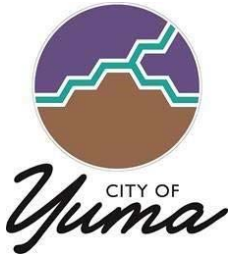


**Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma**

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 October 25, 2021, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

 <p>The logo for the City of Yuma features a stylized mountain range in shades of purple and brown, with a green and blue winding path or river above it. Below the graphic, the words "CITY OF" are in a small, sans-serif font, and "Yuma" is written in a large, elegant, cursive script.</p>	<p style="text-align: center;"><b>Agenda</b> <b>Planning and Zoning Commission Meeting</b> <b>City Hall Council Chambers</b> <b>One City Plaza Yuma, AZ</b> <b>Monday, October 25, 2021, 4:30 p.m.</b></p>
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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 –

October 11, 2021

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-36360-2021**: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Piramide Contractors, Inc., for the approval of the preliminary plat for the Los Agaves Subdivision, located within the Infill Overlay (IO). This subdivision will contain approximately 1.61 acres and is proposed to be divided into 12 lots, ranging in size from 5,285 square feet to 5,399 square feet. The subject properties are identified by the addresses 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl.*

C.2 **SUBD-36346-2021**: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Piramide Contractors, Inc., for the approval of the final plat for the Los Agaves Subdivision, located within the Infill Overlay (IO). This subdivision will contain approximately 1.61 acres and is proposed to be divided into 12 lots, ranging in size from 5,285 square feet to 5,399 square feet. The subject properties are identified by the addresses 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl.*

D. PUBLIC HEARINGS –

D.1 **ZONE-36467-2021**: *This is a request by Jorge A. and Yolanda Villaseñor to rezone two parcels, approximately 7,000 square feet each, from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the Infill Overlay (IO) District, for the properties located at the 1027 S. 1<sup>st</sup> Avenue.*

D.2 **ZONE-36473-2021**: *This is a request by Dahl, Robins & Associates, Inc., on behalf of South Avenue B, LLC, to rezone approximately 5.8 acres from the Medium Density Residential/Planned Unit Development (R-2/PUD) District to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District, for the property located at 1421 S. Avenue B, Yuma, AZ.*

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  
October 11, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, October 11, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

**PLANNING AND ZONING COMMISSION MEMBERS** present were Chairman Chris Hamel, and Commissioners Lorraine Arney, Joshua Scott, and Branden Freeman. Vice-Chairman Fred Dammeyer and Commissioners Greg Counts and Barbara Beam were absent.

**STAFF MEMBERS** present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director DCD; Andrew McGarvie, Engineering Manager; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Richard Munguia, Senior Planner; Chad Brown, Associate Planner; Amelia Griffin, Associate Planner; Erika Peterson, Assistant Planner; Alexis Garcia, Assistant 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.

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**CONSENT CALENDAR**

**MINUTES** – September 27, 2021

**WITHDRAWALS BY APPLICANT** – None

**CONTINUANCES** – None

**APPROVALS** – None

**Motion by Arney, second by Scott, to APPROVE the Consent Calendar as presented. Motion carried unanimously, (4-0) with three absent.**

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**Action Items –**

**SUBD-36332-2021:** *This is a request by Colvin Engineering, Inc., on behalf of Santana 142 RE Holdings, LLC, for approval of the final plat for the Santana Subdivision, Units 2 & 3, proposed to be divided into 243 residential lots ranging in size from 6,356 square feet to 17,687 square feet. The property is located at the southeast and southwest corners of Avenue 7 ½ E and 36<sup>th</sup> Street, Yuma, AZ.*

**Richard Munguia, Senior Planner,** summarized the staff report and recommended **APPROVAL.**

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE**

**Craig Colvin, Colvin Engineering, 6105 Alyssa Lane, Yuma, AZ** made himself available for questions.

**PUBLIC COMMENT**

None

**Motion by Freeman, second by Arney to APPROVE SUBD-36332-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (4-0), with three absent.**

---

**CUP-36284-2021:** *This is a request by Dahl, Robins & Associates, on behalf of PJT, LLC, for a Conditional Use Permit to allow a drive-through car wash, in the Limited Commercial/Aesthetic Overlay (B-1/AO) District. The property is located at 1998 S. Avenue B, Yuma, Arizona.*

**Amelia Griffin, Associate Planner,** summarized the staff report and recommended **APPROVAL.**

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**Motion by Arney, second by Freeman to APPROVE CUP-36284-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (4-0), with three absent.**

---

**CUP-36352-2021:** *This is a request by Daniel Goodwin, on behalf of Maverik, Inc., for a Conditional Use Permit to allow a convenience store with drive-through for a quick-serve restaurant, and fuel sales in the General Commercial/Aesthetic Overlay (B-2/AO) District. This proposal includes an exception request for part of the drive aisle to encroach 9 feet into the required 15 foot setback along Gila Ridge Road. The property is located at the northwest corner of E. Gila Ridge Road and Avenue 3E, Yuma, AZ.*

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

**QUESTIONS FOR STAFF**

**Chairman Hamel** asked if the furthest entrance on the west side of the proposed project would only be an entrance and not an exit. **Blevins** replied yes.

**Freeman** asked if the requirements from ADOT (Arizona Department of Transportation) would be for the applicant. **Blevins** replied yes.

**APPLICANT/APPLICANT'S REPRESENTATIVE**

**Daniel Goodwin, Anderson Wahlen and Associates, 2010 N. Redwood Road, Salt Lake City, UT** available via zoom, mentioned that the furthest entrance would be an entrance only and not a full intersection. **Hamel** asked if the area to the right of that entrance would be a retention basin. **Goodwin** replied that the area would be an open area for possible future commercial use, but for now it would remain landscaped, but undeveloped.

**PUBLIC COMMENT**

None

**Motion by Arney, second by Scott to APPROVE CUP-36352-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (4-0), with three absent.**

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**Public Hearings –**

**GP-35235-2021:** *This is a request by the City of Yuma for the decennial update of the City of Yuma General Plan. The General Plan is a policy document and guide for the development of the City of Yuma. The General Plan contains information and maps about Yuma that address required elements of General Plans, Goals, Objectives and Policies for the development of the City of Yuma and Action Items to reach those Goals. The decennial update is intended to reflect current demographics of the community, recent data on aspects of the built and natural environment, development changes that have occurred over time and updated projections for future community needs. (This is the 2nd of two public hearings.)*

**Jennifer Albers, Principal Planner**, summarized the staff report and the changes made from the public draft to the hearing draft of the General Plan Update.

**Erika Peterson, Assistant Planner**, talked about the updates made to Chapter 5 regarding Housing, and recommended **APPROVAL** of the City of Yuma General Plan update.

#### **QUESTIONS FOR STAFF**

**Hamel** asked Peterson if she could explain the differences between the two data tables presented. **Peterson** replied that the top data table was the redline version and that the bottom table displayed data compiled by the City of Yuma's GIS (Geographic Information System) department.

**Freeman** asked if the Estate Residential category would be eliminated in the General Plan update. **Peterson** replied that it would not be eliminated, just combined with the suburban density land use designation.

#### **APPLICANT/APPLICANT'S REPRESENTATIVE**

None

#### **PUBLIC COMMENT**

**William Katz, Halls Construction, 3064 S. Ave B, Yuma, AZ** thanked the Staff and Commission for their work on the General Plan update.

**Jeff Snow, 3064 S. Ave B, Halls Construction, 3064 S. Ave B, Yuma, AZ** expressed several concerns, including affordable housing in Yuma; housing around MCAS; no change in density to the low density residential land use designation; vacant land in Yuma City limits and student housing around Arizona Western College.

**Hamel** asked the Staff how soon they could provide Snow with a response to his concerns. **Albers** said that most of his concerns had been previously addressed in past meetings, and noted that if Mr. Snow needed help identifying available acreage, a map could be provided to assist him.

**Hamel** asked Staff if they could reach out to someone at the Marine Corp Air Station to have someone address Mr. Snow's concerns. **Albers** replied yes.

**Freeman** thanked Mr. Snow and Mr. Katz for being active participants in the General Plan update.

**Motion by Arney, second by Freeman to APPROVE GP-35235-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (4-0), with three absent.**

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**ZONE-36533-2021:** *This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154 to update provisions related to the appeals process for Hearing Officer and Planning and Zoning Commission decisions.*

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

#### **QUESTIONS FOR STAFF**

**Freeman** mentioned that he believed that the decisions made by the Planning and Zoning Commission were only a recommendation to City Council and not a final decision. **Linville** replied that not all decisions were recommendations, citing Conditional Use Permits as an example of final decisions made by the Commission.

