

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

**Hearing Date:** June 28, 2021

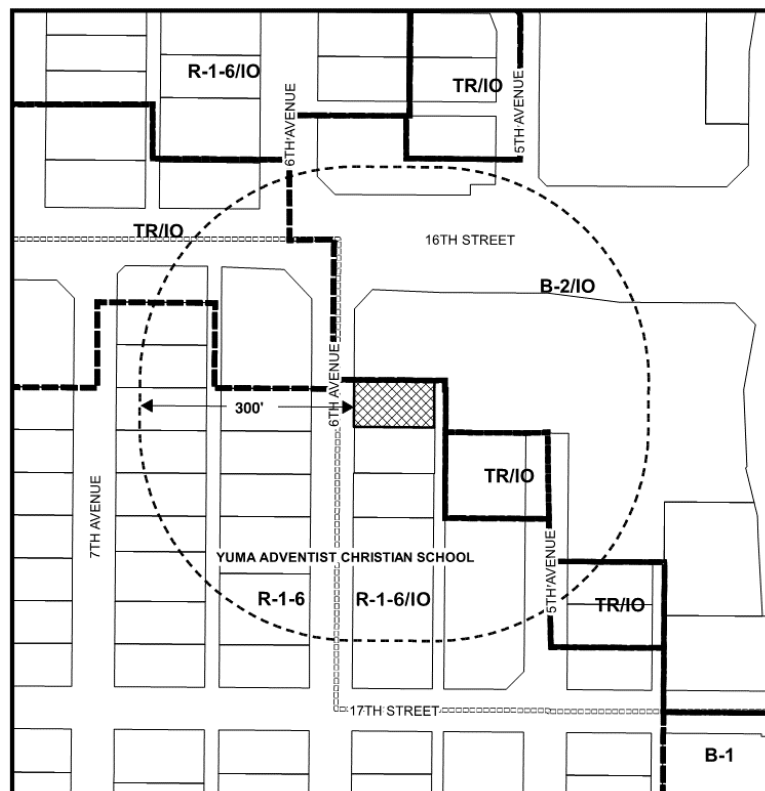
**Case Number:** ZONE-34686-2021

**Project Description/Location:**

This is a request by Dahl, Robins, and Associates, on behalf of Larry C. Fields and Kyle Marie O'Brien, to rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6<sup>th</sup> Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential / Infill Overlay (R-1-6/IO)	Single-family home	Low Density Residential
North	General Commercial / Infill Overlay (B-2/IO)	Vacant	Commercial
South	Low Density Residential / Infill Overlay (R-1-6/IO)	Single-family home	Low Density Residential
East	General Commercial / Infill Overlay (B-2/IO)	Vacant	Low Density Residential
West	Low Density Residential (R-1-6)	Single-family home	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: #742 (04/22/1958); Subdivision: Orange Grove Subdivision (02/25/1948).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-34686-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6<sup>th</sup> Avenue, Yuma, AZ., subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is approximately 65 feet by 128.4 feet fronting on 6<sup>th</sup> Avenue with an unused alley behind the lot. There presently is a single-family home on the property built in 1953. To the north and east is vacant land.

The applicant states the purpose of the rezoning is:

“To augment the parcel to the north of the subject property for development purposes. This will help the development possibilities of that parcel that will ultimately improve the access and development of the development site a 16<sup>th</sup> Street and 4<sup>th</sup> Avenue.”

The General Commercial (B-2) District has a minimum parcel size of 12,000 square feet. This parcel is approximately 8,346 square feet. In such cases the zoning code requires these smaller parcels to be incorporated into a development plan / lot tie to avoid the need for future variances as this parcel will become part of a larger property. A condition of approval will be the requirement of a lot tie to alleviate any setback and development issues.

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

Land Use Element:									
Land Use Designation:				Low Density Residential					
Issues:				Since parcel is small and adjacent to other B-2 zoning- no issues.					
Historic District:	Brinley Avenue			Century Heights		Main Street		None	X
Historic Buildings on Site:		Yes		No	X				

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

No.

**FACILITY PLANS**

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
6 <sup>th</sup> Avenue- Local Street	29 FT H/W ROW	30 FT H/W ROW	N/A	N/A	N/A	N/A
Bicycle Facilities Master Plan	None					
YCAT Transit System	Yellow Route- 4 <sup>th</sup> Avenue					
Issues:	None					

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

Yes.

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

Parks and Recreation Facility Plan		
Neighborhood Park:	Joe Henry Optimist Park	None proposed
Community Park:	None existing	None proposed
Linear Park:	None	None proposed
Issues:	None	

**Housing Element:**

Special Need Household:	N/A
Issues:	None

**Redevelopment Element:**

Planned Redevelopment Area:	Yuma North End Redevelopment Area					
Adopted Redevelopment Plan:	North End:		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> Population projection per 2013-2017 American Community Survey 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	<b>Dwellings &amp; Type</b> <i>Non-residential</i>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>	
	Maximum	Per Unit		Officers	GPD	AF	GPD	
	0	0	0	0.00	0	0.0	0	
	Minimum							
	0	0	0	0.00	0	0.0	0	
Fire Facilities Plan: Fire Station #3								
Water Facility Plan:		Source:	City	X	Private		Connection: 4" Concrete pipe in alley.	
Sewer Facility Plan:		Treatment:	City	X	Septic		Private	Connection: 8" Vitrified clay pipe in alley.
Issues:		None						

**Safety Element:**

Flood Plain Designation:	Zone 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		None	X	
Issues:	None								

**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:**

Name:	Judy Phillips				Contact Information:	928-580-7417				
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
"I own next to it. I would like to live next to a house- not a parking lot."										

Name:	Ginger Rico				Contact Information:	928-343-1541				
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
"Not happy about it. Too much commercial. More commercial businesses will bottle it up more at the intersection [4 <sup>th</sup> and 16 <sup>th</sup> ]. These things are done without thinking about how it affects us. Blinded by health care neon sign now, the light reflects into houses. We feel our voices are not heard and decisions are already made. Have lived here 40 years, time for us to get out."										

**External Agency Comments:**      None Received.

**Neighborhood Meeting Comments:**      No Meeting Required.

**Proposed conditions delivered to applicant on:**      May 13, 2021

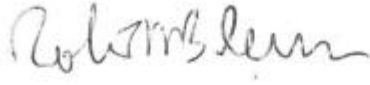
**Final staff report delivered to applicant on:**      May 31, 2021

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: May 13, 2021
<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	Agency Notifications	Aerial Photo

**Prepared By:**  
Robert M. Blevins  
Principal Planner



**Date:**

5/24/21

Robert.Blevins@yumaaz.gov (928)373-5189

**Approved By:**  
Alyssa Linville  
Assistant Director Community Development



**Date:**

05/24/2021

**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:

**Community Development Comments: Alyssa Linville, Assistant Director Community Development, (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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. A lot tie is to be completed to join the subject parcel to the adjacent commercially-zoned property.
5. 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, Certificate of Occupancy or City of Yuma 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 AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (05/21/21)
- 300' Vicinity Mailing: (04/6/21)
- 34 Commenting/Reviewing Agencies noticed: (04/29/21)
- Hearing Date: (06/28/21)
- Comments due: (05/10/21)

<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	04/29/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/29/21	X		
Yuma County Planning & Zoning	YES	05/10/21	X		
Yuma County Assessor	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	YES	04/29/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	04/29/21	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>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	04/29/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/29/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				



ATTACHMENT C  
AERIAL PHOTO

