

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: GUILLERMO MORENO-NUNEZ

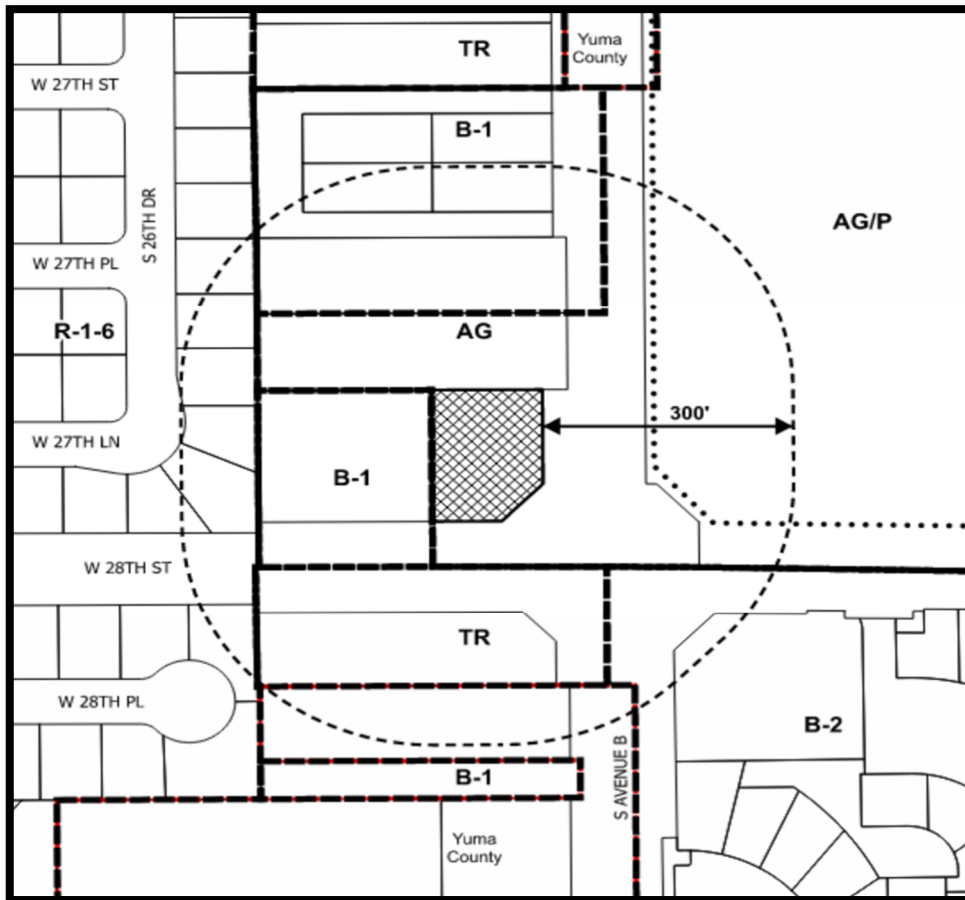
Hearing Date: April 22, 2024

Case Number: ZONE-42395-2024

Project Description/ Location: This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28th Street and Avenue B, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped Lot	Mixed Use
North	Agriculture (AG)	Tire Shop	Mixed Use
South	Transitional (TR)	Clinic	Mixed Use
East	Agriculture/Public Overlay (AG/P)	Court House	Public/Quasi Public
West	Limited Commercial (B-1)	Undeveloped Lot	Mixed Use

Location Map



Prior site actions: PDM-2295-2024 for proposed warehouse and office (February 8, 2024), Annexation ord. O2005-57 (September 3, 2005).

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-42395-2024 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 City Council for the request to rezone to Limited Commercial (B-1) for the property located at the northwest corner of 28th Street and Avenue B, 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 subject property is located on the northwest corner of 28th Street and Avenue B, currently undeveloped and approximately .51 acres in size. The property was annexed to the City of Yuma in September of 2005.

The applicant is requesting to rezone the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, with the intent to tie the subject property with the property to west to allow future commercial development. In order to accomplish proposed development of the property, the rezone is required.

The property is located in an area of the City of Yuma where the Land Use Element of the General Plan could allow a number of different zoning designations, ranging from Low Density Residential to General Commercial. The rezone of this property to Limited Commercial (B-1) would complement the character of the surrounding area. This request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

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

Land Use Element:									
Land Use Designation:			Mixed Use						
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
28 th Street- 2 lane Collector	50 FT H/W	61 FT H/W				
Avenue B- 4 lane Minor Arterial	40 FT H/W	75 FT H/W				X
Bicycle Facilities Master Plan	28 th Street – Existing bike lane, Avenue B – Proposed bike lane					

YCAT Transit System	Purple Route & Yellow Route – Highway 95 South (95) - 23 rd Avenue @ 28 th Street.
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: Ponderosa Park				Future: Ponderosa Park					
Community Park:	Existing: Yuma Valley Park				Future: Yuma Valley Park					
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park					
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		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 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 <i>Non-residential</i>		Projected Population	Police Impact Officers	Water Consumption GPD AF		Wastewater Generation 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. 6				Future: Fire Station No. 6					
Water Facility Plan:	Source:	City	X	Private	Connection:		10" line on 28 th Street			
Sewer Facility Plan:	Treatment:	City	X	Septic	Private		Connection: 8" on 28 th Street			
Issues:	None									
Safety Element:										
Flood Plain Designation:	500 Year Flood Zone			Liquefaction Hazard Area:			Yes	X	No	
Issues:	None									
Growth Area Element:										
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St			Avenue B & 32 nd St.		X		
	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: See Attachment C.

