

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

**Hearing Date:** March 11, 2019

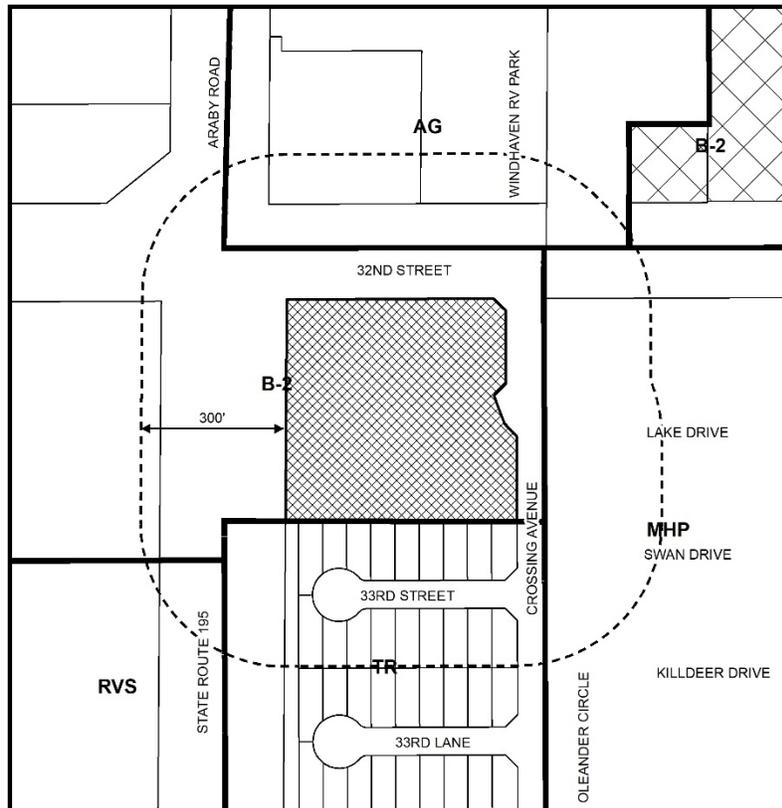
**Case Number:** ZONE-24682-2019

**Project Description/Location:**

This is a request by Colvin Engineering, Inc. on behalf of Elliot Construction, Inc., to rezone a 4.87 acre parcel from General Commercial (B-2) to Low Density Residential (R-1-6), for the property located at the southeast corner of S. Araby Road and E. 32<sup>nd</sup> Street.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	General Commercial (B-2)	Vacant	Low Density Residential
<b>North</b>	Agriculture (AG)	Circle K Convenience and Fuel	Commercial
<b>South</b>	Transitional (TR)	Araby Crossing Subdivision	Mixed Use
<b>East</b>	Manufactured Home Park (MHP)	Araby Acres RV Park	Commercial
<b>West</b>	General Commercial (B-2)	Agriculture	Commercial

**Location Map**



**Prior site actions:** Annexation: #O99-29 (7-3-1999); Rezone: Z1999-018 (AG to B-2); Subdivision: S2007-008 & 008-1; General Plan Amendment: GP-22376-2018.

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

**Suggested Motion:** Move to **APPROVE** Rezone case ZONE-24682-2019 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 from the General Commercial (B-2) District to the Low Density Residential (R-1-6) District, for the property located at the southeast corner of S. Araby Road and E. 32<sup>nd</sup> Street, 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 present zoning of General Commercial (B-2) has been in place since 1999. Due to raised medians, turn lanes, and access issues at the busy SR-195/Araby Road and E. 32<sup>nd</sup> Street intersection, and with the established vehicular circulation in the Araby Crossing Subdivision, commercial development of this site has not occurred.

The proposed Low Density Residential (R-1-6) zoning would allow for 24 single-family home lots. The developer has proposed a conceptual plat of approximately 15 lots of 12,200 square feet in size for homes. There is also the possibility of accessory dwellings on these 201 foot deep lots.

If approved, this rezoning could open the possibility of other development scenarios which might have a more dense concentration of dwellings. The established Araby Crossing Subdivision adjacent to the south generally has lots of 6,150 square feet in size.

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

Yes. The General Plan Designation is Low Density Residential, allowing for R-1-6 zoning.

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

No. A Non-Access Easement along the north and west sides of this property is already in place.

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

Yes. This rezoning request is not in conflict with other Elements of the General Plan.

**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes. The rezoning request will not have a negative effect on the Facilities Plan.

**5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?**

Yes. The recent General Plan Amendment to Low Density Residential was approved to accommodate residential development on this property.

**Public Comments Received:** None Received.

**External Agency Comment:** See Attachment B.

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

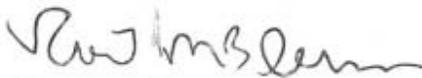
**Proposed conditions delivered to applicant on:** February 11, 2019

**Final staff report delivered to applicant on:** February 27, 2019

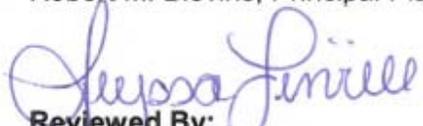
- Applicant agreed with all of the conditions of approval on: February 12, 2019
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments**

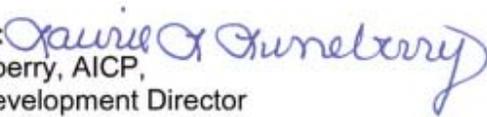
A	B	C	D
Conditions of Approval	External Agency Comment	Aerial Photo	Staff Research

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

**Date:** 2/14/19

  
**Reviewed By:**  
Alyssa Linville, Principal Planner

**Date:** 02/14/19

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

**Date:** 2-14-19

**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, Robert M. Blevins, Principal Planner (928) 373-5189:**

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**  
**EXTERNAL AGENCY COMMENT**

COMMENT       NO COMMENT

*Enter comments below:*

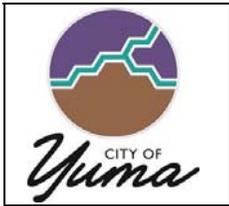
Direct access to State Route 195 from the development will not be permitted as this is an access-controlled highway.

DATE:            1/24/19      NAME:    Isabell Garcia      TITLE:    Development Coordinator  
AGENCY:        ADOT Southwest District  
PHONE:         (928) 317-2159

ATTACHMENT C  
AERIAL PHOTO



**ATTACHMENT D  
STAFF RESEARCH**



**STAFF RESEARCH – REZONE**

**CASE #: ZONE-24682-2019**  
**CASE PLANNER: BOB BLEVINS**

**I. PROJECT DATA**

Project Location:	SEC Araby Road and E. 32 <sup>nd</sup> Street												
Parcel Number(s):	698-35-199												
Parcel Size(s):	212,137.2 sq. ft.												
Total Acreage:	4.87												
Proposed Dwelling Units:	15												
Address:	Not yet assigned.												
Applicant:	Elliot Construction, Inc.												
Applicant's Agent:	Craig Colvin, Colvin Engineering, Inc.												
Land Use Conformity Matrix:	Conforms: Yes X No												
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Airport	None	X					
Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone							

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	General Commercial (B-2)	Vacant	Low Density Residential
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<b>West</b>	General Commercial (B-2)	Agriculture	Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	#O99-29 (7-3-1999)
General Plan Amendment	Yes	X	No	GP-22376-2018 (Resolution # R2018-041)
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Z1999-018 (AG to B-2) (Ord # O99-70)
Subdivision	Yes	X	No	S2007-008, S2007-008-1 (Araby Crossing Subdivision)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 05/01/18 (PDM-21939-2018)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2008-21707
Land Division Status:	Parcel is a legal lot of record.			
Irrigation District:	Yuma Mesa Irrigation and Drainage District.			
Adjacent Irrigation Canals & Drains:	None			
Water Conversion: (5.83 ac ft/acre)	N/A			
Water Conversion Agreement Required	Yes		No	

**II. CITY OF YUMA GENERAL PLAN**

<b>Land Use Element:</b>
Land Use Designation: Low Density Residential

Noise Contour:	None	Overlay/Specific Area:	N/A
Issues:	Traffic noise from SR-195 and E. 32 <sup>nd</sup> Street intersection.		
Historic District:	Brinley Avenue	Century Heights	Main Street
Historic Buildings on Site:	Yes	No	X

**Transportation Element:**

**FACILITY PLANS**

Transportation Master Plan	<b>Planned</b>	<b>Existing</b>
SR- 195 – Principal Arterial	62 FT H/W ROW	129 FT H/W ROW
32 <sup>nd</sup> Street – Principal Arterial	62 FT H/W ROW	97 FT H/W ROW
Median Covenant	Medians and Non-Access Easements already in place.	
Gateway Route	Scenic Route	Hazardous Cargo Route
		X
		Truck Route
		X

Bicycle Facilities Master Plan	Proposed Bike Path 32 <sup>nd</sup> Street
YCAT Transit System	Silver Route 9 & Orange Route 2
Issues:	None

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

Parks and Recreation Facility Plan	
Neighborhood Park:	Existing: Terraces Park
	Future: Terraces Park
Community Park:	Existing: None
	Future: Proposed South Mesa Community Park
Linear Park:	Existing: None
	Future: Proposed "B" Canal Linear Park
Issues:	None

**Housing Element:**

Special Need Household:	N/A
Issues:	None

**Redevelopment Element:**

Planned Redevelopment Area:	None
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:**

<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>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>
	<i>Single Family</i>						
	Maximum	Per Unit		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>
	24	2.8	67	0.13	20,160	22.6	6,720
Minimum							
4		2.8	11	0.02	3,360	3.8	1,120
Fire Facilities Plan:	Existing: Fire Station #5			Future: Fire Station #5			
Water Facility Plan:	Source:	City	X	Private	Connection:	8" PVC line on Crossing Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection:	12" PVC line on Crossing Avenue
Issues:	None						

**Safety Element:**

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 02/15/19
- 300' Vicinity Mailing: 01/21/19
- 34 Commenting/Reviewing Agencies noticed: 01/24/19
- Neighborhood Meeting: 07/26/18
- Hearing Date: 03/11/19
- Comments Due: 02/04/19

<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	01/31/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	01/25/19	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	01/24/19		X	
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	NR				
<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	NR				
Damon Chango, Parks	NR				
Ujwal Pandey, Engineering	YES	02/04/19	X		
Kayla Franklin, Fire	YES	01/28/19	X		
Alan Kircher, Building Safety	YES	01/28/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/30/19		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
07/26/18	See Staff Report Attachment
<b>Prop. 207 Waiver</b>	
Mailed to Applicant on 01/15/19 by U.S. Mail	

**PUBLIC COMMENTS RECEIVED:**