AGENDA ITEM REVIEW

Community Development Department

Staff Report to the City of Somerton Planning and Zoning Commission

Case # P03-17
Preliminary Plat for
Valle del Sol Phase 4 Subdivision

Hearing Date: July 16, 2018

Presented by: Carmen Juarez, CDD

Report Date: January 18, 2018 (revised July 12, 2018)

Project Description: Request to review and approve a Preliminary Subdivision Plat for Valle del Sol Phase 4. A subdivision of forty-nine (49) lots to build single-family residences and one (1) tract for storm water runoff (retention basin) in a Single-Family Residential-6 (R-1-6) zoning district.

I. PROJECT DATA

Project General Location:	Northwest corner of Bingham Ave. and County 17th St.
Parcel Number(s):	752-32-037
Current Address:	
Property Owner:	Riedel Holdings, LLC
Owner's Agent:	Nieves Riedel
Zoning of the Site:	Single-Family Residential-6 (R-1-6)
Existing Land Use(s) on the Site:	Low Density Residential (LDR)
Surrounding Zoning and Land Uses:	
North:	R-1-8 / Low Density Residential
South:	County land
East:	AG20 / Agriculture-Industrial
West	R-1-6 / Low Density Residential
Related Actions or Cases:	Rezoning Case #Z02-17, Lot split Case #LS01-07, Subdivision Final plat #P07-07, Rezoning Case #Z02-06
Land Division Status:	Legal Parcel of Record
Flood Plain Designation:	Zone X

II. GENERAL PLAN

Land Use Plan	High-Density Residential (HDR)
Circulation Element: Roadway of Regional Significance: Collector Roadway: Local Streets: Traffic signal:	 Main Street / U.S. Highway 95 Bingham Avenue, Co. 17th Street 13th Place, 12th Street Bingham Avenue and Main Street.
Parks and Recreation Element: Nearest Parks: Pedestrian Trail and Pathway System:	 Joe Munoz Park and future Centennial Park Shared use pathway along Avenue E from Main St to Co. 17th St and the future construction on the section along Co 17th St from Ave. E to Bingham Ave.

III. SCHOOLS

School District: Elementary Schools: Middle School: High School:	Somerton School District Valle del Encanto Elementary School Tierra Del Sol Elementary School Desert Sonora Elementary School Orange Grove Elementary School Somerton Middle School Cibola / Kofa High Schools (Yuma Union High School District)

Public Notices:

Legal ad Published:	The Yuma Sun on January 6, 2018
300' Vicinity Mailing:	December 28, 2017
Posting on Property:	January 5, 2018

Background and Description of the Site:

The original submittal of this request was scheduled to be presented to the Planning and Zoning Commission on January 22, 2018 but the applicant requested this item to be tabled to a later date.

This parcel of land was originally part of the Valle del Sol Phase 3 Subdivision as it was approved by Council in 2006 to build fifteen one-acre lots and one five-acre tract for retention basin/open space. Although this subdivision was approved and certain improvements were installed, it was never approved or accepted by the City.

extend 13th Street and 13th Place until such time the adjacent land gets developed.
Public Works and Fire Departments have reviewed the proposed preliminary plat and have no objection to the proposed street/circulation plan.

County 17th Street, Somerton Avenue and Bingham Avenue are classified as Collector Roadways as defined in the City's General Plan, requiring a minimum 80' ROW width. Main Street/Hwy 95 is classified as Roadway of Regional Significance.

The proposed development will not significantly increase the impact to any of these streets.

Parks and Open Space:
Revised Section 4.4.2 Table 4.4-1of the Zoning Ordinance requires new residential development to provide drainage facilities and pathway improvements if development is adjacent to sections of pathway as per the Pathway Masterplan.

In order to fulfill this requirement, the Developer is proposing a one-tract retention basin, for drainage capacity, with an area of 25,265.94sf be located on the southeast corner of the subdivision and to improve the section of Shared Use Pathway of 23,328.85sf immediately adjacent to the property on the south boundary. This section of pathway improvements shall be in compliance with the City's Pathway Masterplan.

Staff has met with the YCWUA staff and has obtained their approval to build this section of pathway on their right-of-way. The Developer must submit the pathway construction plans for review and approval prior to any subdivision construction.

Airport Development/Air Space Encroachment:
A portion of this property is located inside the High Noise or Accident Potential Zone as that term is defined in A.R.S. § 28-8461. A Request for comments was sent to MCAS on December 20, 2017. A response letter was received from MCAS not objecting to this development with one condition (Refer to Exhibit D).

Sewer and Water:
Water connection: is readily available to serve this project. Connection to an existing water main will be along 13th Pl. and 14th St.

Sewer connection: Sewer connection is readily available to serve this project. Connection to an existing sewer line will be along 13th Pl. and 14th St.

Storm Water:
The developer is proposing one tract of land on the southeast corner of the subdivision to be dedicated to the City upon recording of the final plat. This tract shall be improved and in compliance with the requirements of the Zoning Code.

Water Conversion:
The City and the Yuma County Water User's Association (YCWUA) have entered Into an agreement to allow the City to be named the delivery agent of the water entitlements for lands within the Yuma Valley. An Application to Convert an Irrigation Use Water Right to domestic use will be required to be submitted and approved prior to the recordation of the final plat for Townhomes at Somerton Square Subdivision.

Improvement Districts:
The Developer must agree to apply to submit this subdivision to the terms of the creation of a Subdivision Street Lighting Improvement District and an Enhanced Municipal Services District for the purpose of charging for the use and maintenance of public lighting facilities and maintenance of retention basin/open space areas.

Response from the Public:
No comments from the public were received for this project. MCAS-Yuma response to the request for comments is included in this report as Exhibit D.

Staff Recommendation:
Staff recommends that the Planning & Zoning Commission recommends to the City Council conditional **APPROVAL** for the Preliminary Plat of Valle del Sol Phase 4 Subdivision (See Exhibit A), subject to the conditions outlined in Exhibit B, because it conforms to the City General Plan and is consistent with the uses on adjoining properties.

Exhibits:

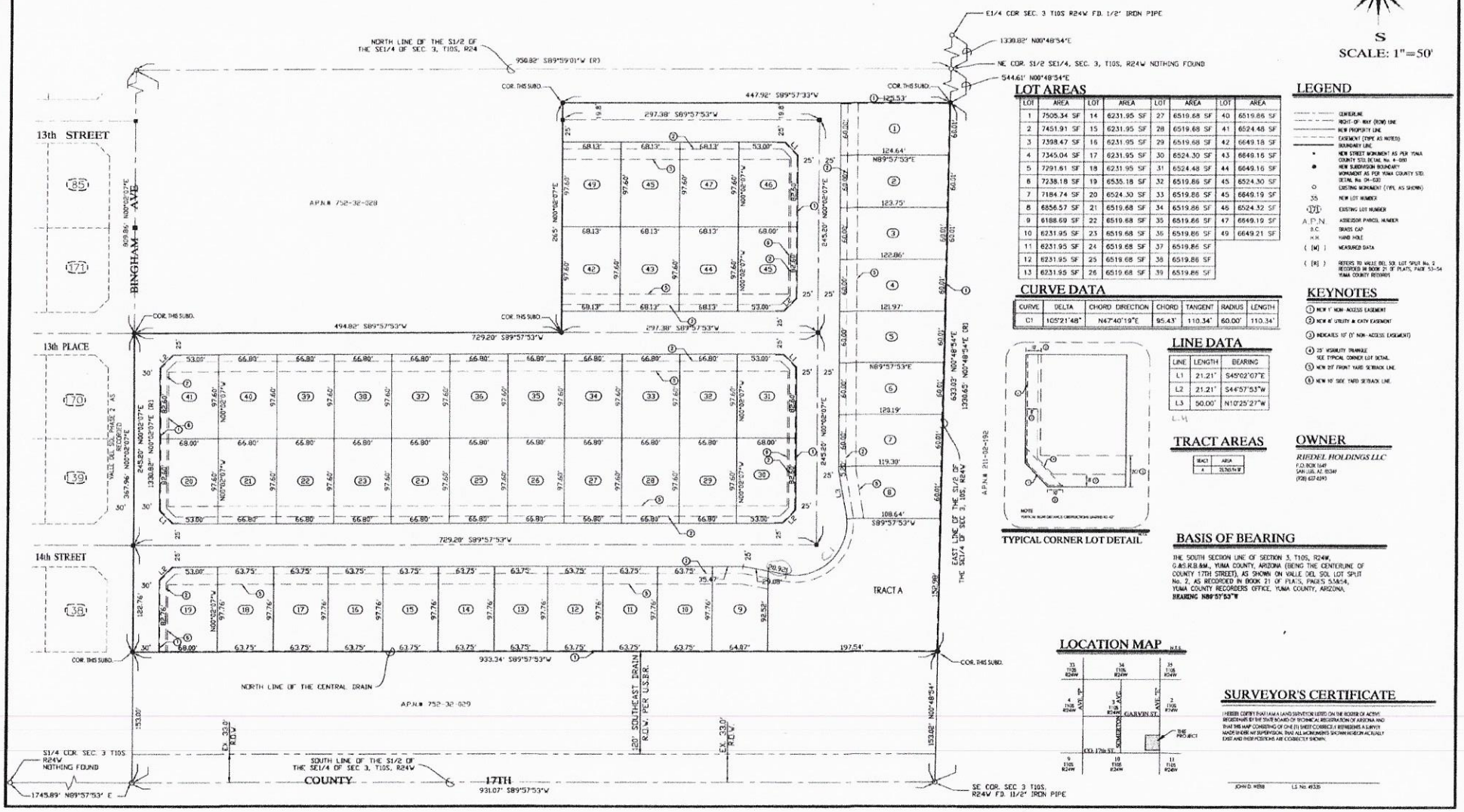
A. Preliminary Plat
B. Conditions of Approval
C. Zoning and location Map
D. Response to Request for Comments

VALLE DEL SOL PHASE 4

A SUBDIVISION OF PARCEL "E" OF VALLE DEL SOL SPLIT No. 2 AS RECORDED IN BOOK 21 OF PLATS, PAGES 53 & 54 Y.C.R., YUMA COUNTY ARIZONA AND BEING A PORTION OF THE S½ OF THE SE¼ OF SECTION 3, T10S, R24W, G. & S. R. B. & M. YUMA COUNTY, ARIZONA

DATE OF PREPARATION: JUNE 2018 NUMBER OF LOTS = 49 ACREAGE: 10.62 Acres

TENTATIVE PLAT



LOT AREAS

LOT	AREA	LOT	AREA	LOT	AREA	LOT	AREA
1	7505.34 SF	14	6231.95 SF	27	6519.68 SF	40	6519.86 SF
2	7451.91 SF	15	6231.95 SF	28	6519.68 SF	41	6524.48 SF
3	7398.47 SF	16	6231.95 SF	29	6519.68 SF	42	6649.18 SF
4	7345.04 SF	17	6231.95 SF	30	6524.30 SF	43	6649.16 SF
5	7291.61 SF	18	6231.95 SF	31	6524.48 SF	44	6649.16 SF
6	7238.18 SF	19	6535.18 SF	32	6519.86 SF	45	6524.30 SF
7	7184.74 SF	20	6524.30 SF	33	6519.86 SF	45	6649.19 SF
8	6856.57 SF	21	6519.68 SF	34	6519.86 SF	46	6524.32 SF
9	6188.69 SF	22	6519.68 SF	35	6519.86 SF	47	6649.19 SF
10	6231.95 SF	23	6519.68 SF	36	6519.86 SF	49	6649.21 SF
11	6231.95 SF	24	6519.68 SF	37	6519.86 SF		
12	6231.95 SF	25	6519.68 SF	38	6519.86 SF		
13	6231.95 SF	26	6519.68 SF	39	6519.86 SF		

CURVE DATA

CURVE	DELTA	CHORD DIRECTION	CHORD	TANGENT	RADIUS	LENGTH
C1	105°21'48"	N47°40'19"E	95.43'	110.34'	60.00'	110.34'

LINE DATA

LINE	LENGTH	BEARING
L1	21.21'	S45°02'07"E
L2	21.21'	S44°57'53"W
L3	50.00'	N10°25'27"W

TRACT AREAS

TRACT	AREA
A	35,765 M.W.

LEGEND

- CENTERLINE
- RIGHT-OF-WAY (ROW) LINE
- NEW PROPERTY LINE
- EASEMENT (TYPE AS NOTED)
- BOUNDARY LINE
- NEW STREET MONUMENT AS PER YUMA COUNTY STD. DETAIL No. 4-020
- NEW SUBDIVISION BOUNDARY MONUMENT AS PER YUMA COUNTY STD. DETAIL No. 04-030
- EXISTING MONUMENT (TYPE AS SHOWN)
- 35 NEW LOT NUMBER
- (35) EXISTING LOT NUMBER
- A.P.N. ASSESSOR PARCEL NUMBER
- A.C. BRASS CAP
- H.H. HAND HOLE
- (M) MEASURED DATA
- (R) REFERS TO VALLE DEL SOL LOT SPLIT No. 2 RECORDED IN BOOK 21 OF PLATS, PAGE 53-54 YUMA COUNTY RECORDS

KEYNOTES

1. NEW 1' NON-ACCESS EASEMENT
2. NEW 8' UTILITY & CATV EASEMENT
3. MEDICARIS 10' (1' NON-ACCESS EASEMENT)
4. 25' VISIBILITY TRIANGLE SEE TYPICAL CORNER LOT DETAIL
5. NEW 20' FRONT YARD SETBACK LINE
6. NEW 10' SIDE YARD SETBACK LINE

TYPICAL CORNER LOT DETAIL

OWNER

RIEDEL HOLDINGS LLC
P.O. BOX 1649
SAN LUIS, AZ 85349
(928) 627-8393

BASIS OF BEARING

THE SOUTH SECTION LINE OF SECTION 3, T10S, R24W, G.&S.R.B.&M., YUMA COUNTY, ARIZONA (BEING THE CENTERLINE OF COUNTY 17TH STREET), AS SHOWN ON VALLE DEL SOL LOT SPLIT No. 2, AS RECORDED IN BOOK 21 OF PLATS, PAGES 53&54, YUMA COUNTY RECORDERS OFFICE, YUMA COUNTY, ARIZONA, **BEARING N89°57'53"W**

LOCATION MAP

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THE MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN.

