

The Yuma County Planning and Zoning Commission met in a regular session on November 26, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:02 p.m. Chairman Rosales convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, Ron Rice, Danny Bryant, Matias Rosales, John McKinley, Paul White, Wayne Eide, Alicia Zermeno and Gary Black were present. Commissioner Tim Bowers was absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal Rubio; and PZ Commission Administration Specialist Amber Jardine.

**PLEDGE OF ALLEGIANCE:** Chairman Rosales led the Pledge of Allegiance.

**ITEM No. 3: Approval of the Planning and Zoning Commission regular meeting minutes of October 22, 2019.**

MOTION (BLACK/RICE): Approve as presented.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

**ITEM No. 4: Special Use Permit Case No. 19-06: Lurdes Zamudio requests a Special Use Permit per Sections 611.03(B), (J), and (K) of the Yuma County Zoning Ordinance to allow a recreational vehicle as a caretaker's residence, a tire repair shop, and unscreened storage of tires on a parcel 14,550 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 700-26-403, located at 10376 East North Frontage Road, Yuma, Arizona.**

Senior Planner Juan Leal Rubio presented the staff report recommending denial of Special Use Permit No. 19-06.

**If the Commission approves this Special Use Permit, staff suggests attaching the following Operational and Performance Conditions:**

**Operational Conditions.**

1. The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance.
2. Hours of operation for the tire shop shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.
3. The outdoor storage of tires shall not exceed a maximum height of six feet.
4. The owner/applicant shall acquire and have finalized all required permits as per appropriate code requirements within six months of approval by the Board of Supervisors or the Special Use Permit shall expire pursuant to Section 402.05(B)(1)(a) of the Yuma County Zoning Ordinance.
5. All structures and improvements associated with this Special Use Permit shall be in compliance with the Americans with Disabilities Act (ADA) regulations, including, but not limited to, restrooms and handicap parking.

6. Vehicular access to the subject property shall be restricted along Pearl Avenue and shall be located in accordance with Yuma County Public Works Standards Section 7.2.8 Driveways/Curb Cuts.

**Performance Conditions.**

1. The owner shall submit the following documents to the Department of Development Services within 60 days of approval of this special use permit case by the Board of Supervisors:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An avigation disclosure statement
2. Within 60 days of Board of Supervisors' approval, the owner/applicant shall construct a masonry wall six feet in height along the north and east property lines.
3. Within 60 days of Board of Supervisors' approval, the owner/applicant shall provide the following:
  - a. A water supply for manual fire-fighting within 500 feet of the furthest point of stored tires.
  - b. Where the bulk of volume stored material is more than 3,333 square feet (maximum 6 feet height), a firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.
  - c. The fence shall be constructed of approved materials and shall be not less than 6 feet high and provided with gates at least 20 feet wide.
  - d. Gates to the storage yard shall be locked when the storage yard is not staffed.
  - e. Gateways shall be kept clear of obstructions and be fully openable at all times.
  - f. Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906.00 of the Building code. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2-A:20-B:C-rated portable fire extinguisher.
4. Within 60 days of Board of Supervisors' approval, the owner/applicant shall register as a used tire site with the Arizona Department of Environmental Quality if storing 100 or more tires outdoors and comply with requirements of A.R.S § 44-1304.01.

Commissioner McKinley inquired about the square footage the property would have to develop after the right-of-way is obtained by the county and the buffer zone that is in place. He inquired if the property was currently in violation of the Zoning Ordinance.

Senior Planner Juan Leal Rubio stated the buildable area of the property was approximately 8,500 square feet excluding the right-of-way. The applicant would need to obtain variances in order to develop on the property. He stated the property is in violation of the Zoning Ordinance.

Planning Director Maggie Castro, AICP, explained there was an active Zoning Violation case for the property that is pending based on the outcome of the Special Use Permit case.

Commissioner Rosales inquired if the owner had a business license.

Senior Planner Juan Leal Rubio stated Yuma County does not require business licenses.

Commissioner White inquired about the site plan changing if the Special Use Permit was approved.

Senior Planner Juan Leal Rubio stated the site plan would need to be revised by the applicant.

Planning Director Maggie Castro, AICP, stated item number one from the operational conditions would need to be stricken because the current site plan would not meet standards when right-of-way is obtained by the county and if any future variances are approved. A new site plan would need to be submitted.

Commissioner Rice inquired what was allowed in the buffer zone.

Senior Planner Juan Leal Rubio stated utilities and retention basins are allowed in the buffer zone.

Commissioner White inquired about the occupancy of the caretaker's residence.

Senior Planner Juan Leal Rubio stated the owner would not need a permit for the RV, but would need to meet setback requirements. There was not limitation on occupancy for the RV that would be used for the caretaker's residence.

Planning Director Maggie Castro, AICP, stated if the applicant chooses to place a site built residence or anything over 400 square feet it would require another Special Use Permit.

Commissioner Eide asked if the current office with the restroom was site built or mobile.

Senior Planner Juan Leal Rubio answered that the structure currently used as the office appeared to be a small mobile unit.

Chairman Rosales opened the public hearing.

Lurdes Zamudio, 10376 East North Frontage Road, Yuma, Arizona, applicant, stated she owns the property. She explained the property was empty and she cleaned it up.

Commissioner Rice asked the applicant if she understood all the restrictions of the Special Use Permit.

Mrs. Zamudio explained she understood the limitations.

Commissioner Rosales inquired if the applicant was accepting the conditions of the Special Use Permit.

Mrs. Zamudio stated she would do what it took to accept all conditions listed. She explained the tire shop was a small family business which is their only source of income. She would like the opportunity and time to meet conditions and continue with their business.

Commissioners inquired about the limited space the applicant would have to work in on the property.

Mrs. Zamudio explained customers come at different times throughout the day. They do not need a large staging area to work. She stated most customers do not get out of their vehicle. They change the customer's tires quickly.

Commissioner Bryant asked how many tires are stored on the property. He inquired about performance condition number four.

Mrs. Zamudio stated approximately 500 tires are stored on the property. The tires are stored in the back that are not visible to the public.

Senior Sanitarian Supervisor George Amaya explained the applicant would have to submit to the State and pay registration fees if approved. Yuma County has a delegation agreement with the State ADEQ which includes disposal and storage of tires.

Commissioner White inquired if staff could predict what the parking requirements would be.

Senior Planner Juan Leal Rubio explained parking requirements would be based on the size of the shade structure. The applicant had stated they may build a smaller shade structure to have more space and less parking.

Commissioner Rosales inquired about staffs' main concern which prompted the recommendation for denial.

Senior Planner Juan Leal Rubio explained the use is not compatible with the residential area to the north, west and east. The proposed use will materially affect the health, safety and welfare of the public. The proposed use is incompatible with the surrounding land use in the area.

Commissioner Rosales inquired about the right-of-way.

Land Development Engineer Arturo Alvarez stated Yuma County is in its final stages of acquiring the right-of-way that is on the property.

Commissioners viewed the aerial image of the property and located the nearby locations of the propane storages.

Discussion took place about the property being rezoned to C-2 and how the same limitations would still occur.

John Foster, 10500 North Frontage Road, Site 184B, Yuma, Arizona, customer for the past five years, stated he was satisfied with their work and they work hard.

Terrell Freemantle, 10500 North Frontage Road, Space 203B, Yuma, Arizona, customer, stated the business has saved him money and they provide good service.

Commissioner Zermeno inquired if the block wall was required.

Senior Planner Juan Leal Rubio explained the buffering and screening requirements in the Zoning Ordinance allows a chain linked fence as long as it provides 100% obstruction. Staff is adding the block wall as an additional restriction to provide additional protection to the residential area.

Commissioner Bryant inquired if the County had received any complaints.

Planning Director Maggie Castro, AICP, explained the County received two complaints which resulted in a case being referred to the Hearing Officer. There was one letter in opposition that is in response to the Special Use Permit.

Commissioners discussed the financial obligation the applicant would have in order to meet all the conditions of the Special Use Permit.

Mrs. Zamudio requested the Commission approve the Special Use Permit and give them the opportunity to meet conditions and continue with their business.

Commissioners and staff discussed the options to allow the applicant more time to meet the conditions.

Commissioner Bryant inquired if anything on the property met the performance conditions.

Senior Planner Juan Leal Rubio explained structures on the property did not appear to have permits other than the septic tank. The property would need to be brought up to code and structures would need to be moved out of the buffer zone. A variance would need to be approved by the Board of Adjustment to keep any of the structures on the property within the buffer zone.

There being no one else to come forward, Chairman Rosales closed the public hearing.

Commissioners shared their opinions on the Special Use Permit.

