

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

Hearing Date June 25, 2018

Case Number: ZONE-21865-2018

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets.

Staff recommendation: Staff recommends **APPROVAL** of the request to amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets.

Suggested Motion: Move to **APPROVE** the request to amend Title 15, Chapter 154, Section 01.07 to add definitions related to corner markets, and to add Title 15, Chapter 154, Section 15.17 to provide regulations regarding corner markets.

Staff Analysis: The Infill Incentive Plan, which was adopted in June of 2017, identified future goals as an effort to further incentive development within the Infill Overlay District. One of these goals was the adoption of a corner markets ordinance which would permit small service business to locate within residential districts.

Small corner markets were once a common element in residential neighborhoods within the City of Yuma. These markets provided services including grocery, eateries, clothing and similar service based uses. Typically, these establishments were family owned and operated, and primarily serviced the neighbors who resided in the area. Because of the close proximity, nearby residents were able to access these stores by foot, a luxury which at one time many took for granted.

As years passed, and families began acquiring automobiles, shopping areas began to migrate toward large supermarket and big-box developments. As a result, many of these neighborhood stores were forced to close their doors, an occurrence which greatly impacted the overall character of the surrounding neighborhood. Now many of these former markets remain vacant or underutilized as current zoning laws do not permit for commercial development to occur within residentially zoned areas.

However, as times have changed and needs have begun to shift, many in our community have begun to realize the importance of re-establishing our mixed use neighborhoods. Mixed-use development could greatly impact our community by revitalizing the historic neighborhoods within the city, encouraging neighborhood investment, and potentially increasing property values.

Aside from the financial benefits of mixed-use development, by permitting certain commercial development to occur within residential neighborhoods, the City of Yuma could in fact become a healthier community to reside within. Studies have proven that if given the opportunity, most residents would prefer to walk or bike rather than have to drive to purchase a carton of milk or a dozen eggs. This in turn could translate to a decrease in health related illnesses as more residents would turn to physical activity to access nearby neighborhood stores.

Over the past few years staff has seen an increase in the number of residents' looking for the opportunity to establish small commercial business within the residential districts. Based upon the needs of our residents, staff is recommending the following text amendment in an effort to provide mixed-use development within the Infill Overlay District.

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 neighborhoods of the Infill Overlay District. This amendment will expand the range of uses to include corner markets 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 purpose of this amendment is to permit and 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: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- ☒ No Conditions of Approval
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A	B
Draft Text	Staff Research

Prepared By:
Alyssa Linville,
Principal Planner

Date: 06/07/18
Alyssa.Linville@YumaAz.gov
(928) 373-5000, ext. 3037

Approved By:
Dan Symer, AICP,
Assistant Director Community Development

Date: 6-7-18

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

Date: 6.7.18

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 01.07 Definitions be amended to insert the bolded text thereof:

CAFÉ. A small, informal establishment offering a limited variety of food, beverage, and snack items, which may allow outdoor seating.

CORNER MARKET. A small retail or service-based establishment, which is not required to be located on a street corner, primarily servicing those residents within the neighborhood.

That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following subsection thereof:

§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 or to the number of parking spaces provided for each parent vehicle and employee, 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.
- (D) *Limitations.* Allowed uses above shall not be permitted to 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. 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
STAFF RESEARCH

	STAFF RESEARCH – TEXT AMENDMENT	
	CASE #: ZONE-21865-2018	
	CASE PLANNER: ALYSSA LINVILLE	

I. PROJECT DATA

Project Location:		Infill Overlay District	
Applicant:		N/A	
Applicant's Agent:		City of Yuma	
Prior Cases or Related Actions:		None	

Type	Conforms		Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	No	N/A
Annexation	Yes	No	N/A
General Plan Amendment	Yes	No	N/A
Development Agreement	Yes	No	N/A
Rezone	Yes	No	N/A
Subdivision	Yes	No	N/A
Conditional Use Permit	Yes	No	N/A
Pre-Development Meeting	Yes	No	Date: N/A
Enforcement Actions	Yes	No	N/A

PROPOSED TEXT CHANGE

City Wide?	Yes	X	No	
Zoning District:	All residential districts located within the Infill Overlay District.			
Zoning Overlay:	Public	AO	Auto	B&B
	Historic	Infill	X	
Airport	Noise Contours	65-70	70-75	75+
			APZ1	APZ2
Other:	N/A			
				CLEAR ZONE

II. TEXT AMENDMENT

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impact our community by revitalizing the historic neighborhoods within the city, encouraging neighborhood investment, and potentially increasing property values.

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1) 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 to occur within the residential neighborhoods of the Infill Overlay District. This amendment will expand the range of uses to include corner markets amongst residential development.

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

Yes. The purpose of this amendment is to permit and outline the development standards required of a corner market.

3) 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

NOTIFICATION

- Legal Ad Published: The Sun (06/01/18)
- 34 Commenting/Reviewing Agencies noticed: (05/10/18)
- Neighborhood Meeting: (N/A)
- Hearing Date: (06/25/18)
- Comments due: (05/21/18)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	05/11/18	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	05/11/18	X		
Yuma County Planning & Zoning	Yes	05/11/18	X		
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	05/10/18	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	05/11/18	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Yuma Mesa Irrigation and Drainage District	Yes	05/11/18	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	NR				
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	05/18/18	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Neighborhood Meeting Comments Available
NONE REQUIRED	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED