

**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on August 11, 2022 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	<p>Agenda Hearing Officer Public Hearing City Hall Council Chambers One City Plaza</p> <p>Thursday, August 11, 2022 9:30 a.m.</p>
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City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

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

APPROVAL OF MINUTES

- July 28, 2022

APPLICATIONS TO BE CONSIDERED

1. **VAR-40196-2022:** This is a request by Dahl, Robins & Associates, on behalf of Verdant Yuma LLC, for a variance to reduce the parking for a new hotel development from one and one-tenth parking spaces for each guest room, to one space for each guest room and to reduce the number of loading spaces required from three loading spaces, to one loading space, in the General Commercial (B-2) District. The property is located near the northwest corner of Sunridge Drive and 17th Street, Yuma, AZ.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373

**Hearing Officer Meeting Minutes
July 28, 2022**

A meeting of the City of Yuma's Hearing Officer was held on July 28, 2022, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director of Planning; Amelia Griffin, Associate Planner, and Alejandro Marquez, Administrative Specialist.

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

CONSENT CALENDAR

APPROVAL OF MINUTES

July 14, 2022

Rodriguez approved the minutes of July 14, 2022.

PUBLIC HEARINGS

VAR-39987-2022: *This is a request by Andrea Plaza, on behalf of Miguel & Maria Gastelum, for a Variance to eliminate the requirement for on-site parking for a clothing retail store, Vlanco Boutique, in the General Commercial/Historic Overlay/Bed and Breakfast Overlay/Infill Overlay (B-2/H/BBO/IO) District, for the property located at 206 S. Orange Avenue, Yuma, Arizona.*

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

QUESTIONS FOR STAFF

Rodriguez referred to the picture on attachment D of the staff report then asked if the empty lot behind the business was part of the same parcel. **Griffin** replied no.

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

None

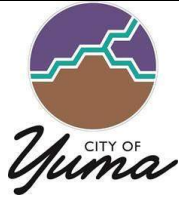
DECISION

Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D) (1) had been met.

Rodriguez adjourned the meeting at 9:33 a.m.

Minutes approved and signed this _____ day of _____, 2022.

Hearing Officer



STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Chad Brown

Hearing Date: August 11, 2022

Case Number: VAR-40196-2022

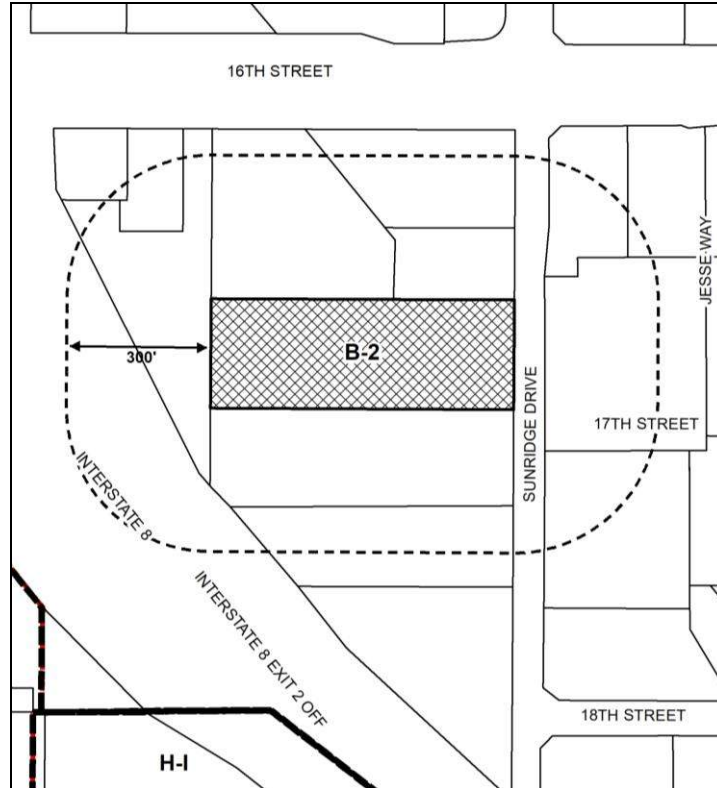
Project

Description/Location:

This is a request by Dahl, Robins & Associates, on behalf of Verdant Yuma LLC, for a variance to reduce the parking for a new hotel development from one and one-tenth parking spaces for each guest room, to one space for each guest room and to reduce the number of loading spaces required from three loading spaces, to one loading space, in the General Commercial (B-2) District. The property is located near the northwest corner of Sunridge Drive and 17th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant Parcel	Commercial
North	General Commercial (B-2)	La Fuente Inn & Suites/ vacant parcel	Commercial
South	General Commercial (B-2)	TownePlace Suites by Marriott Yuma	Commercial
East	General Commercial (B-2)	vacant parcel	Business Park
West	General Commercial (B-2)	Motel 6 Yuma	Commercial

Location Map:



Prior site actions: Annexation: January 6, 1979 (Ord. No. 1797); Variances: August 21, 1987 (BA87-24, extension of approval), April 15, 1986 (BA86-08, sign variance); Rezone: August 2, 1979 (Z79-20, Ag to Business B); Subdivision: March 17, 1986 (ARC Center), May 4, 1989 (ARC Center Lot Split), June 5, 1989 (ARC Center S/D Lot Split), July 21, 1994 (ARC Center Lot Split/Tie II)

Staff recommendation:

Staff recommends **APPROVAL** of the request to reduce the parking for a new hotel development from one and one-tenth parking spaces for each guest room, to one space for each guest room and to reduce the number of loading spaces required from three loading spaces, to one loading space, in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?	No
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Staff Analysis:

The subject property is located at the northwest corner of 17th Street and Sunridge Drive. The property was annexed into the City of Yuma on January 6, 1979, and most recently subdivided on July 21, 1994 as the ARC Center Lot Split/Tie II. The zoning district is General Commercial (B-2) District. Hotels are a permitted use in the B-2 District. The parking requirement for hotels is 1.1 parking spaces for each guest room.

The undeveloped property is approximately 3.3 acres in size and features two easements, one for a sewer line and one for a gas line. These easements can be seen in Attachment E of the report. In addition to the easements on the property, the property is further limited by the multiple topography changes on the property. There are hotels to the north, south, and west of the subject property.

The applicant is requesting to reduce the required parking counts for both standard parking spots and loading docks. The goal is to build two hotels on the subject property—one featuring 96 guest rooms and the other with 114 guest rooms, a total of 210 rooms. The code requires that 1.1 parking spaces is to be provided per room; based on the number of proposed hotel rooms, 231 parking spaces would be required along with 3 loading spaces.

Due to restraints in buildable area, caused by the topography and existing easements, the applicant is requesting to reduce the required number of parking spaces for the rooms from 231 to 213 parking stalls and the number of loading spaces from three to one loading space.

The existing easements on the lot and the topographic changes across the lot do create a special circumstance in staff's opinion.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) ***“There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”***

Is this statement correct for this application?

Yes

No

Applicant Response: *“Yes, there is a unique circumstance relating to this property. There is over 14 feet of existing elevation differential across the property and the property is crisscrossed with multiple easements that restrict the ability to develop the parcel in a regular manner. There is a 30’ wide Kinder-Morgan gas line easement, a 16’ wide City of Yuma sewer lien easement, a 13’ wide Arizona Public Service electrical easement, and a 12’ wide Yuma County storm drain easement, all encumbering the property and hampering layout. These five easements make efficient placement of the buildings less practical. Also, due to the sever change in elevation and topography of the subject property, it is difficult to provide large areas for both parking and storm water retention.”*

Staff Analysis: Due to the subject property featuring significant fluctuations in topographic and multiple utility easements, there is a special circumstance that applies to this property that does not apply to most other properties in the district. The properties to the north, south, and west feature hotels and the subject property owner would like to build similar uses on a lot that is in the same district as the neighboring hotels.

B) ***“The special circumstance was not created or caused by the property owner or applicant.”***

Is this statement correct for this application?

Yes

No

Applicant Response: *“No, this special circumstance was not created or caused by the property owner or applicant. The natural topography of the site, the extreme difference in elevation between the two ends of the property, and the existing underground utilities and easements have existed for decades.”*

Staff Analysis: The applicant did not create the topography or easements that warrant a special circumstance.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

Yes

No

Applicant Response: “Yes, the granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners. Granting these variance requests will help overcome the problems associated with the physical property constraints on this particular site.”

Staff Analysis: Granting this variance request will help to mitigate the development barriers on this site, helping to preserve substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

Yes

No

Applicant Response: “No, the granting of the variance will not be detrimental. The granting of these variance requests should have zero negative impact to persons, property, the neighborhood, or to the public health, safety and general welfare.”

Staff Analysis: The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

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

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: August 4, 2022.

Final staff report delivered to applicant on: August 8, 2022.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: August 4, 2022 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | (If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.) |

Attachments

A	B	C	D	E	F	G	H	I
Conditions of Approval	Site Plan	Agency Notifications	Agent Narrative	Easements on Subject Property	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Chad Brown*

Date: **08-04-2022**

Chad Brown

Associate Planner

Chad.Brown@yumaaz.gov (928) 373-5000, x 3038

Approved By: *Alyssa Linville*

Date: **08-04-2022**

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 variance for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

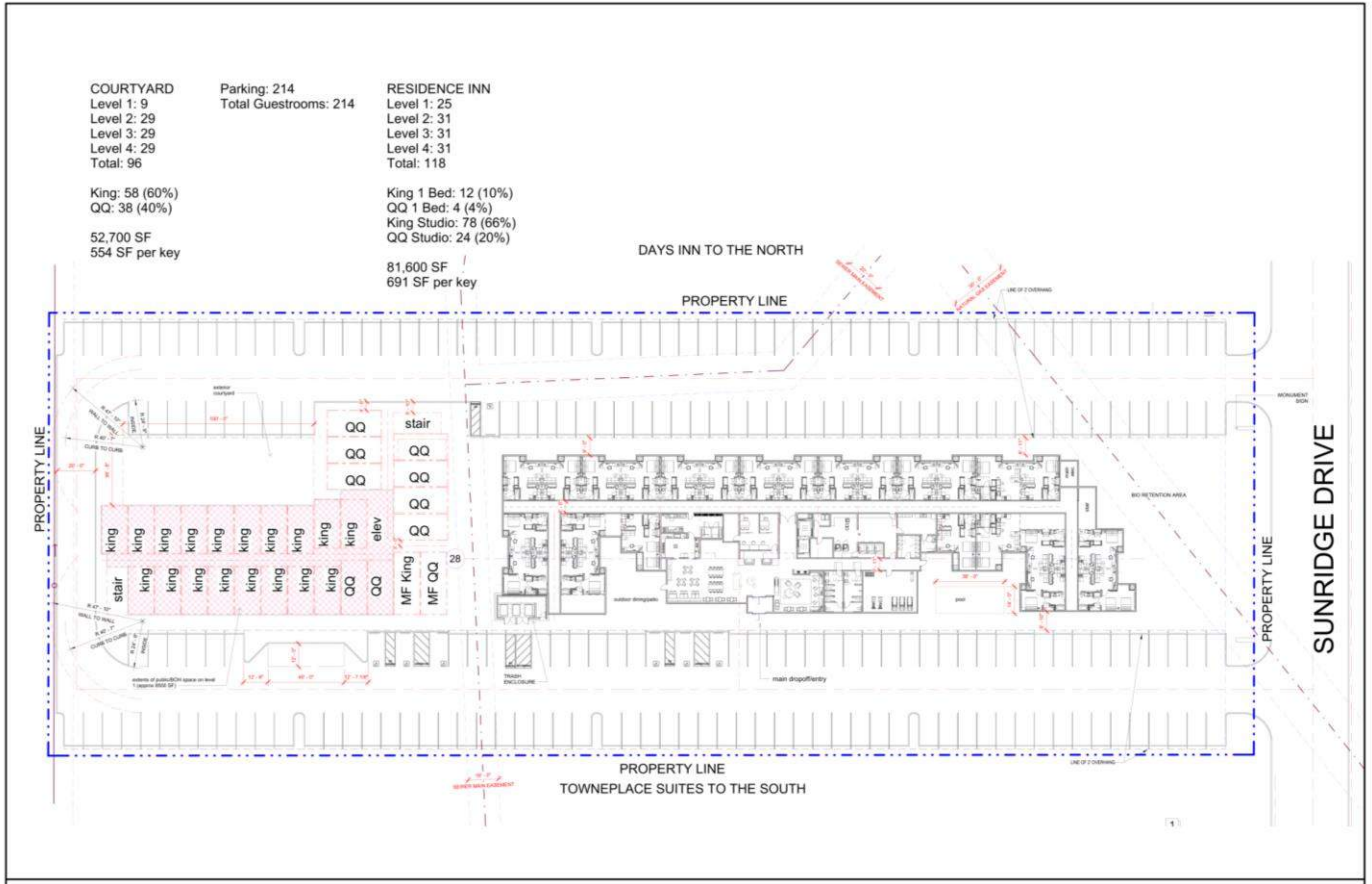
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner 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.

Community Planning: Chad Brown, Associate Planner, (928) 373-5000 x 3038

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

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

ATTACHMENT B SITE PLAN



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (7/22/22)
- 300' Vicinity Mailing: (7/13/22)
- 34 Commenting/Reviewing Agencies Noticed: (7/13/22)
- Hearing Date: (8/11/22)
- Comments Due: (7/25/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	7/18/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	7/18/22	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	7/19/22	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	7/26/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	7/25/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENT NARRATIVE**

**SUNRIDGE DRIVE HOTEL PARKING VARIANCE
NARRATIVE STATEMENT**

This project involves the development of two independent hotels on a 3.35-acre parcel located on the northwest corner of 17th Street and Sunridge Drive. The parcel is described as Assessor's Parcel No. 665-39-104 and is currently located within the General Commercial (B-2) District. The site is currently vacant, undeveloped land. There is over 14 feet of existing elevation differential across the property and it is crisscrossed with a number of easements that restrict the ability to develop the parcel in a uniform manner. There is a 30' wide Kinder-Morgan gas line easement, a 16' wide City of Yuma sewer line easement, a 20' wide City of Yuma sewer easement, a 13' wide Arizona Public Service electrical easement, and a 12' wide Yuma County storm drain easement, all encumbering the property. The Owner proposes to develop the site with a 96-guest room hotel on the West end of the property and a 118-guest room hotel on the East end of the property, for a combined total of 214 guest rooms.

The site has been designed to provide safe and convenient access to and from the public street system. Direct access to Sunridge Drive will be provided at two new driveways. Vehicles entering the site will have sufficient space to enter the facility and adequate circulation has been provided throughout the site.

The building and parking setbacks are in accordance with code. The height and elevations of the new buildings are compatible with the general character of the surrounding developments. Adequate lighting and landscaping will be provided in accordance with City of Yuma Zoning codes.

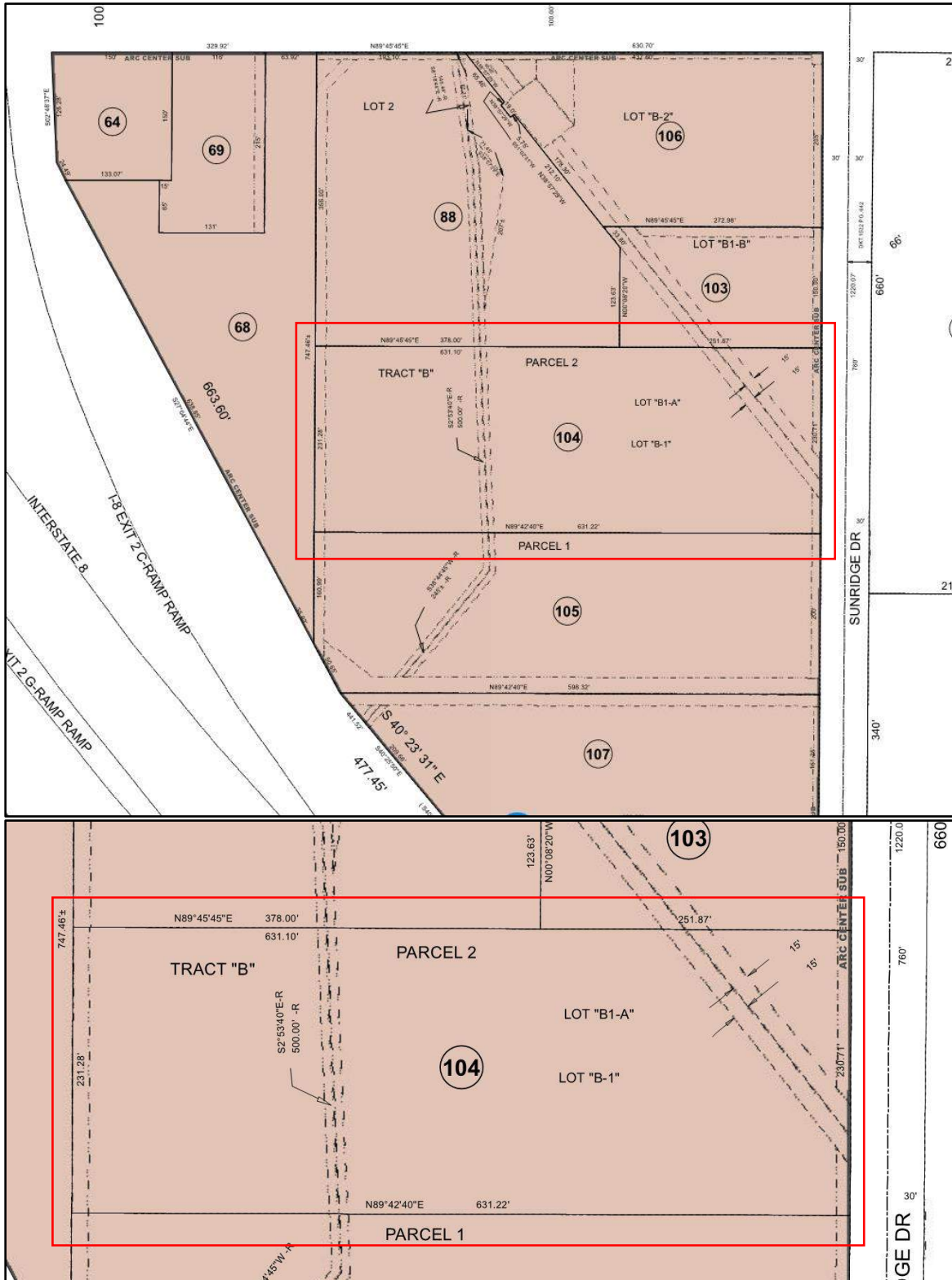
Domestic water and sanitary sewer will be provided by City of Yuma by means of existing lines located within and adjacent to the property. Onsite storm water retention and disposal will be provided through an underground retention system as there is limited space for surface retention basins and the elevation differential makes it difficult to provide at grade storage.

In accordance with City Code, 1.1 standard parking spaces are required per guest room which equates to 236 parking spaces. For the total 134,300 square feet of Building Space being proposed, City Code requires 3-12' by 40' Loading Spaces.

On behalf of the Owner and Developer, we hereby request approval of a Variance for a 9.3% reduction to the number of required standard parking spaces, providing 214 spaces for this project. This reduction in standard parking spaces is based on a parking ratio of 1.0 spaces per guest room, which is a common industry standard and based on changes to trends in the means of transportation. Most hotels, nationwide, are trending lower in parking requirements, many times down to a ratio of 0.8 spaces per guest room. With the ubiquity and ease of ride sharing and other means of transportation, it is our opinion that a ratio of 1.1 spaces per guest room results in overparked sites with unused parking.

We also request approval of a Variance for a 66.7% reduction to the number of required loading spaces, providing 1 loading space for this project. From an operations perspective, hotels of this size do not require a designated loading and delivery area. The deliveries made primarily consist of small sundry items for the hotel market. These deliveries are typically made by small van, no larger than 24 feet in length. Because the quantities are small, the time required to load and unload the delivery typically requires less than 10 to 15 minutes and the deliveries are generally made during off-peak times.

ATTACHMENT E EASEMENTS ON SUBJECT PROPERTY



Dashed lines represent easements for a sewer line and a gas line.

**ATTACHMENT F
SITE PHOTOS**



**ATTACHMENT G
NEIGHBOR NOTIFICATION LIST**

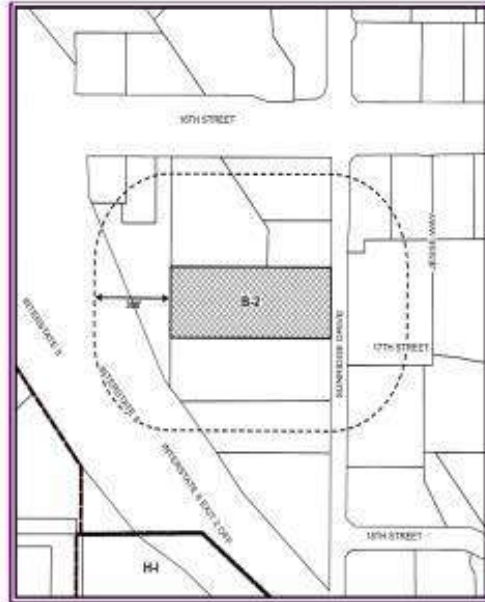
Property Owner	Mailing Address	City/State/Zip Code
VERDANT YUMA LLC	8815 RESEARCH DR	IRVINE, CA 92618
SMMRT INC AZ CORP	820 N MOUNTAIN AVE STE 100	UPLAND, CA 91786
TWO-FORTY ASSOCIATES	PO BOX 2629	ADDISON, TX 75001
SMMRT INC AZ CORP	820 N MOUNTAIN AVE STE 100	UPLAND, CA 91786
YUMA HOSPITALITY INVESTMENTS AZ LLC	1513 E 16TH ST	YUMA, AZ 85365
JAY SHREE KRISN INC AZ CORP	820 N MOUNTAIN AVE STE 100	UPLAND, CA 91786
LODGING PROPERTIES DE LLC	8080 E CENTRAL	WICHITA, KS 67206
LANDEN PROPERTIES II	13 WANDERWOOD WAY	SANDY, UT 84092
TRIMARK YUMA HOSPITALITY LLC	420 ELLINGTON ROAD NO 200	PACIFIC, WA 98047
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA, AZ 85367
DBNCH CIRCLE LLC	PO BOX 52085	PHOENIX, AZ 85072
VEER HOSPITALITY YUMA LLC	3455 E LA PALMA AVE SPC 201	ANAHEIM, CA 92806
BORZINI LEW K TRUST 12-21-2007	44350 RELIZ CANYON RD	GREENFIELD, CA 93927

**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates, on behalf of Verdant Yuma LLC, for a variance to reduce the parking for a new hotel development from one and one-tenth parking spaces for each guest room, to one space for each guest room and to reduce the number of loading spaces required from three loading spaces, to one loading space, in the General Commercial (B-2) District. The property is located near the northwest corner of Sunridge Drive and 17th Street, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-40196-2022**

PUBLIC HEARING
08/11/2022 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of northwest corner of Sunridge Drive and 17th Street, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Griffin by phone at (928)373-5000 ext. 3034 or by email at Amelia.Griffin@YumaAz.gov

ATTACHMENT I AERIAL PHOTO