#### **APPLICANT/APPLICANT'S REPRESENTATIVE**

None

#### **PUBLIC COMMENT**

None

Motion by Freeman, second by Scott to APPROVE ZONE-36533-2021 as presented. Motion carried unanimously (4-0), with three absent.

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**INFORMATION ITEMS**

**Staff**

None

**Commission**

None

**Public**

None

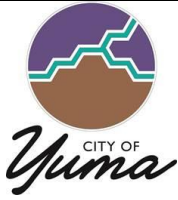
**ADJOURNMENT**

**Hamel** adjourned the meeting at 5:17 p.m.

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Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Chairman



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE –PRELIMINARY PLAT SUBDIVISION  
CASE PLANNER: CHAD BROWN**

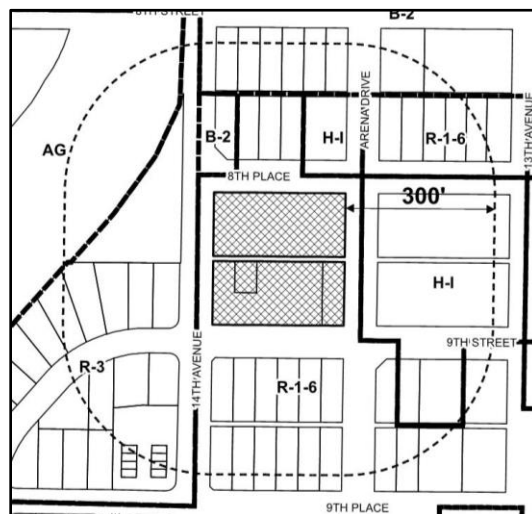
**Hearing Date:** October 25, 2021

**Case Number:** SUBD-36360-2021

**Project Description/Location:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Piramide Contractors, Inc., for the approval of the preliminary plat for the Los Agaves Subdivision, located within the Infill Overlay (IO). This subdivision will contain approximately 1.61 acres and is proposed to be divided into 12 lots, ranging in size from 5,285 square feet to 5,399 square feet. The subject properties are identified by the addresses 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl.

	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Designated Land Use</b>
<b>Site</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Primarily vacant with some condemned structures	Low Density Residential
<b>North</b>	General Commercial/ Low Density Residential/ Heavy Industrial/Infill Overlay (B-2/R-1-6/ H-I/IO)	Adolfo’s Tree Services, Single Family Homes, C & C Auto Body	Low Density Residential
<b>South</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Single-Family Homes	Low Density Residential
<b>East</b>	Heavy Industrial/Infill Overlay (H-I/IO)	Southwestern Steel & Supply	Low Density Residential
<b>West</b>	High Density Residential/Infill Overlay (R-3/IO)	Single-Family Homes	Low Density Residential

**Location Map**



**Prior site actions:** Subdivision: Timmons Addition (July 28, 1903); Annexation: Ordinance Number 787 (December 31, 1959); Code Enforcement CODE-BS004981-2018 – vacant/unsafe structure.

**Staff Recommendation:** Staff recommends **APPROVAL** of the preliminary plat for the Los Agaves Subdivision, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Preliminary Plat SUBD-36360-2021 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 preliminary plat, the Planning and Zoning Commission is authorizing the design of Los Agaves Subdivision for the property located at 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl., subject to the conditions of the rezone, and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

**Staff Analysis:** The proposed city block to be subdivided to create the requested Los Agaves subdivision is currently comprised of five lots, bisected by an alley way. These properties were annexed into the City on December 31, 1959. A structure was demolished in 2007 and there currently exists two vacant buildings that have been condemned. The majority of the lots and area is undeveloped exposed soil.

The proposed plat for Los Agaves will consist of 12 homes, with lots ranging in size from 5,285 square feet to 5,399 square feet. The Zoning District is Low Density Residential (R-1-6). This zoning district would generally require 6,000 square foot lots, however due to the location of the subject block in the Infill Overlay (IO), and due to the fact that the proposed property composition was once platted for this area, it was determined that the proposed subdivision could be approved with reduced setbacks and lot sizes. The Infill Overlay was created to allow flexibility and incentivization to encourage investment in the central core of the Yuma. This proposed subdivision would bring 12 new construction homes to an area that has been undeveloped and underutilized for decades. Furthermore, the reduced lot sizes would mirror the composition of residential lots adjacent to the subject area.

As discussed in further detail in §154-05.04, the following are some of the main development standards required of development within the Low Density Residential (R-1-6) District:

1. The minimum lot size for R-1-6 is 6,000 square feet.
2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage
3. A minimum front yard setback of 20', a minimum side yard setback of 7', a street side setback of 10', and a minimum rear yard setback of 20'.

In this case, due to the Infill Overlay, the Los Agaves subdivision would feature the following development standards:

1. The minimum lot in this particular subdivision shall be 5,285 square feet.
2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage



3. The front yard setback is 15', the side yard setback is 5', the street side setback is 5', and the rear yard setback is 10'.

A neighborhood meeting was held on the property, and two neighbors attended the meeting. Both neighbors that attended were in favor of single-family homes, mentioned they would not be in favor of apartments.

The Los Agaves subdivision is surrounded by: residential/commercial/industrial uses to the north, industrial uses to the east, high density residential to the west, and low density residential to the south.

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

Yes. This subdivision proposes lots smaller than would be allowed in the Zoning District under standard circumstances, however since this area is within the Infill Overlay (IO) it has been determined that the proposal would fit the intent and goals of Zoning District and Overlay. Furthermore it will mirror the composition of residential lots adjacent to the subject area.

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

Yes.

Standard	Subdivision				Conforms				
Lot Size	Minimum:	5,285 SF	Maximum:	5,399 SF	Yes	X	No		
Lot Depth	Minimum:	107'	Maximum:	122.69'	Yes	X	No		
Lot Width/Frontage	Minimum:	29'	Maximum:	44'	Yes	X	No		
Setbacks	Front:	15'	Rear:	10'	Side:	5'	Yes	X	No
District Size	1.61	Acres			Yes	X	No		
Density	4	Dwelling units per acre			Yes	X	No		
Issues: None									

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
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		No		N/A	X
Issues: None.						
Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues: None.						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	

Fronting on Arterials	Yes	X	No		N/A		
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.

<b>Land Use Element:</b>									
Land Use Designation:				Low Density Residential					
Issues:				None.					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes	No	X					
<b>Transportation Element:</b>									
<b>FACILITY PLANS</b>									
TRANSPORTATION MASTER PLAN		<b>Planned</b>	<b>Existing</b>	<b>Gateway</b>	<b>Scenic</b>	<b>Hazard</b>	<b>Truck</b>		
14 <sup>th</sup> Avenue – Local		29' HW	33' HW						
8 <sup>th</sup> Place and Arena Dr. – Local		29' HW	33' HW						
Bicycle Facilities Master Plan		Existing bike route 14 <sup>th</sup> Ave							
YCAT Transit System		N/A							
Issues:		None.							
<b>Parks, Recreation and Open Space Element:</b>									
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.							
<b>Housing Element:</b>									
Special Need Household:		N/A							
Issues:		None.							
<b>Redevelopment Element:</b>									
Planned Redevelopment Area:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:	X		
Conforms:		Yes	X	No		N/A			
<b>Conservation, Energy &amp; Environmental Element:</b>									
Impact on Air or Water Resources		Yes		No	X				
Renewable Energy Source		Yes		No	X				
Issues:		None.							
<b>Public Services Element:</b>									

<b>Population Impacts</b> 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		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>				Officers	GPD	
	Proposed	Per Unit					
	12	2.8	34	0.06	10,080	11.3	3,360

Fire Facilities Plan:	Station 1					
Water Facility Plan:	Source:	City	X	Private	Connection	6" PVC
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	8" PVC
Issues:	None.					

<b>Safety Element:</b>						
Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X	
Issues:	None					

<b>Growth Area Element:</b>						
Growth Area:	Araby Rd & Interstate 8	Arizona Ave & 16 <sup>th</sup> St	Avenue B & 32 <sup>nd</sup> St.			
	North End	Pacific Ave & 8 <sup>th</sup> St	Estancia	None	X	
Issues:	None.					

**External Agency Comments:** See Attachment D.

**Neighborhood Meeting Comments:** See Attachment E.

**Proposed conditions delivered to applicant on:** October 18, 2021

**Final staff report delivered to applicant on:** October 11, 2021

**Attachments**

A	B	C	D	E	F
Final Plat Conditions of Approval	Final Plat Map	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Aerial Photo

**Prepared By:** *Chad Brown*  
 Chad Brown  
 Associate Planner  
 Chad.Brown@yumaaz.gov (928)373-5000, x 3038  
**Date:** 10.18.21

**Approved By:** *Alyssa Linville*  
 Alyssa Linville,  
 Assistant Director Community Development  
**Date:** 10.18.21

**ATTACHMENT A  
FINAL 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.
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.

**City Attorney Comments: (928) 373-5058:**

4. 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.
5. 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.
6. 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:**

7. Owner/Developer will provide a design plan for paving the alley per City of Yuma Construction Standard 3-030 utilizing a choice of asphalt, concrete, or millings for the asphalt portion. Once the design is approved by the City of Yuma, the developer will construct.
8. Owner/Developer will provide a lot compaction and grading plan, due to the surplus soil being placed on the development.

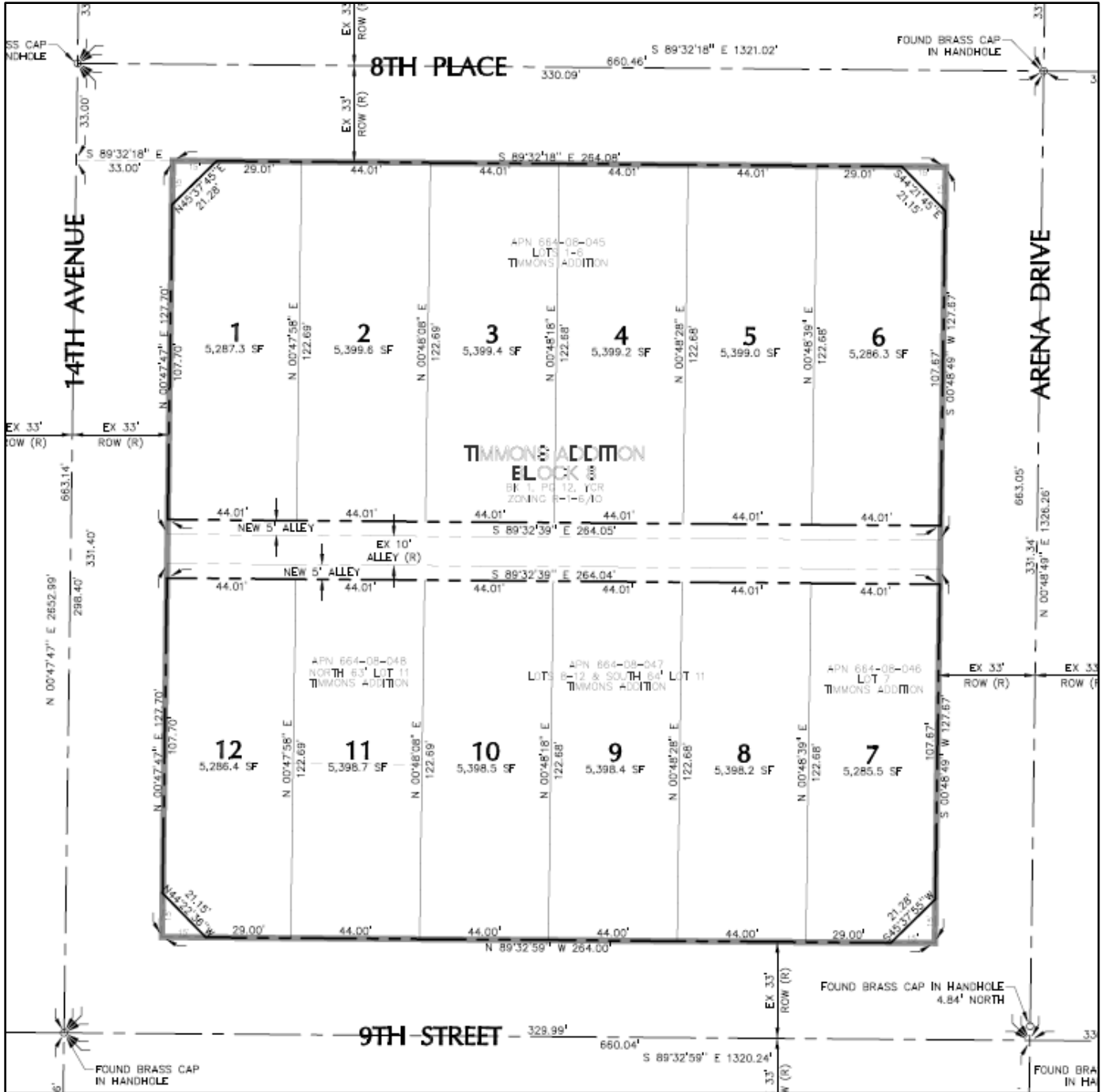
**Community Planning Conditions: Chad Brown, Associate Planner, (928)373-5000 X 3038**

9. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.

10. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
11. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

**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  
FINAL PLAT MAP**



**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (10/1/21)
- **300' Vicinity Mailing:** (9/7/21)
- **34 Commenting/Reviewing Agencies noticed:** (9/9/21)
- **Site Posted on:** (8/25/21)
- **Neighborhood Meeting:** (9/1/21)
- **Hearing Date:** (10/25/21)
- **Comments due:** 9/20/21)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	8/25/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	8/26/21	X		
Yuma County Planning & Zoning	YES	9/2/21	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	8/30/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	8/31/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	8/25/21	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	8/30/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	8/26/21		X	
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D  
AGENCY COMMENTS**

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

Condition(s)

No Condition(s)

Comment

Enter conditions here: MCAS Yuma has reviewed the request for APNs 664-08-045/046/047 and 048 and offer the following conditions. The subject parcels are located 0.12 miles East of Kiwanis Park, which is a prime location of the Foreign Humanitarian Assistance (FHA) training conducted by the Weapons and Tactics Instructors (WTI) course twice per year. MCAS Yuma request that an Avigation Easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur by the nearby Marine Corps Air Station / Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easements to [MCASYUMA\\_CPLO@usmc.mil](mailto:MCASYUMA_CPLO@usmc.mil). Thank you for the opportunity to review and comment.



**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 9/1/21

**Location:** On site; 1422 W. 9th St.

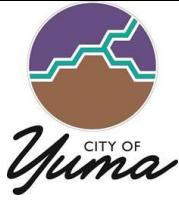
**Attendees:** Chad Brown; City of Yuma, Dixie Rojas; developer, Diana Bermudez; developer's assistant, Kevin Dahl; Agent, Mary Evitch; neighboring property owner, Silvestre Nieves; property owner.

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **STAFF DESCRIBED THE PROPOSED SUBDIVISION AND SHARED WITH THE NEIGHBORS THE PROPOSED SUBDIVISION PLAT.**
- **MS. EVITCH LIKED THE IDEA OF THE SINGLE FAMILY HOMES, HOWEVER THERE WAS MARKED CONCERNED ABOUT GENERAL TRAFFIC MANAGEMENT IN THE NEIGHBORHOOD AND SHE WOULD LIKE TO SEE MORE TRAFFIC CALMING MEASURES PLACED.**
- **MR. NIEVES EXPRESSED THAT HE LIKED THAT THE PROPOSED DEVELOPMENT WAS SINGLE FAMILY HOMES.**

ATTACHMENT F  
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – FINAL SUBDIVISION**  
**CASE PLANNER: CHAD BROWN**

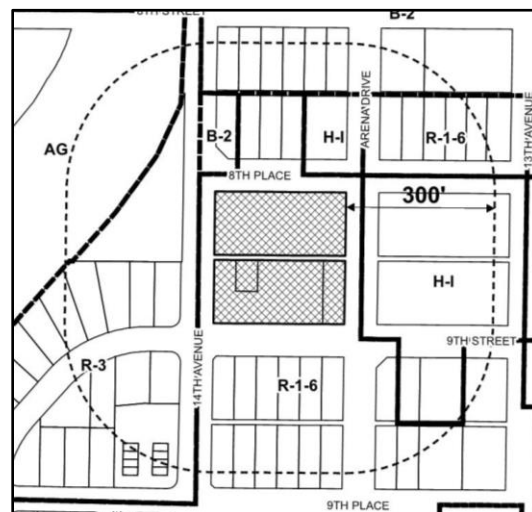
**Hearing Date:** October 25, 2021

**Case Number:** SUBD-36346-2021

**Project Description/Location:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Piramide Contractors, Inc., for the approval of the final plat for the Los Agaves Subdivision, located within the Infill Overlay (IO). This subdivision will contain approximately 1.61 acres and is proposed to be divided into 12 lots, ranging in size from 5,285 square feet to 5,399 square feet. The subject properties are identified by the addresses 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl.

	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Designated Land Use</b>
<b>Site</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Primarily vacant with some condemned structures	Low Density Residential
<b>North</b>	General Commercial/ Low Density Residential/ Heavy Industrial/Infill Overlay (B-2/R-1-6/ H-I/IO)	Adolfo’s Tree Services, Single Family Homes, C & C Auto Body	Low Density Residential
<b>South</b>	Low Density Residential/Infill Overlay (R-1-6/IO)	Single-Family Homes	Low Density Residential
<b>East</b>	Heavy Industrial/Infill Overlay (H-I/IO)	Southwestern Steel & Supply	Low Density Residential
<b>West</b>	High Density Residential/Infill Overlay (R-3/IO)	Single-Family Homes	Low Density Residential

**Location Map**



**Prior site actions:** Subdivision: Timmons Addition (July 28, 1903); Annexation: Ordinance Number 787 (December 31, 1959); Code Enforcement CODE-BS004981-2018 – vacant/unsafe structure.

**Staff Recommendation:** Staff recommends **APPROVAL** of the final plat for the Los Agaves Subdivision, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Final Plat SUBD-36346-2021 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 final plat, the Planning and Zoning Commission is authorizing the design of Los Agaves Subdivision for the property located at 1410, 1422, and 1400 W. 9<sup>th</sup> St. as well as 820 W. 8<sup>th</sup> Pl., subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

**Staff Analysis:** The proposed city block to be subdivided to create the requested Los Agaves subdivision is currently comprised of five lots, bisected by an alley way. These properties were annexed into the City on December 31, 1959. A structure was demolished in 2007 and there currently exists two vacant buildings that have been condemned. The majority of the lots and area is undeveloped exposed soil.

The proposed plat for Los Agaves will consist of 12 homes, with lots ranging in size from 5,285 square feet to 5,399 square feet. The Zoning District is Low Density Residential (R-1-6). This zoning district would generally require 6,000 square foot lots, however due to the location of the subject block in the Infill Overlay (IO), and due to the fact that the proposed property composition was once platted for this area, it was determined that the proposed subdivision could be approved with reduced setbacks and lot sizes. The Infill Overlay was created to allow flexibility and incentivization to encourage investment in the central core of the Yuma. This proposed subdivision would bring 12 new construction homes to an area that has been undeveloped and underutilized for decades. Furthermore, the reduced lot sizes would mirror the composition of residential lots adjacent to the subject area.

As discussed in further detail in §154-05.04, the following are some of the main development standards required of development within the Low Density Residential (R-1-6) District:

1. The minimum lot size for R-1-6 is 6,000 square feet.
2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage
3. A minimum front yard setback of 20', a minimum side yard setback of 7', a street side setback of 10', and a minimum rear yard setback of 20'.

In this case, due to the Infill Overlay, the Los Agaves subdivision would feature the following development standards:

1. The minimum lot in this particular subdivision shall be 5,285 square feet.

2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage
3. The front yard setback is 15', the side yard setback is 5', the street side setback is 5', and the rear yard setback is 10'.

A neighborhood meeting was held on the property, and two neighbors attended the meeting. Both neighbors that attended were in favor of single-family homes, mentioned they would not be in favor of apartments.

The Los Agaves subdivision is surrounded by: residential/commercial/industrial uses to the north, industrial uses to the east, high density residential to the west, and low density residential to the south.

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

Yes. This subdivision proposes lots smaller than would be allowed in the Zoning District under standard circumstances, however since this area is within the Infill Overlay (IO) it has been determined that the proposal would fit the intent and goals of Zoning District and Overlay. Furthermore it will mirror the composition of residential lots adjacent to the subject area.

Standard	Subdivision				Conforms				
Lot Size	Minimum:	5,285 SF		Maximum:	5,399 SF		Yes	X	No
Lot Depth	Minimum:	107'		Maximum:	122.69'		Yes	X	No
Lot Width/Frontage	Minimum:	29'		Maximum:	44'		Yes	X	No
Setbacks	Front:	15'	Rear:	10'	Side:	5'	Yes	X	No
District Size	1.61	Acres				Yes	X	No	
Density	4	Dwelling units per acre				Yes	X	No	
Issues: None									

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

Yes.

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
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		No		N/A	X
Issues: None.						
Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues: None.						

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
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							
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	
14 <sup>th</sup> Avenue – Local		29' HW		33' HW						
8 <sup>th</sup> Place and Arena Dr. – Local		29' HW		33' HW						
Bicycle Facilities Master Plan		Existing bike route 14 <sup>th</sup> Ave								
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:		N/A								
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X		
Conforms:		Yes	X	No	N/A					
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources		Yes		No	X					
Renewable Energy Source		Yes		No	X					
Issues:		None.								
Public Services Element:										



<b>Population Impacts</b> 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	<b>Dwellings &amp; Type</b>		<b>Projected</b>	<b>Police</b>	<b>Water</b>		<b>Wastewater</b>
	<i>Single Family</i>		<b>Population</b>	<b>Impact</b>	<b>Consumption</b>		<b>Generation</b>
	<b>Proposed</b>	<b>Per Unit</b>		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>
	12	2.8	34	0.06	10,080	11.3	3,360

<b>Fire Facilities Plan:</b>	Station 1					
<b>Water Facility Plan:</b>	<b>Source:</b>	City	X	Private	<b>Connection</b>	6" PVC
<b>Sewer Facility Plan:</b>	<b>Treatment:</b>	City	X	Septic	Private	8" PVC
<b>Issues:</b>	None.					

<b>Safety Element:</b>							
<b>Flood Plain Designation:</b>	Flood Zone X	<b>Liquefaction Hazard Area:</b>			Yes	No	X
<b>Issues:</b>	None						

<b>Growth Area Element:</b>						
<b>Growth Area:</b>	Araby Rd & Interstate 8	Arizona Ave & 16 <sup>th</sup> St	Avenue B & 32 <sup>nd</sup> St.			
	North End	Pacific Ave & 8 <sup>th</sup> St	Estancia	None		
<b>Issues:</b>	None.					

- 4. Does the subdivision comply with the conditions of the rezoning?  
Yes.
- 5. Does the subdivision comply with the conditions of the preliminary plat?  
Yes.
- 6. Is the final plat consistent with the preliminary plat that was approved?  
Yes.

**External Agency Comments:** See Attachment D.

**Neighborhood Meeting Comments:** See Attachment E.

**Proposed conditions delivered to applicant on:** October 18, 2021

**Final staff report delivered to applicant on:** October 11, 2021

**Attachments**

A	B	C	D	E	F
Final Plat Conditions of Approval	Final Plat Map	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Aerial Photo

**Prepared By:**   
Chad Brown  
Associate Planner  
Chad.Brown@yumaaz.gov (928)373-5000, x 3038  
**Date:** 10.18.21

**Approved By:**   
Alyssa Linville,  
Assistant Director Community Development  
**Date:** 10.18.21



**ATTACHMENT A  
FINAL 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.
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.

**City Attorney Comments: (928) 373-5058:**

4. 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.
5. 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.
6. 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:**

7. Owner/Developer will provide a design plan for paving the alley per City of Yuma Construction Standard 3-030 utilizing a choice of asphalt, concrete, or millings for the asphalt portion. Once the design is approved by the City of Yuma, the developer will construct.
8. Owner/Developer will provide a lot compaction and grading plan, due to the surplus soil being placed on the development.

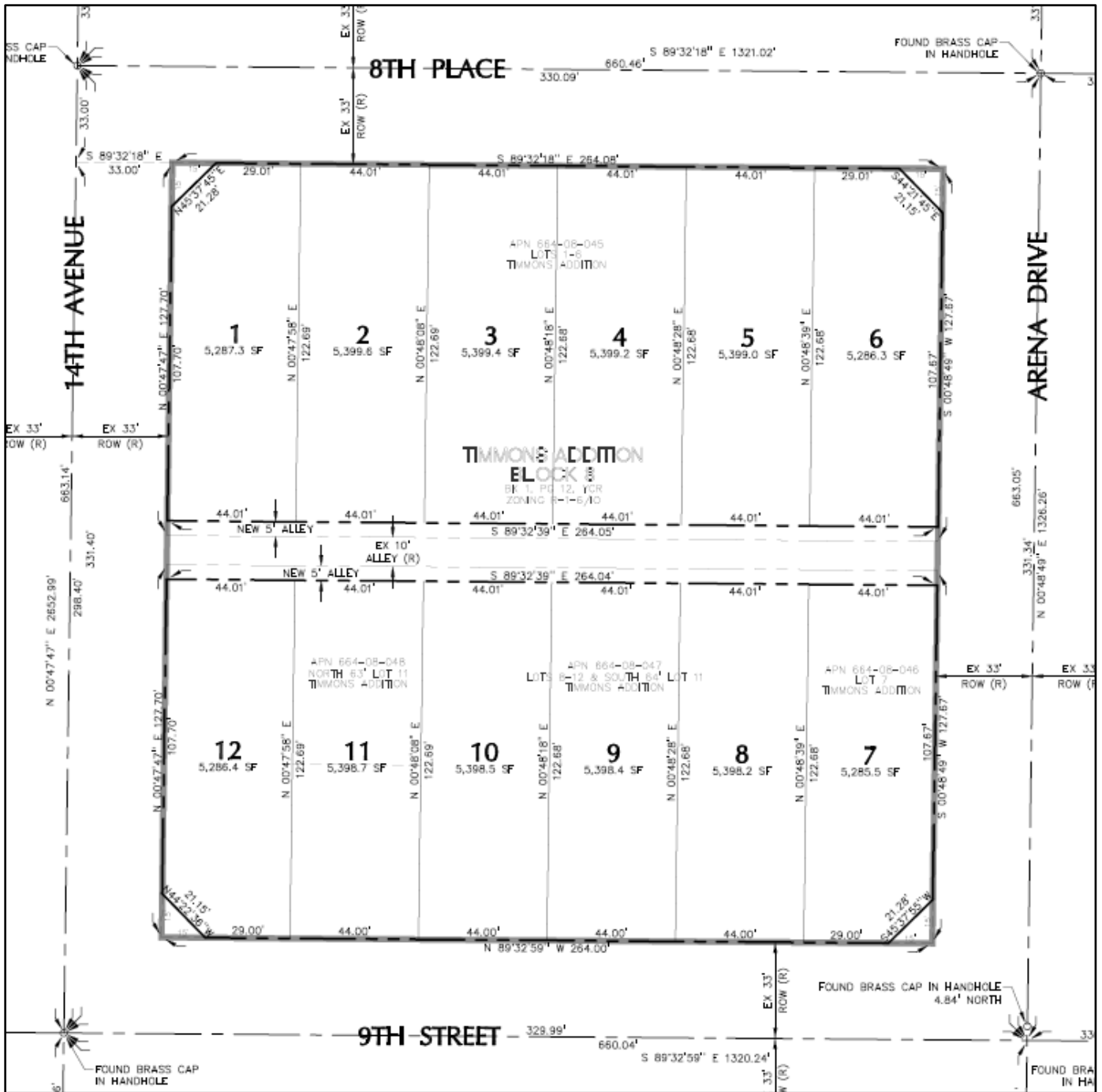
**Community Planning Conditions: Chad Brown, Associate Planner, (928)373-5000 X 3038**

9. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.

10. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
11. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

**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  
FINAL PLAT MAP**



**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (10/1/21)
- **300' Vicinity Mailing:** (9/7/21)
- **34 Commenting/Reviewing Agencies noticed:** (9/9/21)
- **Site Posted on:** (8/25/21)
- **Neighborhood Meeting:** (9/1/21)
- **Hearing Date:** (10/25/21)
- **Comments due:** 9/20/21)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
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Arizona Public Service	NR				
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Qwest Communications	NR				
Bureau of Land Management	NR				
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Yuma Elem. School District #1	NR				
Crane School District #13	NR				
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USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	8/25/21	X		
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Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	8/30/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	8/26/21		X	
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D**  
**AGENCY COMMENTS**

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

Condition(s)

No Condition(s)

Comment

Enter conditions here: MCAS Yuma has reviewed the request for APNs 664-08-045/046/047 and 048 and offer the following conditions. The subject parcels are located 0.12 miles East of Kiwanis Park, which is a prime location of the Foreign Humanitarian Assistance (FHA) training conducted by the Weapons and Tactics Instructors (WTI) course twice per year. MCAS Yuma request that an Avigation Easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur by the nearby Marine Corps Air Station / Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easements to [MCASYUMA\\_CPLO@usmc.mil](mailto:MCASYUMA_CPLO@usmc.mil). Thank you for the opportunity to review and comment.

**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 9/1/21

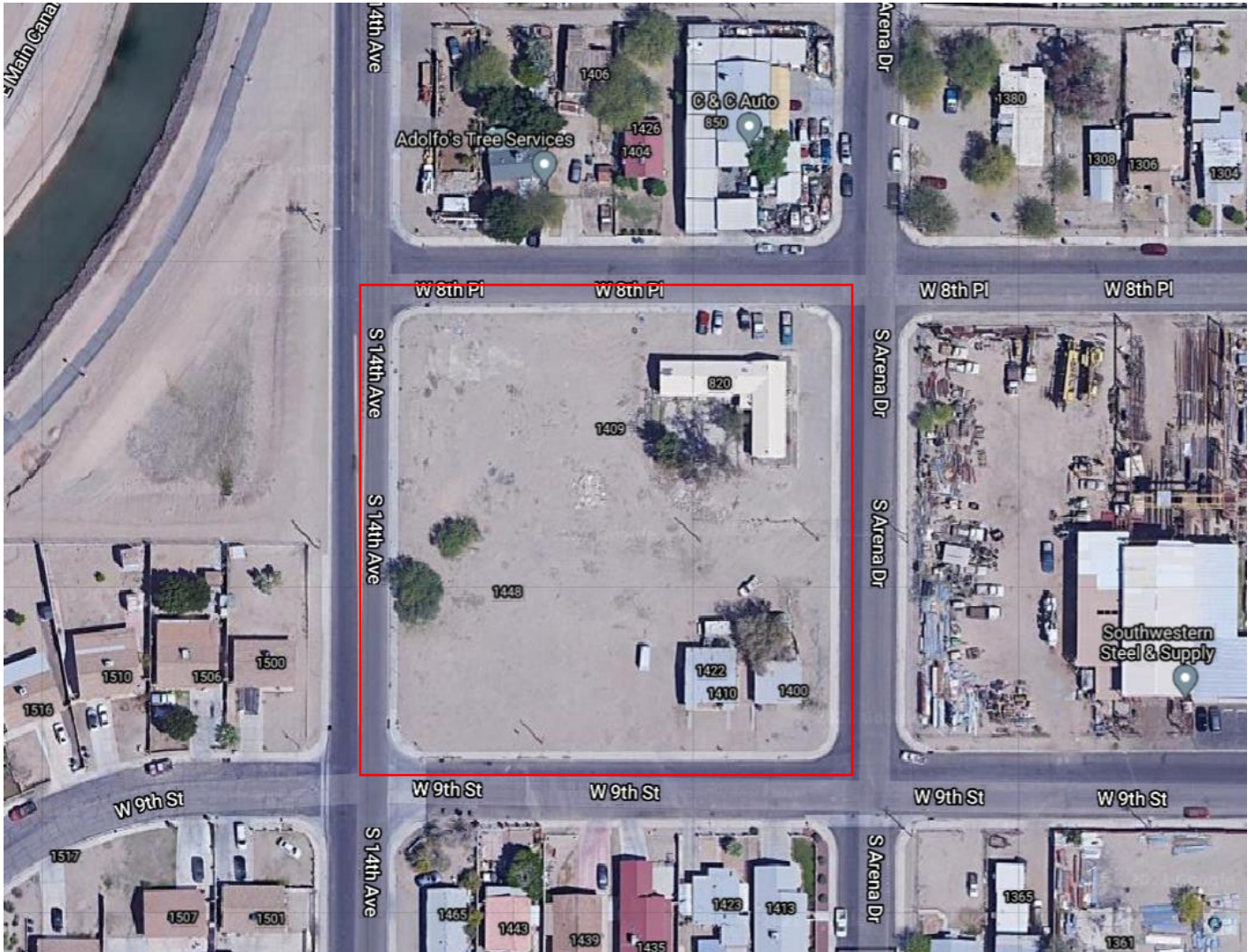
**Location:** On site; 1422 W. 9th St.

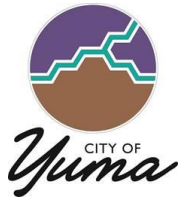
**Attendees:** Chad Brown; City of Yuma, Dixie Rojas; developer, Diana Bermudez; developer's assistant, Kevin Dahl; Agent, Mary Evitch; neighboring property owner, Silvestre Nieves; property owner.

