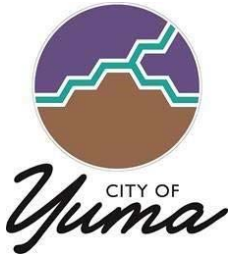


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

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 November 8, 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 brown and green, with a purple and green circular emblem above it. Below the graphic, the words "CITY OF Yuma" are written in a serif font, with "Yuma" in a larger, more decorative script.</p>	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, November 8, 2021, 4:30 p.m.</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 25, 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-36768-2021**: *This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma Development One, Inc., for approval of the preliminary plat for the Yuma Development One Parcel C Subdivision. This subdivision contains approximately 18.15 acres and is proposed to be divided into 4 commercial lots, ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ.*

D. PUBLIC HEARINGS –

D.1 **ZONE-36619-2021**: *This is a request by Dahl, Robins, and Associates on behalf of Smoketree Desert Land, LLC. to rezone a 26.96 acre parcel from Agriculture (AG) to Medium Density Residential/Planned Unit Development (R-2/PUD), for the property located at the northeast corner of S. Avenue 7E and E. 40th Street, 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 25, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, October 25, 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, Branden Freeman, Gregory Counts and Barbara Beam. Vice-Chairman Fred Dammeyer and Commissioner Joshua Scott were absent.

STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Randall Crist, Director of Building Safety; Tim Bourcier, Director of Planning and Neighborhood Services; Alyssa Linville, Assistant Director of Planning and Neighborhood Services; Andrew McGarvie, Engineering Manager; Robert Blevins, Principal 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.

CONSENT CALENDAR

MINUTES – October 11, 2021

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

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

Action Items –

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. 9th St. as well as 820 W. 8th Pl.*

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Beam, second by Arney to APPROVE SUBD-36360-2021 as presented, subject to the Conditions of Approval in Attachment A, and with the modification to Condition #7 to now read "The City of Yuma will abandon the existing ten (10') feet wide ally to the adjoining property

owner/developer in exchange for a dedication to City of Yuma of a 20 feet wide sewer easement, extending 10 feet into each lot from the centerline of the old alley, and with the adjoining lot walls beginning at the outside edge of this easement. No walls within the easement area” and to the modification to Condition #8 to now read “The owner/developer shall construct a 4” thick ABC access road over easement area for City Utility use”. Motion carried unanimously (5-0), with two absent.

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. 9th St. as well as 820 W. 8th Pl.*

Chad Brown, 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 SUBD-36346-2021 as presented, subject to the Conditions of Approval in Attachment A and with the modification to Condition #7 to now read “The City of Yuma will abandon the existing ten (10’) feet wide ally to the adjoining property owner/developer in exchange for a dedication to City of Yuma of a 20 feet wide sewer easement, extending 10 feet into each lot from the centerline of the old alley, and with the adjoining lot walls beginning at the outside edge of this easement. No walls within the easement area” and to the modification to Condition #8 to now read “The owner/developer shall construct a 4” thick ABC access road over easement area for City Utility use”. Motion carried unanimously (5-0), with two absent.

Public Hearings –

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. 1st Avenue.*

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Freeman, second by Counts to APPROVE ZONE-36467-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (5-0), with two absent.

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.*

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

QUESTIONS FOR STAFF

Chairman Hamel asked if the property located to the south of the undeveloped lot was zoned as medium or low density. **Griffin** replied that the property was zoned high density residential.

Commissioner Arney asked if there was a site plan or elevation plan available. **Griffin** replied that there was not. **Arney** asked if a traffic study would be done, noting that the traffic on Avenue B was a concern. **Engineering Manager, Andrew McGarvie** replied that there would be no traffic study based on the maximum number of apartments that could be built.

Commissioner Beam asked if the subject property and the property to the north, both build apartments with 99 units, would a traffic study be done then. **McGarvie** replied no, and added that traffic studies were determined based on individual developments.

Commissioner Counts asked if the R-2 and R-3 lots would be tied together in the future. **Griffin** replied that she is unaware.

Arney asked about the ingress and egress of the property and also asked how the police and fire department would enter the property. **McGarvie** replied that this would be determined when they have development plans for the property. **McGarvie** noted that tonight's meeting was just to rezone the land.

Commissioner Freeman asked if the ingress, egress and traffic flow concerns would be addressed once a development plan was submitted for the subject property. **Griffin** replied yes.

Beam said that if the rezone request was approved there would be no traffic study done. **Griffin** clarified that a traffic study would not be done due to the number of apartments allowed but that the concerns regarding ingress and egress would be addressed once development plans were available.

Assistant City Attorney, Scott McCoy noted that the commission would only be making a recommendation to City Council on the rezoning request for the property and once there were development plans for the lot they would have to be in compliance with the City's development standards.

APPLICANT/APPLICANT'S REPRESENTATIVE

Kevin Dahl, Dahl Robins & Associates 1560 S. 5th Ave, Yuma, AZ commented that the land use designation was approved by the Planning and Zoning Commission in 2016 and that this request was an attempt by the applicant to complete the zoning process.

PUBLIC COMMENT

John & Mary Yashkus, 1409 S Ave Yuma, AZ stated that they were opposed to the rezone request and expressed concerns about a potential increase in traffic.

Craig Heiber, 1430 S Ave B, Yuma, AZ also expressed his concerns about a potential increase in traffic.

Arney said that to make a decision the commission needed more information. **Arney** proposed a motion to continue this case until more information could be provided.

Hamel reminded the commission that at this stage of the rezoning request, the applicant is not required to provide a site plan or elevation plan.

Freeman asked if they could approve the zoning with a condition to have a traffic study done for any future development. **McCoy** said yes.

Beam expressed her desire to have more information about the proposed development made available to the commission earlier in the rezoning process.

Hamel stated that he would like the commission to either approve or deny the request based on the information provided.

Arney withdrew her motion to continue the case.

Motion by Arney, second by Counts to DENY ZONE-36473-2021 as presented. Motion carried (3-2), with Chairman Hamel and Commissioner Freeman voting Nay, with two absent.

INFORMATION ITEMS

Staff

Linville introduced Tim Bourcier as the new Planning and Neighborhood Services Director.

Commission

None

Public

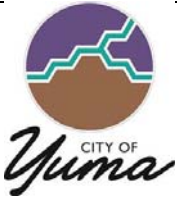
None

ADJOURNMENT

Hamel adjourned the meeting at 5:27 p.m.

Minutes approved this _____ day of _____, 2021

Chairman



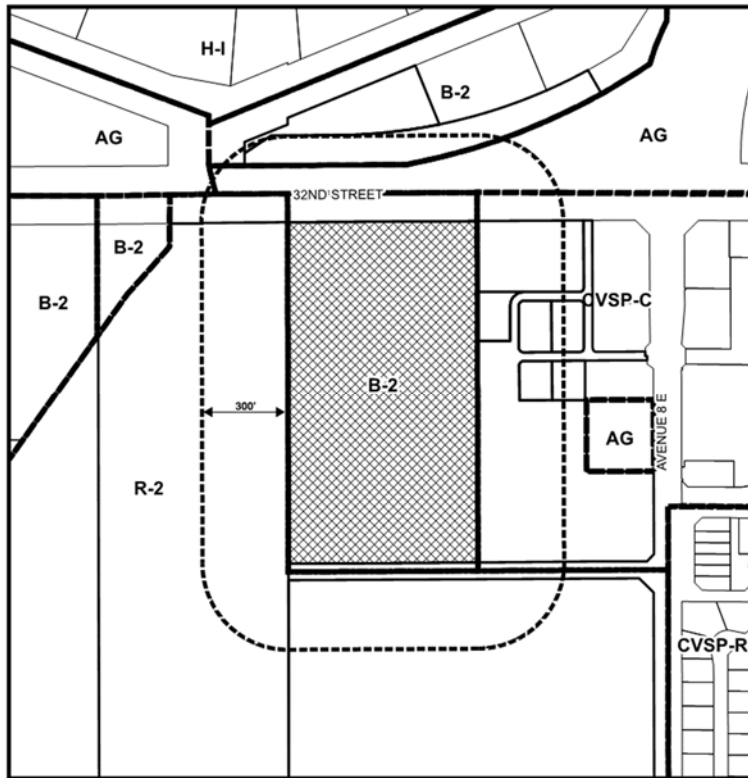
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS

Hearing Date: November 8, 2021 **Case Number:** SUBD-36768-2021

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma Development One, Inc., for approval of the preliminary plat for the Yuma Development One Parcel C Subdivision. This subdivision contains approximately 18.15 acres and is proposed to be divided into 4 commercial lots, ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	General Commercial / Infill Overlay (B-2/IO)	Vacant	Commercial
North	Agriculture (AG)	Vacant	Commercial
South	Medium Density Residential (R-2)	Vacant	Medium Density Residential
East	Cielo Verde Specific Plan- Commercial (CVSP-C)	Gym/Car Wash/ Apartments	Commercial
West	Medium Density Residential (R-2)	Vacant	Medium Density Residential

Location Map



Prior site actions: Annexation: Ordinance #O99-29 (07/03/99); Z2000-022 (AG to R-2/R-1-6/R-1-12, expired); LS2005-042 Yuma Development One Lot Split (fee# 2006-13163); Z2006-012 (AG to B2/AO, 10/04/06).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Yuma Development One Parcel C Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-36768-2021 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 acknowledging the street and lot layout of Yuma Development One Parcel C Subdivision, which includes 4 lots ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The applicant states:
“The purpose of this subdivision is to create commercial lots for sale or lease. An internal road with utilities, as shown on the plans, will be constructed upon approval of the subdivision. It is anticipated that Lot 3 will be used for additional parking for the existing gym to the East.”

The property is approximately 18.15 acres and is proposed to be divided into 4 commercial lots. No proposed uses are known at present. The new lots will need access easements sufficient to allow physical access to the nearest public right-of-way. Lot 2 has no frontage on a public right-of-way.

Further specified in §154-08.04, the following are some of the standards required for development in the General Commercial (B-2) District:

1. No maximum lot coverage in the B-2 District;
2. Uses such as fuel stations, convenience stores, or a drive-thru require a Conditional Use Permit;
3. A maximum building height of 75 feet;
4. A minimum front yard setback along the public or private right-of-way of 15 feet;
5. A minimum side yard setback of 0* feet;
6. A minimum rear yard setback of 0* feet.

* Increased to 20 feet when adjacent to a residential zoning district.

The AO District has design standards which include requirements for monument signs, screening of any rooftop equipment, & no uninterrupted large expanse of walls. Developers usually form their own aesthetic standards and sign package to ensure a cohesive theme or appearance of buildings, lighting, landscaping, and signage for future lot owners to follow. No unique standards have been proposed for this commercial subdivision.

All exterior appearance of buildings and properties needs review and approval from the Design and Historic Review Commission at a public hearing.

There was discussion at the predevelopment meeting of the sale or use of two of the lots for the neighboring businesses to the east, which is in the Cielo Verde Specific Plan-Commercial Subdivision (CVSP-C). CVSP-C has its own development standards including permitted uses, dimensional criteria, infrastructure improvement responsibilities, and timelines. Further review of the City Code would need to be done to see if joining additional land to the CVSP-C is achievable.

<u>Standard</u>	<u>Subdivision</u>				<u>Conforms</u>				
Lot Size	Minimum:	1.3552 ACRES		Maximum:	11.7846 ACRES		Yes	X	No
Lot Depth	Minimum:	348.5 FT		Maximum:	775.0 FT		Yes	X	No
Lot Width/Frontage	Minimum:	169.21 FT		Maximum:	662.34 FT		Yes	X	No
Setbacks	Front:	15 FT	Rear:	0 FT	Side:	0 FT	Yes	X	No
District Size	18.15	Acres				Yes	X	No	
Density	N/A	Dwelling units per acre				Yes		No	
Issues: None									

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

Yes.

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

Yes.

<u>Requirements</u>	<u>Conforms</u>					
General Principles	Yes	X	No		N/A	
Streets	<u>Conforms</u>					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
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		No		N/A	X
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						
Blocks	<u>Conforms</u>					
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	X	No		N/A	
Issues: None						
Lots	<u>Conforms</u>					
Minimum Width	Yes		No		N/A	X
Length and Width Ratio	Yes		No		N/A	X
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:				Commercial							
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	
E. 32 nd Street- Principal Arterial 4 lane.			50 FT H/W		100 FT H/W					X	
E. 34 th Street- Local Street			29 FT H/W		29 FT H/W						
Bicycle Facilities Master Plan			32 nd Street: Existing Bike Path								
YCAT Transit System			32 nd Street: Gold Route								
Issues: None											
Parks, Recreation and Open Space Element:											
Parks and Recreation Facility Plan											
Neighborhood Park:		Existing: Saguaro Park				Future: Saguaro Park					
Community Park:		Existing: None				Future: None					
Linear Park:		Existing: None				Future: A Canal Linear Park					
Issues:			Minimal access to nearby facilities.								
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						
Conservation, Energy & Environmental Element:											
Impact on Air or Water Resources			Yes		No		X				
Renewable Energy Source			Yes		No		X				
Issues:			None								
Public Services Element:											
Population Impacts 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>Non-residential</i>								
			Proposed	Per Unit		Officers	GPD	AF	GPD		
			0	0	0	0.00	0	0.0	0		
Fire Facilities Plan:			Existing: Fire Station No. 5				Future: Fire Station No. 7				
Water Facility Plan:			Source:		City X Private		Connection		20" PVC @ E 32 nd Street		
Sewer Facility Plan:			Treatment:		City X Septic		Private		8" PVC @ 34 th Street		
Issues:			None								
Safety Element:											
Flood Plain Designation:			Zone X		Liquefaction Hazard Area:			Yes		No X	
Issues:			None								

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

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

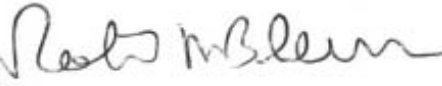
Proposed conditions delivered to applicant on: 10/12/21

Final staff report delivered to applicant on: 10/25/21

- Applicant agreed with all of the conditions of approval on: 10/18/21
- 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
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Aerial Photo

Prepared By: 
 Robert M. Blevins
 Principal Planner

Date: 10/26/21
 Robert.Blevins@yumaaz.gov (928)373-5189

Approved By: 
 Alyssa Linville,
 Assistant Director Community Development

Date: 10/26/2021

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

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

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

City Attorney Comments: (928) 373-5058:

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

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

6. The Owner/Developer shall design and construct the North half of 34th Street per City of Yuma construction standard 2-030 (Local two lane street) and street lights as appropriate across the frontage of 34th Street when the south lot is partially or fully developed, and/or when the private north-south access road is connected to 34th Street. This condition will be noted on the subdivision plat (Mylar) for the south parcel.

Fire Department Comments: Kayla Franklin, Fire Marshal (928)373-4865:

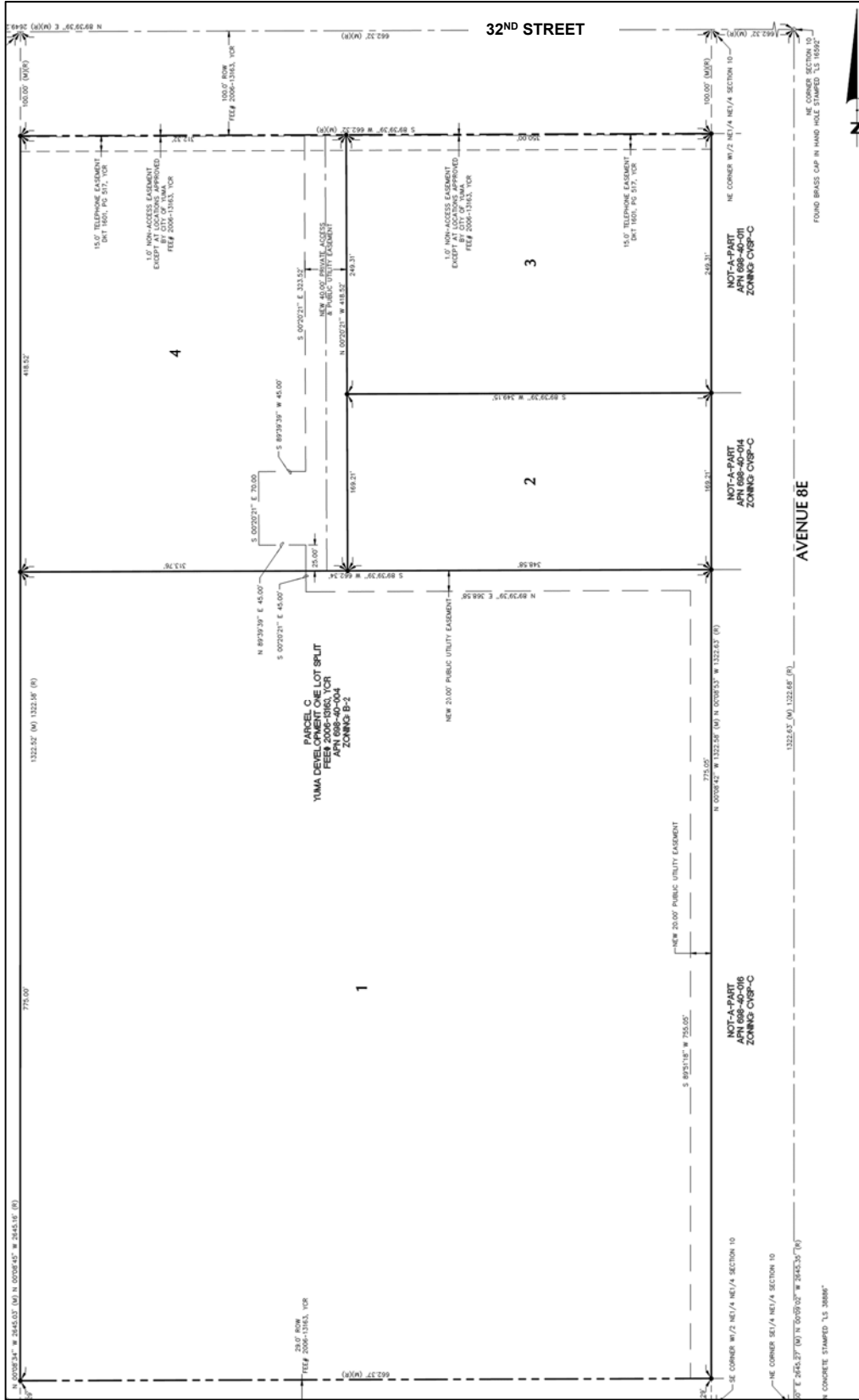
7. Secondary Emergency Fire Department access for Lot 1 must come off of E. 34th Street.

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

8. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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

ATTACHMENT B PRELIMINARY PLAT MAP



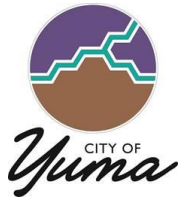
**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 10/15/21
- **300' Vicinity Mailing:** 09/20/21
- **34 Commenting/Reviewing Agencies noticed:** 09/23/21
- **Hearing Date:** 11/08/21
- **Comments due:** 10/04/21

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	09/27/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	09/27/21	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	09/27/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	09/30/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	09/30/21		X	
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	09/29/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AERIAL PHOTO





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

Hearing Date: November 8, 2021

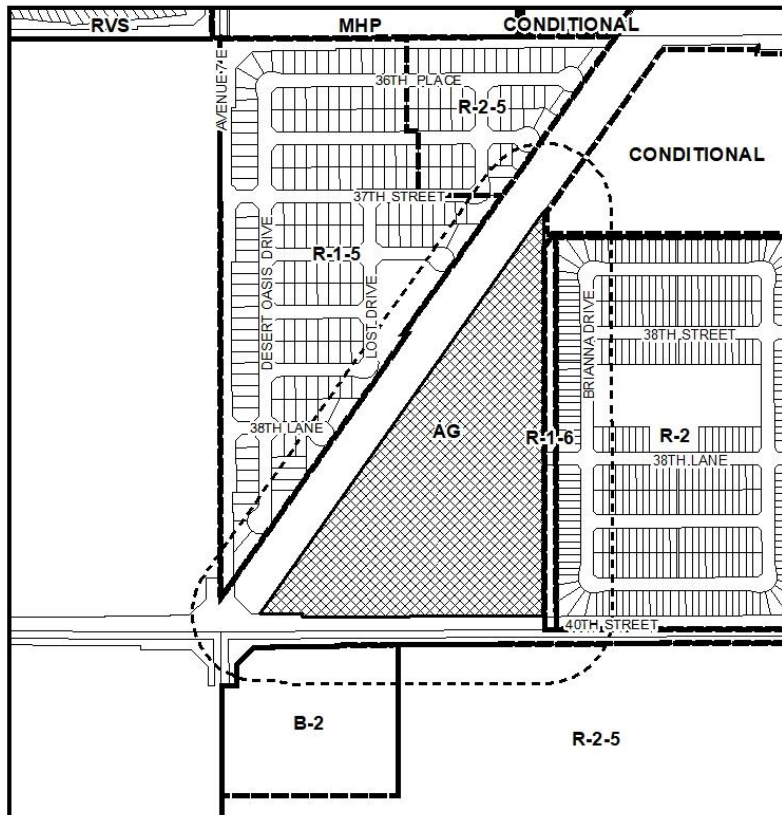
Case Number: ZONE-36619-2021

Project Description/Location:

This is a request by Dahl, Robins, and Associates. on behalf of Smoketree Desert Land, LLC., to rezone a 26.96 acre parcel from Agriculture (AG) to Medium Density Residential/Planned Unit Development (R-2/PUD), for the property located at the northeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Medium Density Residential
North	Agriculture (AG)	"A" Canal	Public/Quasi-Public
South	General Commercial (B-2); Medium Density Single-Family Residential (R-2-5)	Undeveloped	Commercial; Medium Density Residential
East	Medium Density Residential/ Planned Unit Development (R-2/PUD)	Desert Sky Unit No. 1	Medium Density Residential
West	Agriculture (AG)	"A" Canal	Public/Quasi-Public

Location Map



Prior site actions: Annexation: January 2, 1998 (Ordinance No. O97-81); General Plan Amendment: September 15, 2021 (Resolution No. R2021-023; Low Density Residential to Medium Density Residential)

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-36619-2021 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 a 26.96 acre parcel from Agriculture (AG) to Medium Density Residential/Planned Unit Development (R-2/PUD), for the property located at the northeast corner of S. Avenue 7E and E. 40th Street, 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 applicant proposes developing the subject property for the third phase of the Desert Sky townhome development. The site is currently utilized for agricultural purposes. With this third phase, the applicant is proposing to construct 134 units on approximately 26.96 acres. With this request, the applicant is seeking to rezone the property from the Agriculture (AG) District to the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District.

Density

The Planned Unit Development Overlay (PUD) District states, “ the average lot area per dwelling unit, including common are but excluding area occupied by public or private streets, shall not be less that that required by the zoning district regulations otherwise applicable to the site (§154-14.07(C)(4)).” The R-2 District requires a minimum lot size of 4,500 square feet for small lot single-family subdivisions with a maximum of 72 small lots per 160 acres. The proposed development encompasses 29.96 acres for the entire development, including streets. By excluding the streets, the common area and individual lots total approximately 22.3 acres. Taking 22.3 acres and dividing that by the proposed 134 lots, as shown on the site plan (Attachment B), yields an average lot area of 7,258 square feet. Therefore, the proposed development meets the required minimum average lot area of 4,500 square feet per dwelling unit, as required by the R-2 District.

Development Standards

“Planned unit Development are intended to permit greater flexibly and, consequently, more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning designations (§154-14.07 (A)).”

The proposed development with the PUD overlay would allow the following dimensional variations:

- An increase in the number of 4,500 square foot lots from 72 lots to 134 lots.
- A decrease in the minimum lot size from 4,500 square feet to 3,300 square feet.
- A decrease in the minimum lot width from 50' to 30'.

- Staggered front yard setbacks of 15' and 20' (20' is the standard front yard setback).
- A reduction in side yard setbacks from 7' on each side to zero feet on each side.
- An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

Amenities

“PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces (§154-14.07 (A)).”

The applicant has agreed to the following amenities for the proposed PUD:

1. A retention basin featuring picnic tables and barbeque grills.
2. A 10'-wide walking path, connecting this phase of development to the centrally located retention basin located in phase one development.
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

Dwelling Unit Design and Massing Plan

The applicant proposes five different floor plans and two different garage roof designs. The units will include a combination of asphalt and tile roofing with the air conditioning units on the rear roofs. The elevations for these floor plans are available in Attachment C.

The massing plan illustrates the arrangement of the units with the staggered setbacks, the interconnected walking paths, the retention basin/common area, and the walking path connecting the different phases of development. The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density far beyond what would be allowed under the underlying zoning district. This increase in density is financially beneficial to the applicant. The tradeoff for the increased density is that the applicant provide a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this phase of development meet the intent for a Planned Unit Development as outlined in the City Code.

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

Land Use Element:									
Land Use Designation:				Medium 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

40 th Street – 4 – Lane Minor Arterial	50 FT H/W ROW	62 FT H/W ROW				X
Bicycle Facilities Master Plan	40 th Street – Proposed Bike Lane					
YCAT Transit System	None					
Issues:	None					

3. 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: Saguaro Park				Future: Saguaro Park																																						
Community Park:	Existing: None				Future: South Mesa Community Park																																						
Linear Park:	Existing: None				Future: "A" Canal Linear Park																																						
Issues:	None																																										
Housing Element:																																											
Special Need Household:	N/A																																										
Issues:	None																																										
Redevelopment Element:																																											
Planned Redevelopment Area:	None																																										
Adopted Redevelopment Plan:	North End:		Carver Park:		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:																																											
Population Impacts 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 & 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>Proposed</th> <th>Per Unit</th> <th>Officers</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>134</td> <td>1.7</td> <td>228</td> <td>0.43</td> <td>68,340</td> <td>76.6</td> <td>22,780</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation	Proposed	Per Unit	Officers	GPD	AF	GPD	134	1.7	228	0.43	68,340	76.6	22,780																			
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Proposed	Per Unit			Officers	GPD		AF	GPD																																			
134	1.7	228	0.43	68,340	76.6	22,780																																					
Fire Facilities Plan:	Existing: Fire Station No. 5				Future: Fire Station No. 7																																						
Water Facility Plan:	Source:	City	X	Private	Connection:	10" PVC Line																																					
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC Line																																					
Issues:	None																																										
Safety Element:																																											
Flood Plain Designation:	Flood Zone X			Liquefaction Hazard Area:		Yes		No	X																																		
Issues:	None																																										
Growth Area Element:																																											
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St			Avenue B & 32 nd St.																																					
	North End		Pacific Ave & 8 th St		Estancia	None	X																																				
Issues:	None																																										

