



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ERIKA PETERSON

Hearing Date May 24, 2021

Case Number: ZONE-34231-2021

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-34231-2021 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff Analysis: Adopted in 2018, the Corner Markets in Residential Districts within the Infill Overlay District provides limited commercial development to occur within certain residential districts. Examples of the benefits and incentives provided, include the opportunity for limited commercial development, encouraging neighborhood investment, and having convenient access to goods and services within walking distance. Previously, in an effort to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood many commercial uses were excluded, from consideration as a corner market.

Since the adoption of the ordinance, staff has seen an increase in the desire to expand the conditional uses allowed within the corner market regulations. The proposed amendment would allow any use permitted within the Limited Commercial (B-1) District, with the exception of adult oriented businesses, as a Conditional Use for a corner market. Further, this amendment will provide the opportunity for additional mixed-use and commercial development to occur within the residential neighborhoods of the Infill Overlay District. The expanded uses for corner markets will provide greater opportunities to maximize the utilization, development, and/or redevelopment of properties within the Infill Overlay, in an effort to accommodate the rapid growth of our City.

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

Yes. The General Plan identifies the need to encourage residential mixed-use development by providing development incentives.

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

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

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

Yes. The proposed amendment will encourage mixed-use development within the residential neighborhood of the Infill Overlay District. This amendment will expand the range of uses to include uses permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses, on major streets, in residential neighborhoods.

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

Yes. The proposed amendment would expand the types of conditional uses and would outline the development standards required of a corner market.

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

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include:

- Increase in walkability
- Encourage mixed-use development
- Encourage neighborhood investment

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- | | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <input checked="checked" type="checkbox"/> | No Conditions of Approval |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By:
Erika Peterson
Assistant Planner



Erika.Peterson@YumaAZ.Gov

Date: 05/03/2021

(928)373-5000, x3071

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 05/03/2021

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following bolded text and delete the strikethrough:

§154-15.17 Corner Markets in Residential Districts within the Infill Overlay District.

- (A) *Purpose.* Regulations for corner markets are established to promote the general convenience, welfare and prosperity of the community. Allowing limited commercial development to occur within certain residential districts allows nearby residents the opportunity to conveniently access goods and services. Which translates to an increase in walking, and a decrease in trips by automobile, benefiting the health of residents and reducing traffic congestion and energy consumption for transportation. To protect the residential character of the neighborhood, corner markets shall be limited to specific uses so as to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood.

The Infill Overlay District is intended to encourage walkable, mixed-use development. Careful planning efforts, allow for new development and businesses, giving residents the option to live close to their daily destinations. By permitting limited commercial activities to occur within the residential districts of the Infill Overlay, the City of Yuma is providing residents the opportunity to increase mixed-use development and create more livable neighborhoods.

- (B) *Uses allowed as a corner market:*

- (1) Cafés;
- (2) Grocery and produce sales;
- (3) Bakery;
- (4) Deli;
- (5) Hardware stores; and
- (6) Personal service(s); limited to salons, barbers, tailors and laundromats.

- (C) *Conditional uses allowed as a corner market:*

- ~~(1) Group teaching of the arts, including music, vocal, dance or physical training; limited to no more than five students per session, in accordance with §154-03.05. In addition to the requirements outlined in §154-03.05, such uses shall also be subject to the following development standards:~~
- ~~(a) All lessons shall be located within an enclosed building;~~
 - ~~(b) Adequate parking shall be provided through on-street and off-street parking. Parking shall be provided for each parent vehicle and for each employee;~~
 - ~~(c) The hours in which classes begin and end need to be properly timed in order to ensure no traffic congestions occurs; and~~

~~(d) Hours of operations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~

- (1) Any use permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses.**
 - (2) Allowed uses as identified in § 154-15.17 (B) which do not meet the development standards in § 154-15.17 (F).**
- (D) *Limitations.* Allowed uses above shall not be permitted to **primarily** engage in the sale or consumption of alcohol.
- (E) *Allowed accessory uses.* A single dwelling unit located within the same building may be owner-occupied or a rental unit.
- (F) *Corner Markets.* Corner markets are subject to the following development standards:
- (1) *Location.* Corner markets shall be located on 2-lane collector streets as identified by the 2014 City of Yuma Transportation Master Plan.
 - (2) *Lot size.* Corner markets are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
 - (3) *Lot coverage.* Corner markets are required to meet the lot coverage allowances as dictated by the applicable zoning or overlay district.
 - (4) *Setbacks.* Corner markets are required to meet the setback requirements as identified within the applicable zoning or overlay district.
 - (5) *Height.* Corner markets shall not exceed a total building height of 25 feet and shall be in keeping with the general character of the surrounding area.
 - (6) *Maximum area.* The area of a corner market shall be limited to a maximum gross floor area of 1,600 square feet.
 - (7) *Distance.* A corner market may not be located within 1000 feet of another corner market.
 - (8) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.
 - (9) *Parking.* Corner markets and any attached residential unit shall provide adequate parking as outlined below.
 - (a) A corner market shall be required to provide two spaces off-street.
 - (b) Off-street parking shall be limited to no more than four spaces.
 - (c) Retail uses shall provide one space for each 400 square feet of gross floor area.
 - (d) Cafes shall provide one space for each 50 square feet of gross floor area where the public is served.

- (e) Required parking utilized by customers may be provided through the means of on-street parking, if available. If utilizing on-street parking, parking is to be located on the same side of the street as the use, may not extend beyond the street frontage of the subject property, and must be approved by the City of Yuma Traffic Engineer.
- (f) In addition to motor vehicle parking, bicycle parking shall be provided on-site.
- (g) Unless specified above, all parking areas shall be provided in accordance with Article 16 of this chapter.
- (10) *Lighting.* All exterior lighting fixtures shall be properly arranged, shielded and located as to direct the light away from any public or private street right-of-way or adjoining residential properties, as specified in Article 18 of this chapter. In addition to the requirements outlined in Article 18, light poles shall be restricted to a maximum height of 12 feet.
- (11) *Hours.* Hours of operation, including the loading and unloading of merchandise, are limited to the hours between 6:00 a.m. and ~~8:00 p.m.~~ **10:00 p.m.** Deliveries shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.
- (12) *Neighborhood meeting.* A neighborhood meeting shall be held on-site prior to the issuance of a building permit and/or establishment of a corner market. Neighborhood meetings are an informal meeting between the applicant and interested residents who may reside, own property, or work in the area. These meetings offer residents an opportunity to provide input before formal plans are rendered.
- (13) *Appeal.* An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator may be requested to the Hearing Officer in accordance with §154-03.02(C).

ATTACHMENT B NOTIFICATION

- Legal Ad Published: The Sun (4/16/2021)
- 34 Commenting/Reviewing Agencies noticed: (3/25/2021)
- Neighborhood Meeting: (N/A)
- Hearing Date: (5/10/2021)
- Comments due: (4/5/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/30/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/30/2021	X		
Yuma County Planning & Zoning	YES	3/31/2021		X	
Yuma County Assessor					
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	3/31/2021	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/30/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/06/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
N/A	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

ATTACHMENT C
AGENCY COMMENTS



COMMENT



NO COMMENT

Enter comments below:

Yuma County does not have an "Infill Overlay District", however allow the list uses in the Local Commercial and General Commercial zoning districts.

DATE: 3/31/21 NAME: Javier Barraza TITLE: Senior Planner
AGENCY: DDS, Planning & Zoning Division
PHONE: (928) 817-5000
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov