

**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 September 9, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:



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

- August 26, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-36147-2021**: This is a request by Alex Lakey of ARCHSOL, on behalf of Yuma Regional Medical Center, for a variance to reduce the rear setback from 10 feet to 8 feet, to allow the construction of a new building addition encroaching 11.41 square feet into the setback, in the General Commercial (B-2) District, for the property located at 2851 S. Avenue B, #2801, 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
August 26, 2021**

A meeting of the City of Yuma's Hearing Officer was held on August 26, 2021, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present Kenneth Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator; Amelia Griffin, Associate Planner; Erika Peterson, Assistant Planner; Alexis Garcia, Assistant Planner; Alejandro Marquez, Administrative Specialist and Lizbeth Sanchez, Administrative Specialist.

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

CONSENT CALENDAR

Rodriguez approved the minutes of August 12, 2021.

PUBLIC HEARINGS

VAR-36005-2021: *This is a request by Mike Miller, for a variance to allow single-family dwellings on two lots of 5,447 square feet and 5,390 square feet, which is less than 6,000 square feet minimum, in the High Density Residential/Infill Overlay (R-3/IO) District, for the property located at 1594 W. Colorado St., Yuma, Arizona.*

Alexis Garcia, Assistant Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

Rodriguez asked if there will be a request for a lot split in the future. **Garcia** replied yes.

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

Michael Hall, 225 N. 16th Ave, Yuma AZ, 85364, expressed concern about having adequate fencing between the two lots, and asked if the lots were going to be leveled out to prevent flooding. **Rodriguez** replied that question would be directed to staff or the property owner but it did not fall under the scope of this hearing.

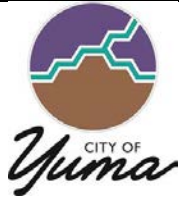
DECISION

Rodriguez 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.

Rodriguez adjourned the meeting at 9:37 a.m.

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

Hearing Officer



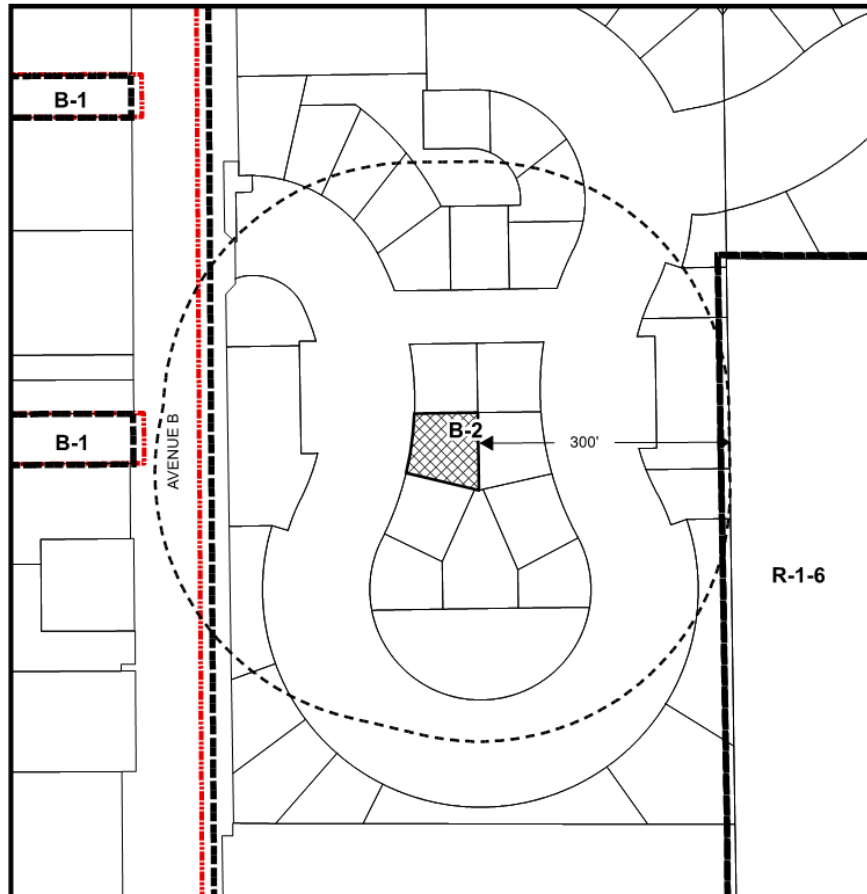
**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – VARIANCE
Case Planner: Bob Blevins**

Hearing Date: September 9, 2021 **Case Number:** VAR-36147-2021

Project Description/Location: This is a request by Alex Lakey of ARCHSOL, on behalf of Yuma Regional Medical Center, for a variance to reduce the rear setback from 10 feet to 8 feet, to allow the construction of a new building addition encroaching 11.41 square feet into the setback, in the General Commercial (B-2) District, for the property located at 2851 S. Avenue B, #2801, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Medical Offices	Business Park
North	General Commercial (B-2)	Medical Offices	Business Park
South	General Commercial (B-2)	Medical Offices	Business Park
East	General Commercial (B-2)	Medical Offices	Business Park
West	General Commercial (B-2)	Medical Offices	Business Park

Location Map:



Prior site actions: Annexation: #1518 (09/20/76); Rezone: Z82-15; Subdivision: S2006-002; Variance VAR-34985-2021.

Staff recommendation: Staff recommends **APPROVAL** of the request to reduce the rear setback from 10 feet to 8 feet, to allow the construction of a new building addition encroaching 11.41 square feet into the setback, in the General Commercial (B-2) District, subject to the Conditions of Approval in Attachment A, because it meets the four 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 Analysis: The subject property is the location of The Yuma Regional Medical Center – Outpatient Surgical Center, a 3,300 square foot building constructed in 2011.

The Tuscany Medical and Professional Plaza Subdivision was created in 2006 with many unique lot sizes and shapes along with a completely-developed parking, access, infrastructure, and retention area. All of which were completed prior to the construction of the office buildings. The plat allowed ten foot setbacks on all sides of each of the 33+ lots.

Since the interior streets and parking are private, a calculation on the maximum square footage of the floor areas was determined for each lot to ensure sufficient parking was available. This allows the developer of a new lot and the City of Yuma some parameters in order to maximize the usable land in this medical-oriented subdivision. There are design standards, which are reviewed by the subdivision manager and lot owners committee.

The lot (platted as Lot 28) is 6,607.8 square feet with 10 foot setbacks on each side. This variance is to allow a building addition on the rear, which will encroach 2 feet into the rear yard setback.

Comments from our Building Safety Division note:

“The submitted plans for the building renovation project have been noted for approval that if this variance is approved, the affected portions of the exterior walls within the setback shall be built as 1-hour fire resistive construction, extending from the floor to the underside of the roof deck.”

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 condition(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 existing building will be licensed by the Arizona Department of Health Services (ADHS) as an Outpatient Surgical Center (OSC), in compliance with the Facility Guidelines Institute (FGI). There are several requirements to meet in order to license the existing facility as an OSC. One of these requirements is to provide fully-functioning

Sterilization and Decontamination rooms, intended to properly clean, decontaminate and sterilize surgical tools immediately following operational procedures.”

Staff Analysis: One of the special circumstances on this property is the uniquely-shaped lot in a planned medical subdivision, somewhat limiting development possibilities. Additionally, the lot is narrower in width at the front when compared to many others in this subdivision.

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 ADHS requires all OSC’s to meet the requirements outlined in the Facility Guidelines Institute (FGI) to achieve the pertinent license. Due to the conditions of the existing building, both for proper structural support and protection (existing shear walls), as well as the location of the existing property lines which are dictating the locations of the 10’-0” setbacks, has given us a very limited space to work with. Adding approximately 23 square feet of additional square footage will allow us to contain specific and specialized sterilization equipment so we can comply with the FGI guidelines.”*

Staff Analysis: The FGI requirements were not anticipated at the time of the design of the subdivision plat in 2006, or when the site plan for the building was devised in 2011. The location of the existing shear walls somewhat limits expansion opportunities along the rear of the building.

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: *“Although the specifics are unknown, other individuals have been granted variances in other parts of the city under similar zoning designations. Granting the requested variance would allow other property owners in the vicinity to also use the pertinent services to be provided by the Tuscany OSC building.”*

Staff Analysis: This proposed expansion is not office space, so it should not create any additional strains on the infrastructure and parking in the area. Other properties in the B-2 District can have zero foot setbacks on the rear, when adjacent to other B-2 uses.

