

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

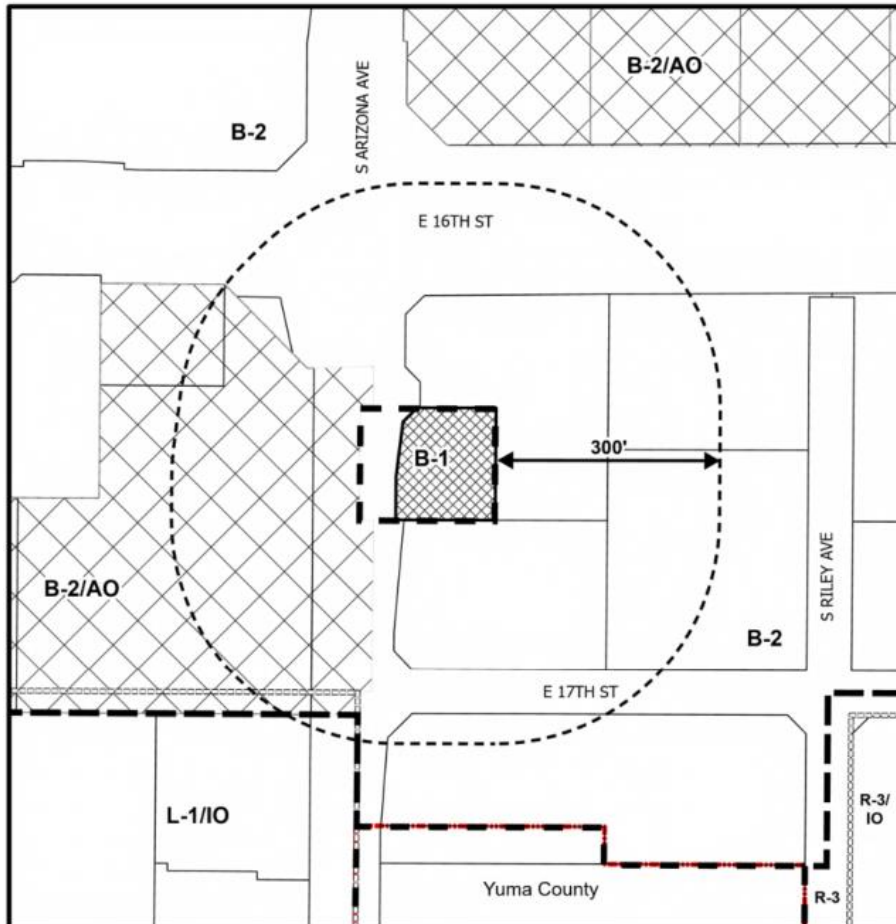
Hearing Date: August 12, 2024

Case Number: ZONE-42890-2024

Project Description/Location: This is a request by Brenda Maldonado of Sun of a Gun Cigars to rezone an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Limited Commercial (B-1)	Sun of a Gun Cigars	Commercial
North	General Commercial (B-2)	Cretin's Restaurant	Commercial
South	General Commercial (B-2)	Navy Federal Credit Union	Commercial
East	General Commercial (B-2)	Cretin's Restaurant	Commercial
West	General Commercial / Aesthetic Overlay (B-2/AO)	Budgetel Hotel	Commercial

Location Map



Prior site actions: Annexation: #1649 (10/10/1977); Rezone Z78-08 from County C-2 to City Business A (Ordinance 1731, 05/03/1978).

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-42890-2024 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 the City Council for the request to rezone an approximately 19,166 square foot lot from the Limited Commercial (B-1) District to the General Commercial (B-2) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ., 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 property is the site of Sun of a Gun Cigars. The 1,676 square foot building was built in 1980 for the Marine Air Federal Credit Union, which later moved to a new building to the south.

Zoning & General Plan:

The Limited Commercial (B-1) District lists a cocktail lounge or bar as needing a Conditional Use Permit. Sun of a Gun Cigars recently applied for sign permits to advertise a "beer garden" and the promotion of wine sales.

Since the subject property is completely surrounded by developed General Commercial (B-2) properties, and as an alternative to a Conditional Use Permit for a specific use, it was decided to proceed with a rezoning to B-2 which allows a cocktail lounge or bar as a permitted use. Additionally- there are no residences within 300 feet of the subject property.

The request to rezone the property from the Limited Commercial (B-1) District to the General Commercial (B-2) District is in conformance with the Commercial Land Use Category in the General Plan.

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

Yes.

Land Use Element:									
Land Use Designation:				Commercial					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

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

No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Arizona Avenue- 2 Lane Collector Street	40 FT H/W ROW	50 FT+ H/W ROW				X
Bicycle Facilities Master Plan	Arizona Avenue – Proposed Bike Lane					
YCAT Transit System	Arizona Avenue- Green Route					
Issues:	None					

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

Yes.

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Joe Henry Optimist Park					Future: Joe Henry Optimist Park			
Community Park:	Existing: Kennedy Memorial Complex					Future: Kennedy Memorial Complex			
Linear Park:	Existing: East Main Canal					Future: East Main Canal			
Issues:	None								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	N/A								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes	X	No						
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 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
			<i>Non-residential</i>				Officers	GPD	
			Maximum	Per Unit					
			0	0	0	0.00	0	0.0	0
Minimum									
0	0	0	0.00	0	0.0	0			
Fire Facilities Plan:	Existing: Fire Station No. 4					Future: Fire Station No. 4			
Water Facility Plan:	Source:	City	X	Private	Connection:	16" line on Arizona Avenue			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line on 16 th St.			
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	X	Avenue B & 32 nd St.				
	North End		Pacific Ave & 8 th St		Estancia		None		
Issues:	None								

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 Comments: None Received.

Neighborhood Meeting Comments: N/A.

Proposed conditions delivered to applicant on: July 16, 2024

Final staff report delivered to applicant on: July 29, 2024

- Applicant agreed with all of the conditions of approval on: July 16, 2024
- Applicant did not agree with the following conditions of approval: (list #'s)

Attachments

A	B	C	D	E
Conditions of Approval	Agency Notifications	Neighbor Notification List	Neighbor Mailing	Aerial Photo

Prepared By: *Robert M. Blevins* **Date:** 07/16/24
 Robert M. Blevins
 Principal Planner
 Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By: *Jennifer L. Albers* **Date:** 7/16/24
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 08/01/2024
 Alyssa Linville
 Director, Planning and Neighborhood Services

**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 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.

Community Planning, Bob 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
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 07/19/24
- **300' Vicinity Mailing:** 06/24/24
- **34 Commenting/Reviewing Agencies noticed:** 06/27/24
- **Hearing Date:** 08/12/24
- **Comments due:** 07/08/24
- **Site Posted on:** 07/09/24

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	YES	07/01/24	X		
Yuma County Engineering	YES	06/27/24	X		
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	06/27/24	X		
Yuma County Planning & Zoning	YES	06/28/24	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 Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	07/03/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	07/10/24	X		
Fire	YES	08/28/24	X		
Building Safety	YES	07/08/24	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
NEIGHBOR NOTIFICATION LIST

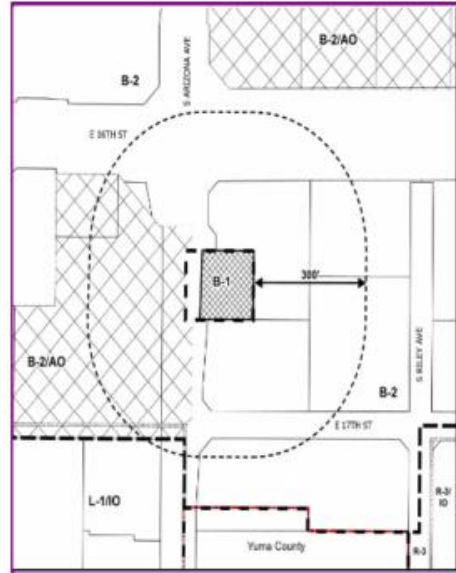
Property Owner	Mailing Address	City	State	Zip Code
FTS AUTOMOTIVE CENTER INC	1701 S ARIZONA AVE	YUMA	AZ	85364
KINGMAN HOTEL PARTNERS LLC	1700 EUREKA RD STE 160	ROSEVILLE	CA	95661
LAU KAM WO & LILY L TRUST 8-12-98	2079 ADMIRAL PL	SAN JOSE	CA	95133
NAVY FEDERAL CREDIT UNION	PO BOX 24626	MERRIFIELD	VA	22119
SOL ZEED LLC	14 CARAWAY COURT	PRINCETON	NJ	08540
UNDERHILL TRANSFER CO	PO BOX 562	YUMA	AZ	85366
WEST COAST LODGING LLC	1640 S ARIZONA AVE	YUMA	AZ	85364
WEST COAST LODGING LLC	1640 S ARIZONA AVE	YUMA	AZ	85364
WESTERN NEWS&INFO INC AZ CORP	8303 E HWY 69	PRESCOTT VALLEY	AZ	86314

**ATTACHMENT D
NEIGHBOR MAILING**

This is a request by Brenda Maldonado of Sun of a Gun Cigars to rezone an approximately 19,166 square foot lot from the Limited Commercial/Infill Overlay (B-1/IO) District to the General Commercial/Infill Overlay (B-2/IO) District, for the property located at 1651 S. Arizona Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-42890-2024**

PUBLIC HEARING
8/12/2024 @ 4:30 PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1651 S. Arizona Avenue, Yuma, AZ., you are invited to attend the meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT E
AERIAL PHOTO

