

**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 November 10, 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, November 10, 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

- September 8, 2022

APPLICATIONS TO BE CONSIDERED

1. **VAR-40622-2022:** This is a request by Mike Yoakum, on behalf of Maria Yoakum, for a variance to reduce the side yard setback from 7' to 5' and the front yard setback from 20' to 9'3" to allow the construction of a new garage, in the Low Density Residential (R-1-6) District for the property located at 2224 W. 16th Place, Yuma, AZ.
2. **CUP-40534-2022:** This is a request by Arcadis U.S., INC., on behalf of Whitman Properties, LLC, for a Conditional Use Permit for soil and ground water remediation in the General Commercial (B-2) District, on the property located at 1450 East 16th 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
September 8, 2022**

A meeting of the City of Yuma's Hearing Officer was held on September 8, 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 Alyssa Linville, Director of Planning and Neighborhood Services; Scott McCoy, Assistant City Attorney; Chad Brown, Associate Planner, and Alejandro Marquez, Administrative Specialist.

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

CONSENT CALENDAR

Rodriguez approved the minutes of August 11, 2022.

PUBLIC HEARINGS

VAR-40366-2022: *This is a request by Juan Gamez, on behalf of Richard Barragan, for a variance to allow an accessory dwelling unit to surpass the maximum building area of 600 square feet to 1,200 square feet, in the High Density Residential/Infill Overlay (R-3/IO) District. The property is located at 912 South 1st Avenue, Yuma, AZ.*

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

QUESTIONS FOR STAFF

Rodriguez asked if the proposed Accessory Dwelling Unit (ADU) was going to be the main residence. **Brown** replied the proposed project would be the residence of the property owner. **Brown** then went on to say that the existing structure on the property would be changed to a single family home to allow the variance for an ADU.

APPLICANT/APPLICANTS REPRESENTATIVE

Richard Barragan, 912 S. 1st Avenue, Yuma AZ, was present and available for questions.

OPEN PUBLIC COMMENT

None

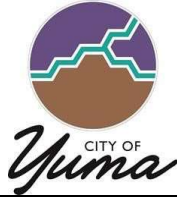
DECISION

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 9:36 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: Diego Arciniega**

Hearing Date: November 10, 2022

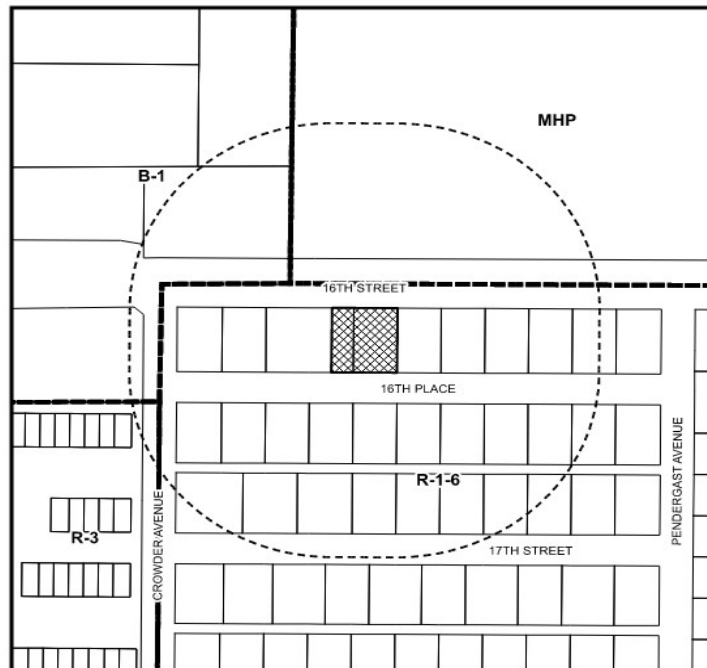
Case Number: VAR-040622-2022

Project

Description/Location: This is a request by Mike Yoakum, on behalf of Maria Yoakum, for a variance to reduce the side yard setback from 7' to 5' and the front yard setback from 20' to 9'3" to allow the construction of a new garage, in the Low Density Residential (R-1-6) District. The property is located at 2224 West 16th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
North	Manufactured Housing Park (MHP)	Mobile Home Park	Medium Density Residential
South	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

Location Map:



Prior site actions: Subdivision: Meadowbrook (February 6, 1956); Annexation: Ordinance No. 1832 (June 15, 1979); Rezone: Ordinance No.1887 (December 28, 1979)

Staff recommendation: Staff recommends **APPROVAL** of the request for a variance to reduce the side yard setback from 7' to 5' and the front yard setback from 20' to 9'3" to allow the construction of a new garage, in the Low Density Residential (R-1-6) 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?			Yes
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
VAR-33601-2021	Reduce front yard setback from 20' to 9' for a garage	Approval	Approval

Staff Analysis: The subject property is located within the Meadowbrook Subdivision approximately 270 feet east of W. 16th Place and S. Crowder Avenue. The property currently features a single-family residence. The property was subdivided in Yuma County in 1956, prior to annexation into the City of Yuma on June 15, 1979. In addition, the property is located in the Low Density Residential (R-1-6) District. The minimum required setbacks in the Low Density Residential (R-1-6) District are as follows: 20' front yard setback, 7' side yard setback, 10' street side yard setback and 10' rear yard setback.

The applicant is requesting to reduce the front yard setback from 20' to 9' 3" and the side yard setback from 7' to 5' to construct a new garage. The applicant intends to demolish the existing garage in the rear to allow more space for their children to play in the backyard.

Prior to annexation, the property was developed on two separate parcels. With approval of the Variance, the proposed project will require a Lot Tie/Lot Split prior to the construction of the new garage.

Many of the neighboring properties were constructed in the mid-1950s and have garages or carports similar to the applicant's proposal. Many of these structures encroach into the required front yard and/or side yard setbacks. Overall, this request would not be harmful nor would it negatively impact the safety, welfare, health, or value of the surrounding neighborhood. If this request were to be approved and constructed, the structure would be similar to those in the vicinity.

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: “I would like to demo my existing garage to open up space for my children to play comfortably and my wife and I as parents do not have to worry about our children playing in the front of our home with the ever so common “ridiculous drivers” bypassing the 16th St/Ave B intersection through our neighborhood street.”

Staff Analysis: The property is located approximately 270 feet east of W. 16th Place and S. Crowder Avenue within the Meadowbrook Subdivision. The property was annexed into the City in June 1979, following development within Yuma County. The owner purchased the property in 2004 with the existing garage. The variance request is to reduce the side yard setback from 7 feet to 5 feet and the front yard setback from 20 feet to 9 feet 3 inches in order to construct a new garage. A special circumstance exists when examining the existing right-of-way dimensions. Nearly 11 feet of the applicant’s front yard is located within the City’s right-of-way, significantly reducing the buildable area within the front of the residence.

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: “I am not the original builder of this property and given that I view this area (garage) as wasted space that our children can indulge in.”

Staff Analysis: The special circumstance was not created by the property owner, as right-of-way dedications and subdivision design were determined by Yuma County and the developer in the 1950s.

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: “There are other existing structures in the neighborhood from years passed with the setbacks my project desires.”

Staff Analysis: The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity. The owner of this property

would receive the same rights to construct a garage that encroaches into the front yard and side yard setbacks, similar to the neighbors located on the same street.

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: “The garage would not obstruct the view of any driver coming into or going out of the neighborhood”; “There would be no harm to anyone’s life, health or safety due to the construction and existence of the proposed structure”

Staff Analysis: The granting of this 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. The granting of this variance will allow the construction of a garage similar to those existing within the neighborhood.

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

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment D.

Proposed conditions delivered to applicant on: November 2, 2022

Final staff report delivered to applicant on:

- Applicant agreed with all of the conditions of approval on: November 2, 2022
 Applicant did not agree with the following conditions of approval: (list #s)
 The conditions of approval were e-mailed to the applicant and a response was not received.

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Diego Arciniega* **Date:** 11/04/2022
 Diego Arciniega
 Assistant Planner Diego.Arciniega@yumaaz.gov (928)373-5000, x 3047

Approved By: *Alyssa Linville* **Date:** 11/04/2022
 Alyssa Linville
 Director of Planning and Neighborhood Services

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, Director (928) 373-5000, x 3037:

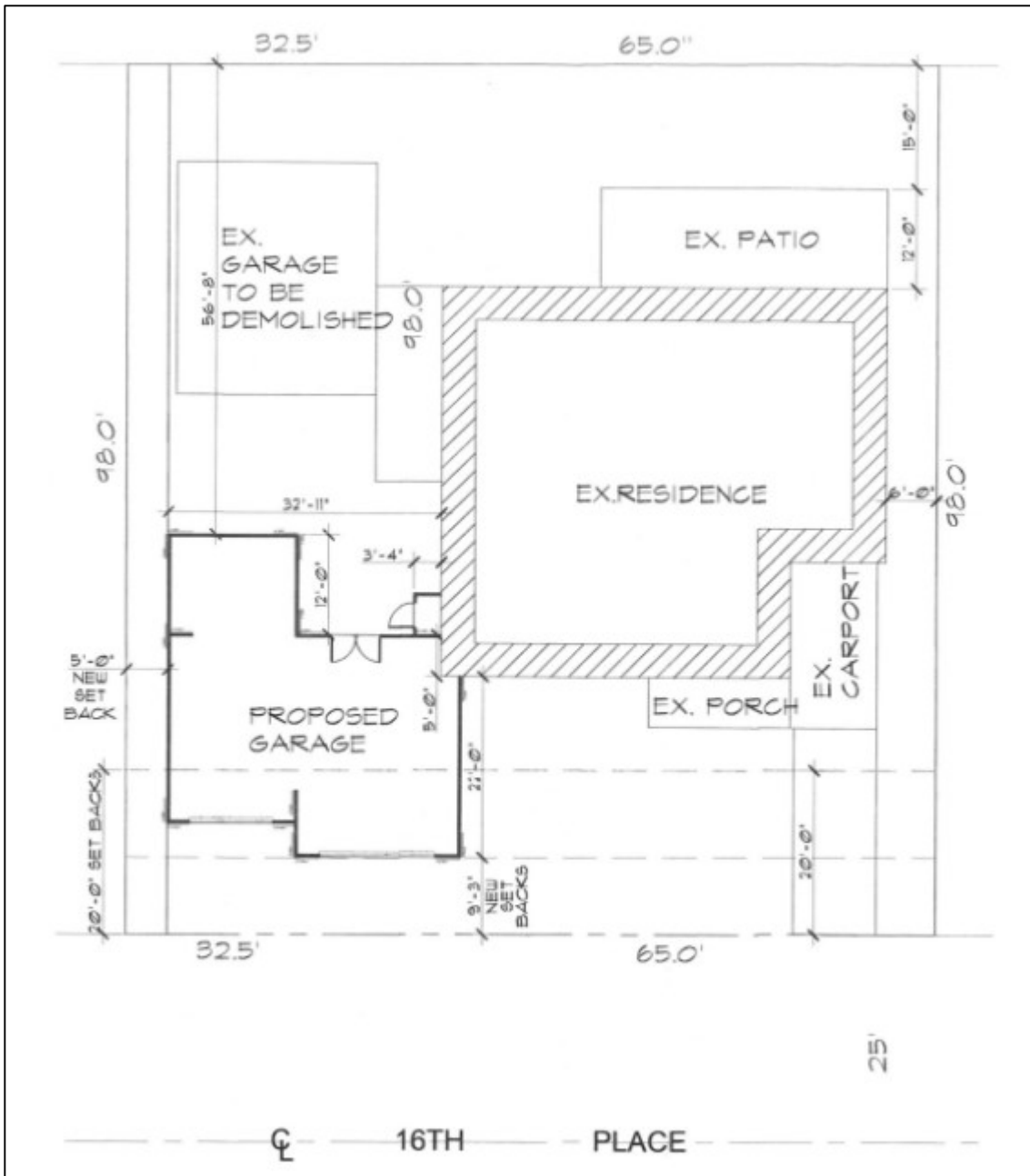
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner 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: Diego Arciniega, Assistant Planner, (928) 373-5000 x 3047

