

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

Hearing Date: June 25, 2018

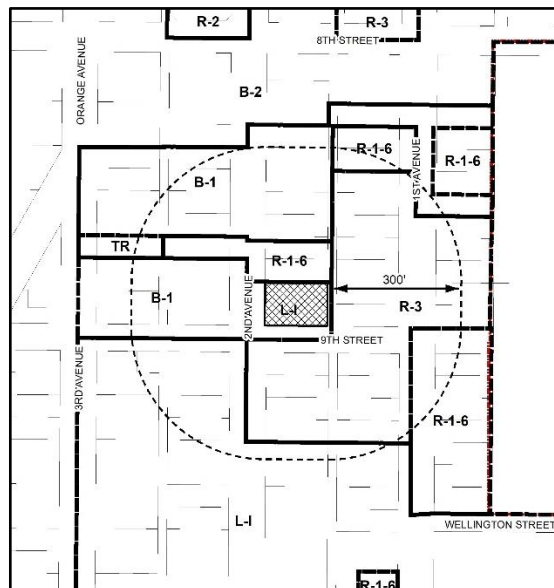
Case Number: ZONE-21860-2018

Project Description/Location:

This is a request by Dawn Lawson to rezone approximately 14,000 square feet from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Bed & Breakfast Overlay (BB) and the Infill Overlay (IO) Districts, for the property located at the northeast corner of West 9th Street and South 2nd Avenue.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Bed & Breakfast Overlay/Infill Overlay (L-I/BB/IO)	Vacant Parcel	Mixed Use
North	Low Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-1-6/BB/IO)	Residential	Mixed Use
South	High Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-3/IO)	Residential	Mixed Use
East	High Density Residential/Bed & Breakfast Overlay/Infill Overlay (R-3/BB/IO)	Residential	Mixed Use
West	Limited Commercial/Bed & Breakfast Overlay/Infill Overlay (B-1/BB/IO)	Iglesia Del Nazareno (Church)	Mixed Use

Location Map



Prior site actions: Annexation: May 29, 1946; Rezone: June 1, 1977 (Business A to Industrial A), February 7, 1981 (Industrial A to L-I); Subdivision: April 18, 1901 (Speese Addition), March 25, 1905 (Speese Addition Amended Plat).

Staff recommendation: Staff recommends **APPROVAL** of the rezoning for the property located at the northeast corner of West 9th Street and South Second Avenue from Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Bed & Breakfast Overlay (BB) and the Infill Overlay (IO) Districts, 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 the northeast corner of West 9th Street and South Second Avenue from Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Bed & Breakfast Overlay (BB) and the Infill Overlay (IO) Districts, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

Staff Analysis: The subject property is located on the northeast corner of West 9th Street and South 2nd Avenue. In 1946 the subject property was annexed into the City of Yuma and no structures have yet to be constructed on the site.

The surrounding area currently is a mix of commercial, industrial, and residential uses. The properties to the north, east, and south of the subject property are zoned for residential uses. The property to the west is Limited Commercial (B-1) and is the location of the Iglesia Del Nazareno (church), and the subject property is Light Industrial (L-I). The applicant wishes to rezone the property to build single-family homes. This rezone would match the character and use of the area as the majority of the lots are zoned for residential uses.

The General Plan designation for the area is Mixed Use, and according to the Land Use Conformity Matrix, low density residential zoning districts such as R-1-6 would be allowed. Furthermore, the rezone and development of the subject property is in conformance with the intent of the Infill Incentive Overlay District to revitalize the traditional core of the city.

The request to rezone the property from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Bed & Breakfast Overlay (BB) and the Infill Overlay (IO) Districts, is in conformance with the Land Use Element of the General Plan and the General Plan Zoning Conformity Matrix.

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
South 2 nd Avenue	29 FT H/W ROW	40 FT H/W ROW	+18 FT	0 FT
West 9 th Street	29 FT H/W ROW	30 FT H/W ROW	+28 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.

External Agency Comments:

None Received.

Neighborhood Meeting Comments:

See Attachment B.

Proposed conditions delivered to applicant on:

May 23, 2018.

Final staff report delivered to applicant on:

June 4, 2018.

☒ Applicant agreed with all of the conditions of approval on: May 23, 2018.

Attachments

A	B	C	D
Conditions of Approval	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Prepared By:

Chad Brown
Assistant Planner

Date: 6.13.18

Chad.Brown@yumaaz.gov

(928)373-5000, x 3038

Reviewed By:

Alyssa Linville
Principle Planner

Date: 06/13/18

Approved By:

Dan Symer, AICP
Assistant Director Community Development

Date: 06/13/18

Approved By:

Laurie L. Lineberry, AICP,
Community Development Director

Date: 6-13-18

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.
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.

Public Works, Agustin Cruz, Senior Civil Engineer, (928) 373-5182

4. Dedicate to the City of Yuma, via Warranty Deed or plat, a corner sight triangle, with 25-feet long legs at the Southwest corner of the property.
5. Dedicate to the City of Yuma, via easement or plat, a 1-foot non-access easement over the corner triangle per City of Yuma Construction Standard 2-096.

Community Planning, Chad Brown, Assistant Planner, (928) 373-5000 x 3038

6. 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
NEIGHBORHOOD MEETING COMMENTS

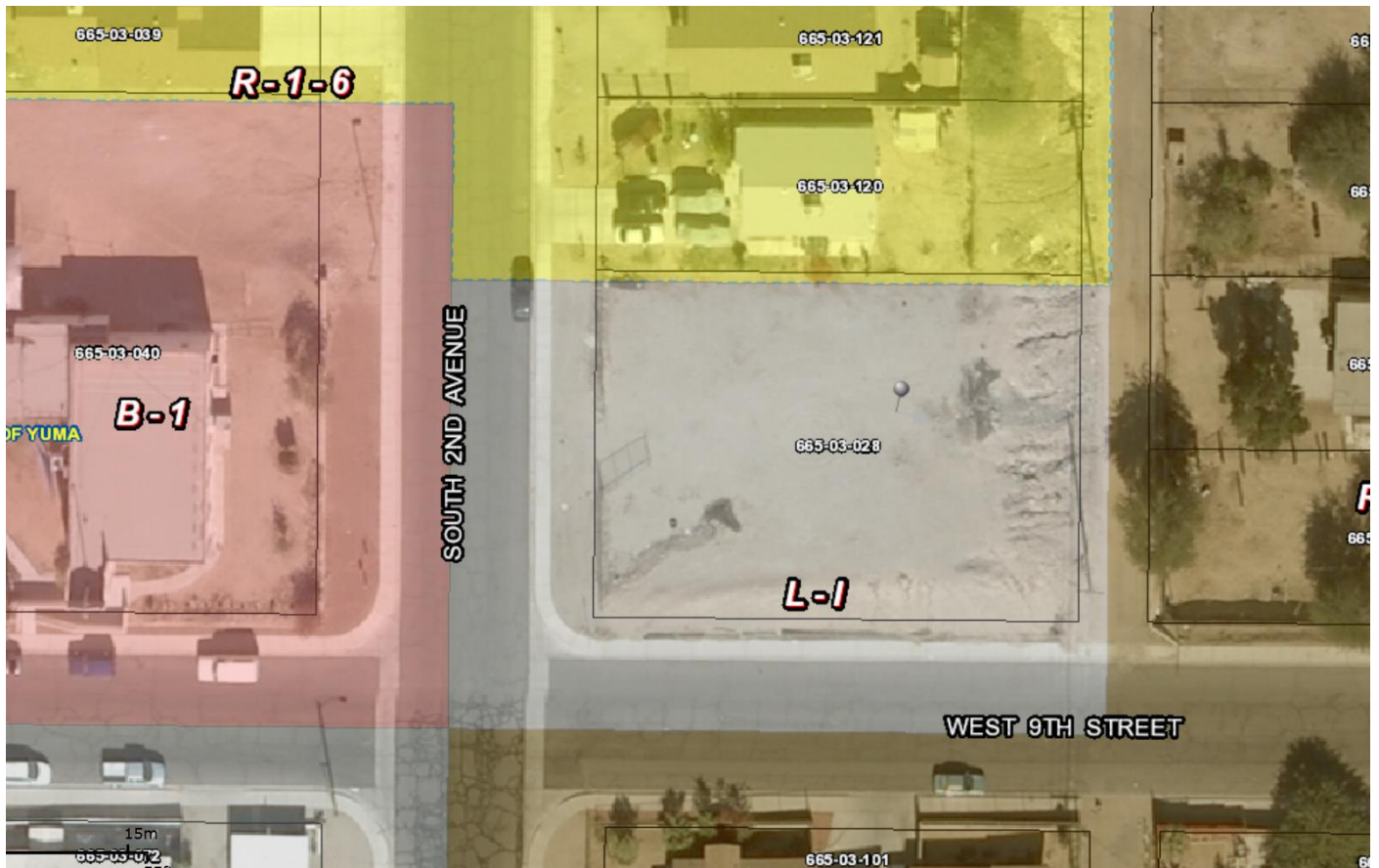
Date Held: May 16, 2018

Location: On-site; northeast corner of West 9th Street and South Second Avenue, Yuma, AZ.

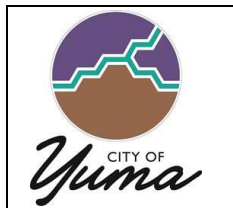
Attendees: Chad Brown; City of Yuma, Dawn Lawson; property owner.

NEIGHBORHOOD MEETING WAS NOT ATTENDED BY ANY OF THE SURROUNDING NEIGHBORS.

ATTACHMENT C
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-21860-2018
CASE PLANNER: CHAD BROWN

I. PROJECT DATA

Project Location:		The subject property is located at the northeastern corner of South 2 nd Avenue and West 9 th Street												
Parcel Number(s):		665-03-028												
Parcel Size(s):		14,000 sq. ft.												
Total Acreage:		.32 acre												
Proposed Dwelling Units:		2												
Address:		N/A												
Applicant:		Dawn Lawson												
Applicant's Agent:		N/A												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B	X	Historic		Infill	X	None	
Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone			

	Existing Zoning	Use(s) on-site	General Plan Designation
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Prior Cases or Related Actions:		Yes	
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Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No		N/A
Annexation	Yes	X	No		Ord. No. 449 (May 29, 1946)
General Plan Amendment	Yes		No		N/A
Development Agreement	Yes		No		N/A
Rezone	Yes	X	No		Ord. No. 1614 (June 1, 1977, Business A to Industrial A); Ord. No. 1979 (February 7, 1981, Industrial A to Light Industrial)
Subdivision	Yes		No	X	Speese Addition (April 18, 1901); Speese Addition Amended Plat (March 25, 1905)
Conditional Use Permit	Yes		No		N/A
Pre-Development Meeting	Yes	X	No		PDM-21401-2018 (March 13, 2018)
Design Review Commission	Yes		No		N/A
Enforcement Actions	Yes		No		N/A
Avigation Easement Recorded	Yes		No	X	Fee #
Land Division Status:	Legal lot of record				
Irrigation District:	N/A				

Adjacent Irrigation Canals & Drains:	N/A				
Water Conversion: (5.83 ac ft/acre)	1.87 Acre Feet a Year				
Water Conversion Agreement Required	Yes		No	X	

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:		Mixed Use											
Noise Contour:		N/A		Overlay/Specific Area:			Bed & Breakfast; Infill						
Issues:		N/A											
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
2 nd Avenue – Local Street	29 FT H/W ROW	40 FT H/W ROW
9 th Street – Local Street	29 FT H/W ROW	30 FT H/W ROW
Median Covenant	None	
Gateway Route	Scenic Route	Hazardous Cargo Route
		Truck Route
Bicycle Facilities Master Plan	None	
YCAT Transit System	None	
Issues:	None	