JOHN D. WEBB LS No. 45330

Exhibit B
Conditions of Approval For
The Preliminary Plat of Valle del Sol Phase 4 Subdivision

The developer shall be required to comply with all City ordinances (including Zoning and Subdivision ordinances), codes, policies and standards affecting the development, construction, marketing and sale of the project in effect, as of the date of the application acceptance date for the review of this plat, which will govern the development, construction, marketing and sale of the project together with any subsequent amendments to the Development Plan and the development and use of the Property shall be subject to all other applicable City, State or Federal rules, laws or regulations.

The following is a list of subdivision requirements. This list shall not preclude the enforcement of other standards or regulations listed in the above-mentioned Codes or requirements placed on the project by the City Council of the City of Somerton.

1. All public rights-of-way, easements, and storm water retention basins, if any, shall be dedicated to the City of Somerton upon recordation of the Final Plat for the Valle del Sol Phase 4 Subdivision.

2. All sidewalks shall be installed by the developer on all public streets and in compliance with the Subdivision Ordinance.

3. All deeds and easements must be submitted to the Department of Community Development for review and approval prior to recording a Final Plat. All dedications to be by warranty deed upon final plat recordation.

4. A six (6) foot high block wall measured from the high side of the wall shall be constructed and installed by the developer along the perimeter on the east and south sides of the subdivision. The design and location of the wall shall be included in the improvement plans for the Final Plat and shall be approved by the Community Development Department in conformance with the Subdivision Ordinance.

5. Protective fence on each individual lot shall be constructed as required in the Subdivision Ordinance.

6. All utilities shall be constructed by the developer and shall be placed underground (gas, water, sewer, electricity, telephone, cable television) for the entire project. The developer shall install street lighting as required by the Public Works Department in general conformance with the Subdivision Ordinance

7. The Developer shall agree to sign and process an application to convert an irrigation use water right to domestic use and shall provide to the City of Somerton, prior to recordation of the Final Plat, written evidence that the water entitlement

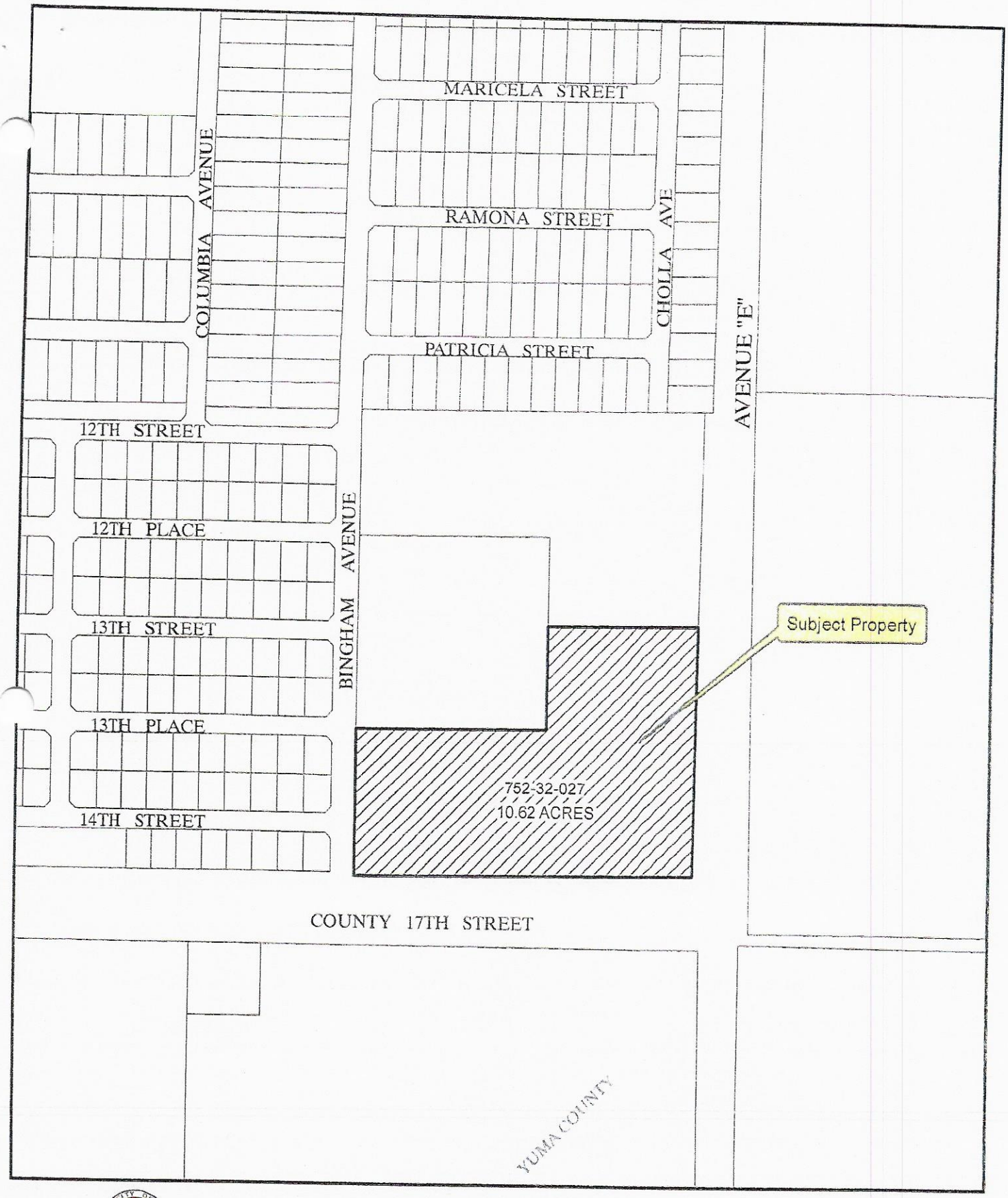


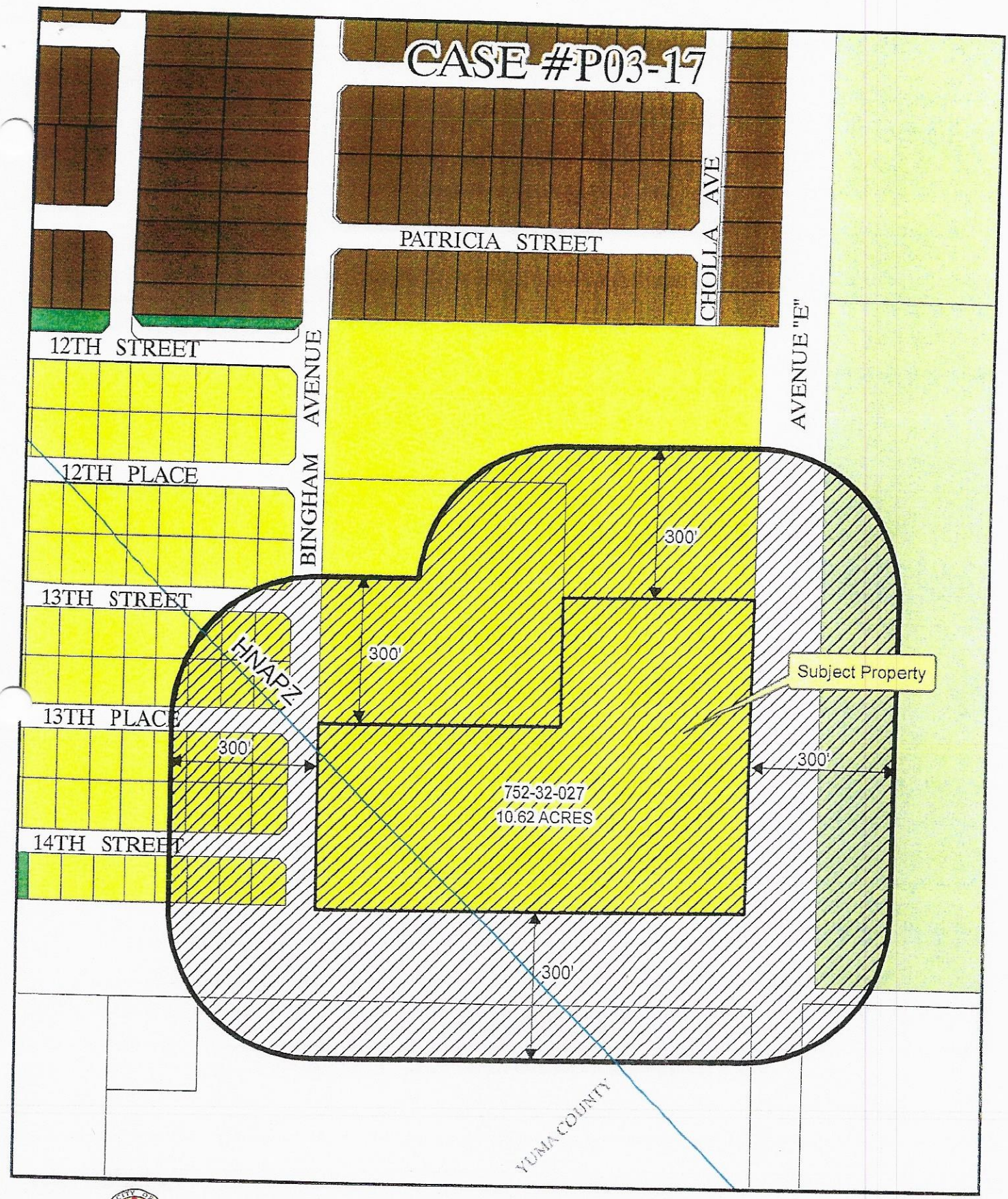
EXHIBIT C

LOCATION MAP
CASE #03-17

CITY OF SOMERTON
COMMUNITY DEVELOPMENT DEPT.
143 N. State Ave
Somerton, Az 85350
(928) 722-7399

N W E S

0 125 250 500 Feet



CITY OF SOMERTON
COMMUNITY DEVELOPMENT DEPT.
150 W. Main Street
Somerton, Az 85350
(928) 722-7399

LEGEND

AG-20 R-3 C-2
R-1-6 SR OS
R-1-8 C-1
HNAPZ
SOMERTON CITY LIMITS

N W E S

0 125 250 500 Feet

REQUEST FOR COMMENTS

Date: December 20, 2017

CASE NUMBER: Valle del Sol Phase 4 Preliminary Subdivision Plat P03-17

CASE SUMMARY:

Nieves Riedel on behalf of Riedel Holdings, LLC is requesting the subdivision of 10.62 acres of land at the northeast corner of Bingham Avenue and Co. 17th Street, APN 752-32-027, into 46 lots for a residential development in a Single-Family Residential-6 (R-1-6) Zoning District. A portion of this parcel is located inside the High Noise or Accident Potential Zone as that term is defined in A.R.S. § 28-8461.

PUBLIC HEARING: The Somerton Planning and Zoning Commission will hold a public hearing on January 22, 2018 at 6:00PM at the Somerton Cityhall, Council Chambers, 143 N. State Ave., Somerton, Arizona

COMMENTS DUE: Wednesday, January 3, 2018.
Your comments on this case will help us prepare an accurate and timely staff report. Your observations on this case will be inserted as is into the staff report with your name, agency, department, and telephone number, should the applicant have any questions.
Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Board/Commission hearing this case. Please complete the section below and return via e-mail or Fax # (928) 627-3794.
For additional information please contact us at Community Development Department at (928) 722-7370 or at CarmenJ@cityofsomerton.com

Thank you,

Carmen Juarez
Community Development Department

Attachments:

X COMMENT ___NO COMMENT

Enter comments below or use additional sheet if necessary:	
The property is located within the high noise or accident potential zone; therefore, an avigation disclosure statement is requested to be recorded that recognizes the noise, interference, and vibrations that may be caused by aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Thank you for the opportunity to comment.	
DATE:	12/28/2017
AGENCY:	Paula L. Backs, MCAS YUMA AZ
PHONE:	(928) 269-2103
RETURN TO:	CarmenJ@cityofsomerton.com

EXHIBIT D

AGENDA ITEM REVIEW
Community Development Department

Staff Report to the City of Somerton
Planning and Zoning Commission

Case #: PLN18-00008 and PLN18-00011
STATE AVENUE REZONING AND MINOR GENERAL PLAN AMENDMENT

Hearing Date: July 16, 2018
Project Planner: Saul Albor, Planner I

Project Description: Request by Thomas Ryan on behalf of Housing America Corporation for a minor general plan amendment consisting of land use designation change from HDR (High Density Residential) to LDR (Low Density Residential) for an area of one acre to allow the concurrent rezoning of six parcels (APNs 743-54-106, 743-54-107, 743-62-005, 743-62-006, 743-62-007, 743-62-008) from R-3 (Multi-Family Residential) to R1-6 (Single Family Residential with min. lot sizes of 6,000 SQFT).