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 See Attachment F.
Comments:

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: October 28, 2021

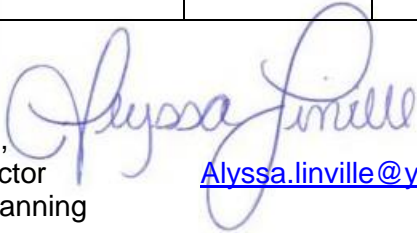
Final staff report delivered to applicant on: October 28, 2028

- Applicant agreed with all of the conditions of approval on: November 3, 2021
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By:
Alyssa Linville,
Assistant Director
Community Planning



Alyssa.linville@yumaaz.gov

Date: November 3, 2021
(928)373-5000, ext. 3037

**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 Planning 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 shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Engineering: Andrew McGarvie, Engineering Manager, (928) 373-5000, ext. 3044:

4. Owner, at the time of recording any final plat for Desert Sky Unit No. 3, shall dedicate the right-of-way necessary to install, to City standards, one right turn lane north of the northern-most portion of the westbound lane of 40th Street to serve the north-south access street into the Desert Sky Unit No. 3 subdivision. Access onto 40th Street from the Desert Sky Unit No. 3 subdivision shall be provided upon the City's completion of the construction of 40th Street, which shall occur on the City's schedule as approved by the Yuma City Council.

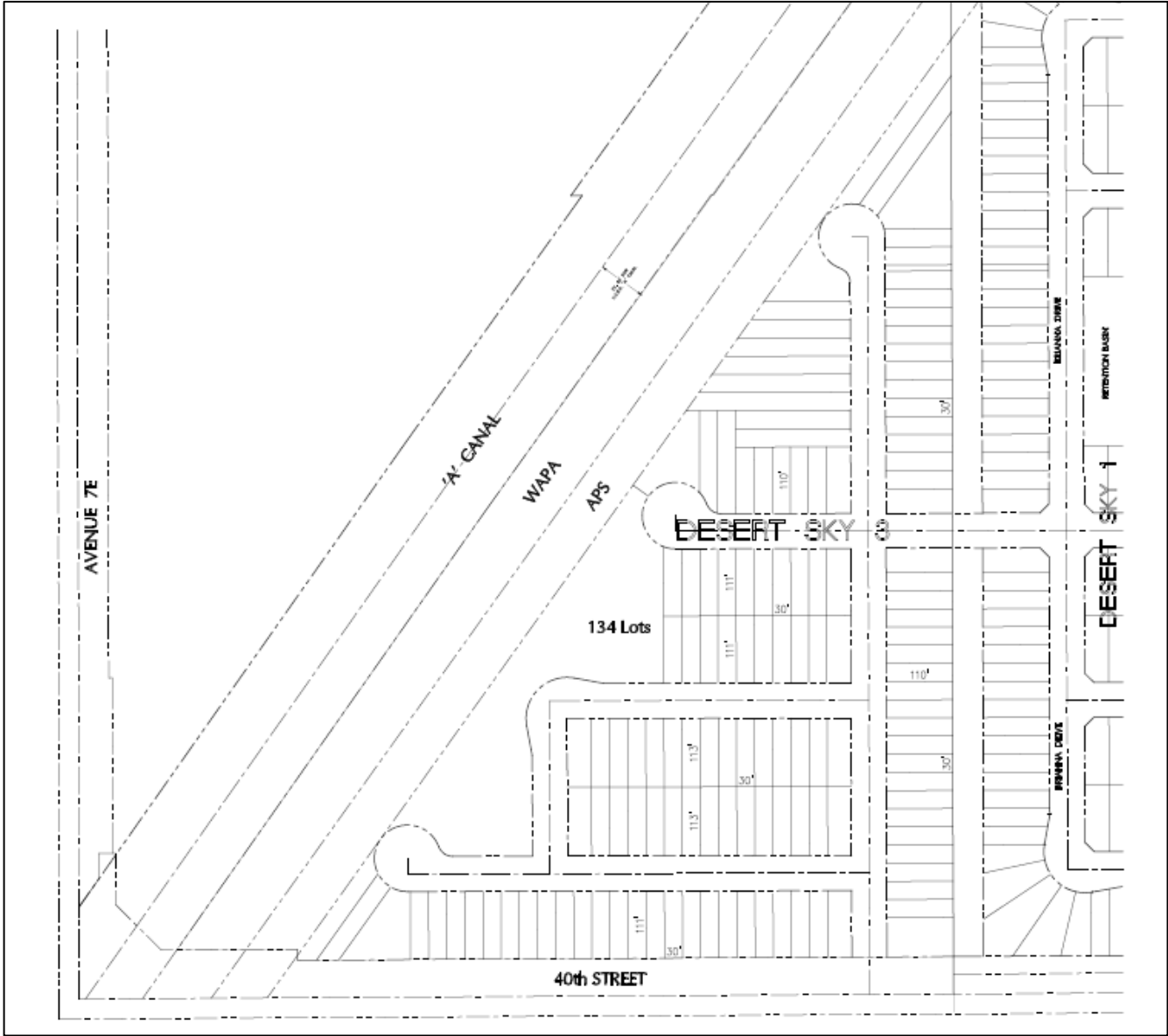
Community Planning Alyssa Linville, Assistant Director Community Planning, (928) 373-5000, x 3037:

5. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Unit No. 1.
 - b. A minimum of two picnic tables and two barbeque grills.
 - c. Lighting along the perimeter of the common area/retention basin, specifically double street lights located along the subdivision roadways. Such lighting shall be designed so as to adequately illuminate the picnic areas.
 - d. Landscape within the 10' interior corridor walking path, which connects the two phases of development, shall include rock similar to the retention basin and shrubs (trees are not required).
6. Front yard irrigation, grass, and a 15-gallon for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
7. 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 A.R.S. § 9-462.01.

