

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

**Hearing Date:** March 26, 2018

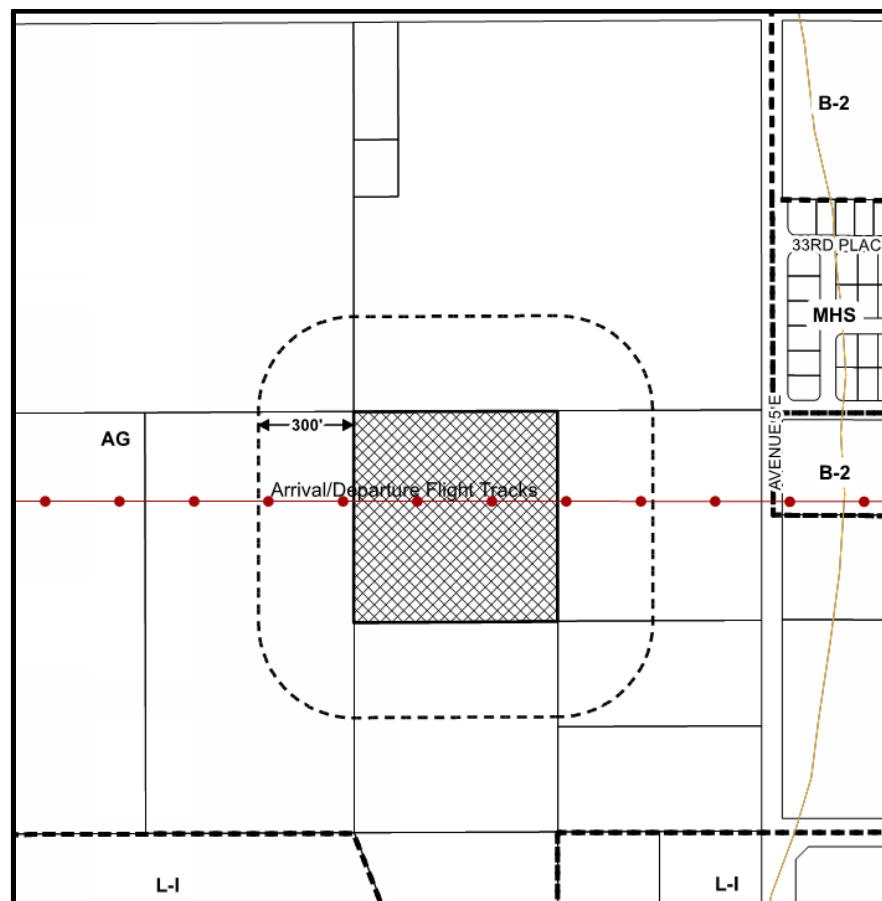
**Case Number:** ZONE-20709-2018

**Project Description/Location:**

This is a request by Bob Woodman, on behalf of Dames Trust, 9-21-12, to rezone approximately 10 acres from the Agriculture/Airport Overlay (AG/AD) District to the Light Industrial/Airport Overlay (L-I/AD) District, for the property located on the southeast corner of the E 34<sup>th</sup> Street alignment and the B 3.7 Canal Lateral, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial
<b>North</b>	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial
<b>South</b>	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial
<b>East</b>	Agriculture/Airport Overlay (AG/AD) General Commercial/Airport Overlay (B-2/AD)	Undeveloped	Industrial
<b>West</b>	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial

**Location Map**



**Prior site actions:** Annexation: Ord. #O99-081 (August 7, 1999); Pre-Development Meeting: PDM-19773-2017 (October 4, 2017).

**Staff recommendation:** Staff recommends **APPROVAL** of the rezoning for the property located on the southeast corner of the E 34<sup>th</sup> Street alignment and the B 3.7 Canal Lateral from the Agriculture/Airport Overlay (AG/AD) District to the Light Industrial/Airport Overlay (L-I/AD) 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 on the southeast corner of the E 34<sup>th</sup> Street alignment and the B 3.7 Canal Lateral from the Agriculture/Airport Overlay (AG/AD) District to the Light Industrial/Airport Overlay (L-I/AD) 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 on the southeast corner of the E 34<sup>th</sup> Street alignment and the B 3.7 Canal Lateral. The property was annexed in 1999. It is currently zoned Agriculture (AG), and is undeveloped.

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.

A neighborhood meeting was held on January 17, 2018. Approximately 11 attendees voiced concerns regarding the potential uses in the Light Industrial (L-I) District. Residents were concerned about traffic, noise, odors, and safety. Any proposed development would require plan review. During the plan review process, Staff would be able to ensure that the proposed project complies with the development standards of the Light Industrial (L-I) District.

Rezoning 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
34 <sup>th</sup> Street – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT	29 FT

**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:**

Name:	Citrus View Unit I HOA			Contact Information: <a href="mailto:silverfoxgirl@gmail.com">silverfoxgirl@gmail.com</a>						
Method of Contact:	Phone		FAX		Email	X	Letter	X	Other	
See Attachment D of the Staff Report										
Name:	Concerned Homeowners of Citrus View I			Contact Information: <a href="mailto:silverfoxgirl@gmail.com">silverfoxgirl@gmail.com</a>						
Method of Contact:	Phone		FAX		Email	X	Letter	X	Other	
See Attachment D of the Staff Report										

**External Agency Comments:** See Attachment B.

**Neighborhood Meeting Comments:** See Attachment C.

**Proposed conditions delivered to applicant on:** January 24, 2018

**Final staff report delivered to applicant on:** February 12, 2018

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: February 21, 2018 via e-mail
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval:
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Public Comments	Aerial Photo	Staff Research

**Prepared By:**  
Richard Munguia  
Assistant Planner



**Date:** 2/13/18

Richard.Munguia@Yumaaz.gov (928)373-5000, x3070

**Reviewed By:**  
Alyssa Linville  
Principal Planner



**Date:** 02/14/18

**Approved By:**  
Dan Symer, AICP,  
Assistant Director Community Development



**Date:** 2/14/18

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



**Date:** 2-15-18

**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 south half of east 34<sup>th</sup> Street as a local street requiring a 29 foot nominal half width.

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

5. 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 dB noise contour and under a flight path. Industrial uses must comply with the City of Yuma Zoning Ordinance and ARS 28-848 t. Noise level reduction standards must be met, lighting must be directed downward and no ponding or outside water retention that may attract birds should occur on the property. The FAA may need to be notified of any construction on FAA Form 7460-1. It is requested an Aviation Easement be recorded that recognizes noise, interference and vibrations may be associated with aviation activities performed at MCAS Yuma/Yuma International Airport. Thank you.

DATE: 1/23/18      NAME: Gen Grosse      TITLE: Property/Community Relations  
AGENCY: Yuma County Airport Authority  
PHONE: 928-726-5882  
RETURN TO: Richard Munguia  
Richard.Munguia@YumaAZ.gov

**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** January 17, 2018

**Location:** Northwest Corner of Avenue 5E and  
34<sup>th</sup> Street

**Attendees:** Richard Munguia, City of Yuma; Bob Woodman, Agent; John Hall, Neighbor; Mariah Hall, Neighbor; Wayne Ridnaur, Neighbor; Brent Steinbock, Neighbor; Robert Gendreau, Neighbor; Garnor Bensen, Neighbor; Laura Fox, Neighbor; Dorothy Doyle, Neighbor; Carol Pierce, Neighbor; Carol Chestnut, Neighbor; Doug Perry, Neighbor.

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

- **NEIGHBORS ASKED THE PROPERTY OWNER'S FUTURE PLANS. AGENT INFORMED NEIGHBORS THAT THE INTENT WAS TO GET THE SITE READY FOR SALE, AND THERE WERE NO SOLID PLANS FOR THE PROPERTY.**
- **MR. STEINBOCK ASKED ABOUT THE DEVELOPMENT STANDARDS FOR THE LIGHT INDUSTRIAL (L-I) DISTRICT.**
- **MR. HALL ASKED ABOUT RIGHT-OF-WAY, AND WAS ADVISED THAT A PLANNING ACTION COULD INITIATE THE RIGHT-OF-WAY REQUEST, BUT THERE WAS NOTHING BEING ASKED OF HIS PROPERTY.**
- **MS. FOX ASKED TO RECEIVE COPIES OF THE AGENDA, PROPERTY OWNER NOTIFICATION MAILINGS, AND THE FINAL REPORT.**
- **MS. FOX ASKED ABOUT THE REZONING PROCESS, AND WAS ADVISED THAT THERE WERE THREE HEARINGS, ONE PLANNING AND ZONING COMMISSION MEETING AND TWO CITY COUNCIL HEARINGS.**
- **NEIGHBORS WERE CONCERNED ABOUT COMPOSTING BEING DONE ON THE PROPERTY, SINCE THERE WAS ALREADY A COMPOSTING OPERATION ON NEARBY PROPERTY. NEIGHBORS WERE CONCERNED ABOUT ODOR AND NOISE COMING FROM ANY TYPE OF USE, ESPECIALLY SINCE THERE WAS A FUTURE EGG PROCESSING PLANT TO THE WEST, WHICH WOULD CREATE ADDITIONAL NOISE AND ODOR. NEIGHBORS WERE ADVISED THAT THE NEARBY COMPOSTING OPERATION WAS NOT PERMITTED.**
- **MR. GENDREAU ASKED ABOUT TRAFFIC COUNTS ON AVENUE 5E, AND WAS INFORMED THAT THE ENGINEERING DEPARTMENT WOULD CONTACT HIM REGARDING TRAFFIC COUNTS.**

**ATTACHMENT D**  
**PUBLIC COMMENTS**

January 22, 2018

To: Richard Munguia and City of Yuma Planning and Zoning Commission

Re: Bob Woodman entities' request to rezone approximately 29.5 total acres of property located SW of Citrus View Unit 1, from the Agricultural (AG) District to the Light Industrial (LI) District

On behalf of the Citrus View Unit 1 HOA, we want to respond to the issues addressed at the public meeting held at the property in question, at 5:00 in the afternoon on January 17, 2018.