I. PROJECT DATA

Project Address Location:	The East Side of the 400 Block of North State Avenue
Parcel Number:	APNs 743-54-106, 743-54-107, 743-62-005, 743-62-006, 743-62-007, 743-62-008
Applicant:	Thomas Ryan, Housing America Corporation
Land Owner:	MARTINEZ RAFAEL & CARMEN JT GONZALEZ NORMA A GONZALEZ SOLEDAD ABEDOY HOUSING AMERICA NON-PROFIT AZ CORP ROSAS NESTORA M
Existing Conditions	
Existing Land Use:	HDR (High Density Residential)
Existing Zoning:	R-3 (Multi-Family Residential)

Proposed Changes	
Proposed Land Use:	LDR (Low Density Residential)
Proposed Zoning:	R1-6 (Low Density Residential)
Surrounding Zoning and Land Uses:	
North:	R-3 (High Density Res.)/High Density Res. (HDR)
South:	R-3 (High Density Res.)/High Density Res. (HDR)
East:	Government /Public Facilities
West:	R1-6(Single Family Residential)/Low Density Residential
Land Division Status:	Existing Parcels of Record

II. GENERAL PLAN

Land Use Plan	High Density Residential
Circulation Element: Principal Arterial Minor Arterial Street Minor Collector Local Street Traffic Signal	 Main Street / US Highway 95 Somerton Avenue Bingham Avenue State Avenue Main Street and Somerton Avenue
Parks and Recreation Element: Nearest Parks: Shared Use Pathway System	 Council Avenue Park Centennial Park Pathways along Main Street, Jefferson Street and Somerton Avenue

III. SCHOOLS

School District:	Somerton School District #11 (SSD)
Elementary Schools:	Tierra del Sol Elementary Valle Del Encanto Elementary Desert Sonora Elementary
Middle School:	Somerton Middle School
High School:	Cibola HS/KOFA HS (Yuma Union HSD)

PUBLIC NOTICES:
Legal Ad Published: June 30th, 2018
300' Vicinity Mailing: June 27th, 2018

STAFF ANALYSIS:
The purpose of the general plan amendment and concurrent rezoning request is to allow the applicant to build two single family homes on two separate lots located at 416 and 424 North State Avenue. The current zoning ordinance does not allow single family homes in the R-3 zoning district and unlike the previous zoning code does not allow the rolling over of uses in residential districts. The applicant originally applied only to rezone their two lots, but this request would result in spot zoning which is a discouraged practice that the city tries to avoid as much as possible to preserve the boundary integrity of our zoning districts. The applicant was required to rezone the entire east side of the 400 block of North State Avenue and one adjoining parcel fronting Jacobs Streets. All property owners agreed to rezone their properties and the rezoning area will now consist of the entire half block.

The proposed rezoning would result in a land use change and the applicant was therefore required to submit a minor general plan amendment application for concurrent review as required by the 2010 General Plan Table 10.1 Land Use Balance Matrix.

Staff believes that the proposed minor general plan amendment and rezoning requests are compatible with the existing land uses, adjacent zoning districts, and character of the neighborhood.

GENERAL PLAN ELEMENTS:

LAND USE ELEMENT:
If the request is approved, the land use designation will change from HDR (High Density Residential) to LDR (Low Density Residential). The developer is therefore requesting a minor amendment to the 2010 General Plan.

MILITARY AIRPORT STANDARDS:
The project is not located within the HNAPZ (High Noise Accident Potential Zone) as defined in A.R.S. § 28-8461.

GROWTH AREA ELEMENT:
The project is within the City of Somerton Planned Growth Area identified in the 2010 General Plan. Neither the rezoning or minor general plan amendment will affect the boundaries of the growth area

TRANSPORTATION/CIRCULATION ELEMENT:
The project is located North of Main Street which is classified as Roadway of Regional Significance, West of Somerton Avenue which is considered a Collector Roadway, and is directly fronting State and Jacobs Avenues which are local roadways. The project will not impact traffic circulation in the area because density will not increase and homes/other uses previously existed on these lots.

PARKS AND OPEN SPACE ELEMENT:
Council Avenue Park is located a quarter mile to the Northwest from the project site. The Somerton Avenue Pathway is accessible less than 400 ft. away from the project site. Joe Muñoz Park is located a half mile South.

PUBLIC FACILITIES ELEMENT:
City water and sewer infrastructure is available on State Avenue. This request if approved will not significantly impact city services.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:
Request for comments were sent to several agencies, municipalities and utility companies on this request, no comments were received by the July 9th deadline.

CITIZEN REVIEW PROCESS:
The Zoning Code, Section 6.2.3 requires a Citizen Review Process for requests to change zoning, the purpose of this process is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a proposal and solicit input and exchange information about the proposed development. This citizen review process is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the citizen review process.

A neighborhood meeting was held at the Housing America office at 146 N. State Avenue on June 25th, 2018 at 5:30PM. Representatives for the applicant were present at this meeting but no residents attended. Refer to Exhibit E.

STAFF RECOMMENDATION:
Staff recommends that the Planning and Zoning Commission recommend City Council Approves General Plan Amendment Case Number PLN18-00011 and Rezoning Case PLN18-00008 subject to the conditions listed in Exhibit A.

SUGGESTED MOTION:

I move to recommend approval of Minor General Plan Amendment Case PLN18-00011 and Rezoning Case PLN18-00008 subject to the conditions listed in Exhibit A.

ATTACHMENTS:

A. Conditions of approval
B. Request for Comments responses
C. Location Map/site maps
D. Sections of Zoning Ordinance / General Plan
E. Backup documentation submitted by the Applicant

EXHIBIT A

CONDITIONS OF APPROVAL
Rezoning Case # PLN18-00008
Minor General Plan Amendment Case # PLN18-00011

1. Any future development must comply with all City adopted codes, state and federal regulations in place.

EXHIBIT B

REQUEST FOR COMMENTS RESPONSES
Rezoning Case # PLN18-00008
Minor General Plan Amendment Case # PLN18-00011

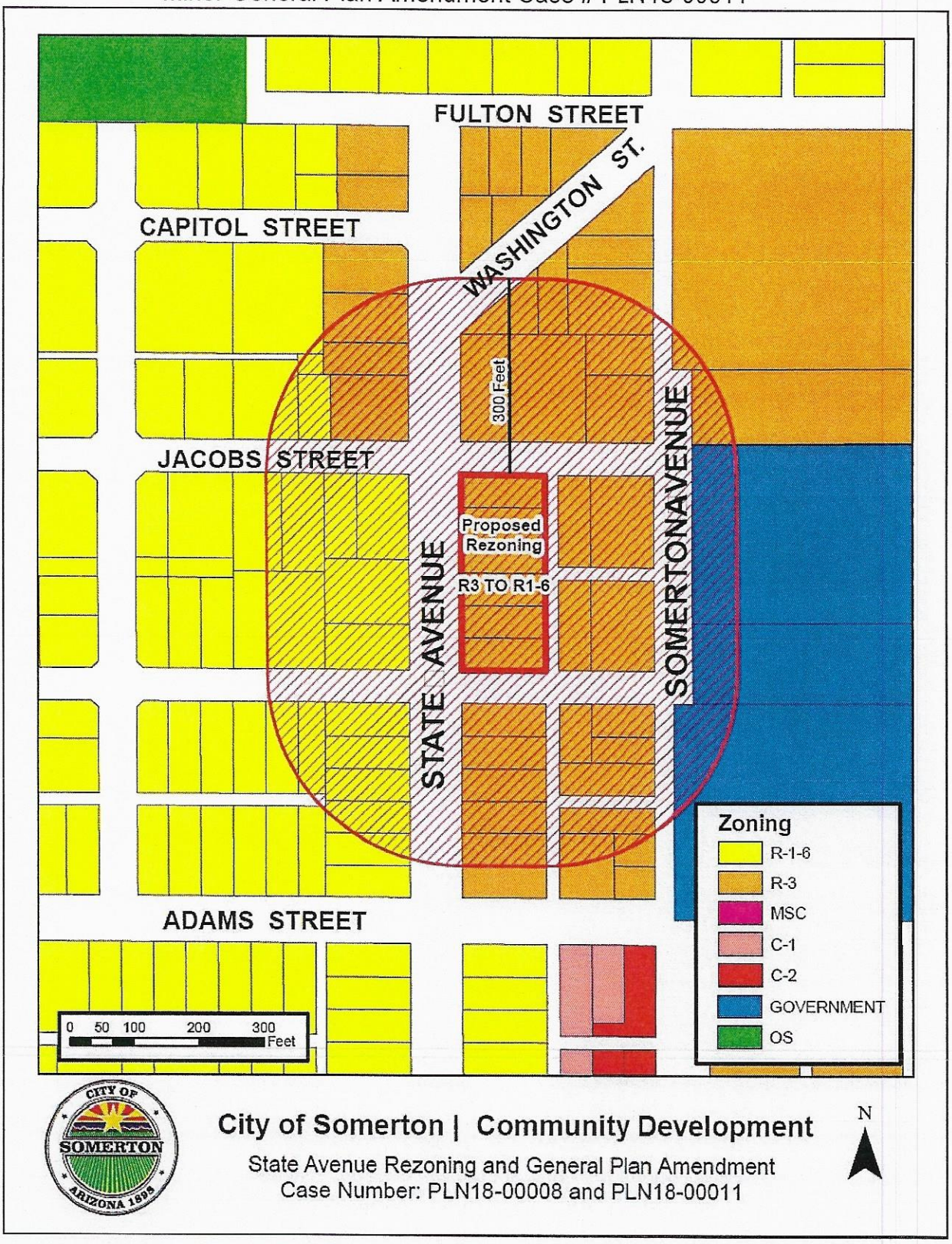
No Comments Received.

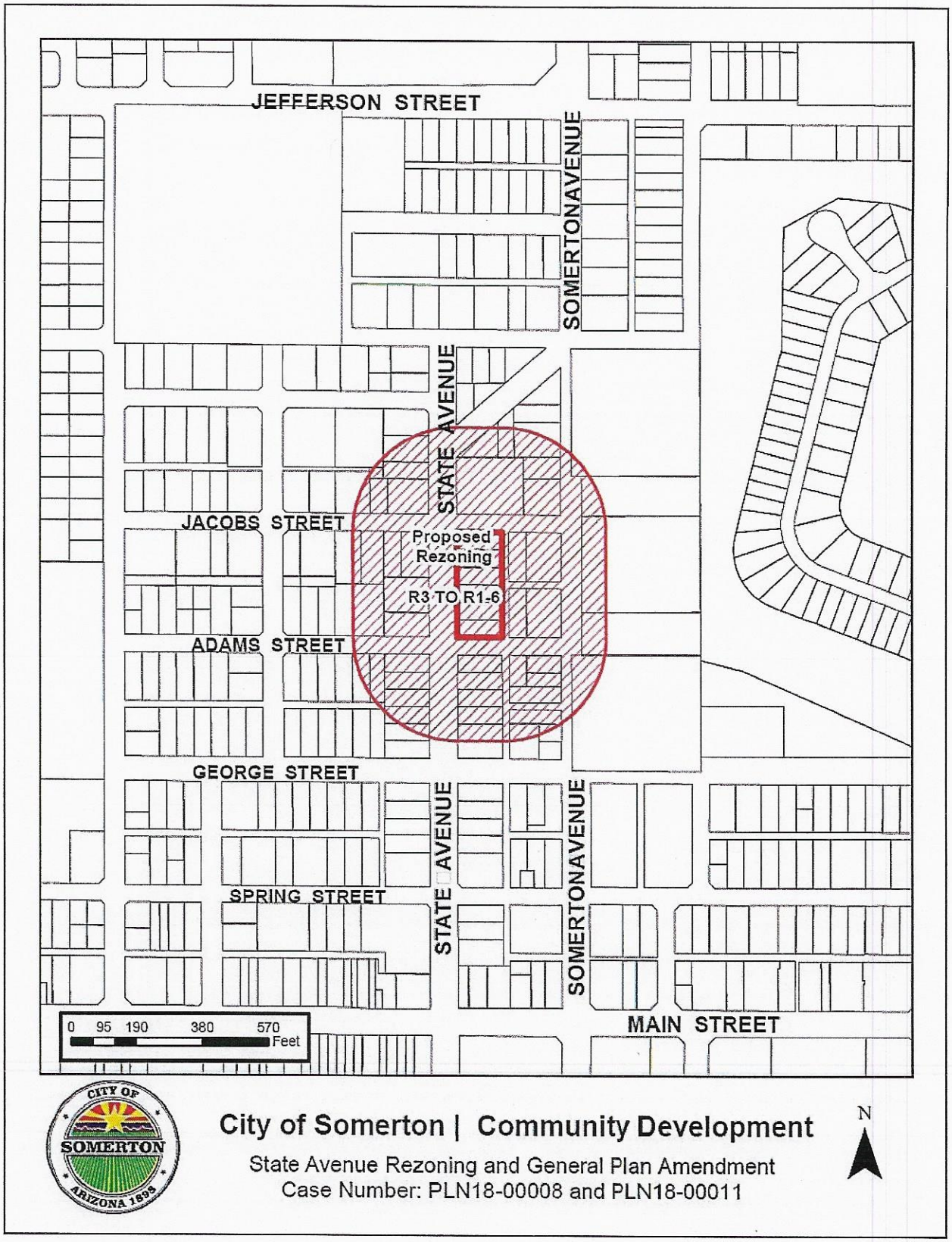
EXHIBIT C

ZONING AND LOCATION MAPS

Rezoning Case # PLN18-00008

Minor General Plan Amendment Case # PLN18-00011





City of Somerton | Community Development

State Avenue Rezoning and General Plan Amendment
Case Number: PLN18-00008 and PLN18-00011

EXHIBIT D

SECTIONS OF ZONING ORDINANCE AND GENERAL PLAN
Rezoning Case # PLN18-00008
Minor General Plan Amendment Case # PLN18-00011

Zoning Ordinance:

1. Section 2.3.3, Table 2.3.1 Table of Allowed Uses
2. Section 6.4, General Plan Amendments
3. Section 6.6, Amendments to Zoning Map (Rezoning)

General Plan:

1. Section 2.6, Land Use Classifications
2. Figure 2.1, Land Use Map
3. Section 10.4, Table 10.1, Land Use Balance Matrix

Table 2.4-1: TABLE OF ALLOWED USES FOR MIXED-USE DISTRICTS			
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Mixed-Use Zoning Districts	
		MSC	Supplemental Use Regulations
Residential Use Category	Dwelling, Single-Family Attached	P	2.3.5
	Dwelling, Multi-Family	P	2.3.5
	Dwelling, Townhouse	P	2.3.5
	Assisted Living Center	C	3.1.3.G
	Assisted Living Home	C	3.1.3.H
	Nursing Home	C	3.1.3.I
	Group Care Home	C	3.1.3.J
	Group Recovery Home/Treatment Facility	C	
	Day Care, Home	C	3.1.3.E
Public and Semi Public Use Category	Arboretum or botanical garden	P	
	Assembly Hall/Auditorium	C	
	Bus Terminal	P	
	College or University	P	3.1.4.D
	Community Playfields and Parks	P	
	Community Recreation Center	P	
	Day Care, Center	C	3.1.3.F
	Fraternal or Social Club, Nonprofit	P	
	Government Offices and Civic Buildings	P	
	Health Care Related Facility or Clinic	P	
	Hospitals	P	3.1.4.C
	Library	P	
	Museum, Cultural Facility (Public)	P	
	Public Safety Facility	P	
	Religious Assembly	C	3.1.4.A
	School, Boarding	C	3.1.4.D
	School, Public or Private, K-8	C	3.1.4.D
	School, Public or Private, 9-12	C	3.1.4.D
	Social Service Facility	P	
	Utility Facility, Minor	P	
Commercial Use Category	Alcoholic Beverages, Retail Sale	P	
	Animal Hospital	C	3.1.5.A
	Automobile, Repair Minor	C	
	Automobile, Sales And Leasing	C	
	Bar, Lounge, or Tavern	P	
	Business Services	P	
	Car Wash	C	3.1.5.I

6.4. GENERAL PLAN AMENDMENT

6.4.1. Purpose and Applicability

The purpose of this section is to provide procedures by which changes may be made to the text or map of the General Plan.

A. Types of General Plan Amendments

1. **Major Amendment.** A major amendment to the General Plan is any development proposal that would substantially alter the City's mixture or balance of uses. Chapter 10: Implementation Program, of the General Plan contains the criteria for determining whether a proposed amendment constitutes a major amendment.

2. **Minor Amendments.** A minor amendment to the General Plan is considered as minor text changes, minor land use adjustments, or minor corrections/updates. Chapter 10: Implementation Program, of the General Plan contains the criteria for determining whether a proposed amendment constitutes a minor amendment.

6.4.2. Initiation of Amendments

An amendment to the General Plan text or map may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. The Owner of the subject property or authorized agent.

6.4.3. Timing of Amendments

A. **Major Amendments.** Applications for major amendments shall be filed no later than June 15th of each calendar year in order to be considered in that year. All applications for major amendments to the General Plan shall be heard by the City Council at a single hearing during the calendar year in which they are filed.

B. **Minor Amendments.** Applications for minor amendments may be filed and heard at any time during the calendar year.

6.4.4. General Plan Amendment Application Process

A. Pre-application Conference

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

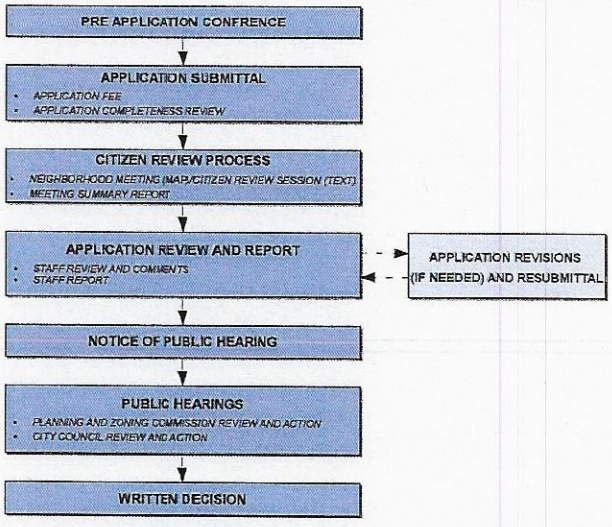


Figure 6.4-A

B. Application Submittal

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

All applications to amend the General Plan shall be subject to a citizen review process. The Zoning Administrator may establish additional procedures for the citizen review process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. Map Amendments. The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

2. Text Amendments

1. In place of a neighborhood meeting, a citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

2. Notice of the citizen review session shall be given by the applicant at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. The method of notice to be used may vary according to the type of text amendment proposed. Any method of notice approved by the Administrator for the proposed text amendment shall be considered sufficient. The method of notice given may include, but is not limited to, the following:

a. A notice of a citizen review session shall be sent, via U.S. first class mail, to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application.

b. Publication in a local newspaper of general circulation distributed to residents living within the City.

c. Posting at a minimum of four (4) public places within the City.

d. Posting on the official City website.

D. Application Review and Report

Upon receipt of a complete General Plan amendment application, the Zoning Administrator shall review the proposed amendment and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings. In addition, at least 60 days before a new General Plan or major amendment of a General Plan is noticed pursuant to this subsection, the Community Development Department shall transmit the proposal to the Planning Commission and the City Council and shall submit a copy for review and further comment to:

1. The Yuma County planning agency;
2. Each municipality that is contiguous to the corporate limits of the City;
3. The regional planning agency;
4. The state agency that is designated as the general planning agency for the State of Arizona; and
5. Marine Corps Air Station Yuma, or any other ancillary military facility as defined under state law, if an element of or amendment to the General Plan is applicable to territory in the vicinity of such a facility.
6. The attorney general, if an element of or major amendment to the General Plan is applicable to property in the high noise or accident potential zone of MCAS-Yuma or ancillary military facility, as defined under state law.
7. Any person that requests in writing to receive a review copy of the proposal.

F. Planning and Zoning Commission Review and Action

The Planning Commission shall conduct at least 1 public hearing for all General Plan amendments. The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action

The City Council shall review the application in a public hearing. The City Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.

H. Written Notification

The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.4.5. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed General Plan amendments, issues for consideration shall include but not be limited to:

A. Whether the development pattern contained in the future land use plan provides appropriate optional sites for the use proposed in the amendment.

B. That the amendment constitutes an overall improvement to the Somerton General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

C. The degree to which the proposed amendment will impact the community as a whole or a portion of the community by:

   a. Significantly altering acceptable existing land use patterns.

   b. Requiring larger and more extensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses in which, therefore, may negatively impact development of other lands. The Commission and/or the City Council may also consider the degree to which the need for such improvements will be mitigated pursuant

to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be felt.

c. Adversely impacting existing uses due to increased traffic on existing systems.

d. Affecting the livability of the surrounding area or the health and safety of present or future residents.

D. That the amendment is consistent with the overall intent of the General Plan.

E. Whether there was an error or oversight in the original General Plan adoption in that the Council did not fully consider facts, projects or trends which could reasonably exist in the future.

F. Whether events subsequent to the General Plan adoption have superseded the Council's original premises and findings made upon plan adoption.

G. Whether any or all of the Council's original premises and findings regarding General Plan adoption were unsubstantiated.

H. Whether events subsequent to the General Plan adoption may have changed the character and/or condition of the area so as to make the application acceptable

I. The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in Subsections One (1) through eight (8) hereto.

6.4.6. Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.5. AMENDMENTS TO ZONING CODE TEXT

6.5.1. Purpose and Applicability

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the text of the Zoning Code.

6.5.2. Initiation of Amendments

An amendment to the text of this Code may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. An application filed by an individual or group.

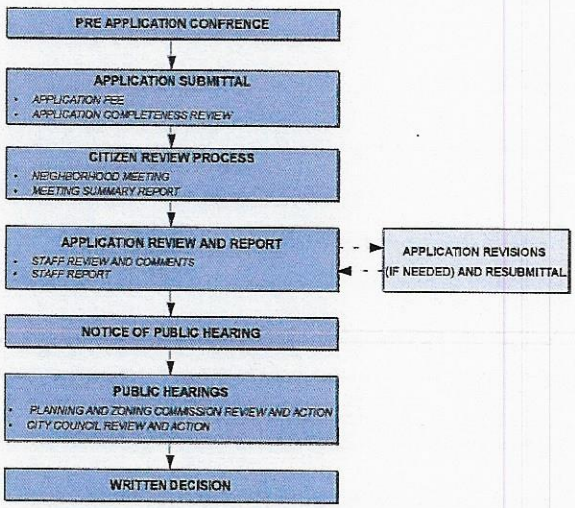


Figure 6.5-A

6.5.3. Text Amendment Application Process

A. Pre-application Conference
Prior to the submission of an

application for a text amendment, all individual or group applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal

A complete application for a text amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

1. In place of a neighborhood meeting, a citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

2. Notice of the citizen review session shall be given by the applicant at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. The method of notice to be used may vary according to the type of text amendment proposed. Any method of notice approved by the Administrator for the proposed text amendment shall be considered sufficient. The method of notice given may include, but is not limited to, the following:

   a. A notice of a citizen review session shall be sent, via U.S. first class mail, to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application.

   b. Publication in a local newspaper of general circulation distributed to residents living within the City.

   c. Posting at a minimum of four (4) public places within the City.

   d. Posting on the official City website.

D. Application Review and Report

Upon receipt of a complete text amendment application, the Zoning Administrator shall review the proposed text amendment for consistency with the goals and objectives of the Somerton General Plan, and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5.C4 – Supplemental Notice Requirements.

F. Planning and Zoning Commission Review and Action

The Planning and Zoning Commission shall review the application in a public hearing, and recommend approval, approval with modifications, or denial of the subject application. The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action
The City Council shall review the application in a public meeting and public hearing, and approve, approve with modifications, or deny the application. Approval shall be by Ordinance.

H. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.5.4. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to:

A. The proposed amendment will promote the public health, safety, and general welfare;

B. The proposed amendment is consistent with the General Plan and the stated purposes of this Development Code; and

C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

6.5.5. Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.6. AMENDMENTS TO ZONING MAP (REZONING)

6.6.1. Purpose and Applicability

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the Official Zoning Map. This procedure shall apply to all proposals to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

6.6.2. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. The Owner of the subject property or authorized agent.

G. City Council Review and Action
The City Council shall review the application in a public meeting and public hearing, and approve, approve with modifications, or deny the application. Approval shall be by Ordinance.

H. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.5.4. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to:

A. The proposed amendment will promote the public health, safety, and general welfare;

B. The proposed amendment is consistent with the General Plan and the stated purposes of this Development Code; and

C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

6.5.5. Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.6. AMENDMENTS TO ZONING MAP (REZONING)

6.6.1. Purpose and Applicability

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the Official Zoning Map. This procedure shall apply to all proposals to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

6.6.2. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. The Owner of the subject property or authorized agent.

6.6.3. Rezone Application Process

A. Pre-application Conference

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

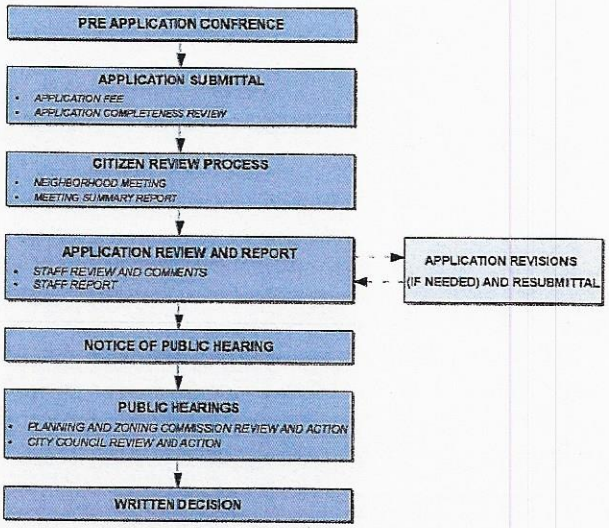


Figure 6.6-A

B. Application Submittal

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete zoning map amendment application, the Zoning Administrator shall review the proposed zoning map amendment and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

F. Review by Planning and Zoning Commission

The Planning and Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application.

