non-profit medical dual-purpose~~ marijuana dispensaries facilities shall be limited to one for each 50,000 population within the City of Yuma, with the population determined by the most recent Decennial Census reported by the U.S. Census Bureau or according to the permissions identified through the Arizona Department of Health Services as it relates to the number of dispensaries permitted in a jurisdiction.
- I. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities shall only be located in permanent structures on properties that front on roadways classified as ~~Expressways~~ **Principal Arterials**, as identified in the adopted City of Yuma General Plan.
- J. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities shall be located in a permanent building/structure affixed to a permanent foundation. ~~Non-profit medical dual-purpose~~ marijuana dispensaries facilities shall not be located in any other type of non-permanent structure such as, but not limited to, a trailer, cargo container, or motor vehicle.
- K. The retail aspect of any ~~non-profit medical dual-purpose~~ marijuana dispensaries facility shall be limited in physical size based on the building code requirements for a structure that has only one exit door.
- L. ~~Non-profit medical Dual-purpose~~ marijuana dispensaries facilities shall have operating hours not earlier than 8:00 a.m. and not later than 5:00 p.m., Monday through Saturday, Noon to 5:00 p.m. on Sunday.

- M. Drive-through services are prohibited.
- N. No use or consumption in any manner of marijuana is permitted on the premises of any ~~non-profit medical~~ **dual-purpose** marijuana dispensaries **facility**.
- O. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** must comply with City of Yuma sign code regulations
- P. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** shall have interior lighting of sufficient intensity to illuminate every place that members of the public are permitted access, with overhead light fixtures that have an illumination of not less than two foot-candles as measured at the floor level, when the dispensary is open to the public.
- Q. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** shall have exterior lighting of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas, at all times between sunset and sunrise.
- R. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** shall be configured such that there is an unobstructed view of every public area of the premises, unaided by closed circuit cameras or any other means, by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public, in order to enforce all rules and regulations.
- S. If windows exist in the building that houses a ~~non-profit medical~~ **dual-purpose** marijuana dispensaries **facility**, there shall be an unobstructed view through those windows, from the outside of the building in.
- T. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** shall provide for proper disposal of marijuana remnants or by-products, and shall not be placed within the facility's exterior refuse containers
- U. ~~Non-profit medical~~ **Dual-purpose** marijuana dispensaries **facilities** shall comply with all other applicable city, state and federal regulations.
- V. Business licenses for ~~non-profit medical~~ **dual-purpose** marijuana dispensaries **facilities** shall not automatically renew. Annual staff review and approval is required.

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (11/28/2020)
- 34 Commenting/Reviewing Agencies noticed: (11/30/2020)
- Neighborhood Meeting: (N/A)
- Hearing Date: (12/14/2020)
- Comments due: (12/03/2020)

| External List (Comments) | Response Received | Date Received | “No Comment” | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | Yes | 12/01/2020 | X | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users’ Assoc. | Yes | 12/01/2020 | X | | |
| Yuma County Planning & Zoning | NR | | | | |
| Yuma County Assessor | Yes | 12/01/2020 | X | | |
| 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 | 12/01/2020 | X | | |
| Yuma Irrigation District | Yes | 12/03/2020 | X | | |
| Arizona Fish and Game | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | NR | | | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power Administration | Yes | 12/01/2020 | 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 | 11/30/2020 | X | | |
| Building Safety | Yes | 12/04/2020 | X | | |
| City Engineer | Yes | 12/01/2020 | X | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | Yes | 12/02/2020 | X | | |
| Utilities | NR | | | | |
| Public Works | NR | | | | |
| Streets | NR | | | | |

| Neighborhood Meeting | Comments Available |
|-----------------------------|---------------------------|
| None Required | N/A |

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.