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 Monday, October 14, 2024, at 4:30 p.m. at the Public Works Training Room, 155 W. 14th St., Yuma, AZ.



Agenda

Planning and Zoning Commission Meeting
Public Works Training Room, 155 W 14th Street, Yuma, AZ.
Monday, October 14, 2024, 4:30 p.m.

- 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 September 23, 2024
 - **B.2 WITHDRAWALS BY APPLICANT NONE**
 - **B.3 TIME EXTENSIONS NONE**
 - B.4 CONTINUANCES Continue to January 27, 2025

<u>SUBD-42905-2024:</u> This is a request by Dahl, Robins & Associates, on behalf of Hard Red Turtle, LLC, for approval of the preliminary plat for the HRT Subdivision Unit Nos. 1, 2, 3, 4 and 5. This subdivision will contain approximately 77.1 acres and is proposed to be divided into 304 residential lots, ranging in size from approximately 6,061 square feet to 20,384 square feet, for the properties located at the southeast corner of Avenue 6E and 48th Street, Yuma, AZ.

- **B.5 APPROVALS NONE**
- C. ACTION ITEMS -
- D. PUBLIC HEARINGS -
 - D.1 <u>GP-42834-2024:</u> This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A, Yuma, AZ.
 - D.2 <u>ZONE-43152-2024:</u> This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning, variance and conditional use permit applications.
- E. EXECUTIVE SESSION NONE
- F. INFORMATION ITEMS
 - F.1 STAFF
 - F.2 COMMISSION
 - F.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 September 23, 2024

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, September 23, 2024, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners, Gregory Counts, Lorraine Arney, and Chelsea Malouff. Vice-chairman Joshua Scott, and Commissioners John Mahon, and Ashlie Pendleton were absent.

STAFF MEMBERS present included Alyssa Linville, Director of Planning & Neighborhood Services; Jennifer Albers, Assistant Director of Planning; John LeSueur, Assistant City Attorney; Andrew McGarvie, Engineering Manager; and Lizbeth Sanchez, Administrative Specialist.

Chairman Hamel called the meeting to order at 4:30 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES - September 9, 2024

WITHDRAWALS BY APPLICANT - None

CONTINUANCES – None

APPROVALS - None

Motion by Gregory Counts second by Chelsea Malouff to APPROVE the Consent Calendar as presented. Motion carried unanimously, (4-0) with three absent.

Action Items-

<u>CUP-43055-2024:</u> This is a request by Greg Loper, on behalf of James Irwin, the trustee of the Testamentary Trust of C. Irwin, for a Conditional Use Permit to allow the extraction of plant material in the Heavy Industrial/Airport Overlay (H-I/AD) District, for the property located approximately 300 feet east, of the southeast corner of 28th Street and Shari Avenue, Yuma, Arizona.

Alyssa Linville, Director of Planning & Neighborhood Services summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

Rod Jarvis, 2375 E. Camelback Rd, Phoenix AZ, in agreement with conditions of approval. Chairman Hamel asked if there would be a retaining perimeter to keep waste from blowing onto other properties. Jarvis stated that all material processing takes place inside the building, with no possibility of waste or fumes escaping.

Commissioner Counts asked how the waste would be disposed of. **Jarvis** said there wouldn't be any waste. **Counts the** asked if the product would be come in or would they be using material from local agriculture companies. **Jarvis** said both.

PUBLIC COMMENT

None

Motion by Lorraine Arney second by Chelsea Malouff to APPROVE CUP-43055-2024 as presented. Motion carried unanimously, (4-0) with three absent.