4. The Owner shall submit for approval a Lot Tie/Lot Split creating one single lot of record. The lot Tie/Lot Split must be recorded before the Variance is effective.
5. 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.
6. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
7. 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** (10/21/22)
- 300' Vicinity Mailing: (10/12/22)
- Site Posted on: (10/13/22)
- 34 Commenting/Reviewing Agencies Noticed: (10/12/22)
- Neighborhood Meeting Date: (10/19/22)
- Hearing Date: (11/10/22)
- Comments Due: (10/24/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/18/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
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.	NR				
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	10/17/22	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	YES	10/12/22			X
Building Safety	YES	10/17/22	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: October 19, 2022

Location: Subject property; 2224 W. 16th Place

Attendees:

- Diego Arciniega, City of Yuma
- Amelia Dombay, City of Yuma
- Mike Yoakum, Applicant

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

- **STAFF DISCUSSED THE HEARING DATE.**
- **APPLICANT EXPLAINED REASON FOR REQUESTING A VARIANCE.**

ATTACHMENT E
SITE PHOTOS



Site Photos: southwestern corner of lot

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
CASITAS DEL VALLE HOMEOWNERS ASSOC	1700 S CROWDER ST	YUMA	AZ	85364
		OAKBROOK		
COBBLESTONE II WLD LLC	17W220 22ND ST STE 220	TERRACE	IL	60181
NEW ALBERTSONS INC	1 CVS DR #9278-01	WOONSOCKET	RI	2895
LA FAMILIA HOLDINGS LLC	711 W 3RD ST	YUMA	AZ	85364
YUMA PROFESSIONAL OFFICES DEV AZ LLC	6152 E 24TH PLACE	YUMA	AZ	85365
MARQUEZ ANTONIO & MARIA A JT	2204 W 16TH PL	YUMA	AZ	85364
GARDNER HARVEY MARTHA S/S	2208 W 16TH PL	YUMA	AZ	85364
MURO CARMEN	2212 W 16TH PL	YUMA	AZ	85364
BOWDEN SHAWN	2216 W 16TH PL	YUMA	AZ	85364
LOCKARD JOHN W	PO BOX 4108	YUMA	AZ	85366
YOAKUM MARIA	345 S 6TH AVE	YUMA	AZ	85364
ORDONEZ AMADOR ORZOCO & MARIA LUISA PERALTA JT	PO BOX 111	POMONA	CA	91769
GARCIA JAVIER M	1730 E MILES ST	TUCSON	AZ	85719
FIGUEROA DEBORA EMY & CRISTIAN MAURICIO		YUMA	AZ	85364
O'NEIL DEBORAH LYNN	PO BOX 928	SPRINGERVILLE	AZ	85938
NOVOTNY MICHAEL P	PO BOX 360652	MILPITAS	CA	95036
HAGEDORN BRIAN	2233 W 16TH PL	YUMA	AZ	85364
VALENZUELA LUIS RUBEN BONILLA &	2229 W 16TH PL	YUMA	AZ	85364
WALTERS LIVING TRUST 4-29-97	1370 W 19TH ST	YUMA	AZ	85364
WELCH NEWELL D & DORA A JT	1080 W HOLLY DR	YUMA	AZ	85364
KING CORY JAMES	2217 W 16TH PL	YUMA	AZ	85364
DOUGLAS CHRISTIAN	2213 W 16TH PL	YUMA	AZ	85364
FRITZ JOHN H IV	2209 W 16TH PL	YUMA	AZ	85364
VARGAS FELIX & ELIDA	PO BOX 857	SOMERTON	AZ	85350
MARTIN JANET	PO BOX 2	FLAGSTAFF	AZ	86002
SILVA ALEX MICHAEL & JEESICA JACQUEZ CPWROS	2214 W 17TH ST	YUMA	AZ	85364
REYES ELYZIA	2218 W 17TH ST	YUMA	AZ	85364
FLORES GABRIEL F	2222 W 17TH ST	YUMA	AZ	85364
SPURGEON AARON D & DONNA C &	2226 W 17TH ST	YUMA	AZ	85364
SIDDALL RYAN	2230 W 17TH ST	YUMA	AZ	85364
PHIPPS CHARLES W JR	2234 W 17TH ST	YUMA	AZ	85364
DAVIS STANLEY W & DOROTHY A JT	1661 S CROWDER AVE	YUMA	AZ	85364
ROSENDAHL FAMILY TRUST 3-4-86	255 W 24TH ST # 2	YUMA	AZ	85364