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Marcus Park	Future: Marcus Park
Community Park:	Existing: None	Future: None
Linear Park:	Existing: None	Future: None
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	1 st Avenue Study Area				
Adopted Redevelopment Plan:	North End:		Carver Park:		None:
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 2012-2016 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>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	2	3.1	6	0.01	1,860	2.1	620
	Minimum						
	1	3.1	3	0.01	930	1.0	310
Fire Facilities Plan:		Existing: Station No. 1			Future: Station No. 1		
Water Facility Plan:	Source:	City	X	Private	Connection:	12" AC	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" VPC	

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 th St		Avenue B & 32 nd St.		
	North End	Pacific Ave & 8 th St	Estancia	None	x		
Issues:	None						

NOTIFICATION

- **Legal Ad Published: The Sun** (6/1/18)
- **300' Vicinity Mailing:** (5/7/18)
- **34 Commenting/Reviewing Agencies noticed:** (5/10/18)
- **Neighborhood Meeting:** (5/16/18)
- **Hearing Dates:** (6/25/18)
- **Comments Due:** (5/21/18)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	5/11/18	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	5/11/18	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	5/14/18	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	5/11/18	X		
USDA – NRCS	NR				
Yuma Mesa Irrigation and Drainage District	YES	5/11/18	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Administration	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				
Agustin Cruz, Engineering	YES	5/14/18		X	X
Kayla Holiman, Fire	YES	5/11/18	X		
Alan Kircher, Building Safety	YES	5/10/18	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				

Joel Olea, Streets	NR				
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Neighborhood Meeting	Comments Available
MAY 16, 2018	N/A
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
Included in application	N/A

INTERNAL COMMENTS RECEIVED:

<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <input checked="" type="checkbox"/> Condition(s) <input type="checkbox"/> No Condition(s) <input type="checkbox"/> Comment </div> <p>Enter conditions here: </p> <p>1. Dedicate to the City of Yuma, via Warranty Deed or plat, a corner sight triangle, with 25 feet long legs at the Southwest corner of the property.</p> <p>2. Dedicate to the City of Yuma, via easement or plat, a 1 foot non access easement over the corner triangle per City of Yuma Construction Standard 2-096..</p> <div style="display: flex; justify-content: space-between;"> <div> <p>DATE: 5/14/2018</p> <p>CITY DEPT: </p> <p>PHONE: 928-373-5182</p> <p>RETURN TO: Chad Brown</p> <p style="margin-left: 20px;">Chad.Brown@YumaAZ.gov</p> </div> <div> <p>NAME: Agustin J. Cruz</p> </div> <div> <p>TITLE: Senior Civil Engineer</p> </div> </div>
<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <input type="checkbox"/> Condition(s) <input checked="" type="checkbox"/> No Condition(s) <input type="checkbox"/> Comment </div> <p>Enter conditions here: </p> <div style="display: flex; justify-content: space-between;"> <div> <p>DATE: 5/11/18</p> <p>CITY DEPT: Fire</p> <p>PHONE: 928-373-4865</p> <p>RETURN TO: Chad Brown</p> <p style="margin-left: 20px;">Chad.Brown@YumaAZ.gov</p> </div> <div> <p>NAME: Kayla Holiman</p> </div> <div> <p>TITLE: Fire Marshal</p> </div> </div>
<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <input type="checkbox"/> Condition(s) <input checked="" type="checkbox"/> No Condition(s) <input type="checkbox"/> Comment </div> <p>Enter conditions here: No Comments or conditions from Building Safety for proposed rezoning.</p> <div style="display: flex; justify-content: space-between;"> <div> <p>DATE: 5-10-18</p> <p>CITY DEPT: DCD/Building Safety</p> <p>PHONE: 928-373-5169</p> <p>RETURN TO: Chad Brown</p> <p style="margin-left: 20px;">Chad.Brown@YumaAZ.gov</p> </div> <div> <p>NAME: Alan Kircher</p> </div> <div> <p>TITLE: Deputy Building Official</p> </div> </div>