

The Yuma County Planning and Zoning Commission met in a regular session on January 28, 2020. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:00 p.m. Chairman Rosales convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, John McKinley, Tim Bowers, Danny Bryant, Matias Rosales, Gary Black, Wayne Eide and Paul White. Commissioners Ron Rice and Alicia Zermeno were absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal Rubio; Senior Planner Javier Barraza; Senior Planner Fernando Villegas; Deputy County Attorney Ed Feheley; and PZ Commission Administration Specialist Amber Jardine.

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

**ITEM No. 3: Elect a Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.**

MOTION (WHITE/BOWERS): Elect Matias Rosales as Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.

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

**ITEM No. 4: Elect a Vice Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.**

MOTION (BOWERS/BLACK): Elect Danny Bryant as Vice Chairman for the Yuma County Planning and Zoning Commission for Calendar Year 2020.

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

**ITEM No. 5: Approval of the Planning and Zoning Commission regular meeting minutes of December 17, 2019.**

MOTION (BLACK/BOWERS): Approve as presented.

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

**ITEM No. 6: Rezoning Case No. 19-09: Dahl, Robins and Associates, Inc., agent for Yuma Irrigation District, requests the rezoning of a 7.05 acre portion of a parcel 107.81 gross acres in size from Rural Area-20 acre minimum (RA-20) to Heavy Industrial-8,000 square feet minimum (HI-8,000), Assessor's Parcel Number 182-28-004, located in the vicinity of the southeast corner of Avenue 12E and County 8th Street, Yuma, Arizona.**

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

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

**Performance Condition**

1. Within 60 days of approval by the Board of Supervisors, the owner/agent or agent shall:
  - a. Provide an A.R.S. §12-1134 Waiver.
  - 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 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.

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

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

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 7-0.

**ITEM No. 7: Rezoning Case No. 19-12: Leticia Guillermo, agent for Greenview Development, requests the rezoning of a parcel 5.0 gross acres in size from Suburban Site Built-5 acre minimum (SSB-5) to Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 212-01-022, located at the southwest corner of Avenue 3¾E and County 16½ Street, Yuma, Arizona.**

Senior Planner Juan Leal Rubio presented the staff report recommending approval of Rezoning Case No. 19-12 subject to the following Performance Condition and Schedule for Development:

**Performance Conditions.**

1. The owner shall submit the following documents to the Department of Development Services within 60 days of approval of this rezoning case by the Board of Supervisors.
  - a. A signed and notarized A.R.S. §12-1134 waiver
  - b. A recorded agricultural disclosure statement.
  - c. A recorded avigation disclosure statement.
  - d. A recorded range disclosure statement.
  - e. A recorded infrastructure disclosure statement. Yuma County will be held harmless and not obligated to make improvements to the roadway infrastructure supporting the subject property.
  - f. A recorded Schedule for Development disclosure statement.

**Schedule for Development.** Within one (1) year of approval by the Board of Supervisor,

1. And prior to approval of a Land Division Permit, the owner shall apply for and obtain a Grading Permit from the Department of Development Services to improve the ingress/egress easement referred to in item 3 of the Schedule for Development with a gravel roadway (refer to attached Standard C-Gravel Roadway).

2. The property shall be split in accordance with the attached site plan labeled as "Exhibit A" by means of a Land Division Permit in accordance with Section 507.00 of the Yuma County Zoning Ordinance and an ingress/egress easement 20 feet in width along the north property line shall be recorded.
3. The owner shall submit certification from a licensed engineer confirming the gravel roadway referred to in item 1 of the Schedule for Development was constructed according to Standard C-Gravel Roadway.
4. And prior to development of any of the future parcels, whichever occurs first, all lots resulting from the proposed land division shall be provided with the means of irrigation and access to irrigation water.

Chairman Rosales opened the public hearing.

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

MOTION (WHITE/BLACK): Approve Rezoning Case No. 19-12 as presented by staff.

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

**ITEM No. 8: Rezoning Case 19-14: Monty Sanders, agent for Rosa Sanders and Victor Lozano, requests the rezoning of a parcel 1.77 net acres in size from Light Industrial (LI) to Heavy Industrial-1 acre minimum (HI-1) and a parcel 5.0 net acres in size from Light Industrial (LI) to Heavy Industrial-2 acre minimum (HI-2), Assessor's Parcel Numbers 196-24-020 and -021, located at 13711 South Avenue 3E, Yuma, Arizona; located in the 70-74 dB noise zone.**

Senior Planner Fernando Villegas presented the staff report recommending approval of Rezoning Case No. 19-14 subject to the following Performance Conditions:

**Performance Conditions.**

1. The owner or applicant shall submit the following documents within 60 days of Board of Supervisors approval of this rezoning case:
  - a. An Avigation Disclosure Statement
  - b. A recorded warranty deed dedicating 17 feet of right-of-way on the west side of parcel 196-24-021.
2. Within 180 days of approval by the Board of Supervisors, building permits shall be obtained for any structures built or installed without a permit.

Commissioners viewed the image which indicated which property owners were against the rezoning case. They discussed that approximately 75 percent of surrounding property owners were against the rezoning and that would trigger a super-majority vote for approval by the Board of Supervisors.

Commissioner Rosales inquired if the subject property was a storage yard or a dismantling yard.

Senior Planner Fernando Villegas stated the subject property was a business. The property owner is requesting a rezoning to store and dismantle inoperable vehicles.

Commissioners and staff discussed the Zoning Ordinance requirements to buffer and screen around the subject property.

Commissioner Eide inquired if there was a violation for the property.

Senior Planner Fernando Villegas stated there was a pending zoning violation on the property for storing inoperable vehicles.

Chairman Rosales opened the public hearing.

John Loghry, 3578 East County 15<sup>th</sup> Street, Yuma, Arizona, property owner of parcel 196-24-022 that surrounds the subject property to the South and East, stated he was against the rezoning. He stated the Heavy Industrial – 1 zoning does not belong in an area that is surrounded by agricultural land.

Monty Sanders, 3360 South 15<sup>th</sup> Avenue, Yuma, Arizona, applicant, stated he purchased the property with the purpose to run a tow yard. He explained the land is currently Light Industrial Zoning which allows towing of vehicles. However, the current zoning does not allow storage of inoperable vehicles. He stated he passed all three inspections from ADEQ this past year.

Commissioner Rosales inquired when the property was purchased.

Mr. Sanders stated he purchased the property in 2014/2015. Prior to purchasing he clarified with the County that the property could be used as a tow yard. He did not realize he would have an issue storing inoperable vehicles. He stated he has been operating at the subject property for years.

Commissioner Bryant inquired about how the property owner intended on fencing the property.

Mr. Sanders stated most of the property is fenced with chain link fence and he would place a screen along the fence. He stated he would request a variance for the height of the fence if needed.

Commissioner White inquired about what the business does with the inoperable vehicles. He inquired about when the property was zoned Light Industrial.

Mr. Sanders explained he tries to sell and recycle the vehicles. He stated most of the inoperable vehicles were from the Sheriff's office calling for a tow.

Senior Planner Fernando Villegas stated parcel 196-24-021 was rezoned to Light Industrial in 1997 and parcel 196-24-020 was rezoned Light Industrial in 2002.

Commissioners inquired about the surrounding parcels splitting and placing homes on those properties.

Planning Director Maggie Castro, AICP, stated parcels with a minimum of 5 acres that are zoned agricultural would be exempt from zoning and a residence could be built on the property as long as the agricultural use is maintained. She clarified that the Zoning Ordinance nor the Comprehensive Plan allows for the surrounding parcels to be split. She explained the subject property is in the 70-74 dB noise zone, the land use designation is Agricultural/Industrial. The rezoning request is in compliance with the comprehensive plan. Therefore, staff is recommending approval.

Commissioners and staff discussed the applicant applying for a special use permit vs. a rezoning.

Commissioner Black stated his concern for the future if the commission approves the Heavy Industrial zoning for the subject property.

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

MOTION (WHITE/MCKINLEY): Deny Rezoning Case No. 19-14 as presented by staff.

VOICE VOTE: Mulhern-AYE; McKinley- AYE; Bowers- NAY; Bryant- AYE; Rosales- AYE; Black- AYE; Eide- AYE; White- AYE.. The motion carried 7-1.

**ITEM No. 9: Special Use Permit Case No. 19-07: Dahl, Robins and Associates Inc., agent for T&W Investments Inc., requests a Special Use Permit per Section 612.03(C) of the Yuma County Zoning Ordinance to allow commercial condominiums on a parcel 1.76 net acres in size zoned General Commercial (C-2), Assessor's Parcel Number 700-45-243, located at 11375 South Fortuna Road, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from Special Use Permit Case No. 19-07 due to being employed by the agent representing the case.

Senior Planner Fernando Villegas presented the staff report recommending approval of Special Use Permit Case No. 19-07 subject to the following Performance Conditions:

**Performance Conditions.**

1. The owner or applicant shall submit the following documents within 60 days of the Board of Supervisors approval:
  - a. An A.R.S. § 12-1134 waiver.
  - b. A recorded avigation disclosure statement.
2. The owner/applicant shall record a final plat subdividing the subject property as shown on the site plan within three (3) years of Board of Supervisors approval of this rezoning case.

