

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

**Hearing Date:** April 25, 2016

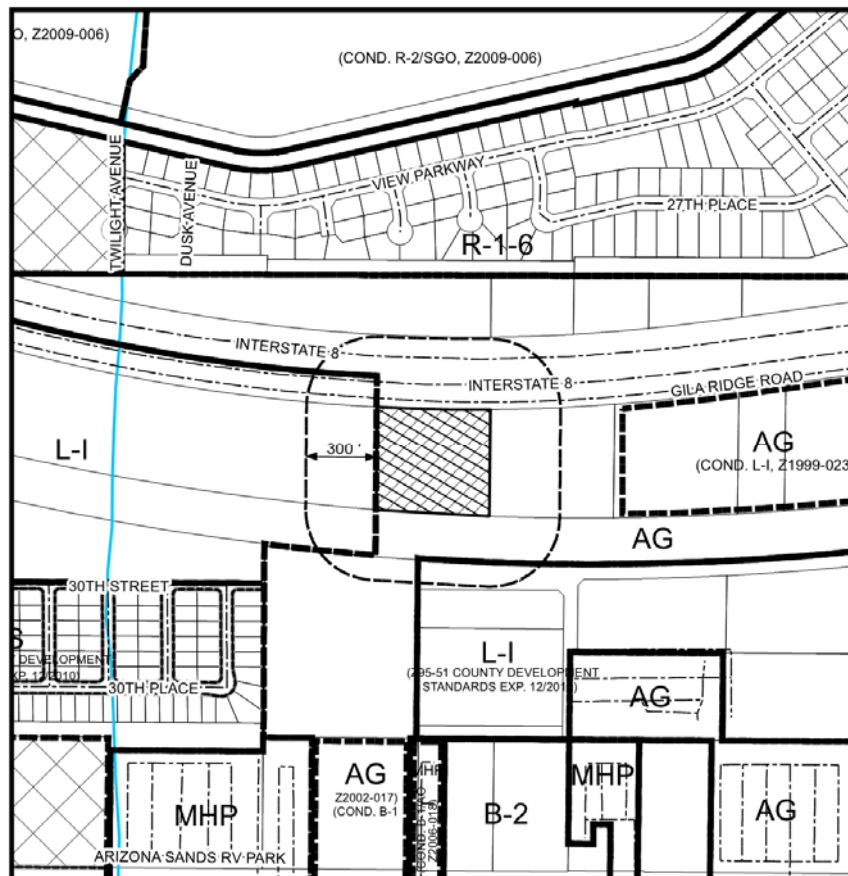
**Case Number:** ZONE-13271-2016

**Project Description/Location:**

This is a request by Dahl, Robins & Associates, on behalf of Jerry and Suzanne Rava, to rezone approximately 5.82 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located at 5635 E. Gila Ridge Road, Yuma, AZ.

	Existing Zoning	Existing Land Use	Land Use Designation
<b>Site</b>	Agriculture (AG)	Nature Fresh Farms Office	Industrial
<b>North</b>	Agriculture (AG)	Interstate 8	Industrial
<b>South</b>	Agriculture (AG)	Union Pacific Railroad	Industrial
<b>East</b>	Agriculture (AG)	Undeveloped	Industrial
<b>West</b>	Light Industrial (L-I)	Undeveloped	Industrial

**Location Map**



**Prior site actions:** Annexation: Ord. #O99-024 (May 22, 1999); Rezone: Ord. #O99-024 (May 22, 1999; zoned Agriculture (AG) upon annexation)

**Staff recommendation:** Staff recommends **APPROVAL** of the rezoning for the property located at 5635 E. Gila Ridge Road from the Agriculture (AG) District to the Light Industrial (L-I) District, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

**Suggested Motion:** Move to **APPROVE** the rezoning of the property located at 5635 E. Gila Ridge Road from the Agriculture (AG) District to the Light Industrial (L-I) District, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

**Staff Analysis:** The subject property is located along Gila Ridge Road, approximately 1600 feet west of the Avenue 6E alignment. Developed in 1992, the property features 15,000 square feet of storage/office space and a 5,000 square foot material shelter. Upon annexation into the City of Yuma in 1999, the property was zoned Agriculture (AG). When annexed, the property was utilized for the processing of locally grown dates; a use not permitted in the Agriculture (AG) District. Due to the fact that the use of the property was considered legal non-conforming following the annexation, the property owner was given the opportunity to rezone the property at no cost. However, several years later the property was sold and the parcel remained in the Agriculture (AG) District.

Once sold, the new owner began utilizing the property strictly for office use. Unbeknownst to the owner, offices are a use which is not permitted in the Agriculture (AG) District. Staff was unaware that the use of the property had been changed, allowing the property to maintain its non-conforming status. In February of 2016, the property owner submitted building plans to expand the office area, which is when staff realized the use existed and was not permitted. In order to rectify the situation, the owner is rezoning the property to Light Industrial (L-I) and will then be requesting a Conditional Use Permit to allow for offices in the newly designated zoning district.

The request to rezone the property to the Light Industrial (L-I) Zoning District is in conformance with the General Plan.

**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?**

Yes

Transportation Element	Planned	Existing	Difference	Requested
Gila Ridge Road – 2-Lane Collector	80 FT H/W ROW	53 FT H/W ROW	-27'	27' No-Build Easement

**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:** No Meeting Required

**Proposed conditions delivered to applicant on:** March 24, 2016

**Final staff report delivered to applicant on:** March 30, 2016

- |  |   |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: March 24, 2016                                    |
| <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. |

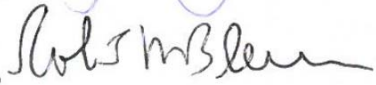
**Attachments**

A	B	C
Conditions of Approval	Aerial Photo	Staff Research

**Project Planner:** Alyssa Linville, (928) 373-5000, [Alyssa.Linville@YumaAz.gov](mailto:Alyssa.Linville@YumaAz.gov)  
Senior Planner ext. 3037

**Prepared By:**   
Alyssa Linville, Senior Planner

**Date:** 03/31/16

**Reviewed By:**   
Robert Blevins, Principal Planner

**Date:** 7/31/16

**Approved By:**   
Laurie L. Lineberry, AICP,  
Community Development Director

**Date:** 3-31-16

**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.

**Department of Engineering: Andrew McGarvie, Assistant City Engineer, (928) 373-5000, ext. 3044:**

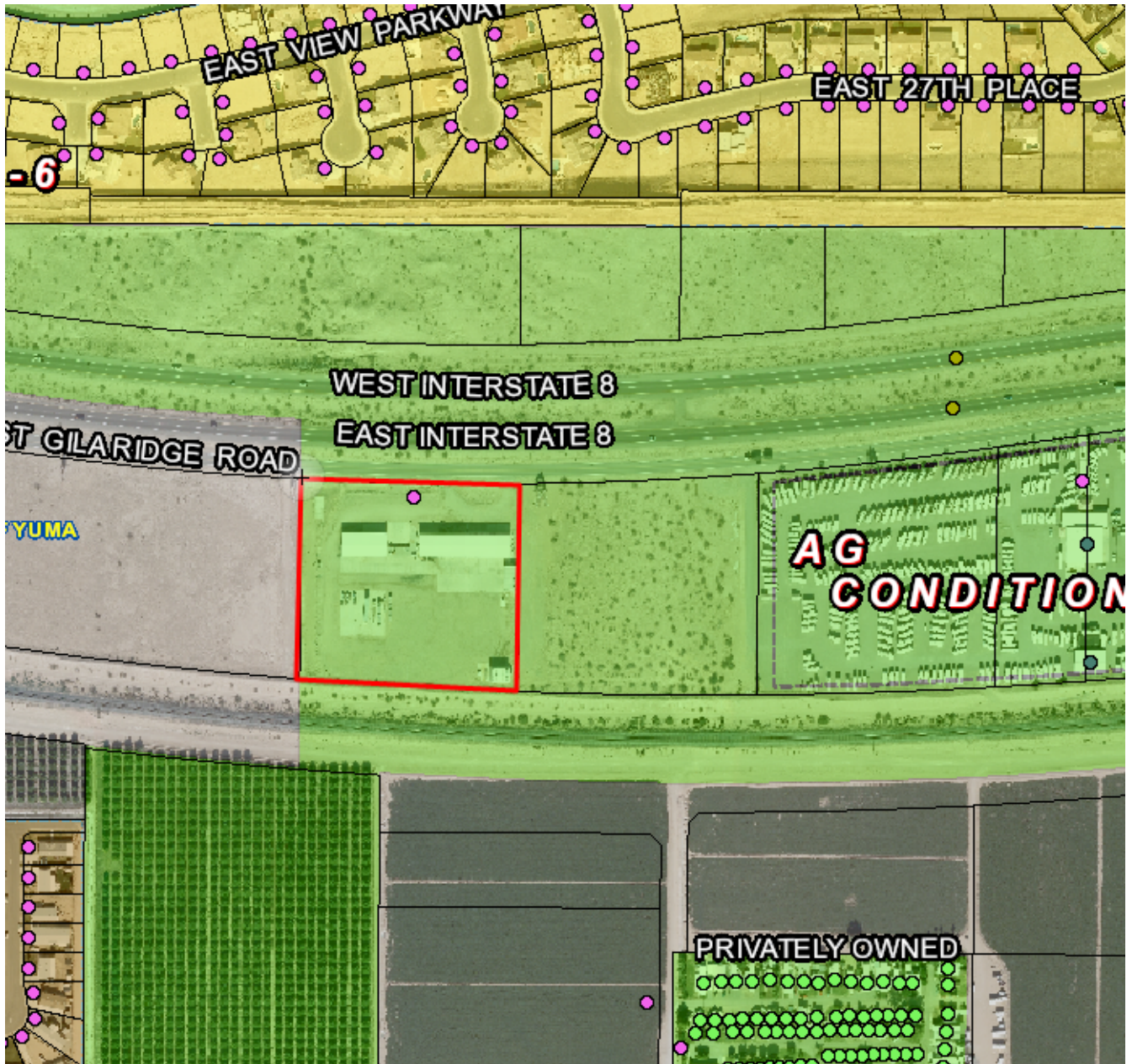
4. Owner shall dedicate a 27.00 foot no-build easement along the north property line, such that no buildings are constructed in the future Gila Ridge Road r-o-w. The owner shall have the right to utilize the no-build easement area for such things as landscaping, parking, and storm water retention, until such time that the property or portions thereof is purchased by the City of Yuma for right-of-way purposes. The City of Yuma Transportation Master Plan, dated October 2014, calls this section of Gila Ridge road a collector street, requiring a full width of 80 feet. The existing width of Gila Ridge Road appears to be 53 feet as existing.

**Community Planning, Alyssa Linville, Senior Planner, (928) 373-5000, ext. 3037:**

5. Following approval of the rezone, the property owner shall submit for a Conditional Use Permit to allow for offices in the Light Industrial (L-I) Zoning District.
6. 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.

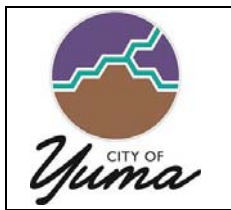
**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

ATTACHMENT B  
AERIAL PHOTO



**ATTACHMENT C**  
**STAFF RESEARCH**





## STAFF RESEARCH – REZONE

**CASE #: ZONE-13271-2016**  
**CASE PLANNER: ALYSSA LINVILLE**

### I. PROJECT DATA

Project Location:	Located between Avenue 5E and Avenue 6E along Gila Ridge Road													
Parcel Number(s):	197-05-007													
Parcel Size(s):	253,519 sq.ft.													
Total Acreage:	5.82 acres													
Proposed Dwelling Units:	None													
Address:	5635 E. Gila Ridge Road													
Applicant:	Jerry and Suzanne Rava													
Applicant's Agent:	Dahl, Robins & Associates													
Land Use Conformity Matrix:	Conforms: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>													
Zoning Overlay:	Public	<input type="checkbox"/>	AO	<input type="checkbox"/>	Auto	<input type="checkbox"/>	B&B	<input type="checkbox"/>	Historic	<input type="checkbox"/>	None	<input checked="" type="checkbox"/>	Airport	<input type="checkbox"/>
Noise Contours	65-70	<input type="checkbox"/>	70-75	<input type="checkbox"/>	75+	<input type="checkbox"/>	APZ1	<input type="checkbox"/>	APZ2	<input type="checkbox"/>	Clear Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Existing Zoning	Existing Land Use	Planned Land Use
<b>Site</b>	Agriculture (AG)	Nature Fresh Farms Office	Industrial
<b>North</b>	Agriculture (AG)	Interstate 8	Industrial
<b>South</b>	Agriculture (AG)	Union Pacific Railroad	Industrial
<b>East</b>	Agriculture (AG)	Undeveloped	Industrial
<b>West</b>	Light Industrial (L-I)	Undeveloped	Industrial

Prior Cases or Related Actions:													
Type	Conforms				Cases, Actions or Agreements								
Pre-Annexation Agreement	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Annexation	Yes	X	No	<input type="checkbox"/>	Ord. #O99-024 (May 22, 1999)								
General Plan Amendment	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Development Agreement	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Rezone	Yes	<input type="checkbox"/>	No	X	Ord. #O99-024 (Zoned Agriculture (AG) upon annexation)								
Subdivision	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Conditional Use Permit	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Pre-Development Meeting	Yes	X	No	<input type="checkbox"/>	February 19, 2016								
Design Review Commission	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Enforcement Actions	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A								
Avigation Easement Recorded	Yes	<input type="checkbox"/>	No	X	Fee #	<input type="checkbox"/>	If no, add to Conditions of Approval						
Land Division Status:	Legal lot of record												
Irrigation District:	None												
Adjacent Irrigation Canals & Drains:	N/A												
Water Conversion: (5.83 ac ft/acre)	33.93 Acre Feet a Year												
Water Conversion Agreement Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	X								

### II. CITY OF YUMA GENERAL PLAN

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

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:	Yes		No	X					
<b>Transportation Element:</b>									
<b><u>FACILITY PLANS</u></b>									
Transportation Master Plan		Planned				Existing			
Gila Ridge Road – 2-Lane Collector		80 FT F/W ROW				53 FT F/W ROW			
Median Covenant		None							
Gateway Route		Scenic Route		Hazardous Cargo Route		Truck Route	X		
Bicycle Facilities Master Plan		None							
YCAT Transit System		None							
Issues:		None							
<b>Parks, Recreation and Open Space Element:</b>									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Terrace View Park				Future: Terrace View Park				
Area Park	Existing: None				Future: None				
Linear Park:	Existing: 'B' Canal				Future: 'B' Canal				
Issues:		None							
<b>Housing Element:</b>									
Special Need Household:		N/A							
Issues:		None							
<b>Redevelopment Element:</b>									
Planned Redevelopment Area:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:	X		
Conforms:		Yes		No		N/A			
<b>Conservation, Energy &amp; Environmental Element:</b>									
Impact on Air or Water Resources		Yes		No		N/A			
Renewable Energy Source		Yes		No		N/A			
Issues:		None							
<b>Public Services Element:</b>									
<b><u>Population Impacts</u></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									
		Dwelling Units	Projected Population	Police Impact	Water Consumption		Wastewater Generation		
		Maximum		Officers	GPD	AF	GPD		
		0	0	0.00	0	0.0	0		
		Minimum							
		0	0	0.00	0	0.0	0		
Fire Facilities Plan:		Existing: Station No. 5				Future: Station No. 5			
Water Facility Plan:		Source:	City	Private	X	Connection:	16" PVC		
Sewer Facility Plan:		Treatment:	City	Septic	X	Private	Connection: None		
Issues:		None							
<b>Safety Element:</b>									
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:		Yes		No	X
Issues:		None							
<b>Growth Area Element:</b>									
Growth Area:		Araby Rd & Interstate 8	X	Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.			
		North End		Pacific Ave & 8 <sup>th</sup> St		Estancia		None	
Issues:									



## NOTIFICATION

- **Legal Ad Published: The Sun** (04/01/16)
- **300' Vicinity Mailing:** (03/07/16)
- **34 Commenting/Reviewing Agencies noticed:** (03/10/16)
- **Neighborhood Meeting:** (N/A)
- **Hearing Dates:** (04/25/16)
- **Comments Due:** (03/21/16)

<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	03/15/16	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	03/11/16	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.	NR				
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	Yes	03/10/16	X		
<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	Yes	03/14/16	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	Yes	03/24/16		X	
Kayla Holiman, Fire	Yes	03/14/16	X		
Kerry Beecher, Building Safety	NR				
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jon Fell, Traffic Engineering	Yes	03/15/16	X		
MCAS / C P & L Office	Yes	03/10/16			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
NONE REQUIRED	See Staff Report Attachment
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
March 23, 2016	U.S. Mail

**PUBLIC COMMENTS RECEIVED:**

## INTERNAL AGENCY COMMENTS

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☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: The property is beneath several flight paths. It is requested that an avigation easement be recorded that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Please email a copy of the recorded avigation easement to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE: 3/10/2016      NAME: Paula L. Backs      TITLE: Community Liaison Specialist  
CITY DEPT: MCAS YUMA AZ  
PHONE: (928) 269-2103  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

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