

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

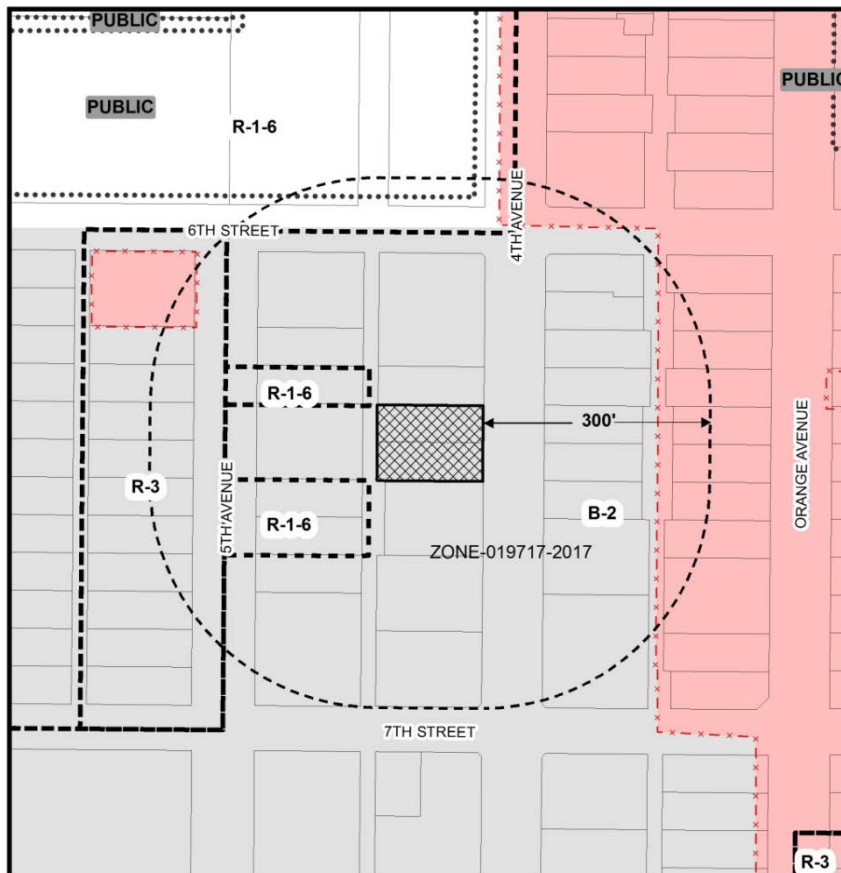
Hearing Date: November 27, 2017

Case Number: ZONE-19717-2017

Project Description/Location: This is a request by Dahl, Robins and Associates on behalf of John Horn to rezone two parcels totaling approximately 0.32 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District. The property is located at 632, 636, and 642 S. 4th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Duplex and Single-family dwellings	Commercial
North	General Commercial (B-2)	Figueroa Appraisal Service	Commercial
South	General Commercial (B-2)	Montoya Group Insurance	Commercial
East	General Commercial (B-2)	Small Shop and Vacant Land	Commercial
West	General Commercial (B-2)	Duplex and Single-family dwellings	Mixed Use

Location Map



Prior site actions: Original City Charter 01-12-1916.

Staff recommendation: Staff recommends **APPROVAL** of the request to rezone approximately 0.32 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/ Infill Overlay (TR/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Motion to **APPROVE** the request to rezone approximately 0.32 acres from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/ Infill Overlay (TR/IO) District, subject to the conditions shown in Attachment A, because the request is in compliance with the General Plan and is compatible with surrounding land uses.

Staff Analysis: This rezoning request is for two adjacent parcels of 7,000 square feet each. The northern parcel has a duplex residence in front with an accessory structure in the back yard along the alley. The southern property is almost a mirror image of the northern parcel except the residence in front is single-family and the detached accessory structure in the back yard is a dwelling. All the buildings are of a cohesive Craftsman bungalow design; all built in 1925. There is one shared driveway onto 4th Avenue, and available unpaved alley access and a back yard parking area.

No new construction or changes to the existing buildings or access has been proposed. The two properties are under common ownership and both are for sale. The main motivation for rezoning these two residential properties is to obtain zoning that allows residences as principal uses. If a potential buyer were to inquire about financing, the commercial zoning on these residential properties could cause difficulties in obtaining other than a commercial loan.

Additionally, B-2 zoning does not provide for dwellings as principal uses. The existing dwellings could not be rebuilt if destroyed, according to the City of Yuma Zoning Code §154-21.02 Replacing Nonconforming Buildings or Structures:

- (A) Any nonconforming building or structure which is hereafter damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, earthquake, war, riot or so-called act of God, may not be restored, reconstructed or used for any other than a purpose permitted under the provisions of this chapter governing the district in which the building or structure is located.

The Transitional (TR) District is meant as a buffer between commercial and residential areas. It allows some small quieter commercial activity mixed with residential uses. There is a minimum parcel size of 9,000 square feet in the TR District. There are provisions in the City of Yuma Zoning Code §154-15.02 and §154-08.01 to provide for smaller lots, such as in this case. The two lots are physically as they were since before the 1960's, according to Assessor's Records.

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

Yes The General Plan Designation is Commercial, which allows for TR zoning.

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

No City Engineering is requesting a no-build easement along 4th Avenue so as to avoid new construction too close to any future right-of-way.

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 Comments: None Received

Neighborhood Meeting Comments: See Attachment B

Proposed conditions delivered to applicant on: October 25,, 2017


Final staff report delivered to applicant on: November 6, 2017

- Applicant agreed with all of the conditions of approval on: October 25, 2017
- 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	E
Conditions of Approval	Neighborhood Meeting Comments	Site Photos	Aerial Photo	Staff Research

Project Planner: Robert M. Blevins, Principal Planner 373 -5189 Robert.Blevins@yumaaz.gov

Prepared By: 
Robert M. Blevins, Principal Planner

Date: 10/30/17

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 10/30/17

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

Date: 10-30-17

**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 within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
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.

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

4. Owner shall provide a 10' no-build easement across the 4th Avenue frontage (to be reserved for future right-of-way).

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

5. With the exception of Condition 2, 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 or 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
NEIGHBORHOOD MEETING COMMENTS

Date Held: 10/18/17

Location: 642 S. 4th Avenue

Attendees: Applicant/Agent: Adrian Vega of Dahl, Robins; City Staff: Bob Blevins; and two neighbors were in attendance.

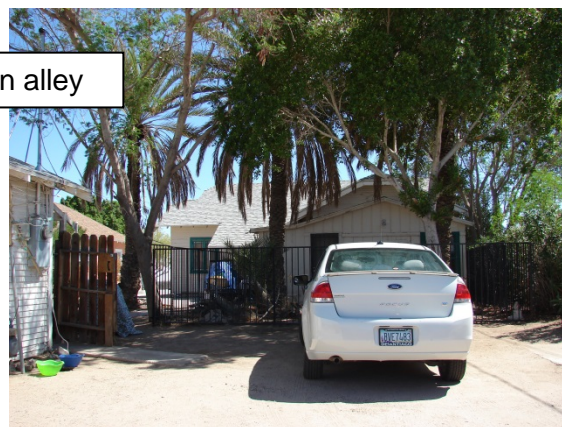
SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **THOUGHT IT WAS ALREADY RESIDENTIAL.**
- **UNDERSTAND CAN'T GET A LOAN IF WRONG ZONING.**
- **NOT OPPOSED.**

**ATTACHMENT C
SITE PHOTOS**



Front on 4th Avenue

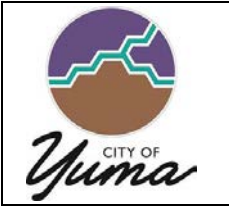


Back yards on alley

ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-19717-2017
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:	The west side of 4 th Avenue south of 6 th Street.										
Parcel Number(s):	633-58-003 & 633-58-004										
Parcel Size(s):	Each parcel 7,000 sq. ft. for total of 14,000 sq. ft.										
Total Acreage:	0.32										
Proposed Dwelling Units:	None		Four existing dwellings to remain.								
Address:	632, 636, and 642 S. 4 th Avenue, Yuma, AZ.										
Applicant:	John Horn										
Applicant's Agent:	Dahl, Robins, and Associates, Inc.										
Land Use Conformity Matrix:	Conforms:		Yes	X	No						
Zoning Overlay:	Public	AO	Auto	B&B	Historic	IO	X	Airport			
	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone				

	Existing Zoning	Use(s) on-site	General Plan Designation
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Prior Cases or Related Actions:										
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>						
Pre-Annexation Agreement	Yes		No	N/A						
Annexation	Yes	X	No	Original City Charter 01-12-1916						
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	09/21/17						
Design Review Commission	Yes		No	N/A						
Enforcement Actions	Yes		No	N/A						
Avigation Easement Recorded	Yes		No	X	Fee #	If no, add to Conditions of Approval				
Land Division Status:	Parcels are legal lots of record									
Irrigation District:	None									
Adjacent Irrigation Canals & Drains:	None									
Water Conversion: (5.83 ac ft/acre)										
Water Conversion Agreement Required	Yes		No	X						

II. CITY OF YUMA GENERAL PLAN

Land Use Element:			
Land Use Designation:	Commercial		
Noise Contour:	None	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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4 th Avenue – Minor Arterial	50 FT H/W ROW	40 FT H/W ROW
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Median Covenant	Yes
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Gateway Route	Scenic Route	Hazardous Cargo Route	Truck Route	X
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Bicycle Facilities Master Plan	5 th Ave. Existing Bike Route
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YCAT Transit System	4 th Ave. Red Route
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Issues:	None
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Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan

Neighborhood Park:	Existing: Marcus Park	Future: None
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Community Park:	Existing: Carver Park Complex	Future: None
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Linear Park:	Existing: East Main Canal Linear Park	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:	Yuma North End – 4 th Avenue
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Adopted Redevelopment Plan:	North End:	X	Carver Park:	None:
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Conforms:	Yes	X	No
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Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes	No	X
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Renewable Energy Source	Yes	No	X
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Issues:	None
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Public Services Element:

<u>Population Impacts</u> 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
	4	12	0.02	GPD	AF	GPD
	Maximum		Officers			
	4	12	0.02	3,480	3.9	1,160
	Minimum					
4	12	0.02	3,480	3.9	1,160	

Fire Facilities Plan:	Existing: Fire Station #1	Future: None
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Water Facility Plan:	Source:	City	X	Private	Connection:	4" line on 4 th Avenue.
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Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line in alley.
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Issues:	None
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Safety Element:

Flood Plain Designation:	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

- o **Legal Ad Published: The Sun** 11/03/17
- o **300' Vicinity Mailing:** 10/09/17
- o **34 Commenting/Reviewing Agencies noticed:** 10/12/17

- o **Neighborhood Meeting:** 10/18/17
- o **Hearing Dates:** 11/27/17
- o **Comments Due:** 10/23/17

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/13/17	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 Reclamation	YES	10/13/17	X		
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	10/12/17	X		
Yuma Mesa 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				
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				
Agustin Cruz, Engineering	YES	10/18/17		X	
Kayla Holiman, Fire	YES	10/12/17	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
10/18/17 at the property 5 p.m.	See Attachment B
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
10/02/17	by U.S. Mail to Dahl, Robins

PUBLIC COMMENTS RECEIVED: NONE