

**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER L. ALBERS**

Hearing Date January 8, 2024

Case Number: ZONE-42037-2023

Project Description: This is a request by Gordon Jacobson on behalf of the Jacobson Companies Inc. for a Zoning Code Text Amendment of Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42037-2023 as presented in the staff report, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th 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 City of Yuma City Council adopted the Cielo Verde Specific Plan (CCSP) June 20, 2001 as Ordinance O2001-53. The Specific Plan was developed to provide a planned community with a variety of land uses that supported commercial and residential development in respective zoning districts. Each Zoning District: CVSP-Commercial and CVSP-Residential was adopted at the request of the developer with a specific list of allowed primary uses. The CVSP-Commercial zoning district allows religious uses as a Primary Use. At the time the Cielo Verde Specific Plan was developed and adopted the developer intended to primarily provide residential uses within the CVSP-Residential district. However over time, the opportunity for new uses have been brought forward for consideration.

This current request is to allow a religious institution on a portion of the parcel located at the southeast corner of 36th Street and Avenue 8E. The request is similar to case Z2009-022 adopted by the City Council on February 10, 2010 as O2010-12 which allowed a religious use at the southwest corner of 36th Street and Avenue 8½E.

Typically, the City of Yuma Zoning Code allows religious institution within the residential zoning districts, but the Cielo Verde Specific Plan has special zoning

districts brought forward at the request of the developer to support their future plans at the time.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes A Goal of the General Plan is to “Create a community where all uses and activities are mutually in balance”. This text amendment will help ensure the balance of uses and activities remains, while allowing a new compatible use with a location restriction.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes The overall purpose and intent of the Zoning Ordinance is to protect the public health, safety and general welfare.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes The proposed amendment will allow a religious institution as a Primary Use in a specific location.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No The development standards will not be amended.

5. What are the potential impacts of the proposed amendment?

The proposed amendment will allow a religious institution as a Primary Use at the southeast corner of 36th Street and Avenue 8E.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes This proposed amendment is consistent with the intent of the Cielo Verde Specific Plan as approved by City Council.

Public Comments Received:

Name:	Brent Mudhenke			Contact Information:	(605) 203-0312				
Method of Contact:	Phone	X	FAX	Email	Letter	Other			
Concerned about traffic on 36 th Street and Avenue 8E. Very difficult to cross Avenue 8E at 36 th Street. Speed limit on Avenue 8E needs to be reduced to 35 miles per hour or less.									
Name:	Michael Owners			Contact Information:	(928) 919-8187				
Method of Contact:	Phone	X	FAX	Email					
Questions about meeting schedule and process.									

External Agency Comments:

None Received

Neighborhood Meeting Comments:

See Attachment D

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 text amendment to the Cielo Verde Specific Plan:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Department of Engineering Comments: Andrew McGarvie, Engineering Manager (928) 373-5000, x 3044:

3. Owner/Developer shall complete one of the following:
 - A. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - B. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

Community Planning: Jennifer Albers, Assistant Director of Planning, (928) 373-5180

4. 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.