Public Hearings – NONE			
INFORMATION ITEMS Staff None			
<u>Commission</u> None			
Public None			
Chairman Chris Hamel adjo	ourned the meeting at 4:	38 PM.	
Minutes approved this	day of	, 2024.	
Chairman			



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES COMMUNITY PLANNING

Case Type – General Plan Amendment Case Planner: Erika Peterson

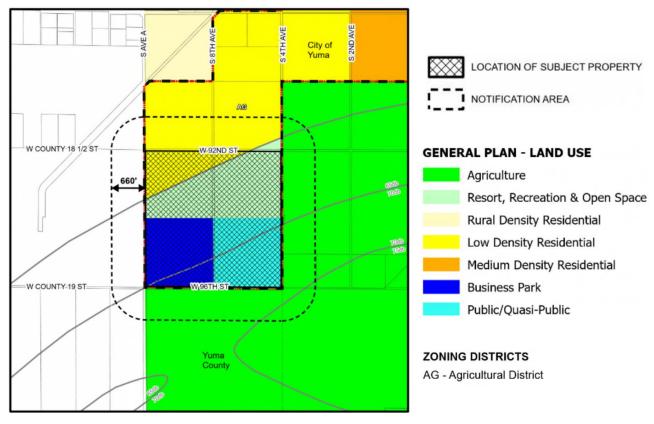
Hearing Date: October 14, 2024 Case Number: GP-42834-2024

Project
Description/
Location:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A, Yuma, AZ.

	Existing Zoning	Existing Zoning Use(s) on-site General Plan Designat								
Site	Agriculture (AG) District	Agriculture	Low Density Residential and Resort/Recreation/Open Space and Business Park, Public/Quasi Public							
North	Agriculture (AG) District	Agriculture	Low Density Residential, Resort/Recreation/Open Space							
South	County Rural Area-10 (RA-10)	Agriculture	Agriculture							
East	County Rural Area-10 (RA-10)	Agriculture	Agriculture							
West	County Rural Area-10 (RA-10)	Agriculture	County Agricultural/Rural Residential							

Location Map



<u>Prior site actions</u>: Pre-Annexation Agreement: Res. R2009-31 (June 15, 2009); Annexation: Ord. O2009-39 (July 3, 2009); General Plan Amendment: GP-2009-003, Resolution R2009-87 (November 18, 2009) Major Amendment to change land use designation to a mix of uses.

Staff Recommendation:

Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 160 acres from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial.

Suggested Motion:

Move to APPROVE the request to change the land use designation for approximately 160 acres from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial.

Staff Analysis:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of 19 A, LLC, to change the land use designation from Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public to Industrial for approximately 160 acres, for the properties located at the northeast corner of County 19th Street and Avenue A. Yuma. AZ.

The existing Low Density Residential land use designation supports the following types of zoning: Suburban Ranch (SR-1), Residential Estates (RE-12, RE-18, RE-35), Low Density Residential (R-1-5, R-1-6, R-1-8, R-1-12, R-1-20, and R-1-40) and Residence-Manufactured Housing (R-MH) Districts.

The existing Resort, Recreation & Open Space land use designation is intended to identify parks and recreation sites and supports the following types of zoning: Agriculture (AG) and Recreation and Open Space (RO).

The existing Business Park land use designation supports the following types of zoning: General Commercial (B-2), Business Park (BP), and Industrial Park (I-P) districts.

The existing Public/Quasi-Public land use designation allows publicly owned and operated facilities or those devoted to public use by the governmental and quasi-public or non-profit entities such as schools, hospitals, churches, military installations and/or government buildings. The Public/Quasi-Public land use designation supports a full range of zoning districts.

The proposed Industrial land use designation supports the following types of zoning: Industrial Park (I-P), Light Industrial (L-I), and Heavy Industrial (H-I) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site for future industrial development.

Land Use

The Land Use Element of the City of Yuma 2022 General Plan is a guide for the appropriate locations for residential, commercial, and industrial development. Objective 2.4 notes providing additional opportunities for employment:

<u>Objective 2.4:</u> Achieve a diversified economy that is open to new opportunities and resistant to seasonal employment fluctuations.

The subject properties have historically been used for farming and are presently lemon groves. Due to economic shifts and changes in citrus cultivation, the proposed industrial land use change could potentially create a variety of year-round employment opportunities.

The area is part of a previous General Plan amendment, GP2009-003, the Estancia development. The planned mixed-use development in the Estancia Development Area, has not materialized, leaving much of the land predominantly as farmland. The proposed changes in land use will have a minimal impact on the surrounding area.

Density

The current land use designations of Low Density Residential (23 acres), Resort, Recreation & Open Space (57 acres), Business Park (40 acres), and Public/Quasi-Public (40 acres) would allow the development of residences, public parks, public schools, playgrounds, government buildings and commercial developments.

