

CITY OF SOMERTON

Planning and Zoning Commission Meeting

Regular Meeting Minutes

May 17th, 2021

Call to Order: Chairman Flores, 6:06PM

Roll Call:

Chairman Flores, Present
Vice Chairman Rice, Present
Commissioner Magana, Present
Commissioner Rangel, Present
Commissioner Zendejas, Present
Commissioner Galaviz, Present
Commissioner Valenzuela, Present

Staff Members Present:

Carmen Juarez, CDD Director
Saul Albor Planner, II

Pledge of Allegiance:

Read in Unison

Approval of Minutes:

From February 22nd Meeting, Approved as is.
Motion by Commissioner Rangel, Second by Vice-Chairman Rice
Vote 7-0, Motion Carried

Call to the Public:

No Members of the Public Addressed the Commission

Public Hearing:

6.1 Text Amendment Case #PLN21-00013

A request by the City of Somerton to amend certain sections of the Somerton Zoning Ordinance related to the following categories. Specific sections to be amended listed below.

Saul Albor, Planner II for the Zoning Department presented this item. Mr. Albor stated that the City is proposing on amending certain texts in the Zoning Ordinance to reflect certain requested changes. The City has requested changes to the marijuana regulations; since marijuana is currently legal in the stat of Arizona, swimming pool barriers regulations and school location requirements.

Mr. Albor explains that the City proposes on eliminating and replaces the entire marijuana section in the Zoning Ordinance and replaced with a new section named "Medical Marijuana and Marijuana Establishments and Testing Facilities". Saul continues to explain that when there is on-site marijuana cultivation, the location will be permitted on either L-1 (Light Industrial) or C-2 (General Commercial). When there is no On-Site cultivation, location can be permitted on L-1, C-2, MSC (Main Street Corridor), and the Infill Incentive Overlay Entertainment District.

Commissioner Zendejas asked the areas where these facilities would be permitted. Saul explains that if the amendment proposal is approved by the City Council, there will be a large area where these facilities would be permitted.

Vice-Chairman Rice inquired to see if the City Attorney has carefully examined this and complies with the Arizona laws. Saul confirms that all the stages of the draft has been reviewed by the City Attorney. Saul explains that everything has been done accordingly as required by the state statutes.

Commissioner Magaña asked about the reasoning about the 300 feet area. Saul explained that the first place that was looked at was the state statute for the minimum number to comply and it turns out that it was really up to the City to determine the minimum. The Department's direction was to make the area more flexible and settled on a liquor store and there has been positive feedback from the public on that particular number.

Saul explains that for the swimming pool barrier amendment is just striking out a requirement and inserting an exception. Saul stated that in order to receive a pass on the final inspection, a physical barrier is required. Research has been conducted and it turns out that Somerton is the only city in Yuma County that does not residents the option to install an alarm system instead of a physical barrier. There's been a lot of pushback on this physical barrier from residents and contractors. Swimming pools are becoming high on demand. Saul believes that it

would be appropriate for Somerton to be as the other cities and not require a physical barrier.

The text change for the school location is not huge. The only thing being proposed to be removed from this section is a sighting requirement, which prohibits elementary schools to be located next to arterial roads or roads of higher classification as well as requiring high school boarding schools and colleges to be located on a collector roadway or higher for the Somerton Transportation. The proposal is for flexibility for schools in Somerton.

Motion

To Recommend Approval of Text Amendment Case #PLN21-00013

Move: Vice Chair Rice

Second: Chairman Flores

Vote: 7-0, Motion Carried

- 6.2** A request by Ramon Arias on behalf of Nomar Properties and Pensco Trust for the rezoning of the following properties.

Saul explains that this is a proposal to rezone four (4) parcels on Somerton Ave. to R-3 (Multi-family Residential) for the purpose of building luxury apartment complexes. The developer's vision is to build something similar to that of Arizona Ave. in Yuma, AZ.

Saul states that it is staff's recommendation to table this item to next month's meeting because there's a requirement for the applicant to have a neighborhood meeting with near by neighbors and explain the project to them.

Motion

To table Case for Ramon Arias for next month's meeting.

Move: Commissioner Rangel

Second: Vice-Chairman Rice

Summary of Current Events:

Presented by Carmen Juarez

Adjournment: 7:04PM



AGENDA ITEM REVIEW

Community Development Department

Staff Report to the
Somerton Planning and Zoning Commission

Rezoning Case # PLN21-00014 Veranda Apartments Rezoning

Meeting Date: June 21, 2021
Project Planner: Saul Albor, Planner II

Project Description: A request by Ramon Arias on behalf of Nomar Properties and Pensco Trust for the rezoning of the following properties

- 1401 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1415 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1431 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)
- 1449 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)

These parcels are not located within the High Noise or Accident Potential Zone (HNAPZ) as that term is defined in A.R.S. § 28-8461.

I. PROJECT DATA

Project Address Location	1401 N Somerton Avenue; APN 743-38-151 1415 N Somerton Avenue, APN 743-38-149; 1431 N Somerton Avenue, APN 743-38-148; 1449 N Somerton Avenue, APN 743-38-147
Parcel Number	APN 211-04-017
Applicant	Ramon Arias
Land Owner	Nomar Properties AZ LLC; Pensco Trust FBO Ramon Arias
Existing Conditions	1401 N Somerton Avenue, Abandoned Home 1415 N Somerton Avenue, Vacant 1431 N Somerton Avenue, Vacant 1449 N Somerton Avenue, Vacant

Existing Land Use:	1401 N Somerton Avenue, HDR 1415 N Somerton Avenue, HDR 1431 N Somerton Avenue, Commercial 1449 N Somerton Avenue, Commercial
Existing Zoning:	1401 N Somerton Avenue, R1-6 1415 N Somerton Avenue, R1-6 1431 N Somerton Avenue, C-2 1449 N Somerton Avenue, C-2
Proposed Changes	
Proposed Land Use:	No Changes Proposed
Proposed Zoning:	1401 N Somerton Avenue, R1-6 TO R-3 1415 N Somerton Avenue, R1-6 TO R-3 1431 N Somerton Avenue, C-2 TO R-3 1449 N Somerton Avenue, C-2 TOR-3
Surrounding Zoning and Land Uses	
North:	Zoning: County AG Zoning Land Use: Agriculture
South:	Zoning: R-3 Land Use: HDR
East:	Zoning: C-2 Land Use: Commercial
West:	Zoning: R1-6 Land Use: LDR
Land Division Status	Existing Parcel Record

II. GENERAL PLAN

Land Use Plan	1401 N Somerton Avenue, HDR 1415 N Somerton Avenue, HDR 1431 N Somerton Avenue, Commercial 1449 N Somerton Avenue, Commercial
Circulation Element: Principal Arterial Collector Street Local Street Traffic Signal	Main Street (Highway 95) Somerton Avenue, Madison Street Main Street Main Street and Somerton Avenue
Parks and Recreation Element: Nearest Parks:	Centennial Park Council Avenue Park

Shared Use Pathway System	Pathways along Somerton Avenue and Madison Street
---------------------------	---

III. SCHOOLS

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

PUBLIC NOTICES:

Legal Ad Published: June 5th, 2021
300' Mailout: June 5th, 2021

CASE BACKGROUND:

Mr. Ramon Arias, on behalf of Nomar Properties and Pensco Trust is proposing to develop a new Multi-Family Apartment complex on the Southwest Corner of Somerton Avenue and Madison Street. Mr. Arias' proposal requires the rezoning of four parcels to R-3 Multi-Family Residential.

The parcels are 1415,1431, and 1449 N Somerton Avenue which are part of the Veranda Subdivision originally was platted in 2006 as well 1401 N Somerton which is a standalone parcel not part of any Subdivision. The rezoning would result in the following changes.

- 1401 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1415 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1431 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)
- 1449 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)

The project is currently at the rezoning stage and staff has not yet received a formal submittal package for the apartment complex. At this time, staff has only reviewed a preliminary conceptual rendering of the apartment complex for pre-development purposes. (Exhibit C). Approval of the rezoning request would allow the developer to formally submit plans to the City for review and move the project forward.

STAFF ANALYSIS:

Somerton is experiencing a housing shortage as well as an affordability crisis due to the ongoing, housing market boom in wake of the COVID-19 Pandemic. The proposed apartment complex would bring dozens of much needed housing units to the city and help relieve the housing scarcity. The proposal is for a market rate “luxury” apartment complex, it is not a low income / Section 8 housing project. If approved, it would be the 1st unsubsidized apartment complex built in Yuma County in over 30 years.

The proposal also presents an opportunity for Somerton to diversify its housing inventory, which currently consists predominantly of single-family homes. There are very few multi-family units available and almost all of them are income restricted. The lack of rental units is creating a situation in which people who are priced out of the housing market and cannot find a place to rent in Somerton, will be forced to either co-habitate with other residents or leave the City altogether in search of housing.

Staff finds the proposal compatible with the 2020 General Plan and with the surrounding area. The following points were considered when analyzing the viability of this project.

1. The project fronts a major roadway, Somerton Avenue, and has potential secondary access options off of Madison Street and Monroe Place.
2. The project is directly located on a Major Intersection (Somerton Avenue and Madison Street)
3. The project has direct pedestrian access to the pathways along Somerton Avenue and Madison Street.
4. Water and Sewer Utilities are readily available to serve the project.
5. The project is inside the Somerton Growth Area and outside the MCAS High Noise and Accident Potential Zone.
6. Half of the project area is already designated as a High Density Residential Site by the 2020 Somerton General Plan.
7. Somerton is currently experiencing a housing shortage and the creation of High Density Residential complex will help alleviate the situation.
8. The project is a “luxury” market rate apartment complex that will be aesthetically compatible with the Veranda subdivision.

OTHER ZONING PROCESSES REQUIRED:

The following zoning processes will need to be carried out in addition to the rezoning in order allow the development of an apartment complex.

1. Lot Tie of APN 743-38-148 (1431 N Somerton Avenue) and APN 743-38-147 (1449 N Somerton Avenue) into a single parcel prior to applying for building permit.
2. Lot Tie of APN 743-38-151 (1401 N Somerton Avenue) and APN 743-38-149 (1415 N Somerton Avenue) into a single parcel prior to applying for building permit.

A Minor General Plan Amendment to change the Land Use Designation from Commercial to High Density Residential will not be required due to the size of the parcels which require land use designation change (1.36 Acres), and their adjacency to an identical High Density Residential Land Use to the south.

GENERAL PLAN ELEMENTS:**LAND USE ELEMENT:**

Half of the project area (APN 743-38-151 and APN 743-38-149) currently has the required HDR (High Density Residential) land use designation to approved a rezoning to R-3. The northern half (APN 743-38-147 and APN 743-38-148) has a Commercial land use designation. An amendment to the Somerton General Plan is not required to proceed with the rezoning because the subject area is less than two acres in size and is adjacent to an identical land use of HDR.

MILITARY AIRPORT STANDARDS:

The project is not located within the High Noise and Accident Potential Zone of MCAS Yuma. MCAS Planning representatives expressed no concerns or issues with the proposed rezoning.

GROWTH AREA ELEMENT:

The project is within the City of Somerton Planned Growth Area identified in the 2020 General Plan. The rezoning will not affect the boundaries of the growth area.

TRANSPORTATION/CIRCULATION ELEMENT:

Staff considers the project location is adequate for a proposal of this scope. The site is adjacent to Somerton Avenue and Madison Streer which are classified as Collector Roadways and will be accessible off of Monroe Place which is classified as a local street. The project is not expected to heavily impact the area roadway system.

PARKS AND OPEN SPACE ELEMENT:

The nearest parks are Council Avenue Park and Centennial Park. The property is located along the Somerton Pathway Network with pathways directly available on Madison Street and Somerton Avenue.

ENVIRONMENTAL PLANNING ELEMENT:

High Density Development is considered more an environmentally friendly alternative to urban sprawl. The 2020 General Plan calls for the continued preservation of surrounding farmlands and encourages Infill growth. The proposal is in conformance with both these goals.

PUBLIC FACILITIES ELEMENT:

Municipal utilities are readily available to any potential development on the property.

ECONOMIC DEVELOPMENT ELEMENT:

Somerton's economic growth is dependent on continued population growth.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:

None Received.

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.

A neighborhood meeting was held by the applicant on June 4th, 2021, nobody from the public was in attendance.

STAFF RECOMMENDATION:

1. Staff recommends that the Somerton Planning and Zoning Commission recommends approval of Rezoning Case PLN21-00014 subject to the conditions listed in Exhibit A.

SUGGESTED MOTION:

1. I move to recommend approval of Rezoning Case # PLN21-00014 subject to the conditions listed in Exhibit A.

EXHIBITS:

- A. Conditions of Approval
- B. Request for Comments Responses / Public Comments
- C. Zoning and Location Maps
- D. Conceptual Renderings of Project
- E. Citizen Review Meeting Notes

EXHIBIT A
CONDITIONS OF APPROVAL
Rezoning Case PLN21-00014

1. All future development shall comply with all applicable codes at the municipal, state, and federal level.
2. The owner shall be responsible for verifying utility availability, negotiating any access issues with adjacent properties, and resolving any underlying matters not revealed during the due diligence period.
3. Developer shall comply with the development standards and use regulations of the Somerton Subdivision Ordinance and Somerton Zoning Ordinance.
4. Developer shall upgrade and improve any multi-use pathway along Somerton roadways adjacent to the apartment as required by adopted City of Somerton pathway standards.
5. Developer shall apply for and successfully complete the Lot Tie of APN 743-38-148 (1431 N Somerton Avenue) and APN 743-38-147 (1449 N Somerton Avenue) into a single parcel prior to applying for building permit.
6. Developer shall apply for and successfully complete the Lot Tie of APN 743-38-151 (1401 N Somerton Avenue) and APN 743-38-149 (1415 N Somerton Avenue) into a single parcel prior to applying for building permit.
7. Developer shall demolish the abandoned house located at 1401 N Somerton Avenue and clear all four parcels of debris and trash within 180 days after the approval of the rezoning by the Somerton City Council.
8. Developer shall maintain the properties clean and free of trash, weeds, and garbage until and during the construction of the apartment complex.
9. Developer shall submit to the City of Somerton for review a complete building permit submittal package and improvement plans within one calendar year from date of approval of the rezoning by the Somerton City Council.

EXHIBIT B
REQUEST FOR COMMENTS RESPONSES
Rezoning Case # PLN21-00014

Staff received no comments related to this rezoning during the Request for Comments Period.

EXHIBIT C

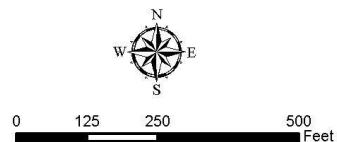
ZONING AND LOCATION MAPS

Rezoning Case # PLN21-00014




CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

APN 743-38-147, APN 743-38-148,
 APN 743-38-149 & APN 743-38-151






CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

LOCATION MAP
 APN 743-38-147, APN 743-38-148,
 APN 743-38-149 & APN 743-38-151

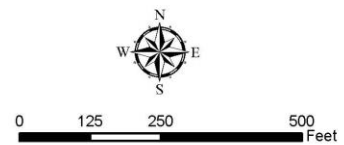


EXHIBIT D

PROJECT CONCEPTUAL SITE PLAN AND RENDERINGS

Rezoning Case PLN21-00014





EXHIBIT E
CITIZEN REVIEW MEETING NOTES
Rezoning Case PLN21-00014

RE: Rezoning Request for 1401, 1415, 1431, 1445 Somerton Avenue



Ramon Arias <ramon@nomarproperties.com>

To Saul Albor



You replied to this message on 6/16/2021 2:24 PM.

We could not verify the identity of the sender. Click here to learn more.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.



01 Plot Plan Rev002.jpg
5 MB



02 Inside Perspective Rev002.jpg
2 MB



03 Outside Perspective Rev002.jpg
3 MB



Saul,

Here is a rendering of my project.

Also nobody showed-up to my neighborhood meeting for the project held on June 4th 2021.

Thank You,

Ramon



AGENDA ITEM REVIEW

Community Development Department

Staff Report to the City of Somerton Planning and Zoning Commission

Case #: PLN21-00016
Maxx Subdivision Final Plat

Hearing Date: June 21, 2021
Project Planner: Saul Albor, Planner II

Project Description: A final plat approval request by Alex Gallardo on behalf of Celerino A Gallardo LLC for the Maxx Subdivision, a single family subdivision 3.65 acres in size more or less to be located on the Southwest corner of Cesar Chavez Avenue and Madison Street. The applicant is proposing subdividing the property identified as APN 195-33-005 into 16 lots ranging in size from 6000 SF to 8165 SF.

I. PROJECT DATA

Project Address Location:	Unassigned
Parcel Number:	APN 195-33-005
Applicant:	Alex Gallardo
Land Owner:	Celerino Alex Gallardo LLC
Zoning of the Site:	R1-6
Proposed Zoning of Site:	--
Existing Land Use:	Vacant
Surrounding Zoning and General Plan Land Uses:	
North:	Yuma County AG-40 / Agriculture
South:	R1-6 (Single Family Residential) LDR (Low Density Residential)
East:	R1-6 (Single Family Residential) LDR (Low Density Residential)
West:	R1-6 (Single Family Residential) LDR (Low Density Residential)
Land Division Status:	Existing Parcel of Record

II. GENERAL PLAN

Current Land Use Designation	Low Density Residential
Proposed Land Use Designation	--
Circulation Element: Major Arterial Major Collector Street Minor Collector Street Local Street Traffic Signal	Madison Street Cesar Chavez -- Madison Street Main Street and Bingham Avenue
Parks and Recreation Element: Nearest Parks: Shared Use Pathway System	Perricone Park Council Park Pathways along Madison Street and Cesar Chavez Avenue

III. SCHOOLS

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

PUBLIC NOTICES:

Legal Ad Published: June 5th, 2021
300' Vicinity Mailing: June 5th, 2021

SITE HISTORY AND BACKGROUND:

The subject parcel of 3.65 acres is located on the Southwest Corner of Cesar Chavez Avenue and Madison Street adjacent to the city's northern boundary. This area is designated for single family, low density housing per the Somerton General and the area is expected to begin developing in the near future as growth begins shifting to the city's west side. The parcel was annexed to the City of Somerton in 2003 and was rezoned to R1-6 (Single Family Residential) in October of that same year. The current owner, Celerino Alex Gallardo LLC, acquired the parcel in April of 2018.

Currently, the owner intends to develop a 16-lot single-family subdivision with lot sizes ranging from 6000 SF to 8165 SF.

The project is currently at the Final Plat Stage, the preliminary plat for Maxx Subdivision was approved with Conditions in June of 2020 by the Somerton City Council. See Exhibit D.

STAFF ANALYSIS:

Staff finds the proposed subdivision in full compliance with the General Plan Land Use Designation of LDR (Low Density Residential). Staff finds the proposed use of the lots ,(Single family residential), in compliance with the use regulations prescribed by the Somerton Zoning ordinance for the underlying zoning district of R1-6 (Single Family Residential District). Staff finds the proposal compatible with all adopted area plans, and the surrounding built environment.

RESULTING ACTION:

After review and recommendation from the Planning and Zoning Commission, Final Plat Case of the Maxx Subdivision, PLN21-00016 will proceed to the Somerton City Council for final approval.

CONDITIONS OF APPROVAL:

The Planning and Zoning Commission may recommend to the City Council to approve the final plat, recommend approval of the final plat with conditions or recommend denial of the final plat. In recommending approval of a preliminary plat, 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 D of this staff report.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:

Request for comments was sent to several agencies, municipalities and utility companies on this request, staff received comments from one local government agency. These comments are included on Exhibit C of the staff report.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend approval of Final Plat Case PLN21-00016 with the conditions included in Exhibit D.

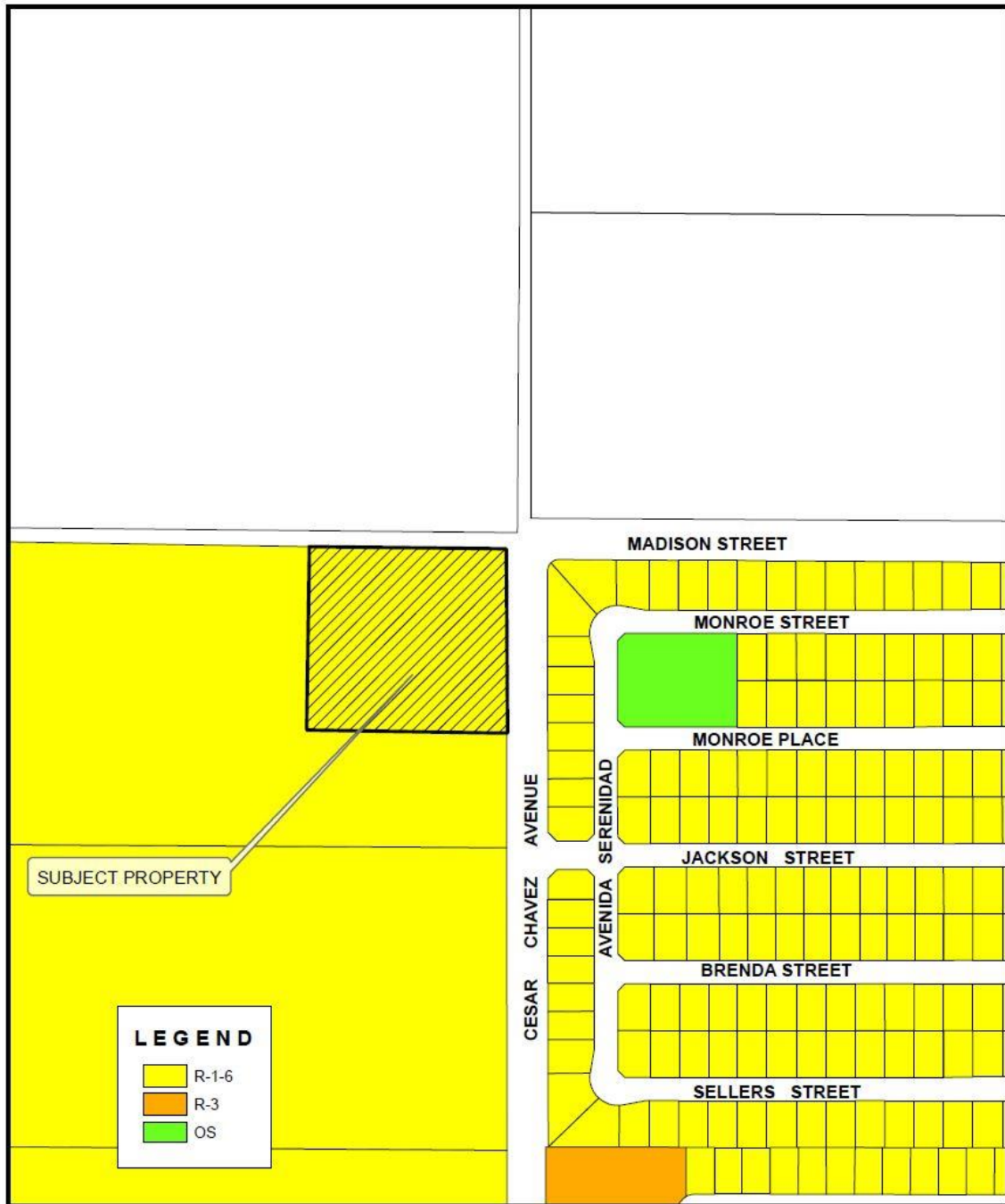
SUGGESTED MOTION:

I move to recommend approval of Final Case Number PLN21-00016 with the Conditions listed in Exhibit D.

EXHIBITS:

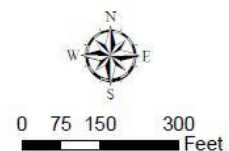
- A. Location Map and Zoning Map
- B. Final Plat
- C. Request for Comments Responses
- D. Conditions of Approval

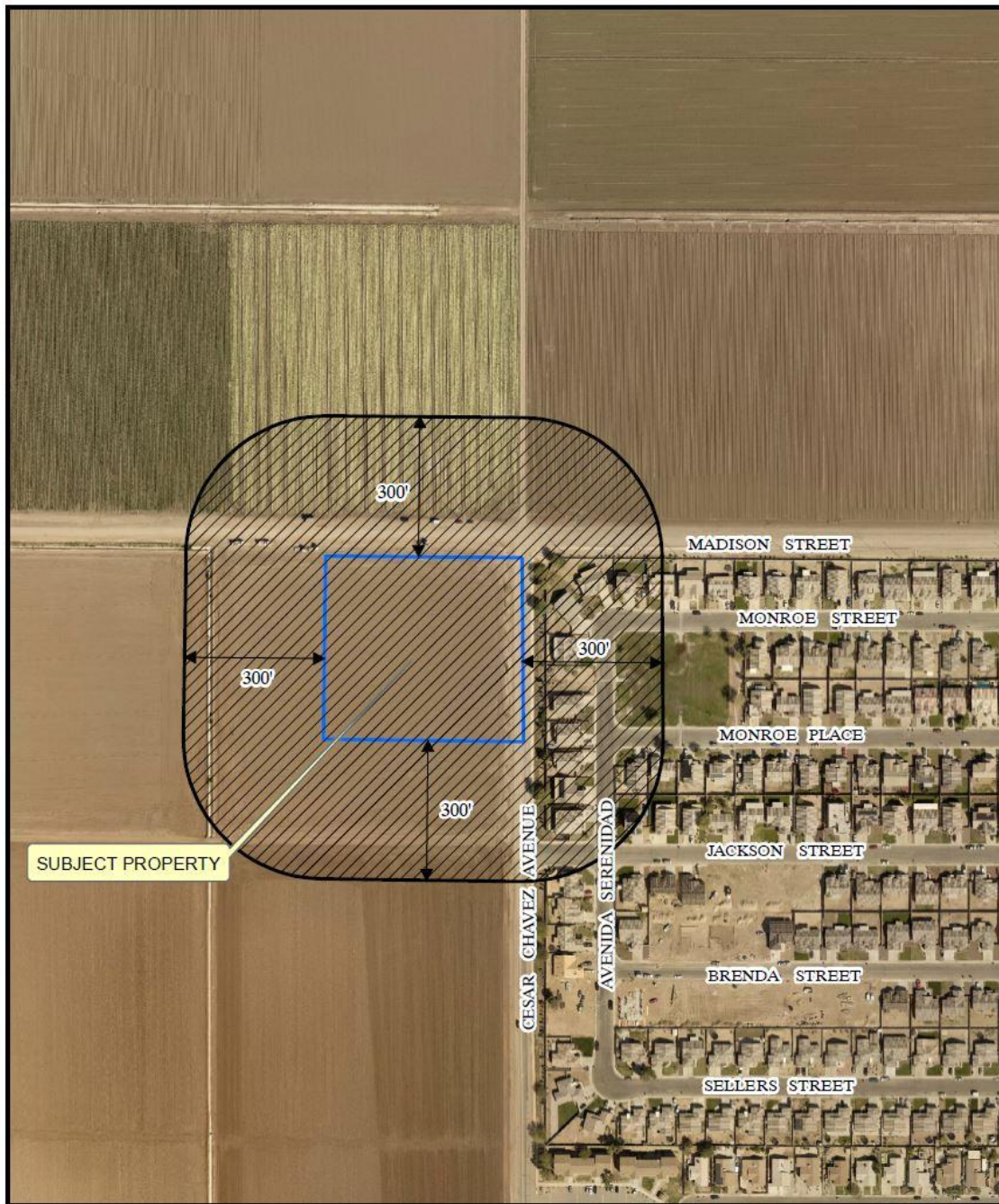
EXHIBIT A
LOCATION AND ZONING MAPS
Final Plat Case # PLN21-00016




CITY OF SOMERTON
COMMUNITY DEVELOPMENT
143 N STATE AVE
(928) 722-7399
SOMERTON, AZ 85350

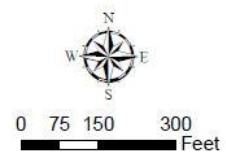
PARCEL 195-33-005
ZONING






CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

PARCEL 195-33-005 LOCATION MAP



MAXX SUBDIVISION
A SUBDIVISION OF THE N $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 09S,
RANGE 24W OF THE G. & S.R.B.M., YUMA COUNTY, AZ
MARCH 2021 4.47 ACRES
FINAL PLAT



Final Plat Case # PLN21-00016

Page 27 of 39

EXHIBIT D
CONDITIONS OF APPROVAL
Final Plat Case # PLN21-00016

Pre-Existing Conditions of Approval from Preliminary Plat Case PLN20-00007

1. *All future development shall comply with all applicable codes at the municipal, state, and federal level.*
2. *The owner shall be responsible for verifying utility availability, negotiating any access issues with adjacent properties, and resolving any underlying matters not revealed during the due diligence period and subsequent rezoning process.*
3. *Developer shall comply with the subdivision regulations, development standards, and use regulations of the Somerton Subdivision Ordinance and Somerton Zoning Ordinance.*
4. *Developer shall upgrade and improve multi-use pathway along Cesar Chavez Avenue adjacent to the new subdivision. Pathway must be improved to adopted City of Somerton pathway standards.*
5. *Developer shall build new multi-use pathway along Madison Street adjacent to new subdivision. Pathway must be improved to adopted City of Somerton pathway standards.*
6. *Developer shall extend 12" Water Main along Madison Street.*
7. *Developer shall extend sewer Main along Cesar Chavez Avenue to point of connection.*
8. *Developer shall obtain a water report from the Arizona Department of Water Resources ADWR.*
9. *Developer shall obtain all necessary required permits from the Arizona Department of Environmental Quality (ADEQ).*
10. *Developer shall submit Landscaping Plans for pathways and retention basin as part of Improvement Plans/ Final Plat package.*
11. *Fire Hydrant access to any point in subdivision no further than 500' shall be provided.*
12. *Developer shall convert water rights for parcel from YCWUA irrigation to City of Somerton municipally served water usage.*

13. *Developer shall connect retention basin to existing storm drain system on Cesar Chavez Avenue.*
14. *Developer shall submit to the City of Somerton for review a complete final plat package and improvement plans within one calendar year from date of approval of preliminary plat by the Somerton City Council.*

Additional Conditions of Approval for PLN21-00016

1. Developer shall create Municipal Improvement District for the perpetual maintenance and upkeep of streetlights, retention basins, and recreational areas (green spaces, pathways, landscaping) created as part of the Maxx Subdivision.
2. Developer shall comply with all existing conditions of the approval from the previous related preliminary plat case PLN20-00007



AGENDA ITEM REVIEW
Community Development Department

**Staff Report to the City of Somerton
Planning and Zoning Commission**

Case #: PLN21-00017
Cactus Plaza Auto Detail Conditional Use Permit

Hearing Date: June 21, 2021
Project Planner: Saul Albor, Planner II

Project Description: Eli Rodriguez, agent for Ovet Esparza is requesting a Conditional Use Permit to allow the establishment of an Auto Detailing Business (Minor Automobile Repair) at 109 W Cactus, Assessor's Parcel Number 752-15-011, in the C-1 (Neighborhood Commercial) Zoning District in the City of Somerton, AZ. as required per Zoning Ordinance Section 2.5; Table 2.5-1; Table of Commercial Uses. This parcel is not located inside the High Noise or Accident Potential Zone as that term is defined in A.R.S. § 28-8461.

I. PROJECT DATA

Project Address Location:	109 W Cactus Street
Parcel Number:	752-15-011
Applicant:	Eli Rodriguez
Land Owner:	Ovet Esparza
Zoning and Land Use	C-1 (Neighborhood Commercial), Commercial
Existing Land Use:	Auto Glass Repair Shop; Shopping Center
Surrounding Zoning and Land Uses:	
North:	R-3 (Multi-Family Residential) / Commercial
South:	Government / Public Facilities
East:	R-3 (Multi-Family Residential) / HDR
West:	R-1 (Single-Family Residential) / LDR
Land Division Status:	Existing Parcel of Record

PUBLIC NOTICES:

Legal Ad Published: June 5, 2021
300' Vicinity Mailing: June 5, 2021

STAFF ANALYSIS:

Eli Rodriguez on behalf of Ovet Esparza, property owner of 109 W Cactus is requesting approval of a Conditional Use Permit to allow the operation of an Auto Detailing Business at the aforementioned location. Auto Detailing involves the thorough exterior and interior cleaning of cars by hand. Services offered by auto detailers include window tinting, decal installation, headlight polishing, chrome restoration, paint restoration, engine and undercarriage cleaning, waxing, carpet shampooing, vacuuming, etc. The proposed use is formally classified as a Minor Automobile Repair establishment by the Somerton Zoning Ordinance. Although the range of services includes hand car-washing, the business does not fully fit the car wash use definition due to the absence of a drive thru lane, mechanized equipment, and a traditional queue system. The proposed business will operate primarily by appointment only but will accept walk-ins when not booked. Hours of operation are Monday thru Friday 9AM – 6PM, Saturday 8AM to 2PM and Closed on Sundays.

If approved, this proposal would bring a new service to Somerton. Currently, Somerton residents must travel to Yuma or San Luis Rio Colorado for auto detailing.

Staff finds that the proposed use is compatible with the surrounding neighborhood and all existing adjacent land uses.

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 B of this staff report.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:

Request for comments was sent to several agencies, municipalities and utility companies on this request, staff received comments from Yuma County and MCAS. These comments are included on Exhibit C of the staff report.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission approve Conditional Use Permit Case Number PLN21-00017 with conditions. Conditions of Approval are included in Exhibit B.

SUGGESTED MOTION:

I move to approve Conditional Use Permit Case Number PLN21-00017 with the Conditions listed in Exhibit B.

EXHIBITS:

- A. Required Findings
- B. Conditions of Approval
- C. Request for Comments Responses
- D. Location Map/Site Maps

EXHIBIT A
REQUIRED FINDINGS AND CONDITIONS OF APPROVAL
Conditional Use Permit Case # PLN21-00017

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:

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 Auto Detailing Establishment 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, staff considers that the proposed conditional use will conform to the character of the neighborhood. The previous use was of

similar nature and existed for years in harmony with the surrounding area.

5. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

Yes, staff considers that there are adequate utilities, access roads, and drainage for the proposed use. This project shall as part of the conditions of approval for this permit, be required to meet all applicable city regulations including building and fire code prior to issuing a building permit. A preliminary analysis revealed that a sand interceptor would be required any form of car washing would occur on site.

6. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

Yes, staff considers the project's existing points of ingress and egress are adequate for the size of the project. No additional traffic congestion is expected to be generated by the project.

7. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Yes, staff considers that the proposed use will not be noxious, offensive, or produce noise, dust, gas, odors, or smoke.

8. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

Yes, staff considers the proposed use will not damage or alter the enjoyment of surrounding uses or lower property values in the vicinity.

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 project will not impede the orderly development and improvement of surrounding property.

EXHIBIT B
CONDITIONS OF APPROVAL
Conditional Use Permit Case # PLN21-00017

If approved, the Conditional Use Permit shall be subject to the following conditions of approval. Failure to comply with any one of the conditions shall result in the revocation of this Conditional Use Permit.

1. Applicant must comply with all local, state, and federal requirements and regulations for the establishment of an Auto Detailing Business (Minor Auto Repair).
2. Applicant must comply with all applicable building, zoning, safety, building, fire and health codes/policies.
3. Applicant shall as part of tenant improvements install a Sand and Oil Interceptor at a location adequate to intercept sand and oil from entering the city sewer system which shall be approved by the City of Somerton.
4. All Car-Washing / Detailing equipment must be fully screened from view and enclosed when not in use. All fixed vacuums and mechanical equipment must be fully enclosed at all times.
5. Applicant shall operate on a by appointment only basis OR limit the amount of customers served at any given time as to not impact the parking and maneuverability of the shopping center in which the use is located.
6. Applicant shall obtain a City of Somerton business license prior to commencing operation (part of condition number one).
7. Applicant must retrofit building offices and indoor customer areas to achieve sound attenuation to 25DB as per MCAS request dated June 7, 2021. See Exhibit C.
8. Applicant must initiate construction permit process to complete all required tenant improvements, within 180 days of issuance of this Conditional Use Permit or request an extension in writing to the Community Development Department.
9. Applicant must begin operation and comply with all conditions of approval within two calendar years of the approval of this Conditional Use Permit.

EXHIBIT C
REQUEST FOR COMMENTS RESPONSES
Conditional Use Permit Case # PLN21-00017

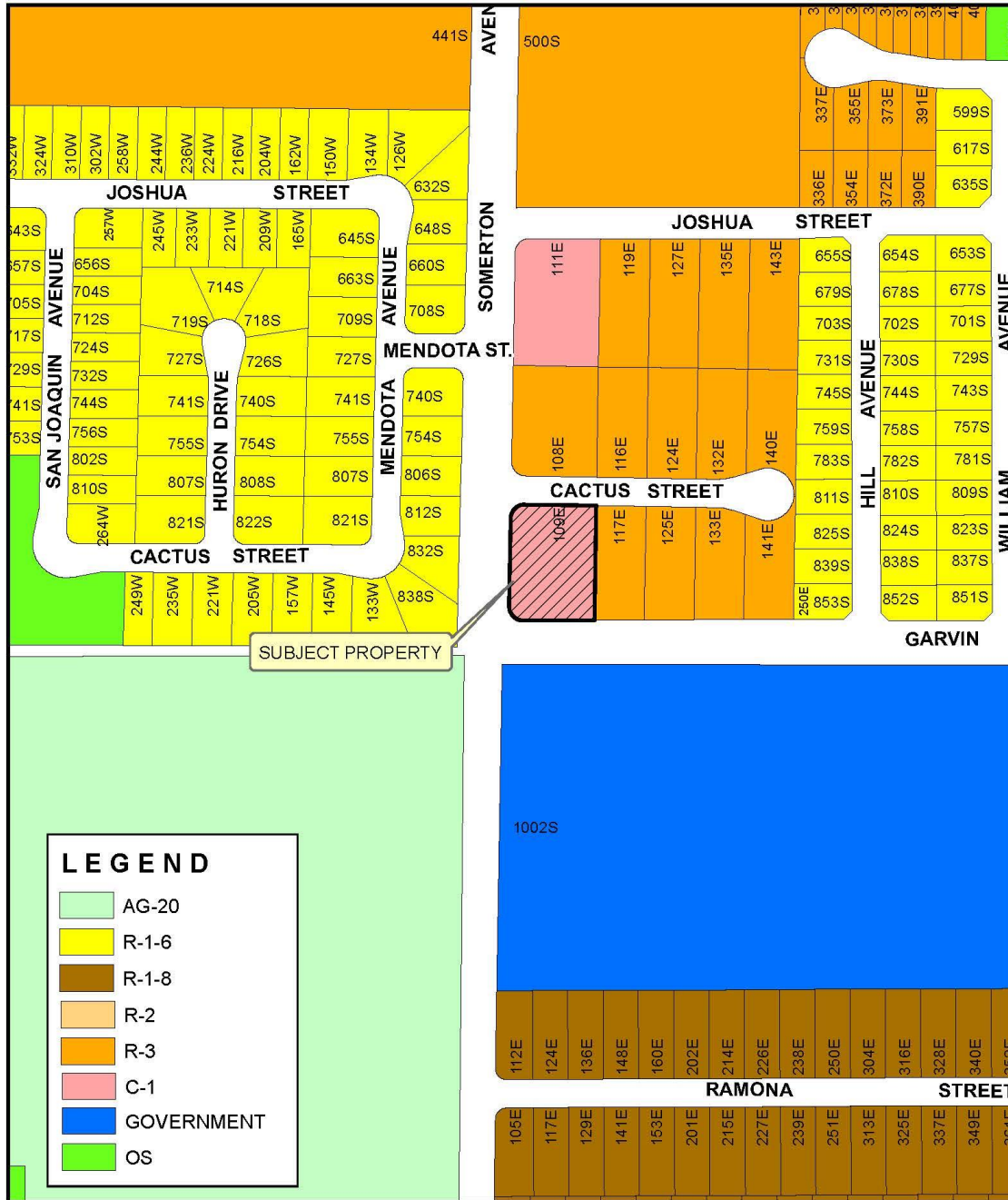
MCAS Yuma

Antonio Martinez - Community Liaison Specialist

March 12th, 2020

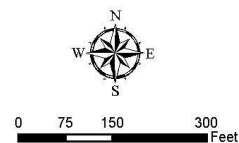
The subject parcel is located within the High Noise Accident Potential Zone (HNAPZ). Per Marine Corps Order 11010.36C, Air Installations Compatible Use Zones (AICUZ), Repair and Professional services are compatible in this zone. If there are design modifications to an existing building, it is requested that measures to achieve Noise Level Reduction of 25dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. Thank you for the opportunity to review and comment.

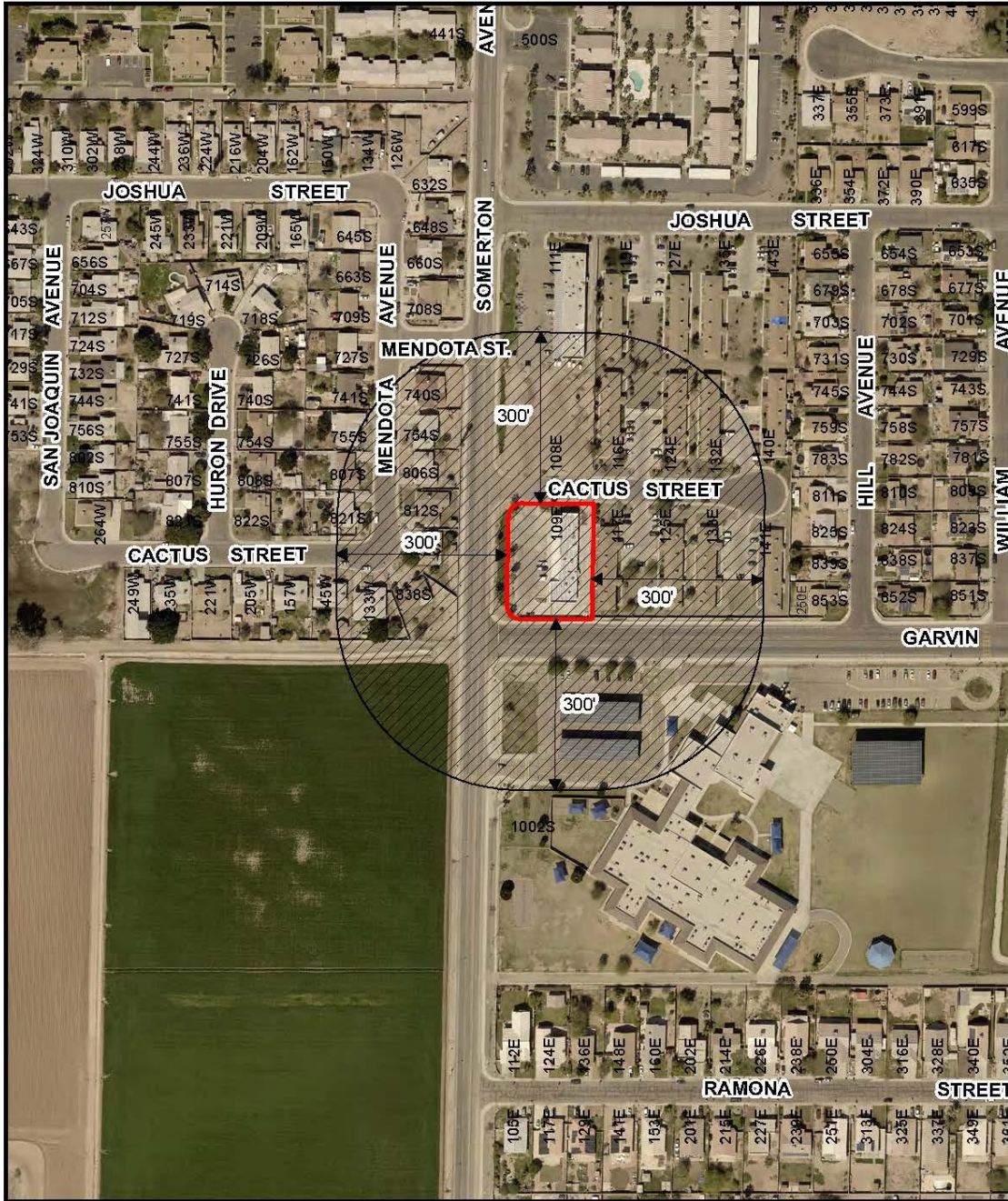
EXHIBIT D
ZONING AND LOCATION MAPS
 Conditional Use Permit Case # PLN21-00017




CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

109 E CACTUS ST





CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

109 E CACTUS ST
300' RADIUS



0 75 150 300
 Feet

EXHIBIT E
DOCUMENTATION SUBMITTED BY THE APPLICANT
Conditional Use Permit Case # PLN21-00017

Facility will be a detail Shop offering the following services:

- Auto wash interior and exterior.
 - Polish and wax
 - Paint Correction
 - wax or Ceramic Coatings.
- A prior schedule appointment will be required to provide services to our customers.
- Hours of operation will be Mon - Fri 9am - 6pm
Sat. 8am - 2pm Sunday - CLOSED.

RECEIVED
MAY 21 2021
MARIA Y.

Property Sq Feet is 1360.