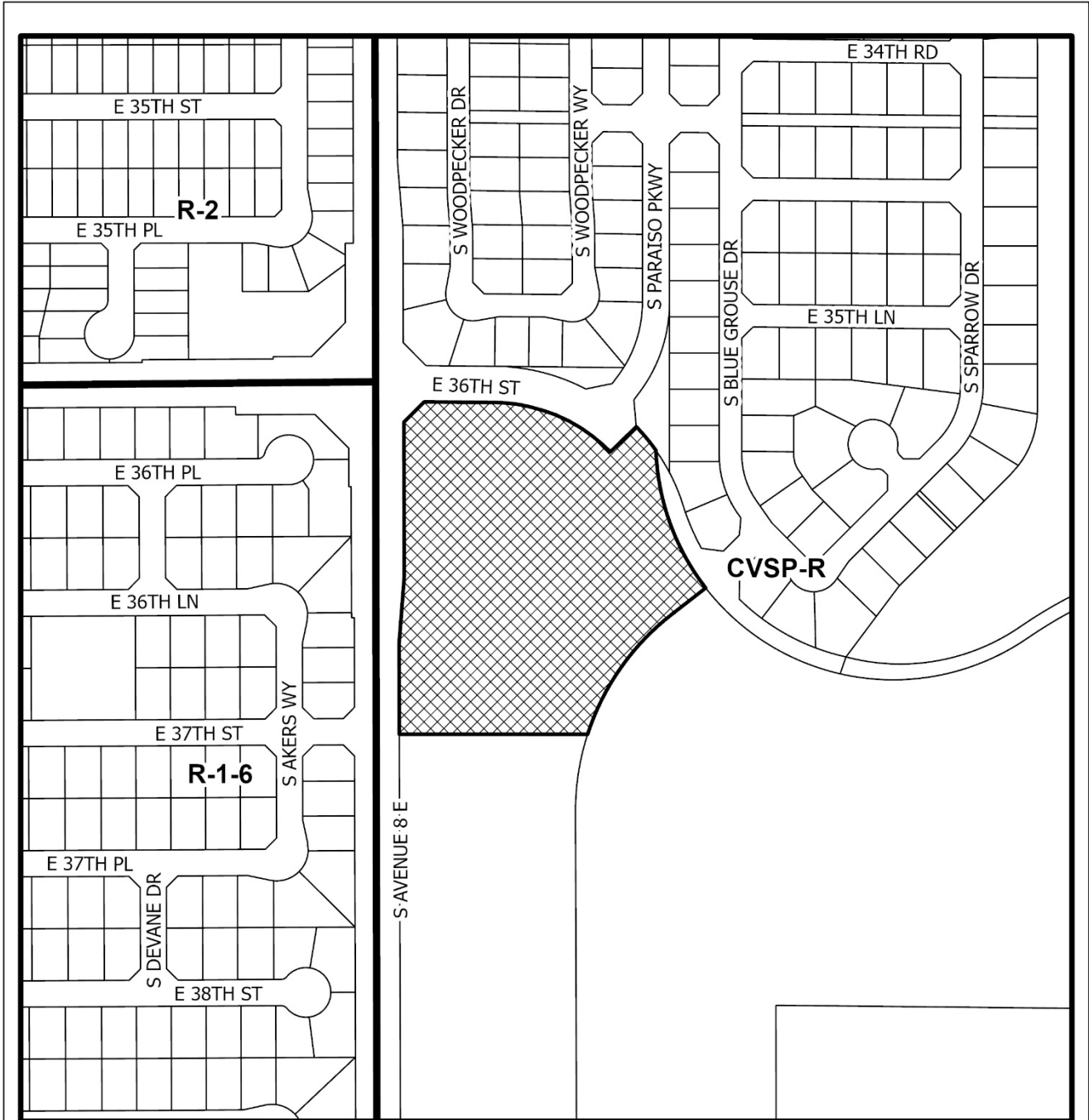
ATTACHMENT B
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District be amended to insert the bolded text and delete the strike through text:

(2) Primary Uses permitted in the Cielo Verde Residential District include the following:

- (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

**ATTACHMENT C
LOCATION MAP**



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG
Checked by: JLA



Date: 11/13/2023
Revised:
Revised:

Case #:
ZONE-42037-2023

**ATTACHMENT D
AGENCY NOTIFICATION**

- Legal Ad Published - The Sun: 12/16/23
- 34 Commenting/Reviewing Agencies noticed: 11/23/23
- Neighborhood Meeting: 11/30/23
- Hearing Date: 1/8/23
- Comments due: 12/4/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	11/29/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	Yes	11/27/23	X		
Yuma County Water Users’ Assoc.	Yes	11/28/23	X		
Yuma County Planning & Zoning	Yes	11/28/23	X		
Yuma County Assessor	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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	11/28/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/30/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
11/30/23	See Staff Report Attachment D

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/30/23

Location: SWC of 36th Street and E. Oriole Drive

Attendees:

Applicant - Gordon Jacobson, Staff – Jennifer Albers

Neighbors – Michael Owens, Robert Owens, Ricki Contreras, Jesus Contreras, Ron Ceton, and Felicia Linn

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- Applicant described proposed project: New church with 200 person capacity, buildings would be 40-50 feet tall with a spire at 130 feet. Project will be on about 9 acres and will include parking and enhanced landscaping. No activities will occur outside the building. This facility will not have a school and will not have a mission. Access will be from 36th Street but traffic analysis will occur to identify whether access to Avenue 8E will be warranted. Stated facility would be a positive addition to the neighborhood.
- Neighbors noted concerns with the following:
 - Traffic is already an issue and this new facility could make it worse
 - Activities and lighting on site could be disturbing
 - Concerned that use of site will expand over time
 - Bought in area believing this would be houses and now proposing changes
 - One neighbor noted that a religious use would have less traffic than more homes.
 - Following a question about grading, the applicant noted that the site would be graded to bring more in level with the street as there has been a buildup of sand.