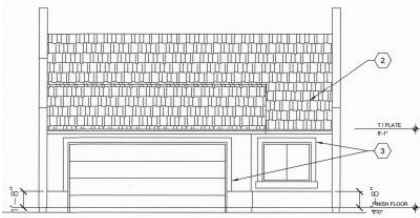
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
CONCEPTUAL SITE PLAN**



ATTACHMENT C ELEVATIONS

Model 1236:



1 Front Elevation

SCALE: 3/16"=1'-0"



1 Right Side Elevation

SCALE: 3/16"=1'-0"



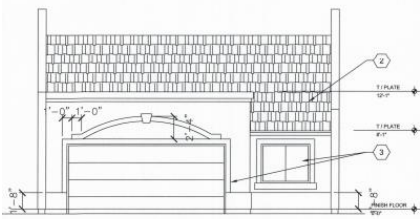
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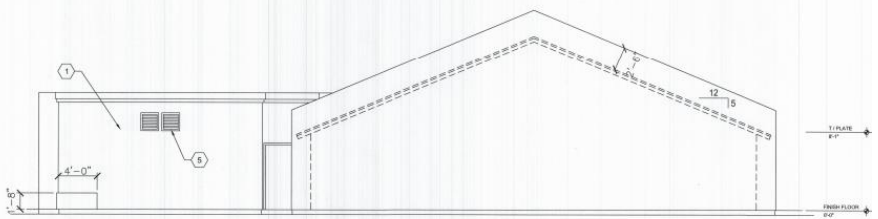
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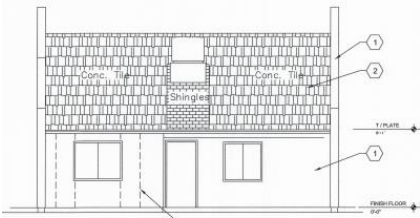
1 Front Elevation

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1 Right Side Elevation

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1 Rear Elevation

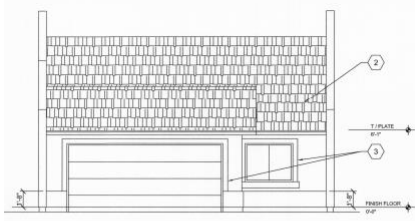
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1 Left Side Elevation

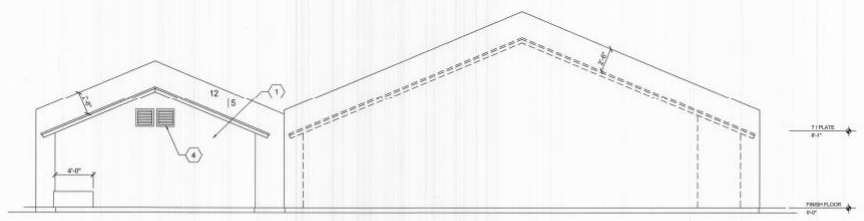
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Model 1280:



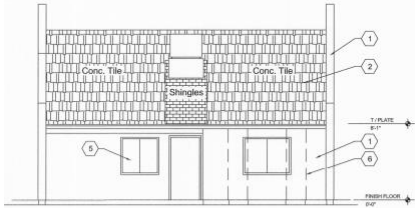
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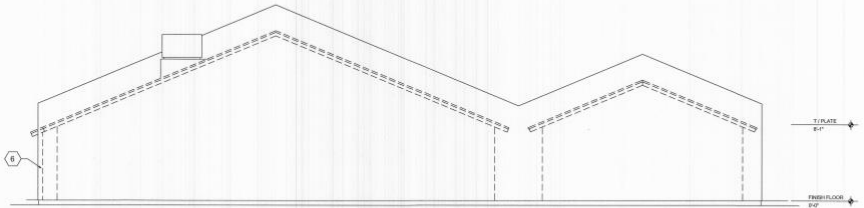
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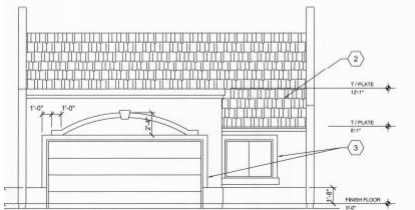
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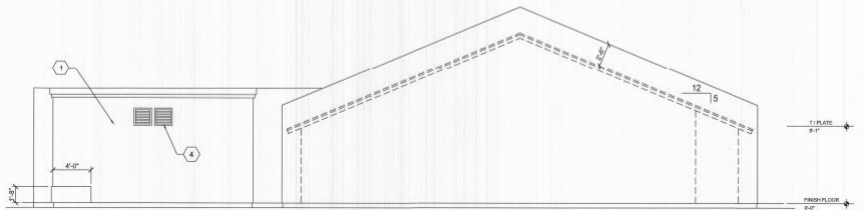
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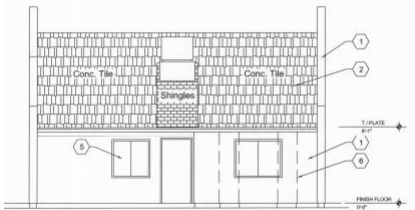
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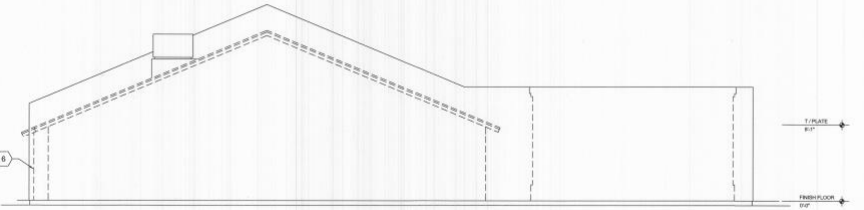
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1 Rear Elevation

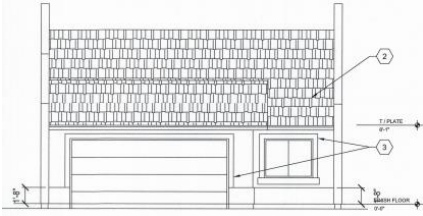
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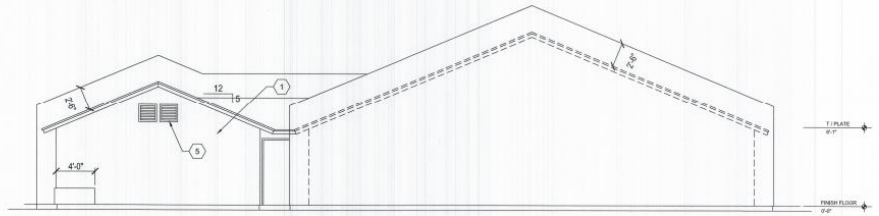
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Model 1316:



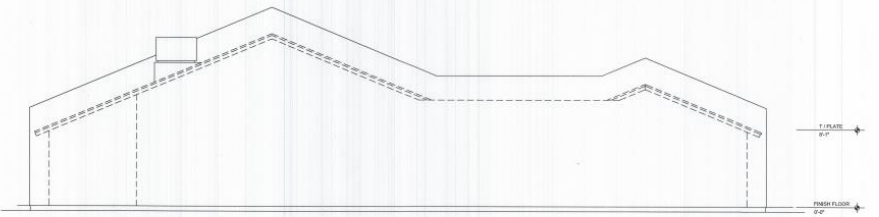
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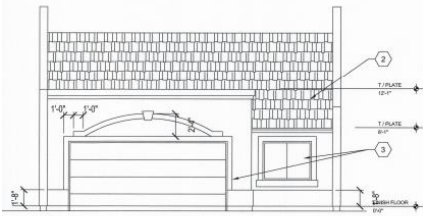
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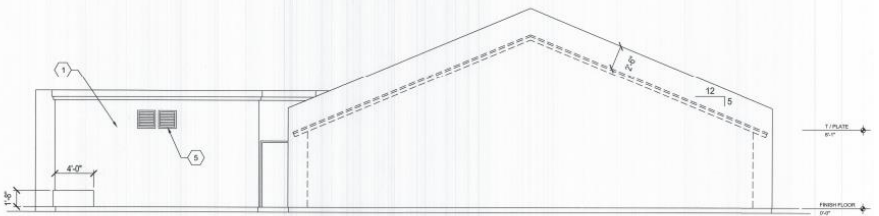
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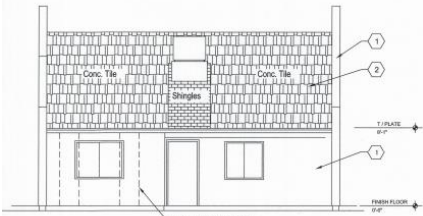
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1 Front Elevation
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1 Right Side Elevation
SCALE: 3/16"=1'-0"

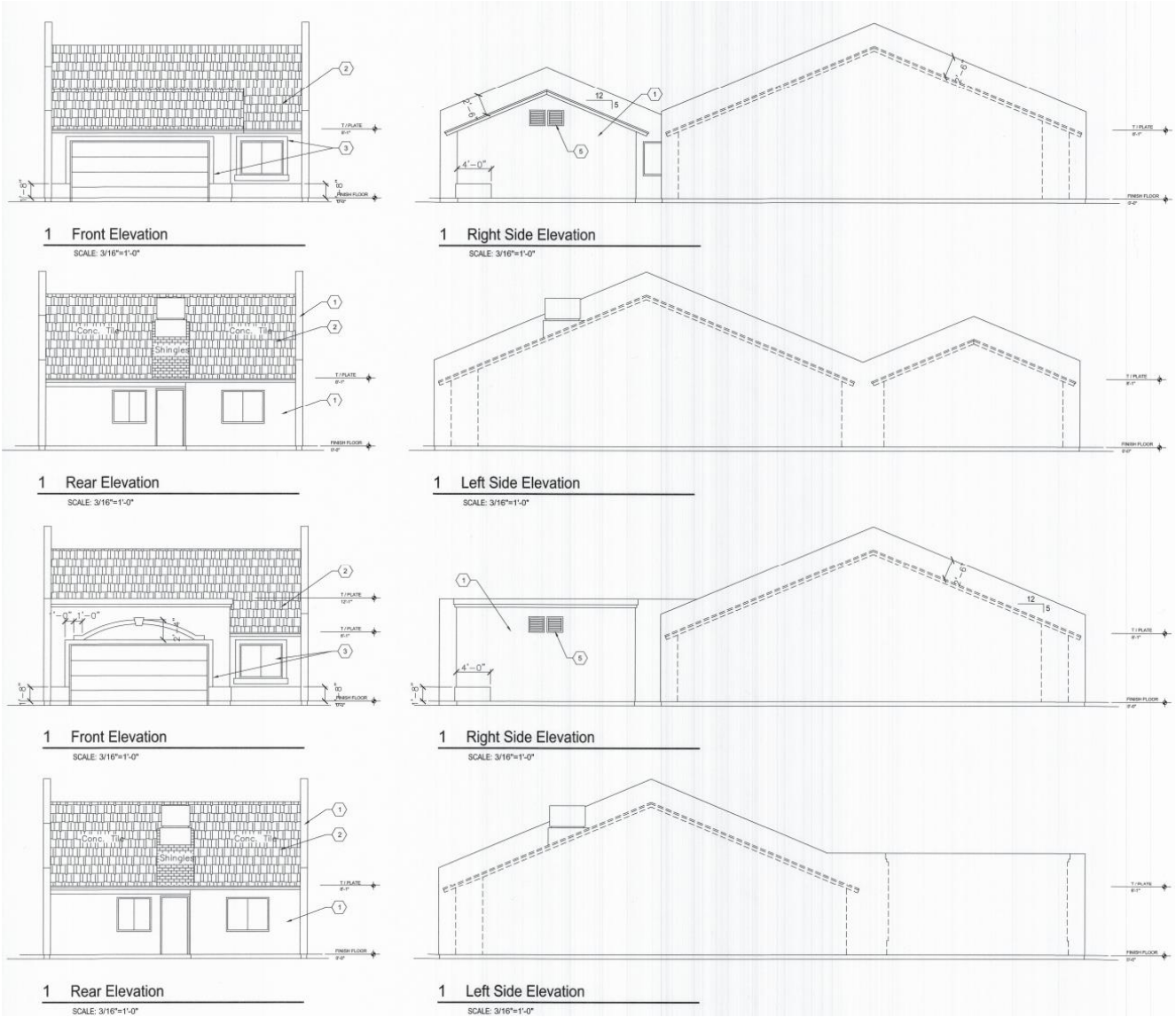


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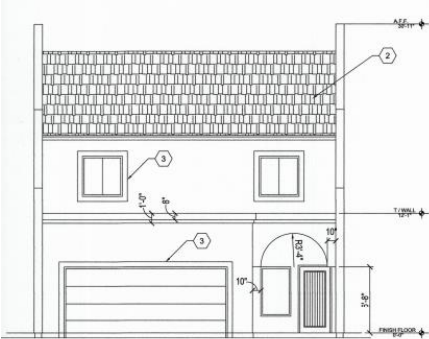


1 Left Side Elevation
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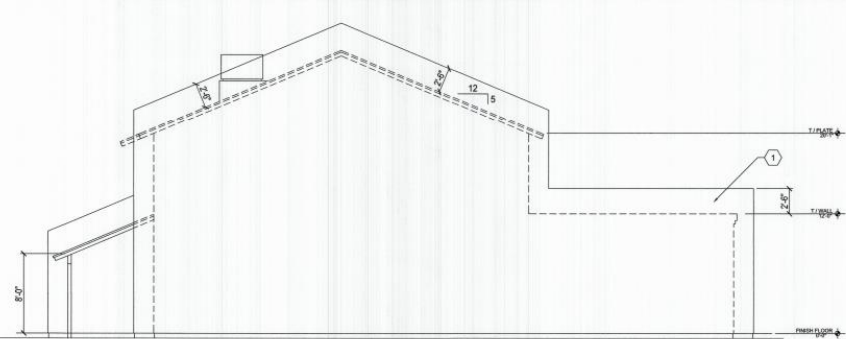
Model 1386:



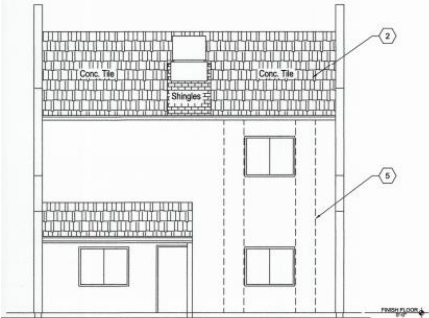
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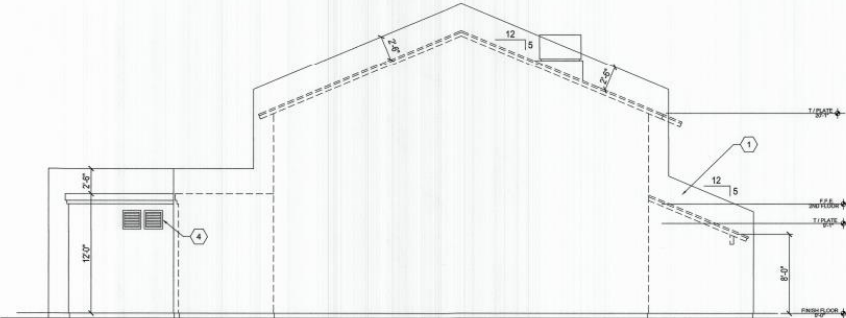
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1 Left Side Elevation
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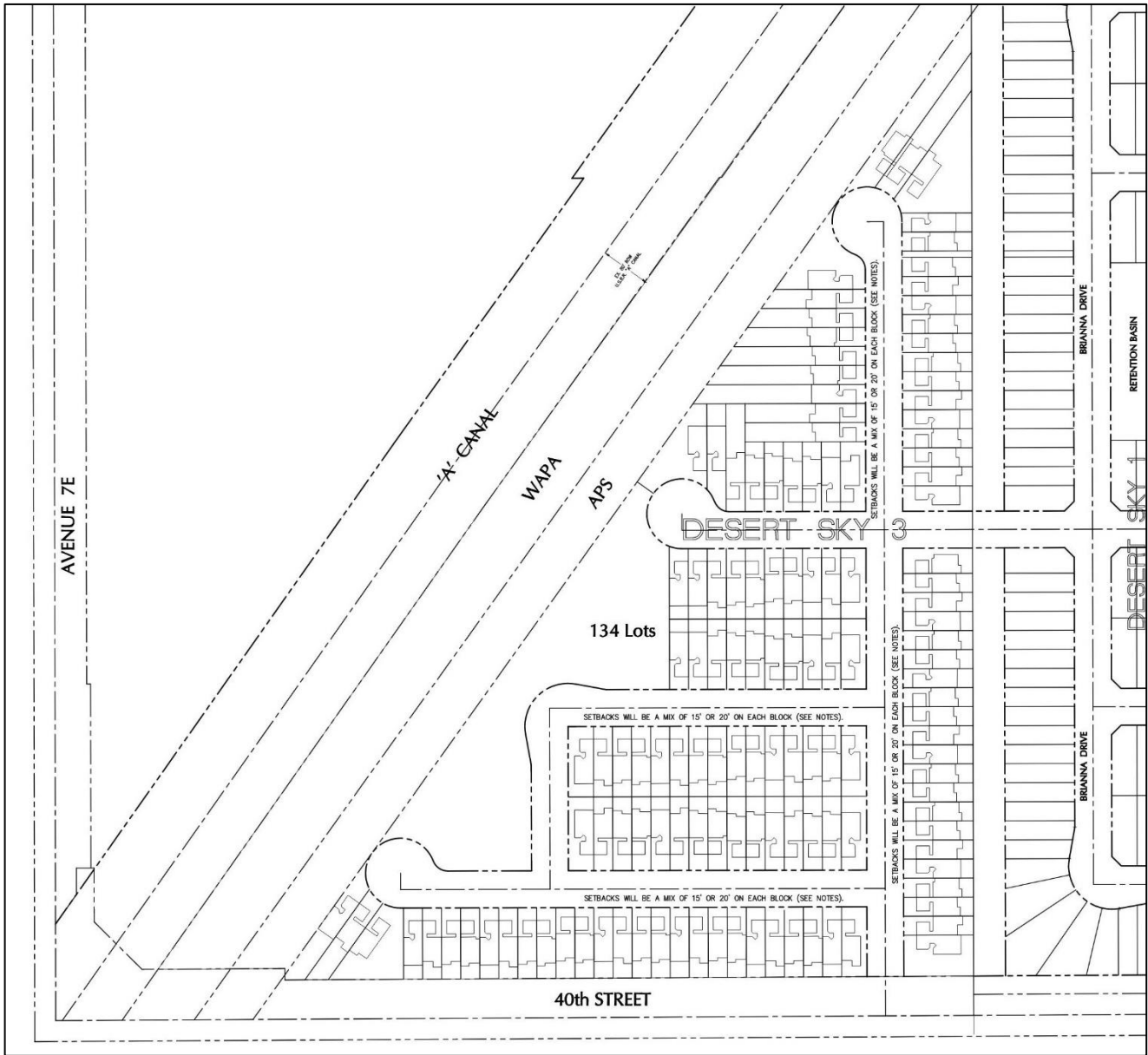


1 Rear Elevation
SCALE: 3/16"=1'-0"



1 Right Side Elevation
SCALE: 3/16"=1'-0"

**ATTACHMENT D
MASSING PLAN**



**ATTACHMENT E
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (10/15/21)
- **300' Vicinity Mailing:** (09/20/21)
- **34 Commenting/Reviewing Agencies noticed:** (09/23/21)
- **Site Posted on:** (11/01/21)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (11/08/21)
- **Comments due:** (10/04/21)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/04/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	10/05/21	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	10/05/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	10/04/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	11/08/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/05/21			X
Utilities	NR				
Public Works	NR				
Streets	NR				


**ATTACHMENT F
AGENCY COMMENTS**

Condition(s)

No Condition(s)

Comment

Enter conditions here: The subject parcel, APN 197-10-016, is located 2 miles away from the Barry M. Goldwater Range (BMGR) northern boundary and near a known arrival/departure flight track. It is requested that an Aviation Easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at 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. Thank you for the opportunity to review and comment.

DATE: 5 Oct 2021 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma 
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

ATTACHMENT G
AERIAL PHOTO