Proposed conditions delivered to applicant on: 03/21/2024

Final staff report delivered to applicant on: 04/02/2024

- Applicant agreed with all of the conditions of approval on: 03/26/2024
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant .

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Agency Notifications	Neighborhood Meeting Comments	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Guillermo Moreno-nunez* **Date:** 03/26/2024
 Guillermo Moreno-nunez
 Assistant Planner (928) 373-5000, x3038
 Guillermo.moreno-nunez@yumaaz.gov

Reviewed By: *Jennifer L. Albers* **Date:** 3/27/24
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 04/01/2024
 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, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038

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** 03/29/24
- **300' Vicinity Mailing:** 03/04/24
- **34 Commenting/Reviewing Agencies noticed:** 03/07/24
- **Site Posted on:** 03/05/24
- **Neighborhood Meeting:** 04/14/24
- **Hearing Date:** 04/22/24
- **Comments due:** 03/18/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	3/7/2024	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	3/11/2024	X		
Yuma County Planning & Zoning	NR				
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	3/11/2024	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	3/20/2024			X
Fire	Yes	3/8/2024	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: 03/14/24

Location: On site, NWC of 28th Street and Avenue B

Attendees: Agent: Christopher Robins,
Staff: Guillermo Moreno-nunez,
Neighbor: Isaac Martinez.

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

- **MARTINEZ-** ASKED WHAT WAS GOING TO BE DEVELOPED ON LAND?
- **MORENO-NUNEZ-** EXPLAINED WHAT THE INTENT OF PROPERTY OWNER IS
- **MARTINEZ-** HAD NO OTHER COMMENTS NOR CONCERNS.

**ATTACHMENT D
AGENCY COMMENTS**

**Andrew McGarvie P.E., Development Engineering Manager for the City of Yuma, (928) 373-5000
x3044**

- *“The City of Yuma will not remove the existing 1’ non-access easement located along the west right-of-way line of Ave B as recorded in the Wagon Wheel Lot Tie, Fee Number 2005-05267 and recorded in Book 21 of Plats, Pages 11 and 12.”*

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ACOSTA DANIEL JUDE & GABRIELA JT ADULT AND PEDIATRIC REHABILITATION LLC	2767 S 26TH DR PO BOX 5841	YUMA	AZ	85364
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
ADULT AND PEDIATRIC REHABILITATION LLC	PO BOX 5841	YUMA	AZ	85366
CASTILLO JOSE L & ROSA E JT	PO BOX 5837	YUMA	AZ	85366
COTA LUIS D AVALOS	2779 S 26TH DR	YUMA	AZ	85364
DIXON REYNOLDS & MARCIANA W	2749 S 26TH DR	YUMA	AZ	85364
ESQUIVEL JOSE G	2671 W 27TH LN	YUMA	AZ	85364
KAZNAK STEVE & LUELLA JT	4349 W 17TH PL	YUMA	AZ	85364
LASTRA ALEJANDRO & CYNTHIA JT	2739 S 26TH DR	YUMA	AZ	85364
LOMELI HILARIA LIVING TRUST 6-4-99 MAHA LLC	2834 S AVENUE B PO BOX 4145	YUMA	AZ	85364
MEDINA VICTOR ZAZUETA	2721 S 26TH DR	YUMA	AZ	85364
RYAN ARMIDA M	2683 W 27TH LN	YUMA	AZ	85364
SMITH JIM D	221 S 2ND AVE STE 1	YUMA	AZ	85364
SOMERTON FARMING COMPANY AZ CORP TCC PLAZA LLC	221 S 2ND AVE 2525 W 28TH ST STE A	YUMA	AZ	85364
TRIDENT ASSETS LLC	871 AUTO MALL DR	AMERICAN FORK	UT	84003
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364

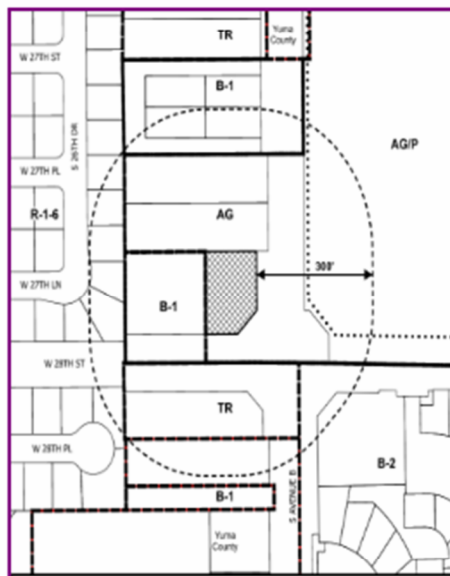
**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates on behalf of Jim Smith to rezone approximately .51 acres from the Agriculture (AG) District to the Limited Commercial (B-1) District for property located on the northwest corner of 28th Street and Avenue B, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-42395-2024**

**NEIGHBORHOOD MEETING
03/14/2024 @ 5:30PM
ON-SITE**

**PUBLIC HEARING
04/22/2024 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of the northwest corner of 28th Street and Avenue B, Yuma, AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at Guillermo.Moreno-nunez@YumaAz.gov

ATTACHMENT G
AERIAL PHOTO

