



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

Hearing Date: November 27, 2017

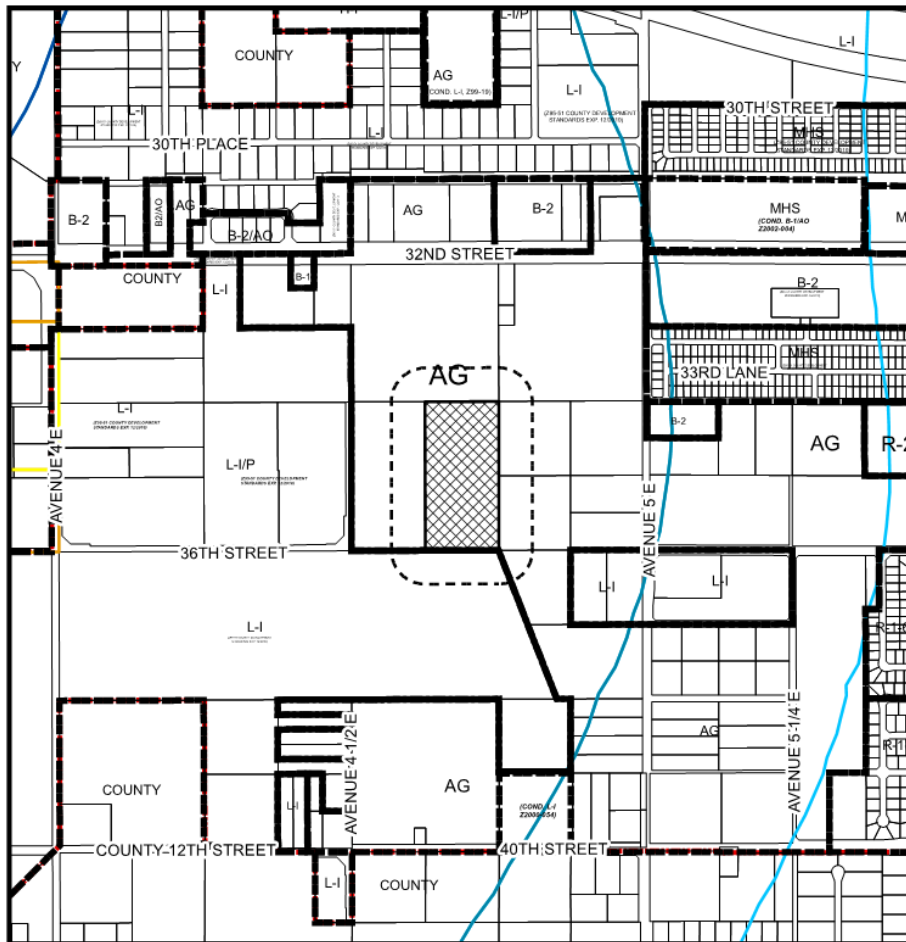
Case Number: ZONE-19719-2017

Project Description/Location:

This is a request by Dahl, Robins & Associates, on behalf of Rick W. and Corrine M. Sellers Trust, 6-27-00, to rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located along 36th Street and the B 3.7 Canal Lateral, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Industrial
North	Agriculture (AG)	Undeveloped	Industrial
South	Light Industrial (L-I)	Undeveloped	Industrial
East	Agriculture (AG)	Undeveloped	Industrial
West	Light Industrial (L-I)	Undeveloped	Industrial

Location Map



Prior site actions: Annexation: Ord. #O99-081 (August 7, 1999); Pre-Development Meeting: PDM-18644-2017 (June 29, 2017)

Staff recommendation: Staff recommends **APPROVAL** of the rezoning for the property located along 36th Street and the B 3.7 Canal Lateral from the Agriculture (AG) District to the Light Industrial (L-I) District, 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 along 36th Street and the B 3.7 Canal Lateral from the Agriculture (AG) District to the Light Industrial (L-I) District, subject to the conditions shown in Attachment A, because it is in conformance with the General Plan.

Staff Analysis: The subject property is located along 36th Street and the B 3.7 Canal Lateral. The property was annexed in 1999 and is currently zoned Agriculture (AG). While the property is currently undeveloped, it is actively being utilized for agricultural purposes.

The applicant is proposing to rezone this property to Light Industrial (L-I), in order to market and develop this property in the future. The applicant has no current plans for this property other than rezoning. Some potential uses in Light Industrial (L-I) include, assembling or fabrication of products or articles, wholesaling, offices with adjacent storage yards for construction contractors, various types of equipment repair, and commercial and residential restoration businesses.

Upon development of the property, all development standards will be required to be met. Such improvements may include, but are not limited to, setbacks, height restrictions, paved parking, landscaping, and possible roadway construction.

In addition to meeting the requirements outlined in the City of Yuma Code, the property owner and/or developer will be required to coordinate with the Bureau of Reclamation regarding development adjacent to the B 3.7 Canal Lateral. Such coordination shall occur prior to the submittal of an industrial subdivision application or any building permit application.

The request to rezone the property from the Agriculture (AG) District to the Light Industrial (L-I) District 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?

Yes

Transportation Element	Planned	Existing	Difference	Requested
36 th Street – Collector Street	40 FT H/W ROW	0 FT H/W ROW	-40 FT H/W ROW	40 FT H/W ROW
34 th Street – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT H/W ROW	29 FT H/W ROW
Avenue 4 ¾ E – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT H/W ROW	0 FT H/W ROW

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: October 24, 2017

Final staff report delivered to applicant on: November 16, 2017

- Applicant agreed with all of the conditions of approval on: November 14, 2017
- Applicant did not agree with the following conditions of approval:
- 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 Comments	Aerial Photo	Staff Research

Project Planner: Richard Munguia, 373 -5000 x3070; Richard.Munguia@YumaAZ.gov
Assistant Planner

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 11/16/17

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

Date: 11.15.17

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.

Engineering Department: Agustin Cruz, Senior Civil Engineer (928) 373-5182:

4. The owner shall dedicate to the City of Yuma, the north half of 36th street as a collector street requiring 40 ft half width.
5. The owner shall dedicate to the City of Yuma, the South half of 34th street as a local street requiring 29 feet nominal half width.
6. The owner shall dedicate a 1' non access easement along 36th Street frontage with a reservation of future access locations per City of Yuma Construction Standards at the time of development.
7. The owner shall dedicate by easement a temporary 70 ft diameter off set cull-de-sac (offset into the property) at the east end of 34th Street & 36th Street until such time that the adjoining property to the east dedicates and constructs their portion of said roads.
8. Owner hereby acknowledges that the cul-de-sacs will not meet the City of Yuma Fire Department emergency access requirements for this property.

Community Planning, Richard Munguia, Assistant Planner, (928) 373-5000 x3070

9. 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 COMMENTS

COMMENT NO COMMENT

Enter comments below:

The property is located within the 70-75 dNL noise contour, under the only overhead flight pattern and under a flight path. Industrial use within this area is authorized with applicable noise level reduction standards. If the designated use is not listed on ARS 28-8481 Land Use Matrix/City of Yuma Zoning Ordinance, a determination of compliance would be required. It is requested an aviation easement be recorded recognizing noise, interference and vibrations may be caused by aviation activities at MCAS/Yuma International Airport.

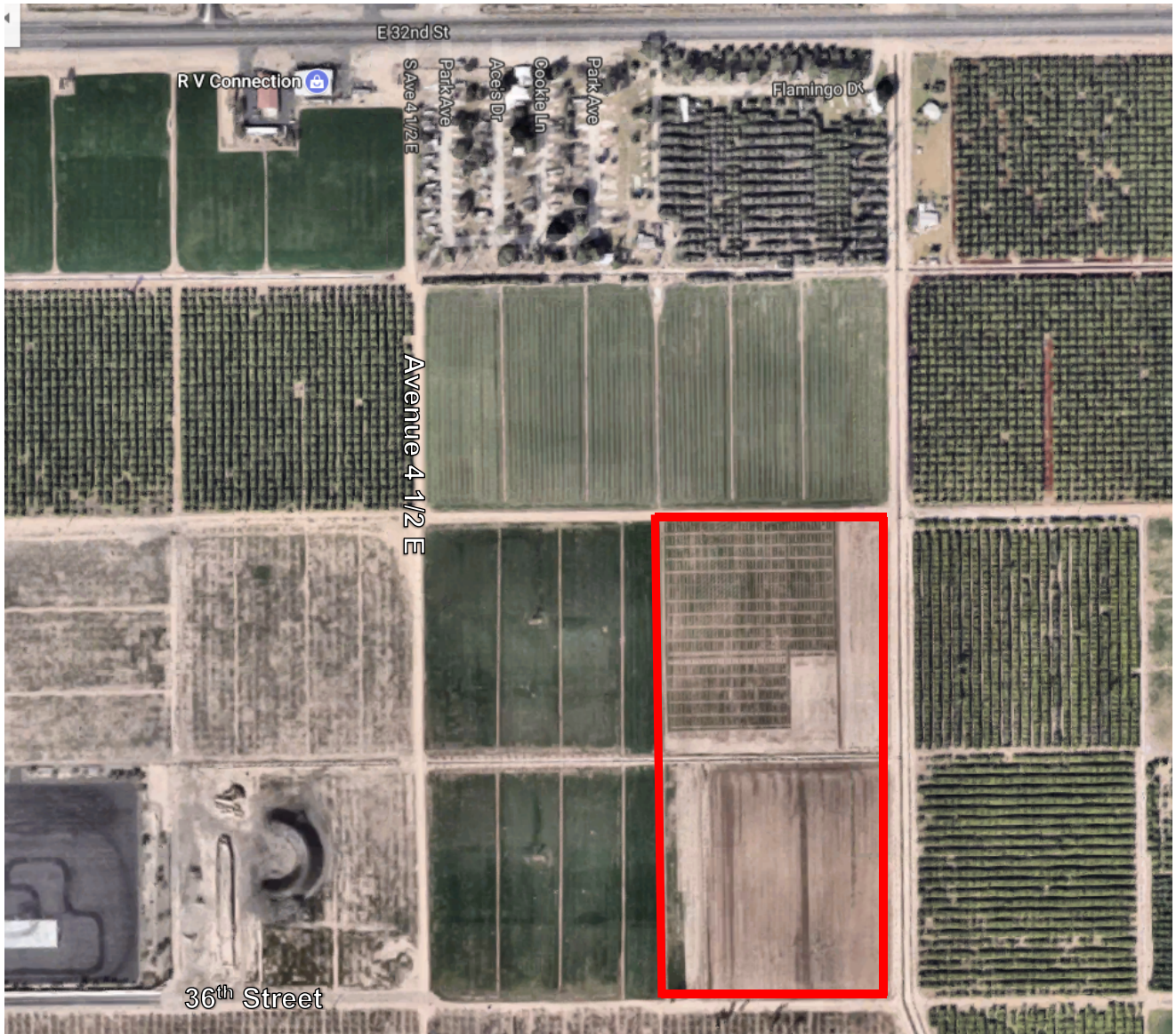
DATE: 10/16/17 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: (928) 726-5882
RETURN TO: Richard Munguia
 Richard.Munguia@YumaAZ.gov

Reclamation has a 68 foot irrigation right-of-way along the East side of the subject property. Reclamation and Yuma Mesa Irrigation and Drainage District will need to review and approve any impacts to the right-of-way and irrigation facilities prior to construction.

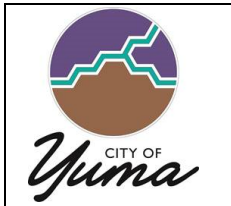
[Scott C. Kerns](#)
Sr. Realty Specialist
US Bureau of Reclamation
Yuma Area Office
(928) 343-8462
SKerns@usbr.gov

(See following map for reference)

ATTACHMENT C
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-19719-2017
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

Project Location:	Approximately 660' from the 36 th Street and Avenue 4 ½E intersection		
Parcel Number(s):	697-43-002		
Parcel Size(s):	871,200 square feet		
Total Acreage:	20 acres		
Proposed Dwelling Units:	0		
Address:	None		
Applicant:	Dahl, Robins & Associates		
Applicant's Agent:	Rick W. and Corinne M. Sellers Trust		
Land Use Conformity Matrix:	Conforms:	Yes	X No
Zoning Overlay:	Public	AO	Auto B&B Historic None X Airport
Noise Contours	65-70	70-75 X	75+ APZ1 APZ2 Clear Zone

	Existing Zoning	Use(s) on-site	General Plan Designation
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Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	O99-81 (August 7, 1999)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	PDM-18644-2017 (June 29, 2017)
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

Adjacent Irrigation Canals & Drains: B 3.7 Lateral Canal

Water Conversion: (5.83 ac ft/acre) 116.60 Acre Feet a Year

Water Conversion Agreement Required Yes No X

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Industrial		
Noise Contour:	70-75 db	Overlay/Specific Area:	N/A
Issues:	None		

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X
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Historic Buildings on Site:	Yes		No	X	
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Transportation Element:

FACILITY PLANS

Transportation Master Plan		Planned		Existing
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36 th Street – 2-Lane Collector		80 FT F/W ROW		0 FT F/W ROW
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Median Covenant	None			
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Gateway Route		Scenic Route		Hazardous Cargo Route		Truck Route	
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Bicycle Facilities Master Plan	None			
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YCAT Transit System	None			
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Issues:	None			
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Parks, Recreation and Open Space Element:

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

Special Need Household:	N/A
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Issues:	None
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Redevelopment Element:

Planned Redevelopment Area:	N/A
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Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X
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Conforms:	Yes		No		N/A
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Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No		N/A
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Renewable Energy Source	Yes		No		N/A
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Issues:	None
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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 Population	Police Impact	Water Consumption		Wastewater 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. 5	Future: Station No. 5
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Water Facility Plan:	Source:	City		Private		Connection:	
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Sewer Facility Plan:	Treatment:	City		Septic		Private		Connection:
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Issues:	No water/sewer lines exist, extension will be required						
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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.	
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	North End		Pacific Ave & 8 th St		Estancia		None	X
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Issues:	None							
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NOTIFICATION

- **Legal Ad Published: The Sun** (11/03/17)
- **300' Vicinity Mailing:** (10/09/17)
- **34 Commenting/Reviewing Agencies noticed:** (10/12/17)
- **Neighborhood Meeting:** N/A
- **Hearing Dates:** (11/27/17)
- **Comments Due:** (10/23/17)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/16/17		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	10/13/17	X		
Yuma Irrigation District	Yes	10/13/17	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	Yes	10/13/17	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	Yes	11/14/17		X	
Kayla Holiman, Fire	Yes	10/13/17	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/13/17	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
October 5, 2017	by U.S. Mail

PUBLIC COMMENTS RECEIVED: NONE RECEIVED