The proposed Industrial land use designation comprised of 160 acres would allow for the development of business, industrial or scientific research centers, assembly or fabrication of products, warehousing, automotive and equipment repair, lattice tower structures for personal wireless communication facilities, and printing services.

Population

The change in land use designation from Low Density Residential for 23 acres to Industrial is expected to result in a decrease in population, as the intended use for the site will be for industrial purposes.

<u>Transportation</u>

The properties are situated at the northeast corner of County 19th Street and S. Avenue A. Currently, access to the property is available from County 19th Street. There are no bus stops in the vicinity. The closest proposed bike lane is on County 18th Street, between Avenue A and Avenue 3E. The existing surrounding roadways have variable right-of-way widths and pavement surfaces. Possible infrastructure improvements would be needed depending on the need of the proposed future developments.

According to the City of Yuma Transportation Master Plan, County 19th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2023 as 2,196 vehicles on the west side of the County 19th Street and S. Avenue B intersection. Currently, County 19th Street is developed as a 2-lane roadway and is identified in the Transportation Master Plan as a 4-lane Minor Arterial. The change in land use is not expected to cause a change in roadway classifications.

Public Services

Currently, the area is outside the boundaries of the existing water treatment, wastewater treatment and delivery facilities to support the proposed development. Additionally, the 2009 Estancia General Plan Amendment highlighted the need to construct new facilities to serve the development in this area. The facilities would include new water treatment, water reclamation, police sub-station and fire station to provide services and acceptable aid for the future developments in the Estancia area.

Growth Areas

The Estancia Area is designated as a Future Growth Area in the General Plan. This approximately 3,741.5-acre area was intended for a mixed-use development, complete with its own public services. However, since the adoption of the 2009 Estancia General Plan Amendment, infrastructure development has not yet begun. The Estancia amendment highlighted the necessity to update several of the facility plans within the City of Yuma and construct new facilities to adequately serve the area. It is advisable to engage in further discussions about the future and development of the Estancia Area to determine the best path forward.

For the overall Estancia area this is a minor change to the mix of land uses. The existing Business Park land use was intended to provide employment for the area. The expanded area of Industrial will provide additional lands for employment activity.

1. Does the proposed amendment impact any elements of the General Plan?

No The change in land use will have a minimal impact on the mix of land uses within the City of Yuma and for the Estancia area.

Transportation Element:										
FACILITY PLANS										
Transportation Master Plan	Planned	Existing								
County 19 th Street - 4 Lane Minor Arterial	50 FT HW	53 FT FW								
County 18 1/2 Street - not identified	To be determined	Varies								
Avenue A - not identified	To be determined	Varies								
4 th Avenue - not identified	To be determined	Varies								

2. Does the proposed amendment impact any of the facility plans?

No As noted in the Estancia General Plan amendment, the area is lacking in infrastructure for roads, utilities and parks. Future development will need to address the infrastructure needs.

3. Is the proposed amendment in conflict with Council's prior actions?

Yes Both the City Council adoption of R2009-87, the Estancia General Plan amendment and the 2022 City of Yuma General Plan identified these areas as Low Density Residential, Resort, Recreation & Open Space, Business Park, and Public/Quasi-Public.

Scheduled Public Hearings:

Χ	City of Yuma Planning and Zoning Commission: September 9, 2024
Χ	City of Yuma Planning and Zoning Commission: October 14, 2024
	City of Yuma City Council: November 20, 2024

Public Comments Received:None ReceivedAgency Comments:See Attachment ANeighborhood Meeting Comments:None Required

<u>Fir</u>	nal staff report delivered to applicant on:	9/12/2024
	Applicant agreed with staff's recommendation	on:
	Applicant did not agree with staff's recomme	endation:
Х	Final staff report emailed to applicant and a	response has not been received.

