

**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE – REZONE**

**Hearing Date:** May 8, 2017

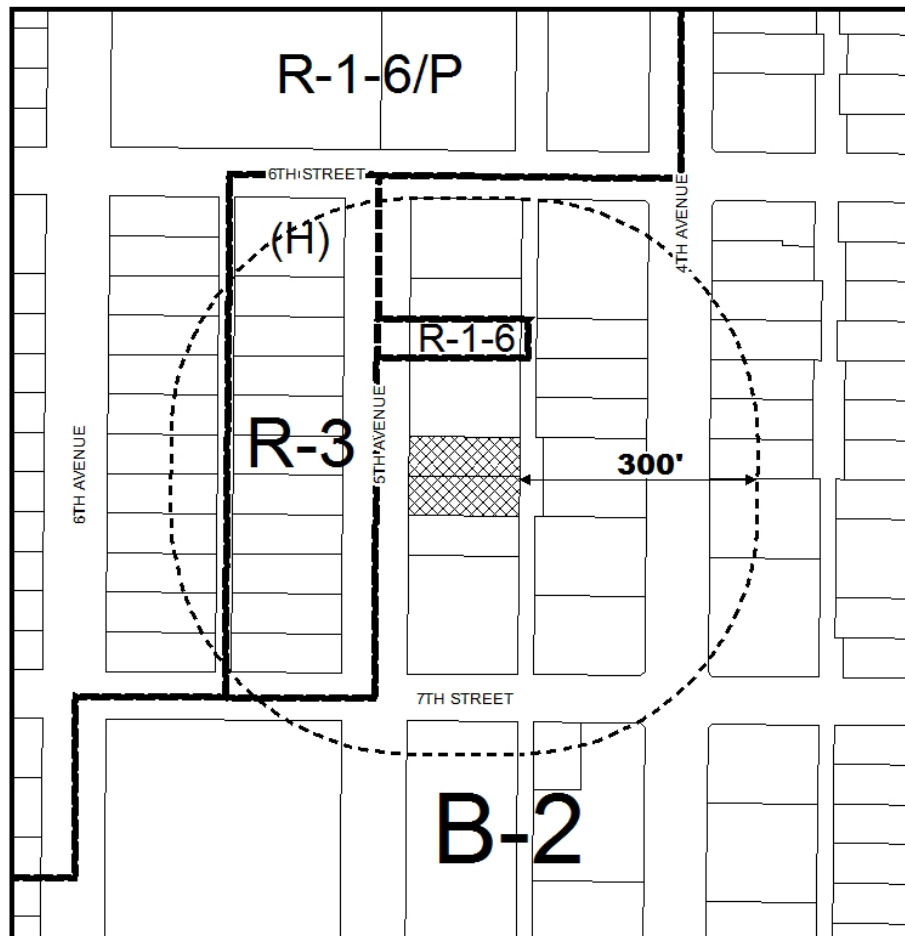
**Case Number:** ZONE-17190-2017

**Project Description/Location:**

This is a request to rezone approximately 0.32 acres from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District. The property is located at 653 and 661 S. 5<sup>th</sup> Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	General Commercial (B-2)	Vacant	Mixed Use
<b>North</b>	General Commercial (B-2)	Duplex Dwellings	Mixed Use
<b>South</b>	General Commercial (B-2)	Single-family Dwelling	Mixed Use
<b>East</b>	General Commercial (B-2)	Commercial Offices	Commercial
<b>West</b>	High Density Residential (R-3)	Single-family Dwellings	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: Original City Charter (01/12/1915); Subdivision: Yuma Townsite.

**Staff recommendation:** Staff recommends **APPROVAL** of the request to rezone approximately 0.32 acres from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Motion to **APPROVE** the request to rezone approximately 0.32 acres from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A, because the request is in compliance with the General Plan and is compatible with surrounding land uses.

**Staff Analysis:** The subject property is two adjacent lots with addresses of 653 & 661 S. 5<sup>th</sup> Avenue. They are 7,000 square feet each; both are 50' X 140' and are vacant.

There were structures at 661 S. 5<sup>th</sup> Avenue until recently. City records show that a home at 653 S. 5<sup>th</sup> Avenue was demolished in 1980. Because of the much higher elevation of the buildable area of these properties and their location off the main business route, it is unlikely that they would be suitable for successful commercial development. Any commercial use would also require substantially more parking, and alley access might not be desirable for a business.

**The applicant states:**

“Our intention for the use of this land is to build single family residences with an auxiliary dwelling unit for each parcel. The proposed use of each parcel will consist of the following features:

“Detached, single family dwelling aligned with existing homes fronting 5th Ave.

- Upon findings of a field survey, a variance will be pursued to reduce the 20ft setback in order to keep the new homes in line with the existing neighboring houses

“Accessory dwelling unit in the rear fronting alley

- Pending City of Yuma code amendment
- This proposed use in harmony with City of Yuma 2012 General Plan and also the overall neighborhood where many existing auxiliary dwelling units are being utilized

“Carport or garage fronting alley

- Primary vehicle access from alley

“As the property owners, we feel this use is suitable for the neighborhood. Across the street are single family residences and a multifamily complex. On the same side of the street, they are 6 existing detached dwelling units with exception to two non-residential uses at each corner (one of which supports a nearby school district). It is the owner's goal to make use of all City of Yuma In-fill incentives and Redevelopment provisions these parcels are a part of.”

Approval of this rezoning would not be approval of any variance for dimensional standards or an allowance for more than one single-family home per parcel.

**Neighboring previous rezoning:**

Assessor's Parcel Number 633-58-129 (to the north of the subject property) was changed to R-1-6 in 1991 with case #Z91-1, with the public hearing minutes stating that the rezoning was "in-fill" and "the request is in keeping with the character of the neighborhood." That case noted the neighborhood was a mix of commercial and residential. The original zoning was Business "B" District, which allowed for both dwellings and businesses. Business "B" was a zoning district in the code prior to the implementation of B-2 zoning in the early 1980's. Present day B-2 does not allow for detached dwellings.

**1. Does the proposed zoning district conform to the Land Use Element?**

Yes

**2. Are there any dedications or property easements identified by the Transportation Element?**

No

**3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?**

Yes

**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes

**5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?**

Yes

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** See Attachment C.

**Proposed conditions delivered to applicant on:** April 3, 2017

**Final staff report delivered to applicant on:** April 10, 2017

☒ Applicant agreed with all of the conditions of approval on: April 4, 2017

**Attachments**

A	B	C	D	E
Conditions of Approval	Neighborhood Meeting Comments	Conceptual Site Plan & Photos of Frontage	Aerial Photo	Staff Research

**Project Planner:** Robert M. Blevins, Principal Planner 373 -5189 Robert.Blevins@yumaaz.gov

**Prepared By:**

Robert M. Blevins, Principal Planner

**Date:**

4/5/17

**Approved By:**

Laurie L. Lineberry, AICP,  
Community Development Director

**Date:**

4-11-17

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

**Department Of Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189**

4. With the exception of Condition 2, each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

**ATTACHMENT B**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 03/29/17

**Location:** At the property.

**Attendees:** Nicholas Ramos, Applicant; Bob Blevins & Chad Brown, City of Yuma; and seven others were in attendance.

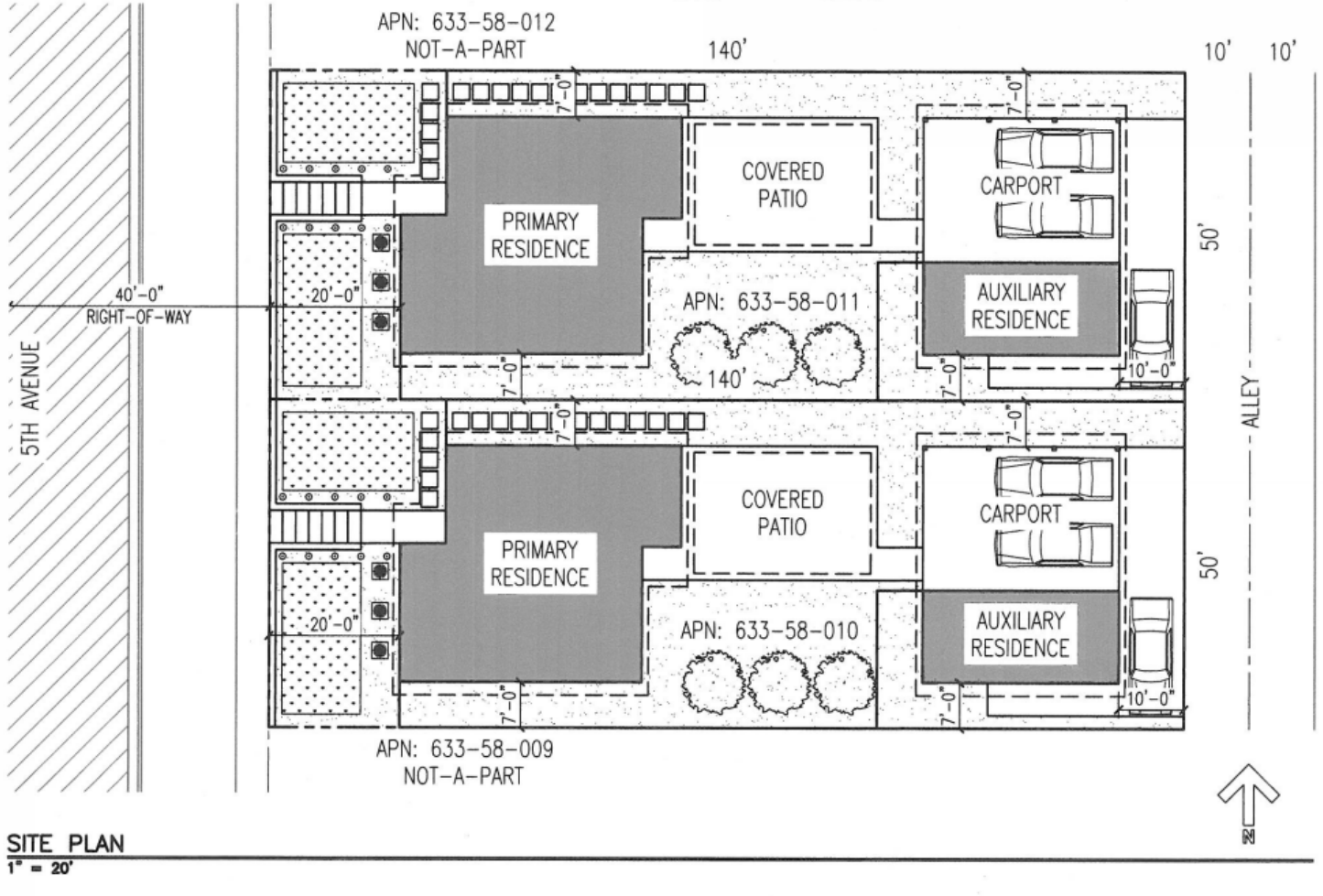
**SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:**

- DISCUSSION OF EXISTING HOMES WITH B-2 ZONING.
- HOW WILL BACK HOUSES ACCESS? ANSWER: ALLEY.
- WILL THE NEW RESIDENTS COMPLAIN ABOUT NOISE FROM COMPRESSORS AND PAINT BOOTH BLOWERS AT NIGHT FROM AUTO BODY SHOP? ANSWER: NOISE COMMENTS ARE APPRECIATED. THE NEW HOMES WILL HAVE SPRAY FOAM INSULATION.
- THERE ARE REFRIGERATED SEMI-TRUCKS IDLING AT NIGHT ON THE STREET TOO.
- WILL YOU BE LIVING THERE? ANSWER: YES.
- IS THIS PROPERTY IN A HISTORIC DISTRICT? ANSWER: NO.
- WHEN WILL YOU BUILD? ANSWER: JULY THRU OCTOBER 2017. WILL SURVEY SOON.

# **ATTACHMENT C** **CONCEPTUAL SITE PLAN & PHOTOS OF 5<sup>TH</sup> AVENUE FRONTAGE**

## **LOT COVERAGE SUMMARY**

MAIN HOUSE:	1,320 SF	LOT AREA:	7,000 SF
AUX+CARPORT:	1,080 SF	LOT COVERAGE:	33% PROPOSED
PATIO:	500 SF		
NET TOTAL:	2,900 SF		
CARPORT CREDIT:	-600 SF		
TOTAL:	2,300 SF		







Looking Northeast from 5<sup>th</sup> Avenue



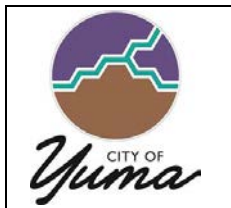
Looking Southeast from 5<sup>th</sup> Avenue



ATTACHMENT D  
AERIAL PHOTO



**ATTACHMENT E**  
**STAFF RESEARCH**



## STAFF RESEARCH – REZONE

**CASE #: ZONE-17190-2017**

**CASE PLANNER: BOB BLEVINS**

### I. PROJECT DATA

Project Location:		Approx. 200 ft. north of the northeast corner of 5 <sup>th</sup> Ave. and 7 <sup>th</sup> St.												
Parcel Number(s):		633-58-010 & 633-58-011												
Parcel Size(s):		7,000 sq. ft. each for a total of 14,000 sq. ft.												
Total Acreage:		0.32												
Proposed Dwelling Units:		2												
Address:		653 & 661 S. 5 <sup>th</sup> Ave.												
Applicant:		Nicholas and Gabriela Ramos												
Applicant's Agent:		None												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B		Historic		None	X	Airport	
Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone			
	<b>Existing Zoning</b>		<b>Use(s) on-site</b>				<b>General Plan Designation</b>							
<b>Site</b>	General Commercial (B-2)		Vacant				Mixed Use							
<b>North</b>	General Commercial (B-2)		Duplex Dwellings				Mixed Use							
<b>South</b>	General Commercial (B-2)		Single-family Dwelling				Mixed Use							
<b>East</b>	General Commercial (B-2)		Commercial Offices				Commercial							
<b>West</b>	High Density Residential (R-3)		Single-family Dwellings				Low Density Residential							
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement		Yes		No		N/A								
Annexation		Yes	X	No		Original City Charter (01/12/1915)								
General Plan Amendment		Yes		No		N/A								
Development Agreement		Yes		No		N/A								
Rezone		Yes		No		N/A								
Subdivision		Yes	X	No		Yuma Townsite								
Conditional Use Permit		Yes		No		N/A								
Pre-Development Meeting		Yes		No		01/05/2017								
Design Review Commission		Yes		No		N/A								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes		No	X	Fee #				If no, add to Conditions of Approval				
Land Division Status:		Parcels are legal lots of record.												
Irrigation District:		None												
Adjacent Irrigation Canals & Drains:		None												
Water Conversion: (5.83 ac ft/acre)		N/A												
Water Conversion Agreement Required		Yes		No	X									

### II. CITY OF YUMA GENERAL PLAN

<b>Land Use Element:</b>			
Land Use Designation:		Mixed Use	
Noise Contour:		None	Overlay/Specific Area: N/A



Issues:		None									
Historic District:	Brinley Avenue		Century Heights				Main Street			None	X
Historic Buildings on Site:		Yes		No	X						