G. Protest Procedures

If the owners of 20 percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending 150 feet there from, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the City Council. The protest shall be filed in writing with the City Clerk at least 5 days prior to the public hearing or any continued public hearing of the City Council to allow time to verify the signatures on the protest.

H. City Council Review and Action

The City Council shall review the application in a public hearing, if required, and may approve, approve with conditions, or deny the application.

I. **Written Notification**
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.6.4. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed Official Zoning Map amendments, issues for consideration shall include but not be limited to:

A. Consistency (or lack thereof) with the Somerton General Plan, and other adopted Plans;

B. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;

C. Suitability of the subject property for uses permitted by the proposed zoning district;

D. Suitability of the subject property for uses permitted by the existing district; and

E. Availability of sewer and water facilities.

6.6.5. Revocation or Modification

If the City Council approves an amendment to the Official Zoning Map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may be taken:

A. The City Council or Planning Commission may initiate an amendment to remove the condition or extend the time period and direct the Zoning Administrator to prepare an ordinance to do the same pursuant to the procedures set forth in Section 6.6.3 E-H., or

B. The City Council or Planning Commission may initiate a rescission of the zoning map amendment to revert the zoning to its prior zoning classification for failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(e) and direct the Zoning Administrator to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in Section 6.6.3 E-H., or

C. The property owner in writing may apply to amend or remove the condition pursuant to the procedures set forth in Section 6.6.3 E-H.

6.6.6. Appeals

An appeal from any final decision regarding a City Council action shall be filed with Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.7. CONDITIONAL USE PERMIT

6.7.1. Purpose and Applicability

The purpose of this Section is to provide a discretionary approval process for Conditional Use Permits (CUP) for sites that have unique or widely varying operating characteristics or unusual site development features. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties. Conditional uses may be complimentary to those uses permitted by right

Local serving commercial nodes are provided in the west and south portions of the Planning Area to accommodate the expected residential growth in these areas. These service nodes provide conveniently located commercial alternatives to the expected residential growth in these areas and help to maintain the pedestrian friendly qualities currently experienced within the City.

The ultimate implementation of this General Plan, and its associated land uses should result in Somerton once again becoming "the best place to live" in the Yuma metro area.

2.6 Land Use Classifications

Land use classifications assist in the use and interpretation of the Land Use Plan. These classifications guide decision-making about Somerton's growth and development. Wherever possible, the classification or district lines are located along significant natural or man-made features to aid in their identification. These features include, but are not limited to, power lines, roadways, subdivision boundaries, washes, drains, canals and other existing development patterns.

The land use classifications and district boundaries represent generalized recommendations for future development. However, the precise location of the boundary may not always be critical. Variations within 500 feet, particularly where no significant natural or man-made features are present, may be acceptable. It will be the responsibility of the Somerton Community Development Department staff, based on the guidance provided by the Somerton General Plan, to establish classification or district boundaries if questions arise.

The General Plan's corresponding Land Use Map graphically represents the planned distribution of land use citywide. The Land Use Map depicts the preferred long-term land use development pattern for the entire Planning Area. However, it is important to interpret the Land Use Plan in conjunction with the goals and policies outlined in Section 2.8 of this Chapter.

Land Use Classifications

- **Agriculture (1 du/20 acres – to 1 du/5 acres)** -- Lands that have been or are currently in agricultural production and the use continues to be economically viable. However, this classification allows a minimum of one (1) dwelling unit per acre on any privately held or State trust land parcel. Additionally, lands designated for agricultural use and are located outside the High Noise or Accident Potential Zone (HNAPZ) but are located within the "territory in the vicinity" of MCAS-Yuma may develop in accordance with the City General Plan and Zoning Code requirements. Total acreage: **8,249**



- **Rural Density Residential (1 du/5 acres to 1 du/ac)** -- Lands that are intended to remain rural in nature where large-lot, single family residential development is desirable. Total acreage: **2,650**



- **Low Density Residential (1 - 6 du/ac)** -- Lands that are intended for single-family residential development where single-family neighborhoods are desirable including site-built residences, factory built and manufactured home subdivisions. Total Acreage: **2,953**

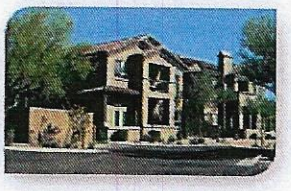


- **Medium Density Residential (6 - 10 du/ac)** -- Lands that are intended for single family detached and attached development including townhouses, condominiums, cluster, manufactured homes, patio homes, manufactured home subdivisions, or recreational vehicle subdivisions. Limited high density residential (not exceeding 100 units) or neighborhood commercial uses (not exceeding 2 acres in area) may be acceptable in certain areas under conditions where the use(s) primarily serve(s)a planned residential development and is determined to be a compatible land use activity by the City for surrounding land uses. Total Acreage: **117**





- **High Density Residential (10 - 20 du/ac)** -- Lands that are intended for multi-family housing such as apartments, condominiums, and townhouses. These areas should be located adjoining medium density residential areas and benefit from location on arterial or collector streets, adjacency to shopping and employment locations. High





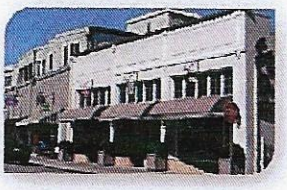
traffic volume impacts on local residential streets are discouraged. The project density depends on orientation, landscaping, amenities provided and open space preserved within the development. Neighborhood commercial uses (not exceeding 2 acres in area) may be acceptable in certain areas under conditions where the use(s) primarily serve(s) a planned residential development and is determined to be a compatible land use activity by the City for surrounding land uses. Total Acreage: **177**





- **Commercial** -- Denotes an area for service, retail and other intensive types of commercial uses. Neighborhood commercial activity nodes (1-5 acres) and local commercial centers (3-15 acres) are intended to support residential neighborhoods and should be located on collector or higher street classification. Regional commercial and service activity areas (15 or more acres) are intended to serve a wider region and should be located on arterial streets. Commercial development sites shall be sited and designed such that proposed activities will not adversely impact adjacent residential neighborhoods. Total Acreage: **386**





- **Downtown Overlay District** -- The purpose of the overlay district is to denote specialized areas which require specific policies and implementation strategies to accomplish an enhanced development pattern. This land use overlay is intended to encourage unified land development with a mixture of compatible uses that balances jobs and housing opportunities by including offices, commercial development, hotels, public/quasi public, and residential uses. Development within this District is anticipated to be located along US 95/Main Street. The final boundaries of this district are anticipated to be defined by the City as part of a more detailed Redevelopment Area Plan.





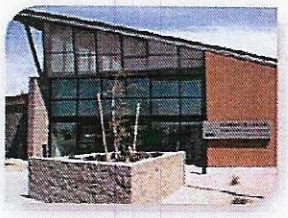
- **Employment** -- Denotes areas appropriate for employment centers and support uses. Proposed uses will be deemed appropriate based on the proposed use(s) potential impact on adjoining land uses and proposed development intensity. Light industrial parks/uses and limited commercial uses (10-15 acres per section of land) shall be located along or with direct commercial street access to arterial streets where public visibility is likely. Heavy industrial uses should be directed to locations with indirect access to arterial streets buffered by areas having light industrial uses. Total acreage: **831**

- **Agriculture/Industrial Areas** -- Denotes areas principally devoted to agricultural uses and may permit site-built residences with noise attenuation consistent with the underlying zoning designation. Minimum acreage for residential uses is 1 unit per 5 acres used for a caretaker at an established business, industrial use, agricultural use or agriculture-activity if located within the territory of an ancillary military facility. Also includes aviation compatible industrial uses subject to the demonstration and completion of appropriate public infrastructure, public services and long-term water allocation needed for development. Residential uses supporting established business or industrial uses or new residential uses established with agricultural uses or activities may be permitted according to City code requirements and State law for lands located within the High Noise or Accident Potential Zone (HNAPZ). Total acreage: **4,907**

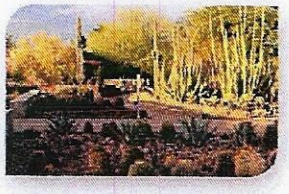




- **Public Facilities** -- Denotes areas used for public purposes including publicly owned and operated facilities or those devoted to public use by governmental or non-profit entities, including schools, hospitals, military installations, public operations and maintenance facilities. Holdings by private non-profit organizations are not included in this land use category. Total acreage: **102**



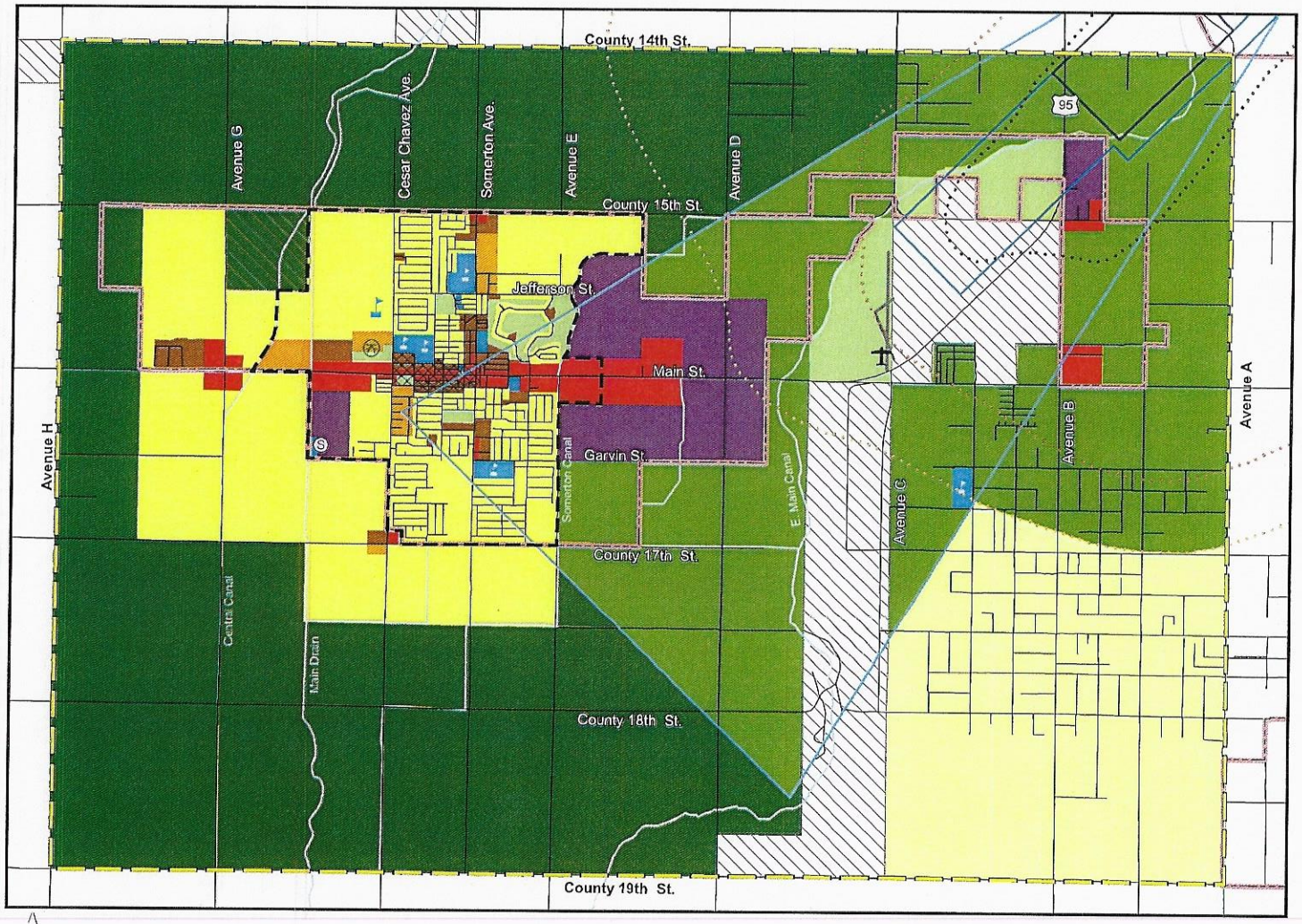
- **Recreation and Open Space** -- Denotes areas that are to be precluded from development except for public or private recreation facilities and/or related support facilities. Two to five acre home sites in the Recreation/Open Space designation may be permissible as well as agriculture. Areas may develop in accordance with the City General Plan and Zoning Code requirements. Examples of such activities may or may not include developed facilities and/or associated businesses such as dude ranches, horse riding stables or academies, resort commercial including hotels, recreational facilities or golf courses, exotic animal parks, zoos or amphitheaters, off-road vehicle parks or trails, botanical gardens, and campgrounds. Total acreage: **547**





Notes:

- The residential land use classifications are presented in dwelling units per acre (du/ac). These ranges represent "gross" land use densities.
- The Acreages shown are approximations to convey a general understanding of land use distribution



Legend

- Planning Area
- City Limit Boundary
- Growth Area
- Cocopah Indian Tribe
- Agriculture
- Rural Density Residential (RDR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residnetial (HDR)
- Commercial
- Downtown Overlay District
- Employment
- Agriculture / Industrial
- Public Facilities
- Recreation & Open Space
- Streets
- Canal
- Accident Potential Zone 1 (APZ1)
- Accident Potential Zone 2 (APZ2)
- High Noise or Accident Potential Zone (HNAPZ)
- 75 db Noise Contour
- 70 db Noise Contour
- 65 db Noise Contour
- Potential Education Campus Complex
- Existing School Site
- Potential Community/Regional Park
- Regional Wastewater Treatment Plant
- Somerton Airport

Land Use Map

Figure 2.1

Table 10.1 – Balance Matrix
Where Proposed Use is Allowed in Current General Plan Land Use Designation*

Current Land Use	Result of Proposed Amendment	Amendment Not Needed	Minor Amendment	Major Amendment
Agriculture	Loss or increase of less than 1 acre	X		
	Loss or increase of less than 20 acres of farm land		X	
	Loss of 20 acres or more of farm land			X
Residential	Loss or increase of less than 7 units and proposal is adjacent to allowable land use	X		
	Loss or increase of 7 or more but less than 400 dwelling units		X	
	Loss or increase of 400 or more dwelling units			X
Commercial	Loss or increase of less than 2 acres and proposal adjacent to allowable land use	X		
	Loss or increase of 2 acres or more than but less than 40 acres of commercial area		X	
	Loss or increase of 40 acres or more of commercial space			X
Employment	Loss or increase of less than 15 acres and proposal adjacent to allowable land use	X		
	Loss or increase of 15 acres or more but less than 80 acres of employment space		X	
	Loss or increase of 80 acres or more of employment space			X
Public/ Quasi-Public Facilities	Loss or increase of less than 15 acre and the proposal is adjacent to allowable land use	X		
	Loss or increase of more than 15 or more acres but less than 75 acres of Public/Quasi-Public facilities		X	
	Loss or increase of 75 acres or more of public facilities			X
Open Space/ Recreation	Loss or increase of less than 5 acre and proposal adjacent to allowable land use	X		
	Loss or increase of more than 5 but less than 15 acres of open space/recreation		X	
	Loss or increase of 15 acres or more of open space/recreation			X

*City sponsored changes of 160 acres or less are always considered a Minor Amendment.

EXHIBIT E

DOCUMENTATION SUBMITTED BY APPLICANT
Rezoning Case # PLN18-00008
Minor General Plan Amendment Case # PLN18-00011

HOUSING AMERICA CORPORATION

Thomas Ryan
Executive Director

130 North State Avenue
P O Box 600
Somerton, AZ 85350
928-627-4221
928-627-4213 FAX

Board of Directors
Manuel Figueroa, President
Carol Castro, V. President
Ana Robles, Secretary
Rosa Varela
Yolanda Galindo

USDA RD Mutual Self-Help Housing Program

Homeownership & Foreclosure Prevention Counseling

Multi-Family, Senior & Farm Labor Housing

Neighborhood Revitalization

Housing America is an equal opportunity provider and employer.

EQUAL HOUSING OPPORTUNITY

www.housingamericacorp.com

In compliance with Section 9-462.03 of the Arizona Revised Statutes and Section 6.2.3 of the Somerton City Zoning Ordinance, Housing America, a Non Profit AZ Corp., will conduct a neighborhood meeting.

DATE:	June 26, 2018
TIME:	5:30pm
LOCATION:	Housing America Corp / 146 North State / Somerton, AZ 85350

The purpose of the neighborhood meeting is to provide information and solicit input from surrounding residents, property owners and interested parties regarding Housing America's application to the City of Somerton for a Change of Zone (Rezone) and Minor General Plan Amendment for properties owned by Housing America located at 416 and 424 State Ave, Somerton, AZ 85350, (Assessor Parcel Number 74362007: SOMERTON TOWNSITE Block: 6 Lot: 8 Section: 34 Township: 09S Range: 24W and Assessor Parcel Number 74362006: SOMERTON TOWNSITE Block: 6 Lot: 7 Section: 34 Township: 09S Range: 24W).

PROPOSED ACTION Housing America is requesting a Change of Zone (Rezone) from Multi-Family Residential (R-3) zoning to Single Family Residential (R-1-6) zoning and a corresponding Minor General Plan Amendment required for the rezoning. If approved, the request will allow Housing America to build two single family homes, one in each lot described above.

Saul Albor

From: Thomas Ryan <TRyan@Hacorp.org>
Sent: Wednesday, June 27, 2018 11:24 AM
To: Saul Albor; Carmen Juarez
Cc: Gurisky Garza
Subject: PROJECT PLN18-00008 AND 00011
Attachments: CRM June 26 2018.pdf

SUMMARY OF CITIZEN REVIEW MEETING (Due Date 7/9/18)

Housing America mailed the announcement on 6/11/2018

The neighborhood meeting was held on 6/25/2018 at 146 N State / Somerton, AZ 85350 at 530pm.

Items to be shared/discussed with attendees:

a. Project description for 416 and 424 State St
b. Listing of all properties affected by Housing America's rezoning request:
   404 N State, 416 N State, 424 N State, 436 N State, 444 N State, 139/156 W Jacobs
c. Tentative Project Schedule
d. Q&A Session

The meeting was attended by Thomas Ryan and Gurisky Garza, both from Housing America. No other attendees were present. Sign in sheet attached.

HOUSING AMERICA CORPORATION

Thomas Ryan, Executive Director
928-627-4221, Ext. 11

http://www.housingamericacorp.com

Housing America is an equal opportunity provider and employer. Please indicate if you have special needs so that we can make all attempts to accommodate your request.

Citizen's Review Meeting / Project PLN18-00008 and 00011

June 26, 2018, 5:30pm, 146 North State Ave / Somerton, AZ 85350

Name / Signature	Address	
Thomas Ryan	130 N State, Somtn Az	85350
Gurisky K. Garza	130 N. State Avenue Somerton, AZ 85350	

AGENDA ITEM REVIEW
Community Development Department

Staff Report to the City of Somerton
Planning and Zoning Commission

Case #: PLN18-00010
MINISTERIO FORTALEZA ESPIRITUAL RECOVERY HOME

Hearing Date: July 16, 2018
Project Planner: Saul Albor, Planner I

Project Description: Request by Eric Ibarra on behalf Ministerio Fortaleza Espiritual LLC for a Conditional Use Permit to allow the operation of a recovery center at the former site of the Iglesia De Jesucristo del Evangelio Completo located at 314 E. Main Street in the Main Street Corridor (MSC) Zoning District as required by Zoning Ordinance Section 2.4.3, Table 2.4-1.

I. PROJECT DATA

Project Address Location:	314 E. Main Street
Parcel Number:	743-63-115
Applicant:	Ministerio Fortaleza Espiritual LLC
Land Owner:	Iglesia de Jesucristo Del Evangelio Completo
Zoning of the Site:	MSC (Main Street Corridor)
Existing Land Use:	Commercial (Vacant Former Church)
Surrounding Zoning and Land Uses:	
North:	R-3 (High Density Res.)/High Density Res. (HDR)
South:	C-2 (General Commercial)/Commercial
East:	MSC (Main Street Corridor)/Commercial
West:	MSC (Main Street Corridor)/Commercial
Land Division Status:	Existing Parcel of Record

II. GENERAL PLAN

Land Use Plan	Commercial
Circulation Element:	
Major Arterial	Main Street / US Highway 95
Major Collector Street	Somerton Avenue
Minor Collector Street	Bingham Avenue
Local Street	Main Street
Traffic Signal	Main Street and Somerton Avenue
Parks and Recreation Element:	
Nearest Parks:	Joe Muñoz Park Centennial Park
Shared Use Pathway System	Pathways along Main Street, Avenue E Canal and Somerton Avenue

III. SCHOOLS

School District:	Somerton School District #11 (SSD)
Elementary Schools:	Tierra del Sol Elementary Valle Del Encanto Elementary Desert Sonora Elementary
Middle School:	Somerton Middle School
High School:	Cibola HS/KOFA HS (Yuma Union HSD)

PUBLIC NOTICES:

Legal Ad Published: June 30th, 2018
300' Vicinity Mailing: June 26th, 2018

STAFF ANALYSIS:

Ministerio Fortaleza Espiritual LLC is requesting a Conditional Use Permit to allow the operation of a Recovery Center/Treatment Facility to be located at 314 E. Main Street at the former location of the Iglesia De Jesucristo Del Evangelio Completo.

The applicant is proposing to develop the site and existing complex into a live-in recovery center also commonly known as a halfway house. The center will have dormitories, a prayer sanctuary, a dining hall, and a community food bank. The food bank will operate on a sporadic basis. The facility will not be a medical rehabilitation center or a behavioral health center and therefore does not require any state

licensing. No religious services other than the in-house prayer services for the members will be conducted on the premises. The primary use of the facility will be a recovery center for people with drug and substance abuse problems who have completed a rehabilitation program and are in the process to re-integrate into normal life.

The Applicant is therefore requesting approval of a Conditional Use Permit at this time subject to conditions of approval listed in Exhibit A of this report.

Findings Required:
The Planning and Zoning Commission, in order to approve the Conditional Use Permit, must make findings that each question can be answered affirmatively in accordance with Section 6.7.4 of the City of Somerton's Zoning Ordinance. The required findings are listed on Exhibit A of this staff report

Conditions of Approval:
The Planning and Zoning Commission may approve, approve with conditions or deny the application for a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Commission can impose, in addition to those standards and requirements expressly specified by the Code, additional conditions which it finds necessary to avoid detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community. And any other conditions the Planning and Zoning Commission may deem appropriate and necessary to carry out the purpose of the Zoning Ordinance. Staff recommended Conditions of approval for this project are listed on Exhibit A of this staff report.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:
Request for comments were sent to several agencies, municipalities and utility companies on this request, staff received comments from MCAS and Yuma County. These comments are included on Exhibit B of the staff report.
Comments from the residents were not received to the date this report was finalized.

STAFF RECOMMENDATION:
Staff recommends that the Planning and Zoning Commission approve the Conditional Use Permit to allow the operation of a Recovery Center at the former Church site on 314 E. Main Street with conditions. The conditions of approval for this conditional use permit are listed in Exhibit A.

SUGGESTED MOTION:

I move to approve the Conditional Use Permit to allow the operation of a Recovery Center at the vacant former church site on 314 E. Main Street subject to the conditions listed in Exhibit A.

ATTACHMENTS:

A. Findings and Conditions of approval
B. Request for Comments responses
C. Location Map/site maps
D. Sections of Zoning Ordinance
E. Backup documentation submitted by the Applicant

EXHIBIT A

REQUIRED FINDINGS AND CONDITIONS OF APPROVAL

Conditional Use Permit Case # PLN18-00010

To approve an application for a Conditional Use Permit, the P&Z Commission shall make Findings that each of the following questions can be answered affirmatively. As per Section 3.2.F of the Zoning Ordinance:

A1. Required Findings

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

   Yes, staff considers that the operation of a recovery center at the proposed location will not be detrimental to the health, safety, or welfare of anyone living or working in the vicinity.

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council;

   Yes, staff considers that the proposed use conforms to all applicable area plans, neighborhood plans, the zoning ordinance, and general plan.

3. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements;

   Yes, staff considers that the proposed use conforms to the requirements of the zoning ordinance and will conform to local, state, federal requirements.

4. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

   Yes, the Neighborhood is part of the Main Street Corridor zoning district identified by the zoning ordinance and downtown district identified by the General Plan. This neighborhood is appropriate for retail, mixed use development, dining, entertainment, and office space. The proposal is naturally incompatible with the

9. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

   Yes, staff considers that the proposed use will not impede the orderly development and improvement of surrounding property.

A2. Conditions of Approval

Approve the requested Conditional Use Permit with the following conditions:

1. Meet all local, state, and federal requirements and regulations for the operation of a recovery center/treatment facility.
2. Comply with all applicable building, zoning, safety, and health codes/policies.
3. Secure a City of Somerton business license to operate a business within city limits prior to beginning operation.
4. Record an Avigation Easement/Disclosure with the Yuma County Recorder's Office prior to beginning operations, this easement shall recognize that noise, interference, and vibration due to aviation operations at nearby MCAS may occur.

EXHIBIT B

REQUEST FOR COMMENTS RESPONSES
Conditional Use Permit Case # PLN18-00010

1. **Javier Barraza, Senior Planner**

   Yuma County

Enter comments below or use additional sheet if necessary:	
It appears that the use will be a permitted without a conditional use, since it appears that the property is the location of a religious facility that will be considered a public or semi public use and the proposed use is a health care related facility.	
DATE:	JUNE 29, 2018
AGENCY:	YUMA COUNTY
PHONE:	(928) 817-5000
RETURN TO:	saulalbor@somertonaz.gov

2. **Mary Ellen Finch, Community Planning Specialist**

   MCAS Yuma

Enter comments below or use additional sheet if necessary:	
The subject property is located within 1 mile of an Approach Departure flight path. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil.	
DATE:	JULY 2, 2018
AGENCY:	MCAS Yuma Community Planning Office
PHONE:	(928) 269-2103
RETURN TO:	saulalbor@somertonaz.gov

REQUEST FOR COMMENTS

Date: June 28th, 2018

CASE NUMBER: PLN18-00010
Ministerio Fortaleza Espiritual Conditional Use Permit

CASE SUMMARY:
Ministerio Fortaleza Espiritual LLC is requesting a Conditional Use Permit to allow the operation of a Group Recovery Home/Treatment Center at 314 W. Main Street., Assessor Parcel Number 743-63-115, in the MSC (Main Street Corridor) Zoning District in the City of Somerton, AZ. As required per Zoning Ordinance Section 2.4.3, Table 2.4-1 Table of Permitted Uses. This parcel is located inside the High Noise or Accident Potential Zone as that term is defined in A.R.S. § 28-8461.

PUBLIC HEARING: The Somerton Planning and Zoning Commission will hold a public hearing on July 16, 2018 at 6:00PM at the Somerton City Hall, Council Chambers, 143 N. State Ave., Somerton, Arizona

COMMENTS DUE: Monday, July 9, 2018.
Your comments on this case will help us prepare an accurate and timely staff report. Your observations on this case will be inserted as is into the staff report with your name, agency, department, and telephone number, should the applicant have any questions.
Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Board/Commission hearing this case. Please complete the section below and return via e-mail or Fax # (928) 627-3794. For additional information please contact us at Community Development Department at (928) 722-7399 or at saulalbor@somertonaz.gov

Thank you,

Saul Albor, Planner 1.
Community Development Department

Attachments:

_X_ COMMENT ☐ ___ NO COMMENT

Enter comments below or use additional sheet if necessary:	
The subject property is located within 1 mile of an Approach Departure flight path. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil.	
DATE:	2 July 2018
AGENCY:	MCAS Yuma Community Planning Office, Community Planning Specialist Mary Ellen Finch
PHONE:	928-269-2103
RETURN TO:	saulalbor@somertonaz.gov

Saul Albor

From: Finch CIV Mary E <mary.e.finch@usmc.mil>
Sent: Monday, July 02, 2018 2:22 PM
To: Saul Albor
Cc: Gen Grosse
Subject: RE: PLN18-00010
Attachments: PLN18-00010_C_Signed.pdf

Saul,
Attached are MCAS Yuma's comments. I am unsure if you currently have an avigation disclosure document?
Since it is within 1 mile of the centerline of an approach /departure path and also within the High Noise/Accident Potential Zone per A.R.S.28-8461 we usually recommend advising land owners of the potential for noise disturbance.

Thanks so much,
Mary Ellen

Mary Ellen Finch
Community Planning and Liaison Office
Community Liaison Specialist
Marine Corps Air Station Yuma
928. 269.2103
928.269.2812 (fax)
mary.e.finch@usmc.mil
MCASYUMA_CPLO@usmc.mil

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REQUEST FOR COMMENTS

Date: June 28th, 2018

CASE NUMBER: PLN18-00010
Ministerio Fortaleza Espiritual Conditional Use Permit

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Thank you,

Saul Albor, Planner 1.
Community Development Department

Attachments:

_X_ COMMENT ☐ ___NO COMMENT

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DATE:	JUNE 29, 2018
AGENCY:	YUMA COUNTY
PHONE:	(928) 817-5000
RETURN TO:	saulalbor@somertonaz.gov

Saul Albor

m: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Sent: Friday, June 29, 2018 10:47 AM
To: Saul Albor
Subject: Pln18-0010 comments
Attachments: Request for comments signed.pdf

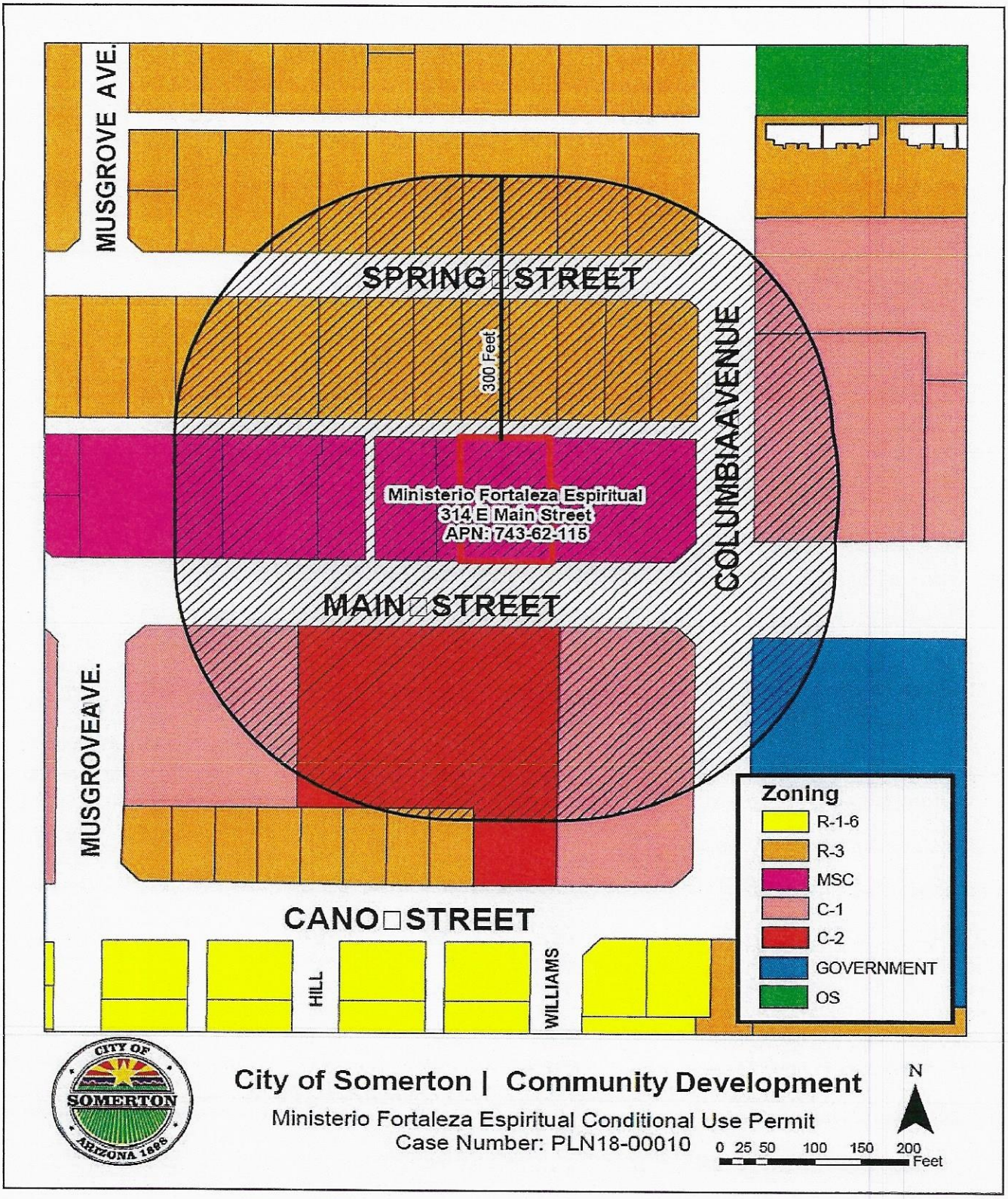
Thank you for the opportunity.

Javier Barraza, Senior Planner
Yuma County, Department of Development Services
2351 W. 26th Street
Yuma, AZ 85364
Main: (928) 817-5000
Direct: (928) 817-5150
Fax: (928)817-5020

Javier.Barraza@yumacountyaz.gov

EXHIBIT C

ZONING AND LOCATION MAPS
Conditional Use Permit Case # PLN18-00010



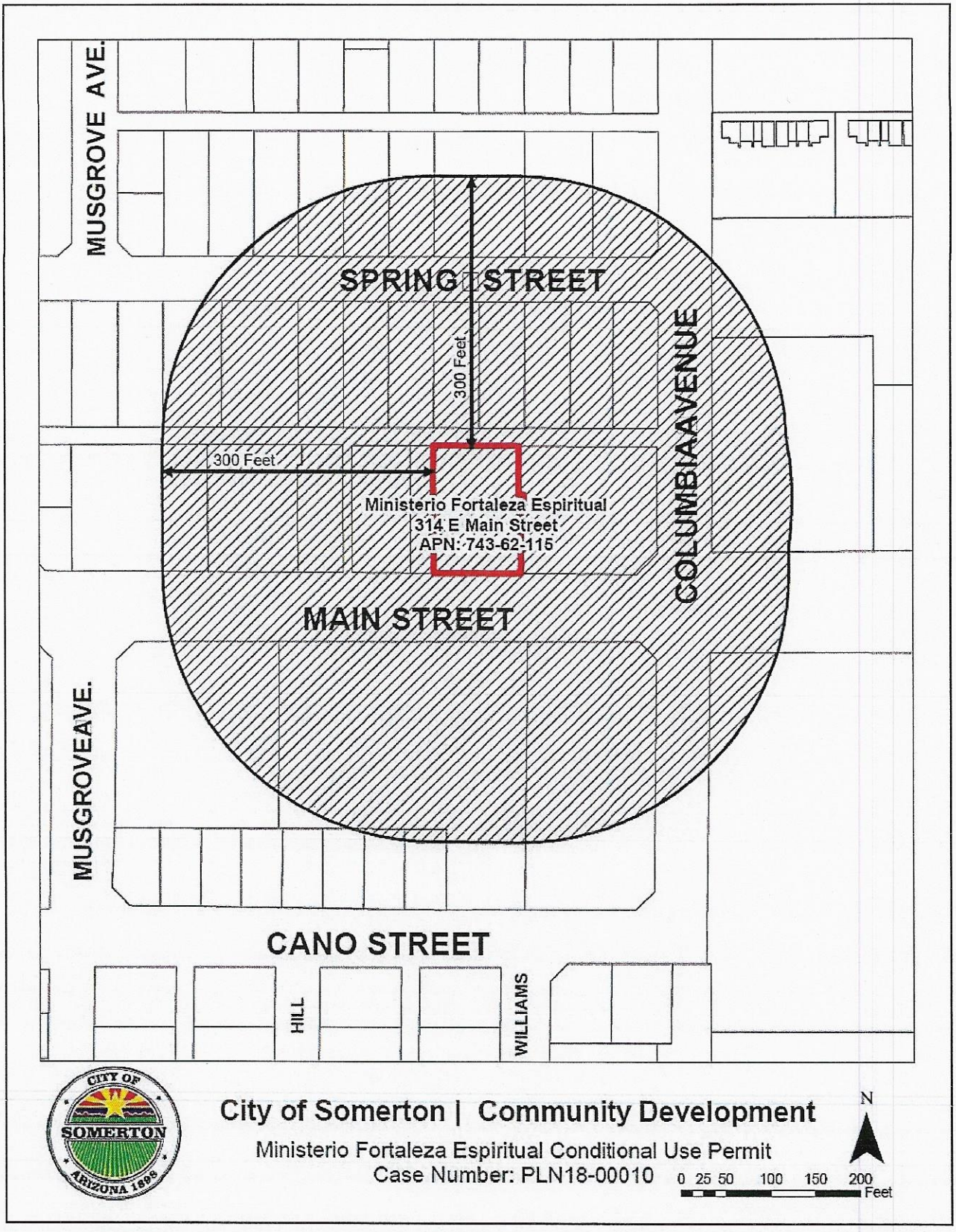

MUSGROVE AVE.
SPRING STREET
300 Feet
300 Feet
COLUMBIA AVENUE
Ministerio Fortaleza Espiritual
314 E Main Street
APN: 743-62-115
MAIN STREET
MUSGROVE AVE.
CANO STREET
HILL
WILLIAMS
CITY OF SOMERTON ARIZONA 1898
City of Somerton | Community Development
Ministerio Fortaleza Espiritual Conditional Use Permit
Case Number: PLN18-00010
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EXHIBIT D

SECTIONS OF ZONING ORDINANCE AND GENERAL PLAN
Conditional Use Permit Case # PLN18-00010

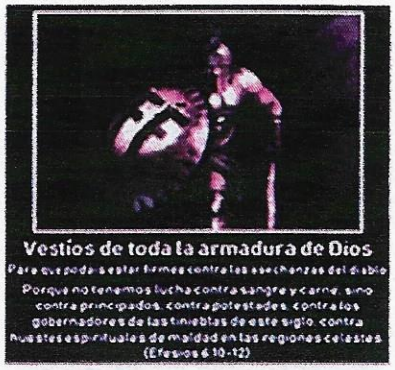
2.4.3 Mixed Use Standards

Table 2.4-1: Table of Allowed Uses for Mixed Use Districts

Table 2.4-1: TABLE OF ALLOWED USES FOR MIXED-USE DISTRICTS			
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Mixed-Use Zoning Districts	
		MSC	Supplemental Use Regulations
Residential Use Category	Dwelling, Single-Family Attached	P	2.3.5
	Dwelling, Multi-Family	P	2.3.5
	Dwelling, Townhouse	P	2.3.5
	Assisted Living Center	C	3.1.3.G
	Assisted Living Home	C	3.1.3.H
	Nursing Home	C	3.1.3.I
	Group Care Home	C	3.1.3.J
	Group Recovery Home/Treatment Facility	C	
	Day Care, Home	C	3.1.3.E
Public and Semi Public Use Category	Arboretum or botanical garden	P	
	Assembly Hall/Auditorium	C	
	Bus Terminal	P	
	College or University	P	3.1.4.D
	Community Playfields and Parks	P	
	Community Recreation Center	P	
	Day Care, Center	C	3.1.3.F
	Fraternal or Social Club, Nonprofit	P	
	Government Offices and Civic Buildings	P	
	Health Care Related Facility or Clinic	P	
	Hospitals	P	3.1.4.C
	Library	P	
	Museum, Cultural Facility (Public)	P	
	Public Safety Facility	P	
	Religious Assembly	C	3.1.4.A
	School, Boarding	C	3.1.4.D
	School, Public or Private, K-8	C	3.1.4.D
	School, Public or Private, 9-12	C	3.1.4.D
	Social Service Facility	P	
	Utility Facility, Minor	P	
Commercial Use Category	Alcoholic Beverages, Retail Sale	P	
	Animal Hospital	C	3.1.5.A
	Automobile, Repair Minor	C	
	Automobile, Sales And Leasing	C	
	Bar, Lounge, or Tavern	P	
	Business Services	P	
	Car Wash	C	3.1.5.I

EXHIBIT E

DOCUMENTATION SUBMITTED BY THE APPLICANT
Conditional Use Permit Case # PLN18-00010



MINISTERIO FORTALEZA ESPIRITUAL

Somerton Arizona
July 6, 2018

To Whom It May Concern,

On June 28 of the current year, being present the directors of the Ministerio Fortaleza Espiritual, Mr. Manuel Alonso (Principal President), Mr. Alfredo Ibarra (President), Mr. Cristobal Garcia (Vice President), Mr. Christian Silva (Secretary), and Mr. Eric Ibarra (Treasurer), a meeting was held with the community of Somerton Arizona, where the points to be discussed were the following:

1. Presentation of the Ministerio Fortaleza Espiritual and Directors

2. Purpose of the Ministerio Fortaleza Espiritual

a) Help men to reestablish their relationship with Jesus Christ, as a center of rehabilitation of spiritual addictions based on faith. Our mission is to facilitate the passage of our residents and walk with them as they leave behind their past lives, including guilt, shame, pain and secrets of the past, and be transformed into new people with amazing new lives, sober, full of hope and purpose in God.

3. The condition in which humanity is found

a) Addictions to drugs, alcohol, among others
b) Crimes
c) Family disintegration, etc.

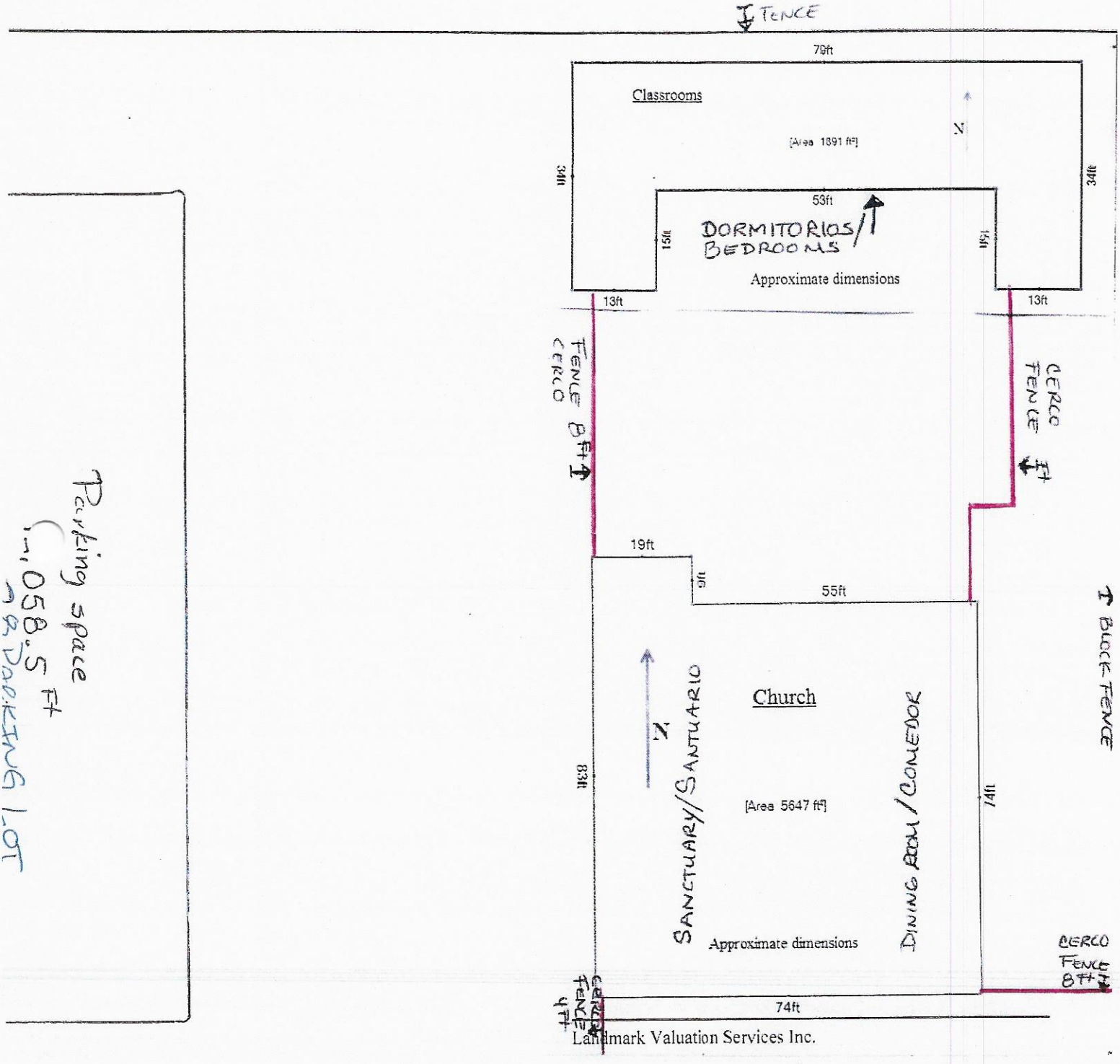
4. The reason humanity is in these conditions

a) We have detached ourselves from the values and fundamentals that God has instituted in his Word.

5. How Ministerio Fortaleza Espiritual is willing to help

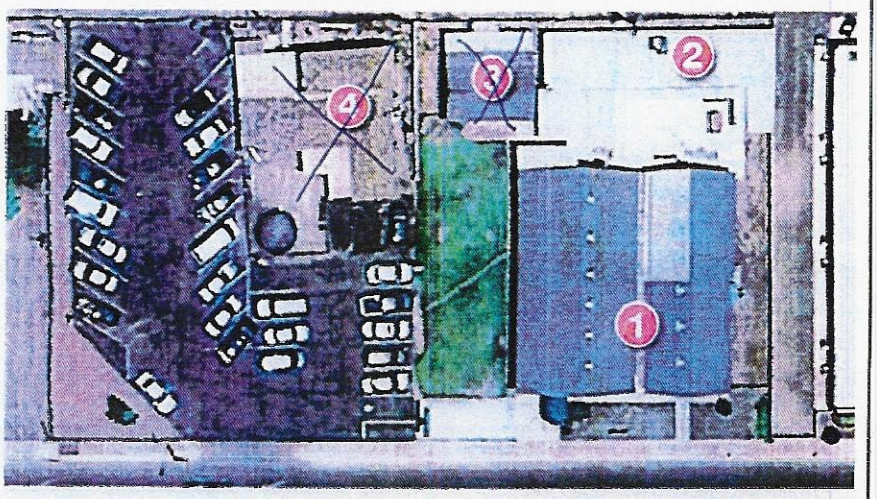
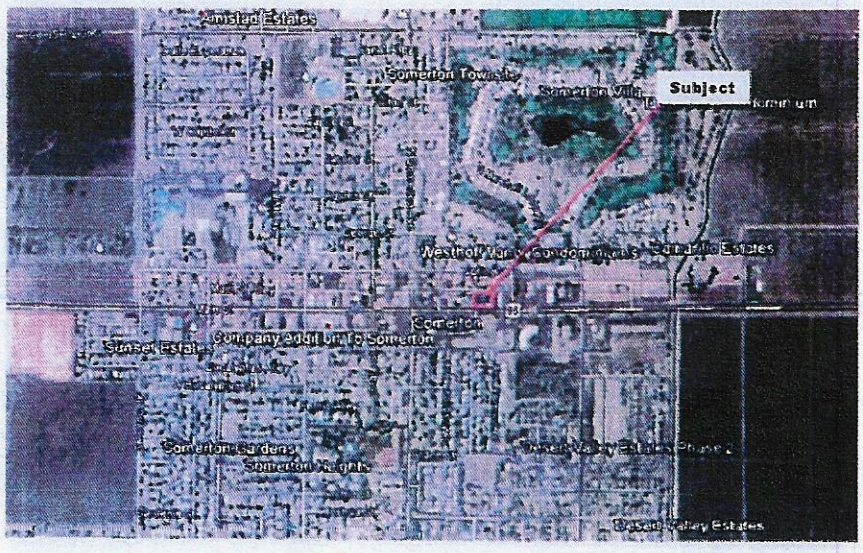
a) Ministerio Fortaleza Espiritual will not use medication but will help men to return to the fundamentals that God left us in his Word, and through his son Jesus Christ with the Power of the Holy Spirit.
b) With the fundamentals of the Word of God as a basis, we believe that men can rehabilitate their lives, and once again incorporate themselves into society, leading a sober life.

6. Ministerio Fortaleza Espiritual Seek the support of the community

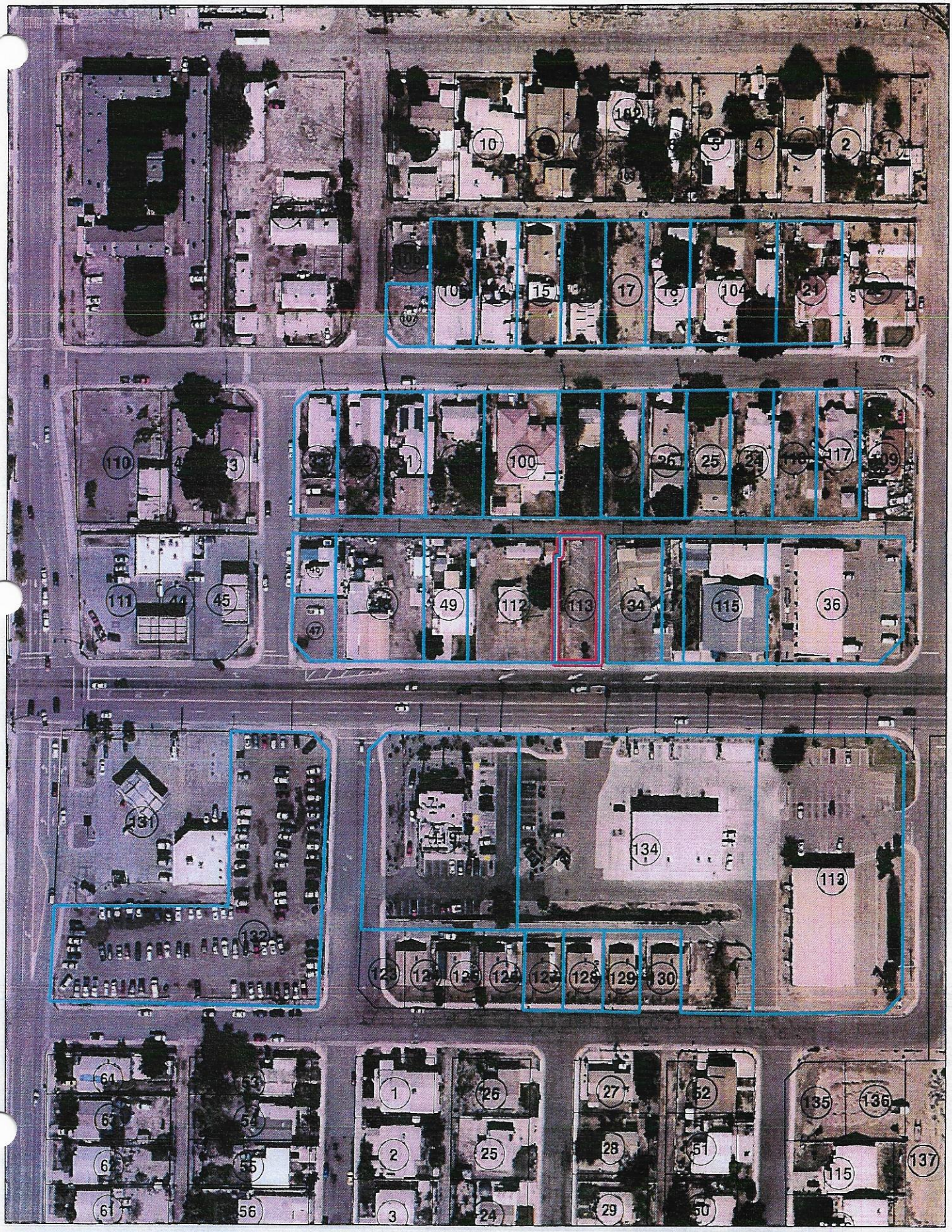


Parking space
1,058.5 Ft
2 & Parking lot

East Main Street

	
Overhead view of the subject. The subject is on the north side of Main Street, 160' west of Columbia Avenue. It is improved with four buildings: 1) 6,006 SF church; 2) 1,984 SF classrooms; 3) 780 SF church office; 4) 1,576 SF single family home.	
Wider view of subject area. Subject area is 90% developed with the area along Main Street being developed with office and retail, all being 10 to 70 year old commercial, and residential off Main Street.	
Aerial showing the subject in relation to its position in Somerton. The subject is in the center of Somerton.	

Map 1


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Map 2