Attachments

Α	В	С	D	E		
Agency Comments	Staff Worksheet	Neighbor Notification List	Estancia Map	Aerial Photo		

Prepared By:	Erika Peterson	Date:	9/10/2024
Erika Peterson Senior Planner <u>Erika.Peterson@Y</u>	⁄umaAZ.Gov	- (928) 37	73-5000, x3071
Reviewed By: Jennifer L. Albers, Assistant Director		Date:	9/11/24
Approved By:	Alyssa Linville	Date:	09/30/24

Alyssa Linville,
Director, Planning and Neighborhood Services

ATTACHMENT A AGENCY COMMENTS

DATE:	7/12/2024	NAME:	Rhonda Buss, AICP		TITLE:	Pla	Planner III			
AGENCY:	Arizona Sta	ate Land I	Department	PHONE: (602			(602)542-3126			
Enter comments below:										

Thank you for the public notice regarding GP-42834-2024. There are no comments on the proposed Land Use Designations changes.

However, it is important to note that ASLD does not see any road ROWs along County 19th Street and Avenue A bordering the subject site. Please contact ASLD ROW at RWS@azland.gov for questions regarding legal access on State Trust Land (STL) if needed. ASLD ROW applications are available on-line at https://land.az.gov/applications-permits if an application is required.

Please feel free to contact us should you have any questions.

Thank you,

Rhonda Buss, AICP | Planner III Arizona State Land Department

1110 West Washington Street | Phoenix, AZ 85007

O: 602-542-3126 | rbuss@azland.gov

DATE:	7/11/2024 NAME: Antonio Martinez TITLE: Community Liaison Specialist										
AGENCY:	MCAS Yuma PHONE: 928-269-2103										
Enter comments below:											
MCAS Yuma has reviewed this request for APN 212-16-011 & 012 and offer no comments. Thank you for the opportunity to review.											
a. Mantz											

					COMMENT		X NO		COMMENT		
DATE:	6/24/24	NAME	Ξ:	Kayla Frani	klin	TITLE:		LE:	Fire Marshal		
AGENCY:	YFD	YFD							928-373-4865		
Enter comments below:											
Adequate fire flow and hydrant spacing will be required for development, along with paved primary and secondary fire department access and site flow.											
RETURN TO:	Erika f	Erika Peterson at Erika.Peterson@YumaAz.gov									

ATTACHMENT B STAFF WORKSHEET



STAFF RESEARCH - GENERAL PLAN AMENDMENT

CASE #: GP-42834-2024
CASE PLANNER: ERIKA PETERSON

I.	P	R	O.	JΕ	C1	٢D	A	ГΑ
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Pre	oject Loca	atio	n:						NE	NEC of County 19th Street and Avenue A													
Pa	rcel Num	ber	(s):						212	212-16-011 and 212-16-012													
Parcel Size(s):						80 a	80 acres and 80 acres																
То	Total Acreage:								160														
Proposed Dwelling Units:							Maximu	ım:	0					Mini	mun	ղ:	0						
Address:																							
Ар	Applicant:						19 /	19 A, LLC															
Ар	plicant's	Age	ent:						Kev	Kevin Dahl - Dahl, Robins and Associates, Inc.													
La	nd Use C	onf	orm	nity Matri	x:				Cur	rent Zo	ning	g Dist	rict C	onfor	ms	s:	Yes		No	0	Χ		
Zo	ning Ove	rlay	′ :	Public		AC			Aut	0	B&l	3	Histo	oric		Inf	i		No	None		Χ	
	Airport		_	ise ntours	65-	70	X- /	AUX	(2	70-75		75+		APZ	1		APZ2		(CLEAR ZONE		ONE	

		Existing Z	oning			(Current Use	General Plan Designation		
	Site	Agriculture (AC	G) Dist	rict	,		Agriculture	Low Density Residential and Resort/Recreation/Open Space and Business Park, Public/Quasi Public		
	North	h Agriculture (AG) District			Agriculture		Low Density Residential, Resort/Recreation/Open Space			
	South	County Rural Area	a-10 (F	RA-1	0)		Agriculture	Agriculture		
	East	County Rural Area	a-10 (F	RA-1	0)		Agriculture	Agriculture		
	West	West County Rural Area-10 (RA-10)		0)		Agriculture	County Agricultural/Rural Residential			
Pr	rior Cases or Related Actions:									
	<u>Type</u> <u>Co</u>		Conf	forms		Cases, Actions or Agreements				
	Pre-Anne	Pre-Annexation Agreement Yes		Χ	No		R2009-31, recorded 6/15/2009			
	Annexation Ye		Yes	Χ	No		O2009-39 adopted 7/3/2009			
	General Plan Amendment		Yes		No		R2009-87, adopt	red 11/18/2009		
	Developn	ment Agreement	Yes		No		N/A			
	Rezone		Yes		No		N/A			
	Subdivisi	on	Yes		No		N/A			
	Condition	nal Use Permit	Yes		No		N/A			
	Pre-Development Meeting		Yes		No		Date: N/A			
	Enforcement Actions Yes		No		N/A					
La	Land Division Status:			Legal Lots of Record (entire parcels)						
Irr	Irrigation District:			YMIDD						
	Adjacent Irrigation Canals & Drains:									
	Water Co	onversion: (5.83 ac	Water Conversion: (5.83 ac ft/acre)			2.80 <i>A</i>	Acre Feet a Year			

Water Conversion Agree	ment R	eauir	ed Ye	s	N	lo X						
3		•			<u> </u>	·						
CITY OF YUMA GENERAL F	<u>LAN</u>											
Land Use Element:												
Land Use Designation:			Low De Park ar	,			•	esort/Recre	eation/Ope	en Space	e, Bus	iness
Issues:			Provision	on of	servi	ices a	nd pr	otection of	agricultui	re		
Historic District: Brinley	Avenue	е	Ce	ntury	Heiç	ghts		Main St	treet	None	Х	
	Historic Buildings on Site: Ye				X							
Transportation Element:												
FACILITY PLANS	FACILITY PLANS						11					
Transportation Master Pla			Planne	ed	Exi	sting	Gá	ateway	Scenic	Haza	ard	Truck
County 19 th Street- 4 Lar Arterial	e Minor	'	50 FT F		53 F	T FW						Х
County 18 ½ Street- not	identifie	d	To be determine	ned	40 F	T FW						
Avenue A- not identified			To be	ned	Va	aries						
4 th Avenue- not identified			To be determine		Va	aries						
Bicycle Facilities Master F	Plan		None									
YCAT Transit System			None									
Issues:			Roadwa		nnec	ctions						
Parks, Recreation and Op			lement	:								
Parks and Recreation Fac	•						1					
Neighborhood Park:			Las Casitas Park Future: Las Casitas Park									
Community Park:			Smucker Memorial Park Future: Smucker Memorial Park									
Linear Park:		_	Eastmain Canal Linear Park Future: Eastmain Canal Linear Park ties planned in the area and the request is eliminating available open									
Issues:	No fac space		pianne	a in t	ne a	rea ar	nd the	request is	s eliminati	ng avalla	able of	oen
Housing Element:												
Special Need Household:		N/A										
Issues:		Provi	rovisions of services									
Redevelopment Element:												
Planned Redevelopment			N/A									
Adopted Redevelopment	Plan:		h End:	1	Ca	arver	Park:	l N	lone: X			
Conforms:		Yes		No								
Conservation, Energy & E				nent:			_					
Impact on Air or Water Resources			Yes		No		_					
Renewable Energy Source		Yes		No	X	<u> </u>						
	Issues:											
Public Services Element:							1	T	_			
Population projection per 2018-2022			vellings	-	- 1	-	ected		Wa			ewate
American Community Survey Police Impact Standard:			on-resid			Popu	lation		Consur		1	eration
1 officer for every 530 citizens;		Max	ximum	Per				Officers	GPD	AF	6	iPD
2020 Conservation Plan: Water demand: 207 gallons/day/p	erson;	N Air	0 nimum	C)	()	0.00	0	0.0		0
Wastewater generation:	Í	IVIII	nimum 0		,	()	0.00	0	0.0		0
	Wastewater generation:			C)	()	0.00	0	0.0		0

	<u> </u>	Б	E latin Ele Otation No. 0						Futures Fire Otation No. 0									
Fire	Service	es Plan:	EXIS	Existing: Fire Station No. 2				Future: Fire Station No. 2										
Wate	er Facil	ity Plan:	Source: City		у Х	Pr	Private C		Cor	onnection: None at this		is tim	е					
Sewe	er Faci	lity Plan:	y Plan: Treatment:		nt:	City	Х	X Septic		F	Private		Connection: None at this time			ne		
Issue	es:	Connections to water and sewer are not available in this area.																
Safety	Safety Element:																	
Floor	Flood Plain Designation: 500 Year Flood			Liquefaction Hazard Area: Yes No X					Х									
Issue	Issues:																	
Growt	Growth Area Element:																	
Growth	h	Araby Ro	d & Ir	Interstate 8 Arizona Ave			& 1	6 th St		Avenue	B & 3	32 nd 5	St.					
Area:		North En	d	ı	Paci	fic Ave	8.8	8 th St		Est	ancia	Χ	None					
Issues	s:	For the overall Estancia Area this is a minor change to the mix of land use.																

NOTIFICATION

o Site Posted: 8/26/24

○ Legal Ad Published: The Sun 8/24/24

Display Ad Published: 8/24/24
 660' Vicinity Mailing: 6/25/24
 Neighborhood Meeting: N/A
 Hearing Dates: 9/9/24, 10/14/24

54 Commenting/Reviewing Agencies noticed: 6/18/24
 Comments Due: 8/17/24

External List	Response	Date	"No	Written
	Received	Received	Comment"	Comments
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	YES	6/19/2024	X	
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	YES	7/12/2024		X
MCAS / C P & L Office (ARS)	YES	7/11/2024		Χ
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	YES	6/19/2024	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			

El Paso Natural Gas Co.	NR		
Western Area Power Administration	NR		

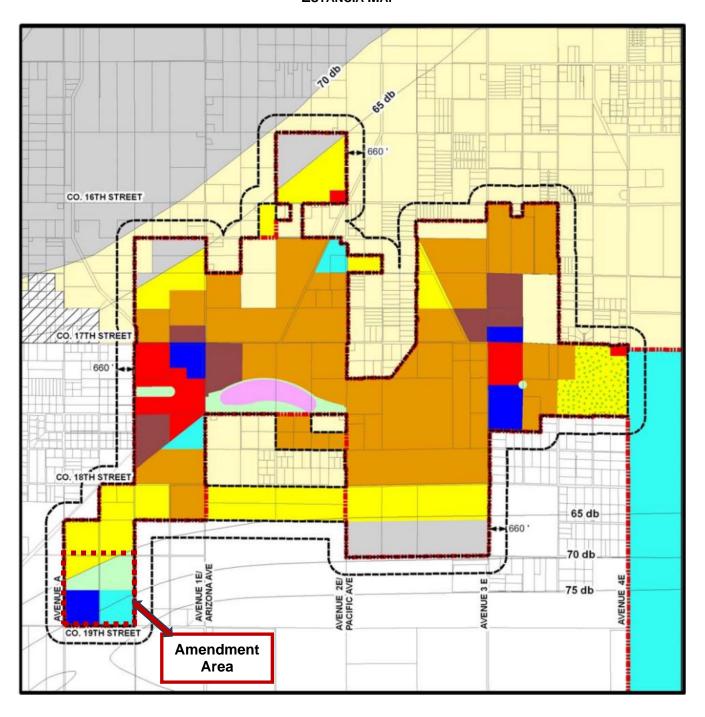
City of Yuma Internal List	Response Received	Date Received	"No Comment"	Written Comments
T. O. '. D. "		Received	Comment	Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	6/24/2024		Х
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available					
No meeting required	N/A					
Prop. 207 Waiver	Prop. 207 Waiver					
Received by Owner's signature on the app	Received by Owner's signature on the application for this land use action request.					

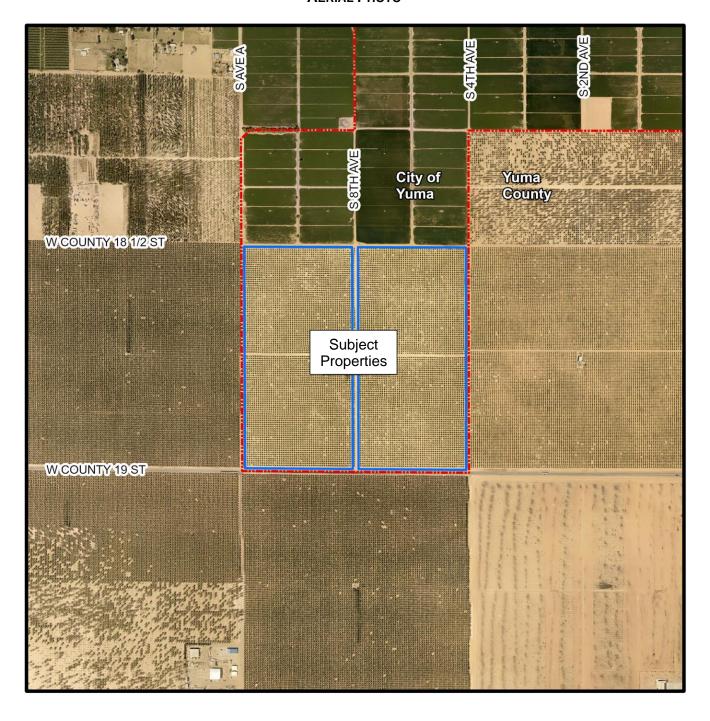
ATTACHMENT C NEIGHBOR NOTIFICATION LIST

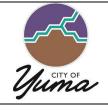
NAME	ADDRESS	Сітү	STATE	ZIP CODE
19 A LLC	190 S MADISON AVE STE 2	YUMA	AZ	85364
CR&R INC	11292 WESTERN AVE	STANTON	CA	90680
RBC CITRUS LLC	416 E SOUTH AVE	FOWLER	CA	93625
STATE OF ARIZONA	1110 W WASHINGTON ST	PHOENIX	AZ	85007
YELLOWSTONE LAND COMPANY LLC	3064 S AVENUE B	YUMA	AZ	85364
YUMI DATE COMPANY LAND HOLDINGS LLC	5701 TRUXTUN AVE STE 201	BAKERSFIELD	CA	93309

ATTACHMENT D ESTANCIA MAP



ATTACHMENT E AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES **COMMUNITY PLANNING DIVISION** CASE TYPE - TEXT AMENDMENT CASE PLANNER:

October 14, 2024 Case Number: ZONE-43152-2024 **Hearing Date**

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment

to amend Title 15, Chapter 154, Article 3 to address timelines for the

review of zoning, variance and conditional use permit applications.

Staff recommends APPROVAL of the text amendment to address Staff recommendation:

timelines for the review of zoning, variance and conditional use permit

applications.

Move to APPROVE the text amendment ZONE-43152-2014 as Suggested Motion:

presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission

is recommending approval to City Council to address timelines for the

review of zoning, variance and conditional use permit applications.

Staff Analysis:

The purpose of this text amendment is to align the City of Yuma zoning code with recent State of Arizona statute changes for the review of zoning map amendment applications. Recent changes in statute with regard to the time allowed to review an application for completeness has prompted staff to review the City code and propose the attached text amendment.

As required by Senate Bill 1162, the proposed amendment establishes a 30-day timeline for staff review of applications for completeness. And further requires a written response from the City identifying any deficiencies in the application within that 30-days. The legislature implemented this change to require cities and counties to review applications in a timely process. This appears to be an issue in other parts of Arizona but has never been an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning map amendments.

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote of the City Council will be necessary for a zoning change request to be successful. The statute change is to exclude government properties from the 20% requirement. This legislative change will likely make it easier for private properties owners to initiate a protest and prompt the three-fourths vote of City Council.

Staff has expanded the 30-day review timeline to include variance and conditional use permit requests to be consistent in how we review applications and provide responses to applicants. Staff has also added a 30-day response requirement from applicants in order to keep projects on schedule and moving forward through the public review processes.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The City of Yuma 2022 General Plan reflects the Visions and Strategic Plan of the City Council for the City. This text amendment supports a Strategic Outcome to be Respected and Responsible as a trusted steward of City Resources and to be relied upon to provide premier services and regional leadership.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Nο

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment.

- 6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance? $\ensuremath{\text{N/A}}$
- 7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes This amendment supports City Council's commitment to provide premier services to the Yuma community.

External Agency Comments: None Received. **Neighborhood Meeting Comments:** No Meeting Required.

Attachments:

Α	В
Draft Text	Agency Notification

Prepared By: Jennifer L. Albers Date: 9/12/24

Jennifer L. Albers

Assistant Director of Planning Jennifer. Albers@YumaAZ.gov (928) 373-5180

Approved By: Olyun Linville Date: 09/30/24

Alyssa Linville

Director, Planning and Neighborhood Services

ATTACHMENT A DRAFT TEXT

<u>SECTION 1</u>: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) be amended to insert the bolded text and delete the strike through text:

- (B) Application for amendment of zoning map. The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.
 - (1) The City shall have thirty (30) days to determine if the zoning application is administratively complete.
 - (2) Once an application is administratively complete the request shall be scheduled for consideration and the City shall approve or deny the application within one hundred and eighty (180) days.
 - a. For extenuating circumstances, the municipality may grant a onetime extension of not more than thirty (30) days.
 - b. If an applicant requests an extension, the municipality may grant extensions of thirty (30) days for each extension granted.
 - (3) If the application is not administratively complete, the City shall issue a written or electronic notice to the applicant containing a comprehensive list of the specific deficiencies in the application.
 - (4) The applicant shall have thirty (30) days from the date of the notice of deficiency to provide the requested information or an explanation of why the information cannot be provided. The City shall have fifteen (15) days to determine whether a resubmitted application is administratively complete.
 - (5) Failure of the applicant to respond to a notice of deficiency within thirty (30) days, shall result in the City determining the application withdrawn.
 - (6) This section does not apply to land that is designated as a district of historical significance or an area that is designated as historic on the national register of historic places.
- <u>SECTION 2</u>: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J) Sub-paragraph (1) be amended to insert the bolded text and delete the strike through text:
 - (1) If the owners of 20% or more, **excluding government property,** either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

<u>SECTION 3</u>: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 4 Variances and Appeals (B) be amended to insert the bolded text:

- (B) *Applications*. A written application shall be submitted to the Planning and Neighborhood Services Division as follows:
 - (1) On the form provided by the Zoning Administrator and signed by the property owner;
 - (2) Shall specify the variance(s) or minor variance(s) requested or specify the grounds of the appeal;
 - (3) Shall be accompanied by a nonrefundable filing fee in accordance with the fee schedule adopted by the City Ordinance No. 1943, and successors;
 - (4) Shall include reasons for granting the application or for granting the appeal; and
 - (5) Shall include plans and other pertinent information.
 - (6) Determinations of application administrative completeness shall follow the procedures as noted in § 154-03.03 Zoning Amendments (B).

<u>SECTION 4</u>: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 5 Conditional Use Permits (A) be amended to insert the bolded text and delete the strike through text:

- (A) *Purpose*. The purpose for the conditional use permit procedure is to allow approval of uses which are deemed to possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses in certain districts. The Planning and Zoning Commission shall have the authority to grant approval for conditional uses, under the procedures herein stated. In granting a conditional use permit; certain safeguards may be required, and certain conditions established to accomplish to-the following:
 - (1) To protect the public health, safety, convenience and general welfare;
 - (2) To assure that the purposes of the zoning code shall be maintained with respect to the particular conditional use on the particular requested site;
 - (3) To consider the location, use, building, traffic characteristics and environmental impact(s) of the proposed use; and
 - (4) To consider existing and potential uses with the general area in which the requested conditional use is proposed.
 - (5) Determinations of application administrative completeness shall follow the procedures as noted in § 154-03.03 Zoning Amendments (B).

ATTACHMENT B AGENCY NOTIFICATION

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Legal Ad Published: The Sun 09/20/24 34 Commenting/Reviewing Agencies noticed: 08/27/24 Neighborhood Meeting: N/A 0

Hearing Date: 10/14/24 **Comments due:** 09/09/24

External List (Comments)	Response	Date	"No	Written	Comments
	Received	Received	Comment"	Comments	Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	9/3/24	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.	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	8/29/24	X		
MCAS - Yuma	Yes	8/30/24	X		
City of Yuma Internal List	Response	Date	"No	Written	Comments
(Conditions)	Received	Received	Conditions"	Conditions	Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/29/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A