**Transportation Element:**

**FACILITY PLANS**

Transportation Master Plan		Planned				Existing					
5 <sup>th</sup> Avenue – Local Street		58 FT F/W ROW				80 FT F/W ROW					
Median Covenant		No									
Gateway Route		Scenic Route		Hazardous Cargo Route		Truck Route					

Bicycle Facilities Master Plan	5 <sup>th</sup> Ave. Existing Bike Route										
YCAT Transit System	4 <sup>th</sup> Ave. Red Route										
Issues:		None									

**Parks, Recreation and Open Space Element:**

Parks and Recreation Facility Plan

Neighborhood Park:	Existing: Marcus Park	Future: None
Community Park	Existing: Carver Park Complex	Future: None
Linear Park:	Existing: East Main Canal Linear Park	Future: None
Issues:		None

**Housing Element:**

Special Need Household:	N/A	
Issues:		None

**Redevelopment Element:**

Planned Redevelopment Area:	Yuma North End – 4 <sup>th</sup> Avenue										
Adopted Redevelopment Plan:	North End:	X	Carver Park:		None:						
Conforms:	Yes	X	No								

**Conservation, Energy & Environmental Element:**

Impact on Air or Water Resources	Yes		No	X							
Renewable Energy Source	Yes		No	X							
Issues:		None									

**Public Services Element:**

<b>Population Impacts</b> Projected Population per Census 2010: 2.9 persons per unit Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person		<table border="1"> <tr> <th>Dwelling Units</th> <th>Projected Population</th> <th>Police Impact</th> <th colspan="2">Water Consumption</th> <th>Wastewater Generation</th> </tr> <tr> <td>Maximum</td> <td></td> <td>Officers</td> <td>GPD</td> <td>AF</td> <td>GPD</td> </tr> <tr> <td>2</td> <td>6</td> <td>0.01</td> <td>1,740</td> <td>1.9</td> <td>580</td> </tr> <tr> <td>Minimum</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>6</td> <td>0.01</td> <td>1,740</td> <td>1.9</td> <td>580</td> </tr> </table>	Dwelling Units	Projected Population	Police Impact	Water Consumption		Wastewater Generation	Maximum		Officers	GPD	AF	GPD	2	6	0.01	1,740	1.9	580	Minimum						2	6	0.01	1,740	1.9	580
Dwelling Units	Projected Population	Police Impact	Water Consumption		Wastewater Generation																											
Maximum		Officers	GPD	AF	GPD																											
2	6	0.01	1,740	1.9	580																											
Minimum																																
2	6	0.01	1,740	1.9	580																											
Fire Facilities Plan:	Existing: Fire Station #1				Future: None																											
Water Facility Plan:	Source:	City	X	Private		Connection:	6" PVC on 5 <sup>th</sup> Ave.																									
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 8" PVC in alley.																								
Issues:		None																														

**Safety Element:**

Flood Plain Designation:	X	Liquefaction Hazard Area:	Yes		No	X
Issues:		None				

**Growth Area Element:**

Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.	
	North End		Pacific Ave & 8 <sup>th</sup> St		Estancia	
Issues:		None				

## NOTIFICATION

- **Legal Ad Published: The Sun** (04/14/17)
- **300' Vicinity Mailing:** (03/20/17)
- **34 Commenting/Reviewing Agencies noticed:** (03/23/17)
- **Neighborhood Meeting:** (03/29/17)
- **Hearing Dates:** (05/08/17)
- **Comments Due:** (04/03/17)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	03/23/17	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	03/24/17	X		
Yuma County Planning & Zoning	NR				
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.	YES	03/23/17	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Administration	NR				
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	03/23/17	X		
Randy Crist, Building Safety	NR				
ITS Director	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03/23/17		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
03/29/17 AT THE PROPERTY 5 P.M.	See Staff Report Attachment B.
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
03/02/17	by U.S. Mail

**PUBLIC COMMENTS RECEIVED: NONE**