Our concerns lie not in the possibility of change, but rather in the unknown factors of how the changes might adversely affect our neighborhood and its occupants. Currently, some of our homes equipped with carbon monoxide alarms have been disturbed in the evenings by the composting operation that is being done directly to the southwest of us. The smells from the compost are horrendous, preventing many neighbors in the area, not just our community, to be forced inside instead of enjoying the lovely climate Yuma is famous for this time of year. Add to that the stress of abrupt alarms going off, causing worry that there is actually a carbon monoxide leak, only to realize that it's the compost odors down the road.

There is a healthy fear that even though the compost operation is being halted or altered somehow, next on the agenda is the coming egg boiling business directly to our west, in the line of usual prevailing wind direction. In general, smells and sounds do not stop at the arbitrary 300 ft. notification boundary as required by the Planning Commission.

We realize that there are permitted uses in the current AG District that could unfavorably impact the lives of the surrounding neighborhoods. As stated above, our concern is not so much in rezoning the property, but the not knowing what will be developed on that property.

Therefore, we respectfully ask that as you make your decision, put yourselves in our situation.

Probably not unlike other 55+ communities in Yuma, we do spend much of our time outside walking our dogs, visiting our neighbors and friends, riding bikes and trikes, and getting daily exercise. It's part of the charming appeal of finding a jewel like ours to live in. If you lived here in our neighborhood, or if your parents, grandparents, or anyone you care about lived here, what decisions would you make regarding this property?

Sincerely,

Laura D Fox, Citrus View Unit 1 HOA President

Brent Steinbeck, Citrus View Unit 1 HOA Vice President/Secretary

Garnor Bensen, Citrus View Unit 1 HOA Treasurer



January 22, 2018

To the City of Yuma Planning and Zoning Commission

From Concerned Homeowners of Citrus View Unit 1 HOA

Many residents of Citrus View have invested a large part, if not all, of their life savings in properties in a secluded, quiet part of Yuma. Our concern regarding rezoning our neighbor property from Agriculture to Light Industry is that property values may be adversely affected. We are concerned that property values, and therefore our investments, will significantly diminish due to the negative impact of this zoning change. These concerns include:

- Negative impact on the community resulting from 24-hour operations: lighting, increased noise, and increased site traffic noise associated with industrial operations
- Effect on neighborhood at-large aesthetics / visual impact
- Increased Ave 5E motorized vehicles traffic
- Safety concerns for pedestrian and bike traffic along Ave 5E
- Potential reduction of quality of life in our community due to questionable air quality, odors, noise and light pollution, and public safety
- Does rezoning provide increased tax revenue for the City of Yuma?
- Will homeowners of Citrus View end up having to provide substantial input and discussion in order to ultimately gain the favorable outcome of noise abatement, aesthetically pleasing landscaping, and traffic control?


Thank you.

ATTACHMENT E  
AERIAL PHOTO



**ATTACHMENT F**  
**STAFF RESEARCH**



	<b>STAFF RESEARCH – REZONE</b>			
	<b>CASE #: ZONE-20709-2018</b>			
	<b>CASE PLANNER: RICHARD MUNGUIA</b>			

## I. PROJECT DATA

Project Location:		Located on the southeast corner of the E 34 <sup>th</sup> Street alignment and the B 3.7 Canal Lateral													
Parcel Number(s):		697-44-001													
Parcel Size(s):		435,600 square feet													
Total Acreage:		10 acres													
Proposed Dwelling Units:		0													
Address:		None													
Applicant:		Dames Trust 9-21-12													
Applicant's Agent:		Bob Woodman													
Land Use Conformity Matrix:		Conforms:		Yes	X	No									
Zoning Overlay:	Public		AO		Auto		B&B		Historic		None		Airport	X	
Noise Contours	65-70		70-75	X	75+		APZ1		APZ2		Clear Zone				
	<b>Existing Zoning</b>	<b>Use(s) on-site</b>		<b>General Plan Designation</b>											
<b>Site</b>	Agriculture (AG)	Undeveloped		Industrial											
<b>North</b>	Agriculture (AG)	Undeveloped		Industrial											
<b>South</b>	Agriculture (AG)	Undeveloped		Industrial											
<b>East</b>	Agriculture (AG)	Undeveloped		Industrial											
<b>West</b>	Agriculture (AG)	Undeveloped		Industrial											
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	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-19773-2017 (October 4, 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)		58.30 Acre Feet a Year													
Water Conversion Agreement Required		Yes		No	X										

## II. CITY OF YUMA GENERAL PLAN

<b>Land Use Element:</b>			
Land Use Designation:		Industrial	
Noise Contour:	70-75 db	Overlay/Specific Area:	Airport Overlay
Issues:		None	

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X																														
Historic Buildings on Site:	Yes		No	X																																		
<b>Transportation Element:</b>																																						
<b>FACILITY PLANS</b>																																						
Transportation Master Plan			Planned			Existing																																
34 <sup>th</sup> Street – 2-Lane Collector			80 FT F/W ROW			0 FT F/W ROW																																
Median Covenant			None																																			
Gateway Route		Scenic Route		Hazardous Cargo Route		Truck Route																																
Bicycle Facilities Master Plan			None																																			
YCAT Transit System			None																																			
Issues:			None																																			
<b>Parks, Recreation and Open Space Element:</b>																																						
Parks and Recreation Facility Plan																																						
Neighborhood Park:		Existing: None				Future: None																																
Community Park:		Existing: None				Future: None																																
Linear Park:		Existing: None				Future: None																																
Issues:			None																																			
<b>Housing Element:</b>																																						
Special Need Household:		N/A																																				
Issues:			None																																			
<b>Redevelopment Element:</b>																																						
Planned Redevelopment Area:		N/A																																				
Adopted Redevelopment Plan:		North End:			Carver Park:			None: X																														
Conforms:		Yes		No		N/A																																
<b>Conservation, Energy &amp; Environmental Element:</b>																																						
Impact on Air or Water Resources		Yes		No		N/A																																
Renewable Energy Source		Yes		No		N/A																																
Issues:			None																																			
<b>Public Services Element:</b>																																						
<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		<table border="1"> <thead> <tr> <th>Dwelling Units</th> <th>Projected Population</th> <th>Police Impact</th> <th colspan="2">Water Consumption</th> <th>Wastewater Generation</th> </tr> <tr> <th>Maximum</th> <th></th> <th>Officers</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>0</td> <td>0.00</td> <td>0</td> <td>0.0</td> <td>0</td> </tr> <tr> <th>Minimum</th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> <tr> <td>0</td> <td>0</td> <td>0.00</td> <td>0</td> <td>0.0</td> <td>0</td> </tr> </tbody> </table>							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
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																																
Water Facility Plan:		Source:	City		Private		Connection:																															
Sewer Facility Plan:		Treatment:	City		Septic		Private	Connection:																														
Issues:			No water/sewer lines exist, extension will be required with future development.																																			
<b>Safety Element:</b>																																						
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:		Yes		No X																														
Issues:			None																																			
<b>Growth Area Element:</b>																																						
Growth Area:		Araby Rd & Interstate 8			Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.																														
		North End		Pacific Ave & 8 <sup>th</sup> St		Estancia		None X																														
Issues:			None																																			

## NOTIFICATION

- **Legal Ad Published: The Sun** (2/2/18)
- **300' Vicinity Mailing:** (1/8/18)
- **34 Commenting/Reviewing Agencies noticed:** (1/11/18)
- **Neighborhood Meeting:** (1/17/18)
- **Hearing Dates:** (2/26/18)
- **Comments Due:** (1/22/18)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority		1/23/18		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.		1/16/18	X		
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 Company	NR				
Western Area Power Administration	NR				
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks		1/16/18	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire		1/16/18	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		1/19/18		X	X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Neighborhood Meeting Comments</b>
January 17, 2018, 5pm, NWC Ave 5E & 34 <sup>th</sup> St	See Staff Report Attachment C
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
January 9, 2018	by U.S. Mail

**PUBLIC COMMENTS RECEIVED:** SEE ATTACHMENT D OF THE STAFF REPORT

## INTERNAL COMMENTS


Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: The property is located within the 70-75 dB noise contour and under a flight path. Industrial uses must comply with the City of Yuma Zoning Ordinance and Arizona Revised Statutes 28-848 t. Noise level reduction standards must be met, lighting must be directed downward, and no ponding or outside water retention that may attract birds should occur on the property. Federal Aviation Administration (FAA) may need to be notified of any construction on FAA Form 7460-1. It is requested that an avigation easement be recorded that recognizes the noise, interference, and vibrations that may be associated with aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Please email a copy of the recorded avigation easement to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE: 1/19/2018 NAME:  Paula L. Backs TITLE: Community Liaison Specialist  
CITY DEPT: MCAS YUMA AZ  
PHONE: (928) 269-2103  
RETURN TO: Richard Munguia  
Richard.Munguia@YumaAZ.gov