Chairman Rosales opened the public hearing.

Barry Olsen, 101 East 2<sup>nd</sup> Street, Yuma, Arizona, representing the applicant, stated he was present to answer any questions.

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

MOTION (BRYANT/BLACK): Approve Special Use Permit Case No. 19-07 as presented by staff.

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 7-0.

**ITEM No. 10: Request for Modifications of Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision: T&W Investments, LLC, requests six modifications from the Yuma County Subdivision Regulations for the proposed Fortuna Palms Plaza Commercial Condominiums**

**subdivision, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from the request for modifications of Subdivision Regulations due to being employed by the agent representing the case.

Senior Planner Fernando Villegas presented the staff report recommending approval the following modifications:

1. The Modification from Section 4.15(E) – Residential Roads: It is requested by the developer not to install roll or vertical curb and sidewalks on residential roads (34th Place and Phoenix Drive).
2. Modification from Section 4.15(D) – Residential Collector Type Street (Quarter Mile): It is requested by the developer not to improve the quarter section line road (34th Street) along the northern subdivision line.
3. Modification from Section 4.13 – Right-of-Way and Easements: It is requested by the developer not to provide right of way for internal roads and streets.
4. Modification from Section 4.22(B) - Sidewalks: It is requested by the developer not to provide sidewalks along the internal streets and perimeter streets.
6. Modification from Section 4.19 – Private Roads: It is requested by the developer not to build the private roads in accordance with the Public Works Standards.

Staff recommends denial of the following modifications:

5. Modification from Section 4.12(C) – Intersections and Corners: It is requested by the developer not to provide at street corners a minimum 25' x 25' right-of-way chamfer at the intersection of the property lines (intersection of 34th Place and Phoenix Drive and the 34<sup>th</sup> Place entrance to the subdivision).

Commissioner Rosales inquired about staff's reasoning to recommend denial of modification number five.

Planning Director Maggie Castro, AICP, explained the development was constructed under building permits. The intent now is to subdivide the parcels into commercial condominiums. Therefore, the development would need to comply with the Subdivision Regulations. The Subdivision Regulations require a minimum 25' x 25' right-of-way chamfer at the intersection of the property lines.

Chairman Rosales opened the public hearing.

Barry Olsen, 101 East 2<sup>nd</sup> Street, Yuma, Arizona, representing the applicant, stated there was a chamfer on the southeast corner of Fortuna and 34<sup>th</sup> Place. He explained the applicant followed all requirements and developed the project. After the project was developed, staff is requesting other requirements. He explained the regulations do not fit in this situation. He requested approval for modification number five.

Land Development Engineer Arturo Alvarez explained it was originally approved as a commercial development. The project now falls under the Subdivision Regulations with the applicant subdividing the parcel into condominiums. Subdivision Regulations have different requirements than commercial development. The intent is to ensure the proper line of sight is kept.

Ross Wait, 4774 East 30<sup>th</sup> Place, Yuma, Arizona, applicant, stated T & W investments LLC owns the building and the building would be deeded to the Fortuna Palms Plaza Owners Association. He explained T & W Investments LLC would then have the exclusive rights to the spaces. He stated the building was not being subdivided.

Planning Director Maggie Castro, AICP, explained the subdivision of airspace into six or more lots is a subdivision. The subject development falls within the subdivision regulations. She stated staff is required to enforce regulations and ordinances and any regulatory documents that have been adopted by the Board of Supervisors.

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

MOTION (WHITE/BRYANT): Approve all six requests for modifications as presented by staff.

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 7-0.

**ITEM No. 11: Fortuna Palms Plaza Commercial Condominiums subdivision – Tentative map: Dahl, Robins and Associates Inc., requests review and approval of the tentative map for the proposed Fortuna Palms Plaza Commercial Condominiums subdivision consisting of seven lots and common areas on 1.76 acres, Assessor's Parcel Number 700-45-243, zoned General Commercial (C-2), located at 11375 South Fortuna Road, Yuma, Arizona.**

Commissioner Scott Mulhern recused himself from the Fortuna Palms Plaza Commercial Condominiums Tentative map due to being employed by the agent representing the case.

Senior Planner Fernando Villegas presented the staff report recommending approval of the tentative map for Fortuna Palms Plaza Commercial Condominiums subdivision subject to the following conditions:

**Conditions:**

1. Approval by the Board of Supervisors of the requested modifications of Subdivision Regulations. If any of the requested modifications are denied, the tentative map shall be revised to meet the requirements of the Subdivision Regulations. The revised tentative map shall be submitted to the Planning Director within 30 days of Board of Supervisors' action.
2. Approval by the Board of Supervisors of the Special Use Permit 19-07.

Chairman Rosales opened the public hearing.

Barry Olsen, 101 East 2<sup>nd</sup> Street, Yuma, Arizona, representing the applicant, stated there was a typo in the staff report. There are eight suites not seven.

Commissioner Bryant stated the Commissioners received an updated staff report.

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

MOTION (BLACK/EIDE): Approve Fortuna Palms Plaza Commercial Condominiums subdivision- Tentative map as presented by staff.

VOICE VOTE: McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- AYE; Black- AYE; Eide- AYE; White- AYE. The motion carried 7-0.

**ITEM No. 12: Commission Initiative No. 19-03: A proposed text amendment to the Subdivision Regulations to add new sections, Section 7.11 and 7.12, for lot ties**

Planning Director Maggie Castro, AICP, presented the staff report recommending approval of Commission Initiative No. 19-03.

Chairman Rosales opened the public hearing.

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

MOTION (BLACK/MULHERN): Approve Commission Initiative No. 19-03 as presented by staff.

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

**ITEM No. 13: Proposed amendment to DDS fee schedule to adopt new fee for lot ties.**

Planning Director Maggie Castro, AICP, presented the staff report recommending amending the fee schedule to add the fees suggested by staff.

Commissioner Black inquired if the fees could be rounded up.

Planning Director Maggie Castro, AICP, stated the fees could be rounded down.

Chairman Rosales opened the public hearing.

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

MOTION (BLACK/ BRYANT): Approve an amendment to DDS fee schedule to adopt new fee for lot ties as Follows: Lot Tie Map not within a Recorded Subdivision: \$600.00 and Lot Tie Map in Recorded Subdivision: \$380.00.

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

**ITEM No. 14: Commission Initiative No. 19-04: A proposed 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 Sections 1107.03, 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.**

Planning Director Maggie Castro, AICP, presented the staff report recommending approval of Commission Initiative No. 19-04.

Chairman Rosales opened the public hearing.

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

MOTION (BRYANT/BLACK): Approve Commission Initiative No. 19-04 as presented by staff.

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

**ITEM No. 15: Commission Initiative No. 19-05: A proposed text amendment to the Zoning Ordinance to create the Dark Sky Overlay District, Section 623.00, and amend the Official Zoning Map accordingly.**

Planning Director Maggie Castro, AICP, presented the staff report recommending approval of Commission Initiative No. 19-05.

Commissioner Black inquired if any of the Dark Sky Overlay District would be in the Mesa area.

Planning Director Maggie Castro, AICP, stated the Dark Sky Overlay District would be East of Foothills Boulevard and the Martinez Lake area.

Commissioner Bryant inquired if staff received any comments from the public.

Planning Director Maggie Castro, AICP, stated there was a display ad published in the newspaper and staff did not receive any comments.

Commissioner Rosales inquired about how the Dark Sky Overlay district would affect the golf courses when they have night events. He inquired about the Border patrol station located east of Foothills Boulevard and the town of Wellton.

Planning Director Maggie Castro, AICP, explained the golf courses would have to request a variance from the Dark Sky Ordinance. She stated the Border Patrol station would be exempt from the Dark Sky Ordinance. She explained the town of Wellton would not be included into the Dark Sky Overlay District.

Chairman Rosales opened the public hearing.

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

MOTION (BRYANT/BOWERS): Approve Commission Initiative No. 19-05 as presented by staff.

VOICE VOTE: Mulhern-AYE; McKinley- AYE; Bowers- AYE; Bryant- AYE; Rosales- NAY; Black- NAY; Eide- AYE; White- AYE. The motion carried 6-2.

**ITEM No. 15: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

Commissioner Eide requested staff and Commissioners discuss commercial vs residential codes. He explained there have been situations that residential requirements are more efficient for small commercial projects rather than following the commercial requirements. He inquired if the County could initiate adopting another type of code to address those situations.

Planning Director Maggie Castro, AICP, explained that would require an amendment to the Public Work Standards. She stated she would speak with the County Engineer and request a presentation from the Engineering Department to Commissioners.

There being no further business to come before the Commission, the Chairman adjourned the meeting at 6:27 p.m.

Approved and accepted on this 3<sup>rd</sup> day of March 2020.

  
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Matias Rosales, Chairman

ATTEST:

  
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Maggie Castro, AICP, Planning Director