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **STAFF DESCRIBED THE PROPOSED SUBDIVISION AND SHARED WITH THE NEIGHBORS THE PROPOSED SUBDIVISION PLAT.**
- **MS. EVITCH LIKED THE IDEA OF THE SINGLE FAMILY HOMES, HOWEVER THERE WAS MARKED CONCERNED ABOUT GENERAL TRAFFIC MANAGEMENT IN THE NEIGHBORHOOD AND SHE WOULD LIKE TO SEE MORE TRAFFIC CALMING MEASURES PLACED.**
- **MR. NIEVES EXPRESSED THAT HE LIKED THAT THE PROPOSED DEVELOPMENT WAS SINGLE FAMILY HOMES.**

ATTACHMENT F  
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – REZONE**  
**CASE PLANNER: ERIKA PETERSON**

**Hearing Date:** October 25, 2021

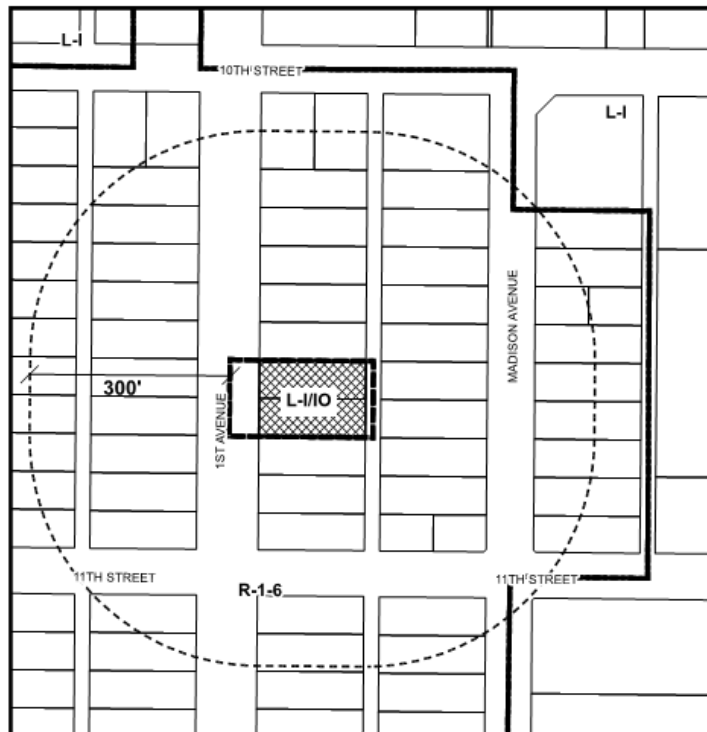
**Case Number:** ZONE-36467-2021

**Project Description/Location:**

This is a request by Jorge A. and Yolanda Villaseñor to rezone two parcels, approximately 7,000 square feet each, from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the Infill Overlay (IO) District, for the properties located at 1027 S. 1<sup>st</sup> Avenue.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Light Industrial/Infill Overlay (L-I/IO) District	Residential	Low Density Residential
<b>North</b>	Light Industrial/Infill Overlay (L-I/IO) District	Residential	Low Density Residential
<b>South</b>	Light Industrial/Infill Overlay (L-I/IO) District	Residential	Low Density Residential
<b>East</b>	Light Industrial/Infill Overlay (L-I/IO) District	Residential	Low Density Residential
<b>West</b>	Light Industrial/Infill Overlay (L-I/IO) District	Residential	Low Density Residential

**Location Map:**





**Prior site actions:** Subdivision: Speese Addition (April 18, 1901), Speese Addition Amended Plat (March 25, 1905); Annexation: Ord.O2007-54 (November 17, 2007); Major General Plan Amendment: Resolution No. R2007-67; Rezone: Ordinance No. O2008-13; Pre-Development Meeting: PDM- 36429-2021 (August 17, 2021)

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Light Industrial (L-I) District to the Low Density (R-1-6) District, while maintaining the existing Infill Overlay (IO) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-36467-2021 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 rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone two parcels, approximately 7,000 square feet each, from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the Infill Overlay (IO) District, for the properties located at 1027 S. 1<sup>st</sup> Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject properties are approximately 50 feet wide and 140 feet in depth, with frontage on S. 1<sup>st</sup> Avenue. Currently, there is a single-family home built on the north parcel. The south parcel is undeveloped and the property owner has no intention to develop the property at this time. Upon annexation in to the City in November of 2007 the properties reverted to the Agriculture (AG) zoning district. Additionally, in November of 2007 a Major General Plan Amendment was approved to change the use designation from Medium Density Residential and Public /Quasi-Public to the Low Density Residential and Industrial land use designations. Following the Major General Plan Amendment, in 2008, these properties were part of a large rezone in which 104 properties were rezoned from the Agriculture (AG) District to the Low Density Residential (R-1-6) District and 36 industrial lots rezoned from the Agriculture (AG) District to the Light Industrial (L-I) District.

The applicant is requesting to rezone the properties from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Infill Overlay (IO) District to rebuild a storage shed in the rear yard of the north parcel. Any new construction on these parcels, other than for the purpose of industrial use, would require a rezone to Low Density Residential (R-1-6).

The surrounding properties are developed with residential homes and the rezone of these two properties would match zoning and uses of the surrounding area. Furthermore, the request to rezone both properties from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) while maintaining the existing Infill Overlay (IO) District is in conformance with the Land Use Element of the General Plan.

**1. Does the proposed zoning district conform to the Land Use Element?**

<b>Land Use Element:</b>							
Land Use Designation:			Low Density Residential				
Issues:			None				
Historic District:	Brinley Avenue		Century Heights		Main Street		None X
Historic Buildings on Site:	Yes		No	X			

**2. Are there any dedications or property easements identified by the Transportation Element?**

<b>FACILITY PLANS</b>						
Transportation Master Plan	<b>Planned</b>	<b>Existing</b>	<b>Gateway</b>	<b>Scenic</b>	<b>Hazard</b>	<b>Truck</b>
1 <sup>st</sup> Avenue- Collector	40' H/W ROW	40' H/W ROW		X		
Bicycle Facilities Master Plan	1 <sup>st</sup> Avenue Bike Lane					
YCAT Transit System	Gold Route on 4 <sup>th</sup> Avenue					
Issues:	None					

**3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?**

<b>Parks, Recreation and Open Space Element:</b>																																									
Parks and Recreation Facility Plan																																									
Neighborhood Park:	Existing: Marcus Park			Future: Marcus Park																																					
Community Park:	Existing: Carver Park Complex			Future: Carver Park Complex																																					
Linear Park:	Existing: Colorado River Levee Linear Park			Future: Colorado River Levee Linear Park																																					
Issues:	None																																								
<b>Housing Element:</b>																																									
Special Need Household:	N/A																																								
Issues:	None																																								
<b>Redevelopment Element:</b>																																									
Planned Redevelopment Area:	1 <sup>st</sup> Avenue Study Area																																								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X																																			
Conforms:	Yes		No		N/A																																				
<b>Conservation, Energy &amp; Environmental Element:</b>																																									
Impact on Air or Water Resources	Yes		No	X																																					
Renewable Energy Source	Yes		No	X																																					
Issues:	None																																								
<b>Public Services Element:</b>																																									
<b>Population Impacts</b> 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		<table border="1"> <thead> <tr> <th colspan="2">Dwellings &amp; Type</th> <th rowspan="2">Projected Population</th> <th rowspan="2">Police Impact</th> <th colspan="2">Water Consumption</th> <th rowspan="2">Wastewater Generation</th> </tr> <tr> <th>Maximum</th> <th>Per Unit</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>2.8</td> <td>6</td> <td>0.01</td> <td>1,680</td> <td>1.9</td> <td>560</td> </tr> <tr> <td colspan="2">Minimum</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>1</td> <td>2.8</td> <td>3</td> <td>0.01</td> <td>840</td> <td>0.9</td> <td>280</td> </tr> </tbody> </table>		Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation	Maximum	Per Unit	GPD	AF	GPD	2	2.8	6	0.01	1,680	1.9	560	Minimum							1	2.8	3	0.01	840	0.9	280	<table border="1"> <tr> <td>Fire Facilities Plan:</td> <td>Existing: Fire Station No. 1</td> <td>Future: Fire Station No. 1</td> </tr> </table>		Fire Facilities Plan:	Existing: Fire Station No. 1	Future: Fire Station No. 1
Dwellings & Type		Projected Population	Police Impact	Water Consumption				Wastewater Generation																																	
Maximum	Per Unit			GPD	AF	GPD																																			
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Minimum																																									
1	2.8	3	0.01	840	0.9	280																																			
Fire Facilities Plan:	Existing: Fire Station No. 1	Future: Fire Station No. 1																																							

Water Facility Plan:	Source:	City	X	Private		Connection:	1 <sup>st</sup> Avenue- 12" Line
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 1 <sup>st</sup> Avenue- 4" Line
Issues:	None						
<b>Safety Element:</b>							
Flood Plain Designation:	Zone X			Liquefaction Hazard Area:	Yes	No	X
Issues:	None						
<b>Growth Area Element:</b>							
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.		
	North End	Pacific Ave & 8 <sup>th</sup> St	Estancia	None	X		
Issues:	None						

**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes

**5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?**

Yes

**External Agency**                      None Received.  
**Comments:**

**Neighborhood Meeting**              No meeting required.  
**Comments:**

**Proposed conditions delivered to applicant on:**      10/6/2021

**Final staff report delivered to applicant on:**              10/11/2021

- Applicant agreed with all of the conditions of approval on: (enter date)
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – Conditions of Approval were sent to the applicant and a response has not been received.

**Attachments**

<b>A</b>	<b>B</b>	<b>C</b>
Conditions of Approval	Agency Notifications	Aerial Photo

**Prepared By:**  **Date:** 09/30/2021  
Erika Peterson  
Assistant Planner                      [Erika.Peterson@YumaAZ.Gov](mailto:Erika.Peterson@YumaAZ.Gov) (928)373-5000, x3071

**Approved By:**  **Date:** 10/06/2021  
Alyssa Linville  
Assistant Director Community Planning

**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 rezone for the site:

**Community Development Comments: Alyssa Linville, Assistant Director Community Planning, (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, Erika Peterson, Assistant Planner, (928) 373-5000 x3071**

4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**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  
AGENCY NOTIFICATIONS**

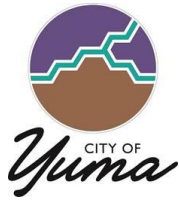
- **Legal Ad Published: The Sun** (10/01/21)
- **300' Vicinity Mailing:** (09/06/21)
- **34 Commenting/Reviewing Agencies noticed:** (09/09/21)
- **Site Posted on:** (10/18/21)
- **Neighborhood Meeting:** N/A
- **Hearing Date:** (10/25/21)
- **Comments due:** (09/20/21)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	9/15/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	9/14/21	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	9/16/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	9/14/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	9/13/21	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	9/13/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/15/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				



ATTACHMENT C  
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING**  
**CASE TYPE – REZONE**  
**CASE PLANNER: AMELIA GRIFFIN**

**Hearing Date:** October 25, 2021

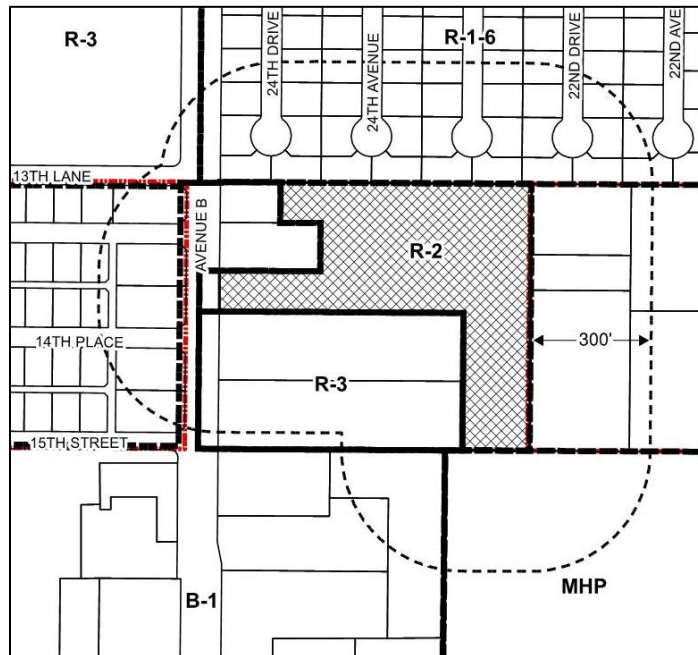
**Case Number:** ZONE-36473-2021

**Project Description/Location:**

This is a request by Dahl, Robins & Associates, Inc., on behalf of South Avenue B, LLC, to rezone approximately 5.8 acres from the Medium Density Residential/Planned Unit Development (R-2/PUD) District to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District, for the property located at 1421 S. Avenue B, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Medium Density Residential/ Planned Unit Development (R-2/PUD)	Tire Shop; Undeveloped	Medium Density Residential; High Density Residential
<b>North</b>	Limited Commercial (B-1); Low Density Residential (R-1-6)	Undeveloped; Patio Sushi; Single- Family Residences	Mixed Use and Low Density Residential
<b>South</b>	High Density Residential (R-3); Manufactured Housing Park (MHP)	Undeveloped; Mobile Home Park	Medium Density Residential; High Density Residential
<b>East</b>	County Rural Area (RA-40)	Single Family Home; Vacant	Medium Density Residential
<b>West</b>	County Limited Commercial (C-1)	Retail Businesses	Medium Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. O2005-75 (October 7, 2005); Rezone: Ord. O2007-03 (January 3, 2007); General Plan Amendment: R2018-004 (September 19, 2018)

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Medium Density Residential/Planned Unit Development (R-2/PUD) District to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-36473-2021 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 rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 5.8 acres from the Medium Density Residential/Planned Unit Development (R-2/PUD) District to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District, for the property located at 1421 S. Avenue B, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is located along Avenue B. While currently undeveloped, the intended development for the subject property is apartments.

Below, are some of the development standards which apply to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District:

**Medium Density Residential (R-2) District:**

1. The maximum lot coverage in the Medium Density Residential (R-2) District shall be 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet; and
4. A minimum rear yard setback of 10 feet;

**High Density Residential (R-3) District:**

1. The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet; and
4. A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the Medium and High Density Residential District is 40', however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60' of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.



In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to include the required landscaping to ease the transition between the adjacent land uses.

The potential residential development could contain between 65 and 99 residential units based on the density limitation outlined in the General Plan. The request to rezone the property from the Medium Density Residential/Planned Unit Development (R-2/PUD) to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District is in conformance with the General Plan.

**1. Does the proposed zoning district conform to the Land Use Element?**

Land Use Element:									
Land Use Designation:			Medium Density Residential, High Density Residential						
Issues:			None						
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:	Yes		No	x					

**2. Are there any dedications or property easements identified by the Transportation Element?**

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue B – Minor Arterial	50' H/W ROW	50' H/W ROW				X
Bicycle Facilities Master Plan	Proposed Bike Lane					
YCAT Transit System	Green Route					
Issues:	None					

**2. Does the proposed rezoning of the property conform to the remaining elements of the general plan?**

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Kiwanis Park				Future: Kiwanis Park				
Community Park:	Existing: Yuma Valley Park				Future: Yuma Valley 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:	N/A								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes		No		N/A				
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources	Yes		No	X					
Renewable Energy Source	Yes		No	X					
Issues:	None								

Public Services Element:											
<b>Population Impacts</b> 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			<b>Dwellings &amp; Type</b> <i>Multi-Family</i>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>		
			<b>Maximum</b>	<b>Per Unit</b>		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>		
			99	1.7	168	0.32	50,490	56.6	16,830		
			<b>Minimum</b>								
			65	1.7	111	0.21	33,150	37.1	11,050		
<b>Fire Facilities Plan:</b>			Existing: Fire Station No. 4				Future: Fire Station No. 4				
<b>Water Facility Plan:</b>			<b>Source:</b>	City	<input checked="" type="checkbox"/>	Private	<input type="checkbox"/>	<b>Connection:</b>		Avenue B 12" Line	
<b>Sewer Facility Plan:</b>			<b>Treatment:</b>	City	<input checked="" type="checkbox"/>	Septic	<input type="checkbox"/>	Private	<input type="checkbox"/>	<b>Connection:</b> Avenue B 8" Line	
<b>Issues:</b>			None								
Safety Element:											
<b>Flood Plain Designation:</b>			Zone X			<b>Liquefaction Hazard Area:</b>		<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
<b>Issues:</b>			None								
Growth Area Element:											
<b>Growth Area:</b>	Araby Rd & Interstate 8			Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.				
	North End	<input type="checkbox"/>	Pacific Ave & 8 <sup>th</sup> St		<input type="checkbox"/>	Estancia	<input type="checkbox"/>	None	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Issues:</b>			None								

4. Does the proposed rezoning conform to the adopted facilities plan?  
 Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?  
 Yes.

**Public Comments Received:** None Received.

**External Agency Comments:** See Attachment.

**Neighborhood Meeting Comments:** See Attachment.

**Proposed conditions delivered to applicant on:** October 14, 2021

**Final staff report delivered to applicant on:** October 18, 2021

- Applicant agreed with all of the conditions of approval on: October 18, 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
Conditions of Approval	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Proposed Zoning	Aerial Photo

**Prepared By:**   
 Amelia Griffin  
 Associate Planner

**Date:** 10/12/21  
 Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

**Approved By:**   
 Alyssa Linville  
 Assistant Director Community Development

**Date:** 10/14/2021

**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 rezone for the site:

**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, Amelia Griffin, Associate Planner, (928) 373-5000 x3034**

4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**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  
AGENCY NOTIFICATIONS**

- Legal Ad Published: **The Sun** (09/01/21)
- 300' Vicinity Mailing: (09/07/21)
- 34 Commenting/Reviewing Agencies noticed: (09/09/21)
- Site Posted on: (09/09/21)
- Neighborhood Meeting: (09/16/21)
- Hearing Date: (10/25/21)
- Comments due: (09/20/21)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	9/10/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	9/9/21	X		
Yuma County Planning & Zoning	YES	9/10/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	YES	9/15/21			X
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	9/16/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	10/8/21			X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	9/8/21	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	9/8/21		X	
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/13/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C  
AGENCY COMMENTS**



October 8, 2021

Lizbeth Sanchez  
Planning and Neighborhood Services  
City of Yuma  
[www.YumaAZ.gov](http://www.YumaAZ.gov)

Electronically submitted to: [Lizbeth.Sanchez@yumaaz.gov](mailto:Lizbeth.Sanchez@yumaaz.gov)

Re: Review of the City of Yuma rezoning project (36473-2021)

Dear Ms. Sanchez:

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated September 8, 2021, regarding the rezoning of approximately 5.8 acres, from the Medium Density Residential/Planned Unit Development (R-2/PUD) District, to the Medium Density Residential (R-2) District and the High Density Residential (R-3) District, for the property located at 1421 S. Avenue B, Yuma, AZ.

Based on the information provided, the Department offers the following general recommendations:

- The trees and/or vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA) and protected under state law. Arizona (Arizona Revised Statute §17-236) prohibits the taking of injury of any bird or harassment of any bird upon its nest, or the removal of the nests or eggs of any bird, except as may occur in normal horticultural and agricultural practices and as authorized by Commission order. A qualified biologist should conduct a survey for nesting birds within the project area prior to removal or trimming of trees/vegetation during the breeding season. Breeding season for birds is generally March through late August, depending on the species and habitat, and for raptors it is generally January through late June. If you anticipate your project will not be in compliance with MBTA, the Department recommends you contact the U.S. Fish and Wildlife Service (USFWS) for their Technical Assistance. The USFWS will provide options to comply with the MBTA.

The Department appreciates the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with the City of Yuma rezoning project (36473-2021). If you have any questions regarding this letter, please contact me at (623) 236-7615, and visit our website for additional guidelines at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

[azgfd.gov](http://azgfd.gov) | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY COMMISSIONERS: CHAIRMAN LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON  
TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON | KURT R. DAVIS, PHOENIX DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY



9/15/2021

Lizbeth Sanchez  
City of Yuma - Planning and Neighborhood Services  
1 City Plaza  
Yuma, AZ 85364

Requester Project: Map Request  
Project Name: ZONE-36473-2021  
DOCK/PRISM Project Name: South Avenue B  
Conflict: YES

Thank you for your recent Utility Request to Charter Communications for:

Please review the attached maps for any possible conflicts with Charter facilities.  
There **ARE** existing Charter aerial/or underground facilities within the project limits.

We have provided maps showing where our services are located but cannot make any comment on how to deal with possible conflicts during construction. This type of information should come from the Construction Manager, Supervisor or Construction Coordinator for the area in question.

If you should require any field meet or any further coordination of the project with Charter please contact the Construction Manager listed below.

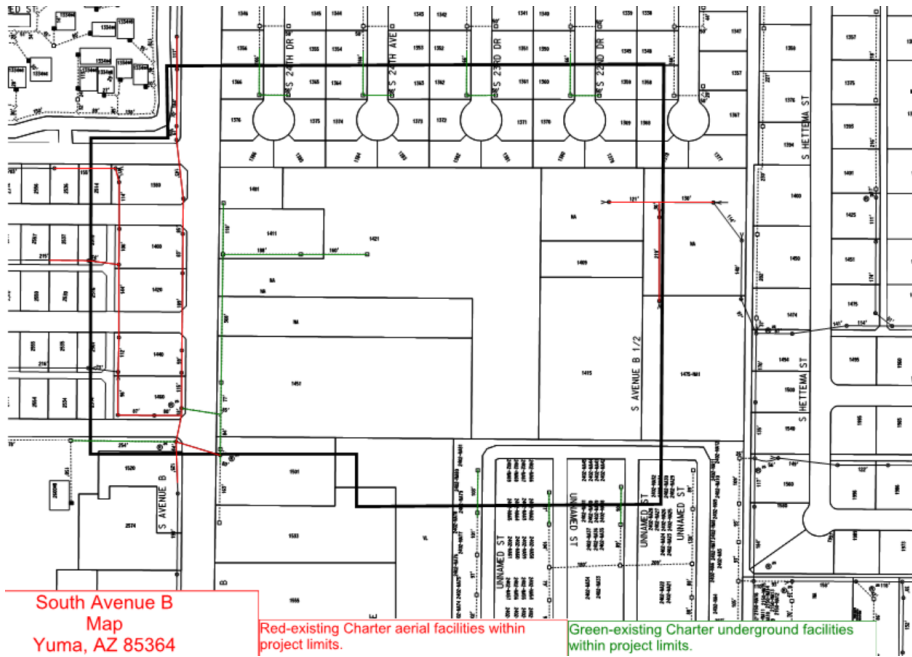
**Construction Manager Contact:**  
Hobson, Lee  
Construction Manager – Zone 10  
83473 Avenue 45  
Indio, CA 92201  
760-674-5455  
lee.hobson@charter.com

If you have any questions about the maps provided, please contact [DL\\_social\\_charter\\_engineering@charter.com](mailto:DL_social_charter_engineering@charter.com).  
This communication is for a project being handled by Charter Communications or Spectrum, a Charter Communications brand name, or Legacy Time Warner Cable.

Sincerely,

*Dave Dolney*

Dave Dolney  
Sr. Manager, PACWEST Construction  
Charter Communications  
12051 Industry Street  
Garden Grove, CA 92841



**ATTACHMENT D  
NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** September 16, 2021; 5:00pm      **Location:** 1421 S. Avenue B  
**Attendees:** Agent: Kevin Dahl, Christopher Robins, Carolyn Malouff; City Staff: Amelia Griffin, Alexis Garcia; Neighbors in attendance (3): Mary Yashkus, John Yashkus, and Bob Wiles

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **QUESTIONS REGARDING EGRESS AND INGRESS**
- **PRIVATE ACCESS IS NOT A MAINTAINED ROAD**
- **ASKED IF THERE WAS ANOTHER PUBLIC HEARING FOLLOWING THE REZONE PROCESS – STAFF NOTED THERE WOULD NOT BE ANOTHER PUBLIC HEARING FOLLOWING THE REZONE**
- **CONCERNS WITH TRAFFIC**
- **AVENUE B IS NOT PLANNED TO MANAGE THE TRAFFIC**
- **NOT SAFE OR ACCEPTABLE**
- **OPPOSED TO AN INCREASE OF TRAFFIC ON AVENUE B**
- **DISCUSSED RIGHT-IN AND RIGHT-OUT ACCESS**
- **QUESTIONS REGARDING FIRE DEPARTMENT ACCESS**
- **ASKED WHY A PORTION OF THE PROPERTY WAS BEING REZONED TO HIGH DENSITY AND THE OTHER PORTION MEDIUM DENSITY – STAFF EXPLAINED THAT THE PROPERTY HAS DIFFERENT LAND USE DESIGNATIONS**



**ATTACHMENT E  
PROPOSED ZONING**





ATTACHMENT F  
AERIAL PHOTO