MOTION (WHITE/BLACK): Approve Special Use Permit No. 19-06 as presented by staff and changing performance conditions; 2, 3 and 4 from 60 days to 120 days and operational condition 1 to read: Approval of the Special Use Permit is based on the site plan **to be** submitted by the applicant. **The site plan will require approval by the Planning Director** pursuant to the Yuma County Zoning Ordinance.

VOICE VOTE: Mulhern- NAY; Rice- NAY; McKinley- NAY; Bryant- NAY; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- NAY; White- AYE. The motion failed 4-5.

MOTION (RICE/McKinley): Deny Special Use Permit No. 19-06.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- NAY; Zermeno- NAY; Black- NAY; Eide- AYE; White- NAY. The motion carried 5-4.

**ITEM No. 5: Rezoning Case No. 19-08: John L. & Felicia Linn request the rezoning of 2.0 gross acres from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2) and 5.94 gross acres to Suburban Site Built-5 acre minimum (SSB-5), Assessor's Parcel Number 725-53-008, located on the southwest corner of County 13½ Street and Avenue 7¼ E, Yuma, Arizona.**

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 19-08 based on the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent shall:
  - a. Provide an A.R.S. § 12-1134 waiver.
  - b. Record an Infrastructure disclosure statement.
  - c. Record an Avigation disclosure statement.
  - d. Record a Range disclosure statement.
  - e. Record a Schedule for Development disclosure statement.

**Schedule for Development.** Within one year of approval by the Board of Supervisors

1. 25 feet of right-of way shall be dedicated along east side (Avenue 7 ¼ E) by means of a warranty deed.
2. The property shall be split by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.

Commissioner White inquired if there was ownership relation between Rezoning Case 19-08 and Rezoning Case 19-10.

Senior Planner Javier Barraza stated there was not a relation between both rezoning cases.

Chairman Rosales opened the public hearing.

John Linn, 13663 S Avenue 7E, Yuma, Arizona, applicant, stated they plan on dividing the lot and moving family to the area.

There being no one else to come forward, Chairman Rosales closed the public hearing.

MOTION (BRYANT/RICE): Approve Rezoning Case No. 19-08 as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

**ITEM No. 6: Rezoning Case 19-10: Dahl, Robins and Associates, Inc., agent for TDI Holdings, LLC, requests the rezoning of a parcel 10.03 gross acres in size from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 725-53-002, located on the southeast corner of County 13½ Street and Avenue 7E, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case 19-10 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No. 19-10 based on the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent shall:
  - a. Provide an A.R.S. § 12-1134 waiver.
  - b. Record an Infrastructure disclosure statement.
  - c. Record an Avigation disclosure statement.
  - d. Record a Range disclosure statement.
  - e. Record a Schedule for Development disclosure statement.

**Schedule for Development.**

1. Within one year of approval by the Board of Supervisors, the owner or agent shall split the property by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.

Chairman Rosales opened the public hearing.

Felicia Linn, 13663 South Avenue 7E, Yuma, Arizona, neighbor to the applicant, inquired about the way the houses would face.

Commissioner Bryant stated the lots face north, but would not be able to determine which direction the houses would face.

There being no one else to come forward, Chairman Rosales closed the public hearing.

MOTION (EIDE/WHITE): Approve Rezoning Case No. 19-10 as presented by staff.

VOICE VOTE: Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 7: Minor Amendment Case No. 2019-MA-02: Dahl, Robins & Associates Inc., agent for Yuma Irrigation District, requests to change the land use designation of a 7.05 acre portion of a parcel 107.81 gross acres in size from Agriculture/Rural Residential (A-RR) to Industrial (I), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Minor Amendment Case No. 2019-MA-02 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Minor Amendment Case No. 2019-MA-02 based on the following:

1. The amendment will allow for industrial development that is consistent with and does not negatively impact the existing industrial and agriculture character of the area
2. The change will allow for consistent zoning and land use development pattern.
3. The amendment will not adversely affect the health or safety of present future residents.

**ITEM No. 8: Rezoning Case No. 19-09: Dahl, Robins and Associates Inc., agent for Yuma Irrigation District, requests the rezoning of 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial (HI), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E (alignment) and County 8th Street (alignment), Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Rezoning Case No. 19-09 due to being employed by the agent representing the applicant.

Senior Planner Javier Barraza presented the staff report recommending approval of Rezoning Case No.19-09 based on the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent shall:
  - a. Provide an A.R.S. § 12-1134
  - b. Record an Infrastructure disclosure statement.

- c. Record a Schedule for Development disclosure statement.
- d. Record an Avigation disclosure statement.

**Schedule for Development.**

1. Within one year of approval by the Board of Supervisors, the owner shall split the property by means of land division permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance.

Chairman Rosales opened the public hearing.

There being no one to come forward, Chairman Rosales closed the public hearing.

MOTION (WHITE/MCKINLEY): Approve Minor Amendment Case No. 2019-MA-02 as presented by staff.

VOICE VOTE: Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

MOTION (WHITE/EIDE): Approve Rezoning Case No. 19-09 as presented by staff.

VOICE VOTE: Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 9: Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Section 1107.03, amend Sections 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.**

Planning Director Maggie Castro, AICP, presented the staff report. She stated the Board of Superiors directed staff to bring the request to initiate a text amendment to the Zoning Ordinance to the Planning and Zoning Commission for discussion and action. She explained that if the Commission approves to initiate the text amendment, no further changes could be made.

MOTION (BLACK/WHITE): Approve request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

**ITEM No. 10: Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions and discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.**

Planning Director Maggie Castro, AICP, presented the staff report. She explained there was text that was left out of the original text amendment to the Subdivision Regulations. Staff received additional information on how the Zoning Ordinance should be amended. She stated the commission could choose to add the language that is in the memorandum dated August 15, 2019 page 1 or pages 2, 3 and 4 of the memorandum. She explained the new language will require lot tie maps for lots in recorded subdivisions and parcels not in recorded subdivisions.

Commissioner Rosales inquired if Mr. Wehrle had requested lot tie maps for recorded and unrecorded subdivisions.

Planning Director Maggie Castro, AICP, stated Mr. Wehrle did want lot tie maps in recorded subdivisions and parcels not in recorded subdivisions.

MOTION (BLACK/ZERMENO): Approve initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions as presented in pages 2, 3 and 4 in the memorandum with a possible amendment to the fee schedule as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

**ITEM No. 11: Request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District and amend the Official Zoning Map accordingly.**

Planning Director Maggie Castro, AICP, presented the staff report. She explained the Board of Supervisors directed staff to forward the request to initiate a text amendment to the Zoning Ordinance to create the Dark Sky Overlay District. She stated the district would include the area of Yuma County that is east of Foothills Boulevard to the eastern boundary of Yuma County and the Martinez Lake area.

Commissioner Rosales inquired if a Supervisor or staff requested the Dark Sky Overlay District.

Planning Director Maggie Castro, AICP, explained staff originally requested the Dark Sky regulation in 2006. Staff was asked by the Board of Supervisors to reopen the discussion of the Dark Sky Overlay District. The result of those discussions is what was being presented to the Planning and Zoning Commission.

Commissioner White inquired about the community outreach.

Planning Director Maggie Castro, AICP, stated if the initiation to amend the Zoning Ordinance to create the Dark Sky Overlay District was approved, staff would publish a newspaper ad which would give the public an opportunity to speak.

Commissioner Rosales inquired if those within the Dark Sky Overlay District would be grandfathered in.

Planning Director Maggie Castro, AICP, stated any pre-existing development would be grandfathered as non-conforming.

MOTION (BRYANT/MCKINLEY): Approve to initiate a text amendment to create a Dark Sky Overlay District in the Zoning Ordinance as presented by staff.

VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

**ITEM No. 12: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

Commissioners reviewed and discussed the Planning and Zoning 2020 Regular Meeting Schedule.

MOTION (EIDE/ZERMENO): Approve the Planning and Zoning 2020 Regular Meeting Schedule as presented by staff with changing the May 26, 2020 meeting date to May 19, 2020 and November 24, 2020 meeting date to November 17, 2020.

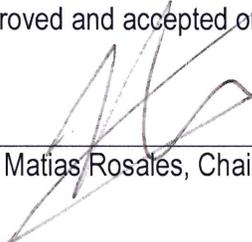
VOICE VOTE: Mulhern- AYE; Rice- AYE; McKinley- AYE; Bryant- AYE; Rosales- AYE; Zermeno- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 9-0.

Commissioner Bryant discussed amending Temporary Use Permit applications to include a disclaimer that informs applicants that the approval of a Temporary Use Permit does not void deed restrictions. To check with the deed restrictions before paying the Temporary Use Permit fee.

Planning Director Maggie Castro, AICP, stated she would speak with legal counsel to add a disclaimer to the Temporary Use Permit application.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:44 p.m.

Approved and accepted on this 17<sup>th</sup> day of December 2019.

  
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Matias Rosales, Chairman

ATTEST:



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Maggie Castro, AICP, Planning Director