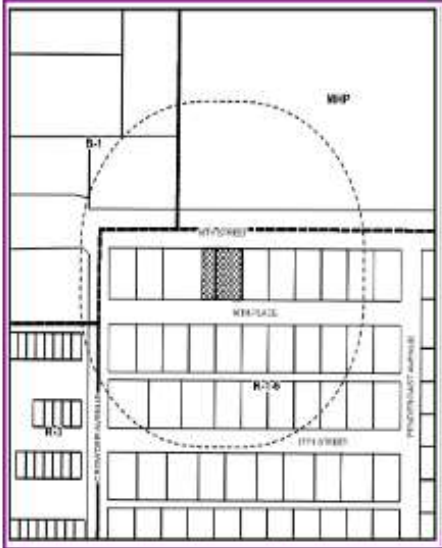
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Mike Yoakum, on behalf of Maria Yoakum, for a variance to reduce the side yard setback from 7' to 5' and the front yard setback from 20' to 9'3" to allow the construction of a new garage, in the Low Density Residential (R-1-6) District for the property located at 2224 W. 16th Place, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-40622-2022**

NEIGHBORHOOD MEETING
10/19/2022 @ 5:00PM
ON-SITE

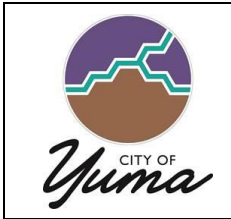
PUBLIC HEARING
11/10/2022 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 2224 W. 16th Place, 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 Diego Arciniega by phone at (928)373-5000 ext. 3047 or by email at Diego.Arciniega@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO





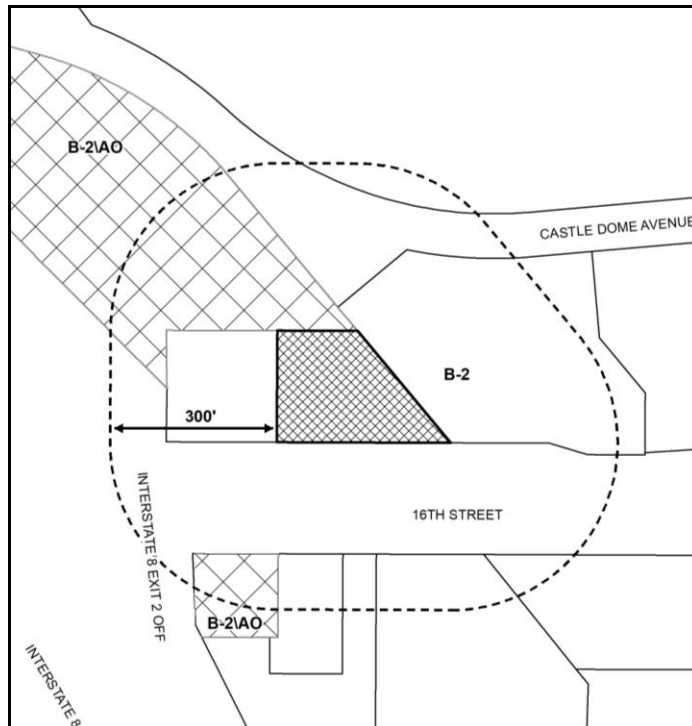
**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: CHAD BROWN**

Hearing Date: November 10, 2022 **Case Number:** CUP-40534-2022

Project Description/Location: This is a request by Arcadis U.S., INC., on behalf of Whitman Properties, LLC, for a Conditional Use Permit for soil and ground water remediation in the General Commercial (B-2) District, on the property located at 1450 East 16th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Arizona Department of Veterans Services/Yuma VET Center	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Shilo Inn Yuma	Commercial
South	General Commercial (B-2)	Denny's Diner/La Fuente Inn and Suites	Commercial
East	General Commercial (B-2)	Hampton Inn and Suites	Commercial
West	General Commercial (B-2)	Ninja Sushi	Commercial

Location Map:



Prior site actions: Annexation: January 6, 1979 (Ord. No. 797); Rezone: August 25, 1979 (Ord. No. 1870); Conditional Use Permit: December 12, 1995 (CU95-014), March 13, 2001 (CU2001-001), April 23, 2002 (CU2001-001R).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit for soil and ground water remediation in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-40532-2022 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 Conditional Use Permit, the Hearing Officer is authorizing the request by Arcadis U.S., INC., on behalf of Whitman Properties, LLC, for soil and ground water remediation for the property located at 1450 East 16th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05 of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located approximately 200 feet northeast from the intersection of 16th Street and an I-8 westbound access point. The property and those surrounding it are zoned General Commercial (B-2), including the uses of a restaurant and two hotels directly adjacent to the subject property. The site once featured a gas station, which was demolished in 1994. Monitoring for potential groundwater and soil contamination began in 1991 and in 1995 the site began remediation efforts.

With this application, the applicant is requesting to continue remediation efforts. The project would include a thermal in-situ remediation system (TISR). The system would be installed to remediate groundwater and soil contamination associated with a former underground storage tank release at the site. The following activities would be completed on the site to construct the system:

- Installation of an electrical panel, compressor/pump, small enclosure, and solar collectors
- Trenching for conduit pipping
- Installation of observation and thermocouple wells.

While, the following activities would be completed within the City of Yuma right-of-way:

- Trenching for conduit piping
- Installation of observation and thermocouple wells.

The agent stated that the proposed remediation facilities would not cause any detrimental effects, which may include sound impacts or air pollution. The only perceived impacts on neighboring property owners, from the perspective of staff, would be the general construction/installation of the remediation system. However, the applicant has stated that all work will take place during the day, therein reducing any impacts on visiting guests who may be visiting the nearby hotels.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	The proposed remediation system will not disrupt traffic.	#1
B.	Parking	Any paved parking area or landscaped area affected shall be temporary in nature and original conditions shall be restored.	#1
C.	Lighting	N/A	N/A
D.	Hours of Operation	N/A	N/A
E.	Indoor/Outdoor Activities	N/A	N/A
F.	Noise	N/A	N/A
G.	Air Quality	N/A	N/A
H.	Hazardous Materials	This process is to remediate groundwater and soil contaminates.	#1
I.	Crime Prevention (CPTED)	N/A	N/A
J.	Other	Encroachment permits may be required from the City of Yuma and the Arizona Department of Transportation, for work being conducted within the adjacent right-of-way.	#1

2. Does the site plan comply with the requirements of the zoning code?

Yes. The focus area identified in this CUP request meets the requirements of the code—the disturbed area within the right-of-way shall be permitted through an encroachment permit.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
16th Street – 6 Lane Principle Arterial	62 FT H/W ROW	100 FT H/W ROW	X			X
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	Green Route 4 and 4A					
Issues:	N/A					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes.