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: *“Granting of the variance will not create a hazard to life safety conditions to any persons residing or working in the vicinity, in adjacent properties, or to the neighborhood. Examples include, but are not limited to: blocking traffic, creating a trip hazard or causing visibility problems. The allowable square footages are compliant with the 2018 International Building Code for both allowable square footage for the building’s occupancy and use as well as the maximum allowable height. The location of this particular addition is located on the back side of the building.”*

Staff Analysis: Granting this variance should not be a concern regarding the safety of the neighbors or clientele in this medical office campus. All building and fire safety separations with appropriate construction materials, will be required. The new addition will not be visible from the parking lot or to passersby.

2. Are any of the adjacent property owners opposed to this request? No.

- Public Comments Received:** None
- External Agency Comments:** None Received
- Neighborhood Meeting Comments:** No Meeting Required.
- Proposed conditions delivered to applicant on:** 08/25/21
- Final staff report delivered to applicant on:** 09/01/21

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 08/26/21
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(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	Elevations	Agency Notifications	Aerial Photo

Prepared By: 
 Robert M. Blevins
 Principal Planner
 Robert.Blevins@yumaaz.gov (928)373-5189

Date: 8/25/21

Approved By: 
 Alyssa Linville
 Assistant Director Community Development

Date: 08/30/2021

**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:**

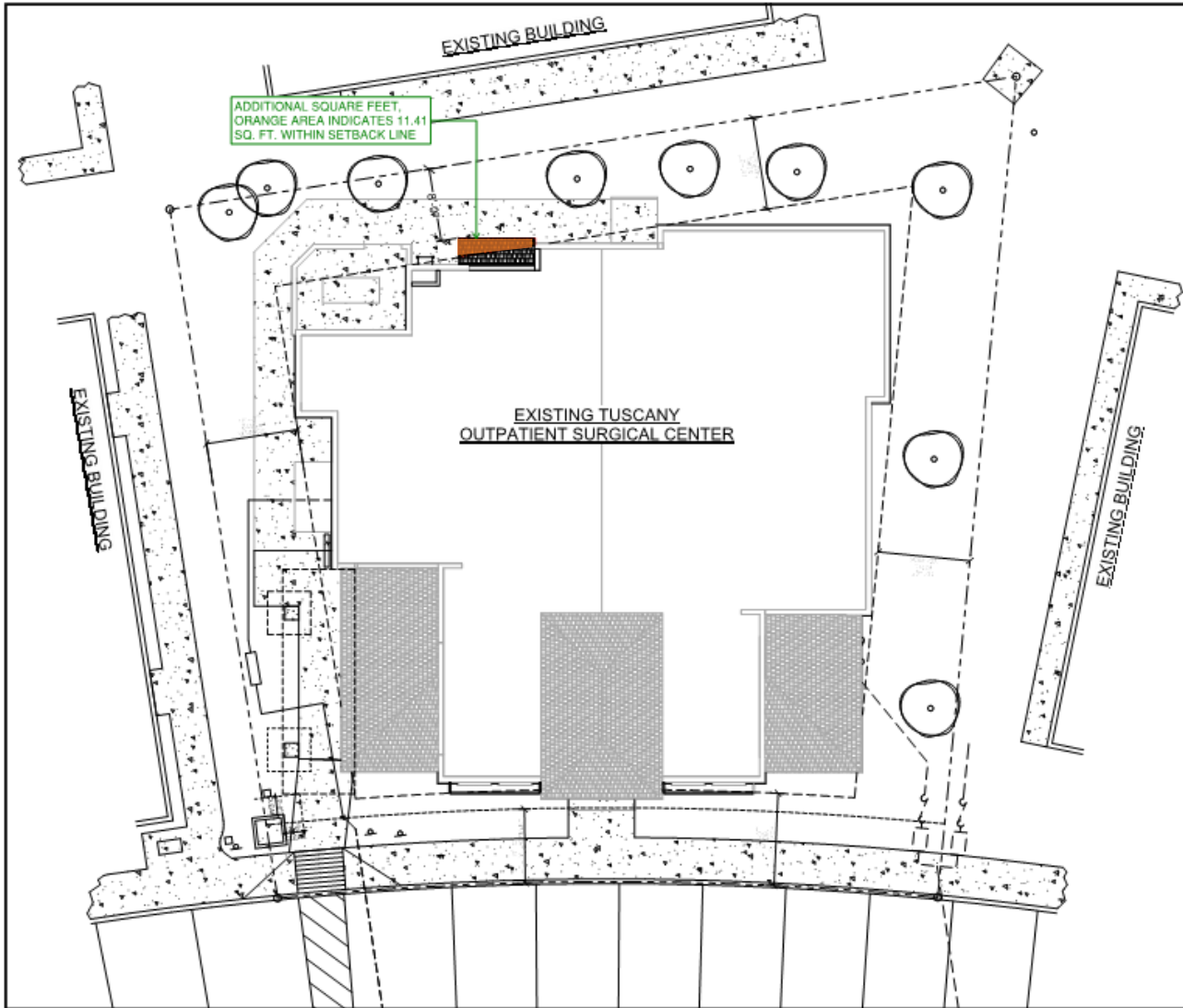
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning: Robert M. Blevins, Principal Planner (928) 373-5189:

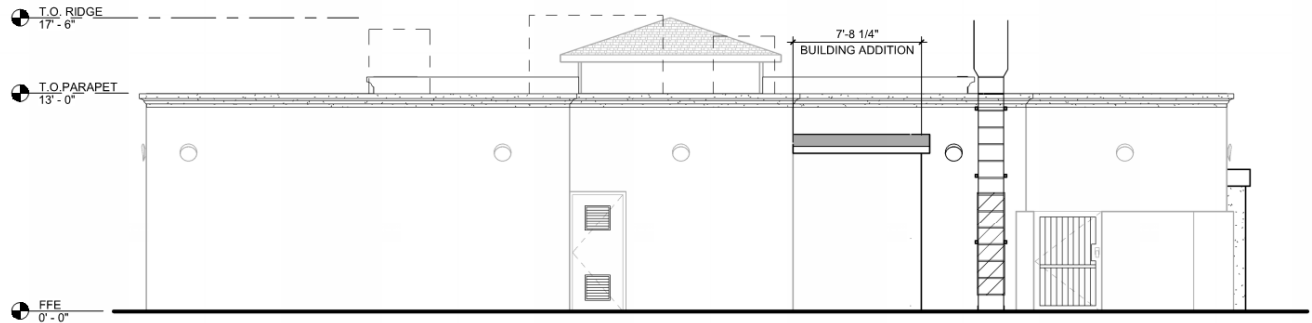
3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. 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.

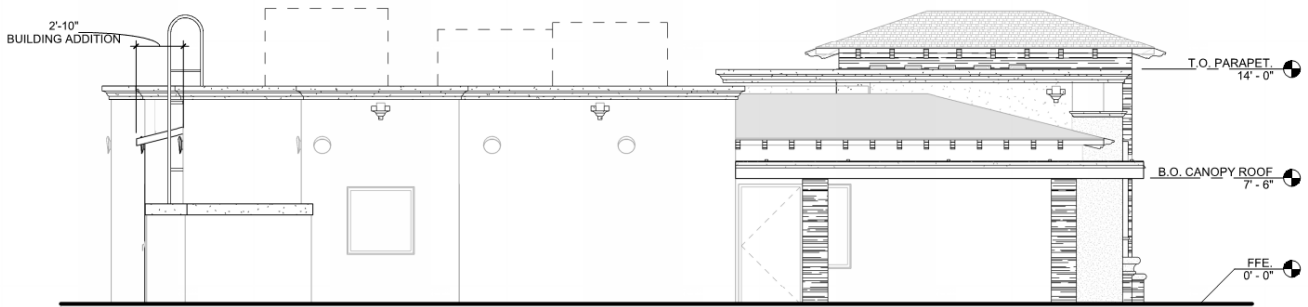
ATTACHMENT B
SITE PLAN



ATTACHMENT C ELEVATIONS



1 EAST ELEVATION - BUILDING ADDITION
3/16" = 1'-0"



2 NORTH ELEVATION - BUILDING ADDITION
3/16" = 1'-0"

**ATTACHMENT D
AGENCY NOTIFICATIONS**

- o Legal Ad Published: The Sun 08/20/21
- o 300' Vicinity Mailing: 08/11/21
- o Site Posted on: 09/02/21
- o 34 Commenting/Reviewing Agencies Noticed: 08/11/21
- o Hearing Date: 09/09/21
- o Comments Due: 08/23/21

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	08/12/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES				
Yuma County Planning & Zoning	YES				
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	08/11/21	X		
Yuma Mesa Irr. & Drainage District	YES	08/11/21	X		
Arizona Game and Fish	YES	08/11/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	08/12/21	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	08/13/21	X		
Building Safety	YES	08/23/21	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	08/16/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AERIAL PHOTO

