

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

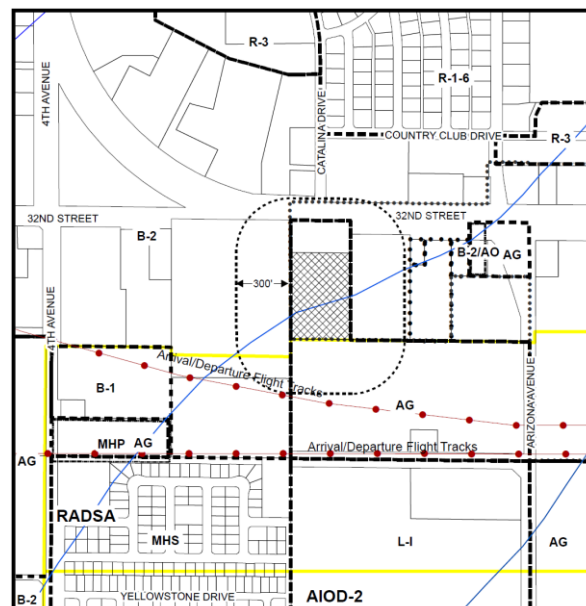
Hearing Date: April 9, 2018

Case Number: ZONE-21068-2018

Project Description/Location: This is a request by CIMA Network, on behalf of PEP Properties, Inc., to rezone approximately 3.6 acres from the Agriculture (AG) district to the General Commercial (B-2) district, while maintaining the existing AutoCenter Overlay (ACO) and Airport Overlay (AD) districts, for the property located 155 East 32nd Street, Yuma, AZ.

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|--------------|--|---|---------------------------------|
| Site | Agriculture/AutoCenter Overlay/Airport Overlay (AG/ACO/AD) | Pep Boys Auto Parts & Service (Retail) | Commercial |
| North | General Commercial/Airport Overlay (B-2/AD) | Washington Federal (Bank) and Vacant Land | Commercial |
| South | Agriculture/Airport Overlay (AG/AD) | Vacant Land | Industrial |
| East | General Commercial/AutoCenter Overlay/Airport Overlay (B-2/ACO/AD) | Fisher (Retail – vehicle sales) | Commercial |
| West | General Commercial/Airport Overlay District (AD) | Lowes (Retail) | Commercial |

Location Map



Prior site actions: Annexation: Ord. #2000-14 (May 5, 2000); Ord. No. 2000-52 (Applied the AutoCenter Overlay District (ACO)); and Ord. No. 2000-74 (Expired rezoning from the Agriculture (AG) District to General Commercial District (B-2)).

Staff recommendation: Staff recommends **APPROVAL** of the request to rezone the property located at 155 East 32nd Street, Yuma, AZ from the Agriculture (AG) District to the General Commercial (B-2) District, and maintaining the existing AutoCenter Overlay (ACO) District and Airport Overlay (AD) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** the rezoning of the property located at 155 East 32nd Street, Yuma, AZ from the Agriculture (AG) District to the General Commercial (B-2) District, and maintaining the existing AutoCenter Overlay (ACO) District and Airport Overlay (AD) District, subject to the conditions shown in Attachment A, as the application is in conformance with the General Plan.

Staff Analysis: The property is located south of the intersection of East 32nd Street and South Catalina Drive; and, there are a variety of commercial uses in the adjacent vicinity. In addition, to the southeast, the site is near Yuma International Airport (YIA) and the Marine Corps Air Station (MCAS) – Yuma.

The Land Use Element of the General Plan designates the site area as commercial. This land use designation is described to include commercial uses such as office, wholesale, and retail activities. In addition, the site is within the 65 and 70 db noise contour of the Airport and Marine Base.

The applicant is proposing to rezone the property to the General Commercial (B-2) District, and maintain the existing AutoCenter Overlay (ACO) District and Airport Overlay (AD) District. The General Commercial (B-2) District allows for a wide range of business, commercial, and retail activities. Whereas, the AutoCenter Overlay (ACO) District is intended to be utilized in conjunction with the General Commercial (B-2) District to "...promote clustering of automobile sales and related uses in an environment that provides an attractive shopping experience for the purchase of automobiles."

To address conflicting uses within the noise contours, the General Plan contains objectives and policies that are intended to protect the YIA and the MCAS-Yuma from uses that are incompatible with their operations and mission. The Airport Overlay (AD) District is the regulatory zoning district to promote these General Plan objectives and policies.

The YIA and MCAS-Yuma have commented on this application, which are included in Attachments B and D. YIA and MCAS-Yuma have not indicated objection to the rezoning of the property.

The request to rezone the property to the General Commercial (B-2) District, and maintain the existing AutoCenter Overlay (ACO) District and Airport Overlay (AD) District, is consistent 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 |
|---------------------------------------|-------------------|-------------------|--------------------|------------------|
| East 32nd Street – Principal Arterial | 124 FT F/W ROW | 180 FT F/W ROW | + 56 FT F/W ROW | None |

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 See Attachment B.
Comments:

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: March 7, 2018

Final staff report delivered to applicant on: March 30, 2018

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: March 15, 2018 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: |
| <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 | D |
|------------------------|-------------------------|--------------|----------------|
| Conditions of Approval | External Agency Comment | Aerial Photo | Staff Research |

Prepared By:

Dan Symer, AICP
Assistant Director Community Development
dan.symer@yummaz.gov
(928)373-5000, x1234

Date:

3/29/2018

Review By:

Alyssa Linville
Principal Planner

Date:

03/29/18

Approved By:

Laurie L. Lineberry, AICP,
Community Development Director

Date:

3.30.18

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.
4. Each of the conditions listed above shall be completed within six (6) months 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 COMMENTS

Enter comments below:

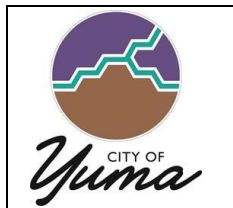
The subject property is located within the 65-70 dB DNL noise contour however the request is permissible. Please forward a recorded aviation disclosure statement recognizing noise, interference and vibrations generated from aviation activities associated with the airport to paula.backs@usmc.mil.

DATE: 2/23/18 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: (928) 726-5882
RETURN TO: Dan Symer
Dan.Symer@YumaAZ.gov

ATTACHMENT D
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-021068-2018

CASE PLANNER: DAN SYMER

I. PROJECT DATA

| | | | | | | | | | | | | | |
|-----------------------------|--|---|-------|---|------|---|------|--|----------|--|------------|---|------|
| Project Location: | South of the intersection of East 32 nd Street and South Catalina Drive | | | | | | | | | | | | |
| Parcel Number(s): | 695-36-001 | | | | | | | | | | | | |
| Parcel Size(s): | 158,016 square feet | | | | | | | | | | | | |
| Total Acreage: | ±3.6 Acres | | | | | | | | | | | | |
| Proposed Dwelling Units: | N/A | | | | | | | | | | | | |
| Address: | 155 East 32nd Street | | | | | | | | | | | | |
| Applicant: | Pep Properties, Inc. | | | | | | | | | | | | |
| Applicant's Agent: | CIMA Network | | | | | | | | | | | | |
| Land Use Conformity Matrix: | Conforms: Yes X No | | | | | | | | | | | | |
| Zoning Overlay: | Public | | AO | | Auto | X | B&B | | Historic | | Airport | X | None |
| Noise Contours | 65-70 | X | 70-75 | X | 75+ | | APZ1 | | APZ2 | | Clear Zone | | |

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|--------------|--|---|--------------------------|
| Site | Agriculture/AutoCenter Overlay/Airport Overlay (AG/ACO/AD) | Pep Boys Auto Parts & Service (Retail) | Commercial |
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| West | General Commercial/Airport Overlay District (AD) | Lowes (Retail) | Commercial |

Prior Cases or Related Actions:

| Type | Conforms | | | | Cases, Actions or Agreements |
|--------------------------------------|--|---|----|---|--|
| Pre-Annexation Agreement | Yes | | No | | N/A |
| Annexation | Yes | X | No | | O2000-14 (May 5, 2000) |
| General Plan Amendment | Yes | | No | | N/A |
| Development Agreement | Yes | | No | | N/A |
| Rezone | Yes | | No | | Ord. No. 2000-52 (August 2, 2000) – added AutoCenter Overlay (ACO) Ord. No. 2000-74 (Expired rezoning from the Agriculture (AG) District to General Commercial District (B-2)) |
| Subdivision | Yes | X | No | | M82-11 (Dedication of ROW) |
| 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 | | No | X | Fee # |
| Land Division Status: | Legal lot of record | | | | |
| Irrigation District: | Yuma Mesa Irrigation and Drainage District (YMIDD) | | | | |
| Adjacent Irrigation Canals & Drains: | N/A | | | | |

| | | | | | |
|-------------------------------------|------------------------|--|----|---|--|
| Water Conversion: (5.83 ac ft/acre) | 20.99 Acre Feet a Year | | | | |
| Water Conversion Agreement Required | Yes | | No | X | |

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

| | | | | | | | | | | | |
|-----------------------------|----------------|------------|-----------------|------------------------|---|-------------|--|--|------|---|--|
| Land Use Designation: | | Commercial | | | | | | | | | |
| Noise Contour: | | 65 – 75 db | | Overlay/Specific Area: | | | AutoCenter Overlay and Airport Overlay | | | | |
| 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 | | | | |
|---|--|--|--------------|--|--|-----------------------|--|----------------|-------------|--|---|--|
| East 32 nd Street – Principal Arterial | | | | 124 FT F/W ROW | | | | 180 FT F/W ROW | | | | |
| Median Covenant | | | | None | | | | | | | | |
| Gateway Route | | | Scenic Route | | | Hazardous Cargo Route | | | Truck Route | | X | |
| Bicycle Facilities Master Plan | | | | Proposed bike route on East 32 nd Street and an existing bike route on South Catalina Drive | | | | | | | | |
| YCAT Transit System | | | | Red Route #1 and Green Route #4 on East 32 nd Street | | | | | | | | |
| Issues: | | | | None | | | | | | | | |

Parks, Recreation and Open Space Element:

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

Housing Element:

| | | | | | | | | |
|-------------------------|------|--|--|--|--|--|--|--|
| Special Need Household: | None | | | | | | | |
| 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 Projected Population per Census 2010: 2.9 persons per unit 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 | Dwelling Units | | Projected | | Police | | Water | | Wastewater | | | |
| | 0 | | Population | | Impact | | Consumption | | Generation | | | |
| | Maximum | | | | Officers | | GPD | | AF | | GPD | |
| | 0 | | 0 | | 0.00 | | 0 | | 0.0 | | 0 | |
| | Minimum | | | | | | | | | | | |
| | 0 | | 0 | | 0.00 | | 0 | | 0.0 | | 0 | |
| Fire Facilities Plan: | | Existing: Station No. 2 | | | | | Future: Station No. 2 | | | | | |
| Water Facility Plan: | | Source: | City | X | Private | | Connection: | | 12-inch CA | | | |

| | | | | | | | | |
|-----------------------------|-------------------------|------|----------------------------------|-----------------------------------|--|----------|---------------------------------|-----------------------------------|
| Sewer Facility Plan: | Treatment: | City | X | Septic | | Private | | Connection: 30-inch concrete pipe |
| Issues: | None | | | | | | | |
| Safety Element: | | | | | | | | |
| Flood Plain Designation: | Flood Zone 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 (03/16/2018)
- 300' Vicinity Mailing: (02/16/2018)
- 34 Commenting/Reviewing Agencies noticed: (02/22/2018)
- Neighborhood Meeting: (None)
- Hearing Dates: (04/09/2018)
- Comments Due: (03/05/2018)

| External List (Comments) | Response Received | Date Received | "No Comment" | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | Yes | 2/23/2018 | | X | X |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users | NR | | | | |
| 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 | 2/22/2018 | X | | |
| Yuma Mesa Irrigation and Drainage District | Yes | 2/22/2018 | X | | |
| 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 | | | | |
| 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 | 2/23/2018 | | X | X |
| Jay Simonton, Utilities | NR | | | | |
| Joel Olea, Public Works | NR | | | | |
| Joel Olea, Streets | NR | | | | |

| Neighborhood Meeting | Comments Available |
|--|---------------------------|
| (None Required) | N/A |
| Prop. 207 Waiver Given to Applicant on: | Delivery Method: |
| 03/07/2018 | (by U.S. Mail) |

INTERNAL COMMENTS RECEIVED:


Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☒ Condition(s)

 ☐ No Condition(s)

 ☒ Comment

Enter conditions here: The property is located within the 65-75 dB DNL noise contours and under flight paths. It is requested that an avigation easement be recorded that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Please email a copy of the recorded avigation easement to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE: 2/23/2018 NAME:  TITLE: Community Liaison Specialist
 CITY DEPT: MCAS YUMA AZ
 PHONE: (928) 269-2103
 RETURN TO: Dan Symer
 Dan.Symer@YumaAZ.gov