The Hearing Officer has the authority to review and approve this request per section 154-02.02(F)(1), in which a CUP is required for any soil remediation.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing, or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site will utilize existing access along 16th Street.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The property is considered to provide adequate transition. The subject property is not adjacent to housing, however it is next to hotel facilities. The proposed work will require minor site disturbance and will not cause any substantial impact on visiting guests.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The proposed remediation system will be almost entirely underground, and therein not impacting existing height and bulk of the area.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reduction and the site already features lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use of the site includes proper screening and landscaping consistent with the Crime Prevention through Environmental Design (CPTED) principles for visual surveillance.

Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: October 26, 2022

Proposed conditions delivered to applicant on: October 26, 2022

Final staff report delivered to applicant on: November 10, 2022

- Applicant agreed with all of the conditions of approval on: October 26, 2022
- 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	H
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

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

Approved By: *Alyssa Linville*
Alyssa Linville,
Assistant Director Community Planning
Date: 11/04/2022

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Alyssa Linville,
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.

Community Planning: Kayla Franklin, Fire Marshal, (928) 373-4865

3. Must meet all building, fire, and life safety codes. Provide more detailed site plan for operations, as well as a hazardous materials inventory statement.

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

4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, 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
SITE PHOTOS**



**ATTACHMENT D
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (10/21/22)
- **300' Vicinity Mailing:** (10/6/22)
- **34 Commenting/Reviewing Agencies noticed:** (10/12/22)
- **Site Posted on:** (10/19/22)
- **Hearing Date:** (11/10/22)
- **Comments due:** (10/24/22)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	9/28/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	10/5/22			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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	10/11/22	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	9/29/22	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	9/28/22		X	
Building Safety	YES	10/6/22			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/29/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT E
AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

If approved, applicant should contact and follow Arizona Department of Environmental Quality (ADEQ) standards. Thank you for the opportunity to review.

DATE: 10/05/2022 NAME: Anson Lihosit TITLE: Senior Planner
AGENCY: Yuma County, Planning and Zoning Division
PHONE: 928-817-5090
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

Attachment: **Site Plan, Location Map**

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: **Comment. Plans/Permits would be needed for plumbing (natural gas or propane) and electric power at the remediation equipment.**

DATE: 10-6-2022 NAME: Alan Kircher TITLE: Deputy Building Official
CITY DEPT: Building Safety
PHONE: 928-373-5169
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

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: **Must meet all building, fire, and life safety codes. Provide more detailed site plan for operations, as well as a hardous materials inventory statement**

DATE: 9/28/22 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
YUMA LODGING LP	1648 GASCONY RD	ENCINITAS	CA	92024
YUMA PALMS 1031 DELAWARE LLC ET AL	PO BOX 3666	OAK BROOK	IL	60523
SHILO INN YUMA LLC OREGON LLC	11707 NE AIRPORT WAY	PORTLAND	OR	97220
DBNCH CIRCLE LLC	PO BOX 52085	PHOENIX	AZ	85072
YUMA HOSPITALITY INVESTMENTS AZ LLC	1513 E 16TH ST	YUMA	AZ	85365
SMMRT INC AZ CORP	820 N MOUNTAIN AVE STE 100	UPLAND	CA	91786
LODGING VENTURES LLC	3531 TORRANCE BLVD	TORRANCE	CA	90503
TWO-FORTY ASSOCIATES	PO BOX 2629	ADDISON	TX	75001
WHITMAN PROPERTIES AZ LLC	PO BOX 6491	YUMA	AZ	85366

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Arcadis U.S., INC., on behalf of Whitman Properties, LLC, for a Conditional Use Permit for soil and ground water remediation in the General Commercial (B-2) District, on the property located at 1450 East 16th Street, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION**
FOR CASE #
CUP-40534-2022

PUBLIC HEARING
10/27/2022 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1450 E. 16th 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 Chad Brown by phone at (928)373-5000 ext. 3038 or by email at Chad.Brown@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO

