

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

Hearing Date: September 23, 2019

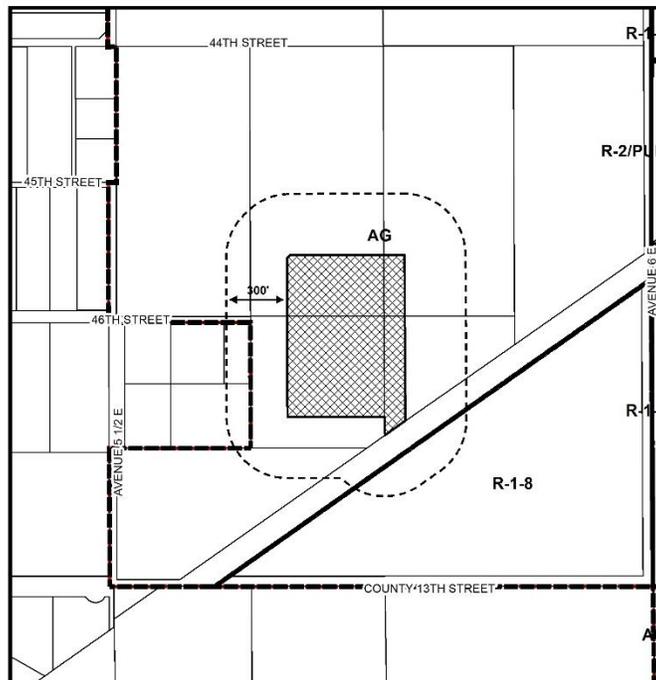
Case Number: ZONE-26788-2019

Project Description/Location:

This is a request by Elizabeth Valenzuela, on behalf of Yuma Elementary School District No. 1, to rezone approximately 10.7 acres from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P) District, for the property located at the southeast corner of 45th Place and Bennie Avenue.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8)	Dorothy Hall Elementary School	Low Density Residential
North	Agriculture	Yuma County Public Works	Public/Quasi Public
South	Yuma County (Suburban Site Built (SSB-2); Rural Area (RA-10)); Low Density Residential (R-1-8)	Single-Family Residence(s)/ Undeveloped/ Agriculture	Rural Density Residential/ Low Density Residential
East	Low Density Residential (R-1-6); Medium Density/Planned Unit Development (R-2/PUD); Low Density Residential (R-1-8)	Single-Family Residence(s)	Low Density Residential/ High Density Residential
West	Yuma County (Suburban Ranch (SR-2); Suburban Site Built (SSB-2))	Single-Family Residence(s)/ Undeveloped	Rural Density Residential

Location Map



Prior site actions: Pre-Annexation Agreement: Res. R2017-035 (January 22, 2018); Annexation: Ord. O2018-012 (April 4, 2018); General Plan Amendment: Res. R2014-06 (Rural Density Residential to Low Density Residential); Rezone: Ord. O2018-024 (AG to R-1-12 and R-1-8); Subdivision: Driftwood Ranch Unit No. 1 (August 2, 2019)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-26788-2019 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 recommending approval to City Council for the request to rezone the property from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P) District for the property located at the southeast corner of 45th Place and Bennie Avenue, 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, annexed in 2018, is approximately 10.7 acres and was recently developed as the site for the Dorothy Hall Elementary School. The current zoning of the property permits the use of the site as a public elementary school. It is however, typical to place the Public Overlay (P) on sites such as this.

The Public Overlay (P) District is intended to allow government uses which are necessary to serve the public in particular locations of the city, and to distinguish them from private uses. The Overlay District is intended to be superimposed over the existing zoning districts for those lands held in public ownership by local, state and federal agencies within the city limits. Unless otherwise specified within the Public Overlay (P) District, the subject property will need to conform to the development standards of the underlying zoning designation.

The City of Yuma General Plan designates this area as Low Density Residential and the request to add the Public Overlay (P) to the property 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?

No.

Transportation Element	Planned	Existing	Difference	Requested
45 th Place – Local Street	29 FT H/W ROW	29 FT H/W ROW	0 FT	0 FT
Bennie Avenue – Local Street	29 FT H/W ROW	29 FT H/W ROW	0 FT	0 FT

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: August 20, 2019

Final staff report delivered to applicant on: August 29, 2019

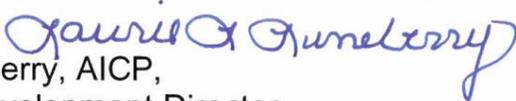
- Applicant agreed with all of the conditions of approval on: August 21, 2019
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C
Conditions of Approval	Aerial Photo	Staff Research

Prepared By: 
Alyssa Linville,
Assistant Director
Community Development

Date: 08/28/19
(928)373-5000, ext. 3037

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

Date: 8-28-19

**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:

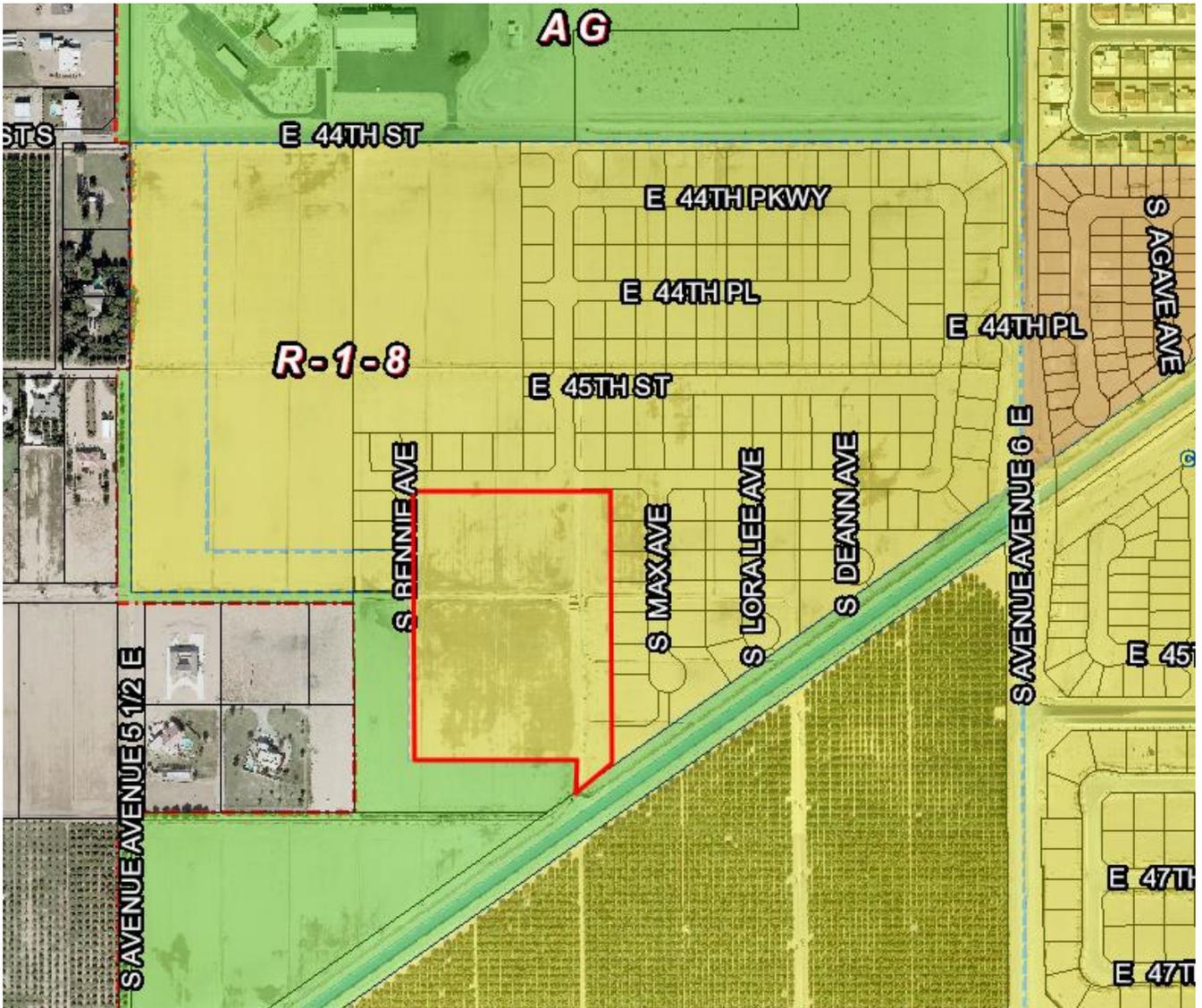
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.

Community Planning, Alyssa Linville, Assistant Director Community Development, (928) 373-5000, ext. 3037

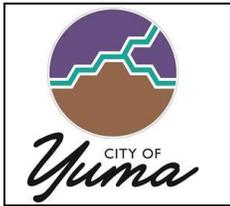
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval 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
AERIAL PHOTO



**ATTACHMENT C
STAFF RESEARCH**



STAFF RESEARCH – REZONE

CASE #: ZONE-26788-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:	Located at the southeast corner of 45 th Place and Bennie Avenue, with the Driftwood Ranch Unit No. 1 Subdivision
Parcel Number(s):	197-17-003, 004
Parcel Size(s):	466,749 square feet
Total Acreage:	10.71 acres
Proposed Dwelling Units:	None
Address:	5777 E. 45 th Place
Applicant:	Yuma Elementary School District No. 1
Applicant's Agent:	Elizabeth Valenzuela

Land Use Conformity Matrix:	Conforms:	Yes	X	No				
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone

	Existing Zoning	Use(s) on-site	General Plan Designation
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West	Yuma County (Suburban Ranch (SR-2); Suburban Site Built (SSB-2))	Single-Family Residence(s)/ Undeveloped	Rural Density Residential

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No	Res. R2017-035 (January 22, 2018)
Annexation	Yes	X	No	Ord. O2018-012 (April 4, 2018)
General Plan Amendment	Yes	X	No	Res. R2014-06 (Rural Density Residential to Low Density Residential)
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Ord. O2018-024 (AG to R-1-12 and R-1-8)
Subdivision	Yes	X	No	Driftwood Ranch Unit No. 1 (Approved by City Council August 15, 2018)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	N/A
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2018-19800
Land Division Status:	Legal lot of record.			

Irrigation District:	Yuma Mesa Irrigation and Drainage District (YMIDD)				
Adjacent Irrigation Canals & Drains:	U.S.B.R. "A" Canal				
Water Conversion: (5.83 ac ft/acre)	62.44 Acre Feet a Year				
Water Conversion Agreement Required	Yes		No	X	

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential								
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	Gateway	Scenic	Hazard	Truck	
45 th Place – Local Street	29 FT H/W ROW	29 FT H/W ROW					
Bennie Avenue – Local Street	29 FT H/W ROW	29 FT H/W ROW					
Bicycle Facilities Master Plan	Avenue 6E Bike Lane						
YCAT Transit System	N/A						
Issues:	None						

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Ocotillo Park	Future: Ocotillo Park
Community Park:	Existing: None	Future: South Mesa Community Park
Linear Park:	Existing: None	Future: "A" Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	N/A				
Adopted Redevelopment Plan:	North End:		Carver Park:		None: X
Conforms:	Yes		No		N/A

Conservation, Energy & Environmental Element:

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

Public Services Element:

Population Impacts 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	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Non-residential</i>				Officers	GPD	
	Maximum	Per Unit					
	0	0	0	0.00	0	0.0	0
Minimum							
0	0	0	0.00	0	0.0	0	
Fire Facilities Plan:	Existing: Fire Station No. 5			Future: Fire Station No. 7			
Water Facility Plan:	Source:	City	X	Private	Connection:	10" PVC	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 18" PVC	

Issues:	None
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Safety Element:

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

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

Issues:	None
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NOTIFICATION

- Legal Ad Published: The Sun (08/16/19)
- 300' Vicinity Mailing: (07/22/19)
- 34 Commenting/Reviewing Agencies noticed: (07/25/19)

- Neighborhood Meeting: (N/A)
- Hearing Dates: (09/23/19)
- Comments Due: (08/05/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	08/06/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	07/26/19	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	07/29/19	X		
Yuma Mesa Irrigation and Drainage District	Yes	07/29/19			
Yuma Irrigation District	NR				
Arizona Game and Fish	Yes	07/29/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	NR				
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	Yes	07/29/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
N/A	None Received.
Prop. 207 Waiver	
Given to Applicant on September 9, 2019 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.