

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

**Hearing Date:** April 11, 2016

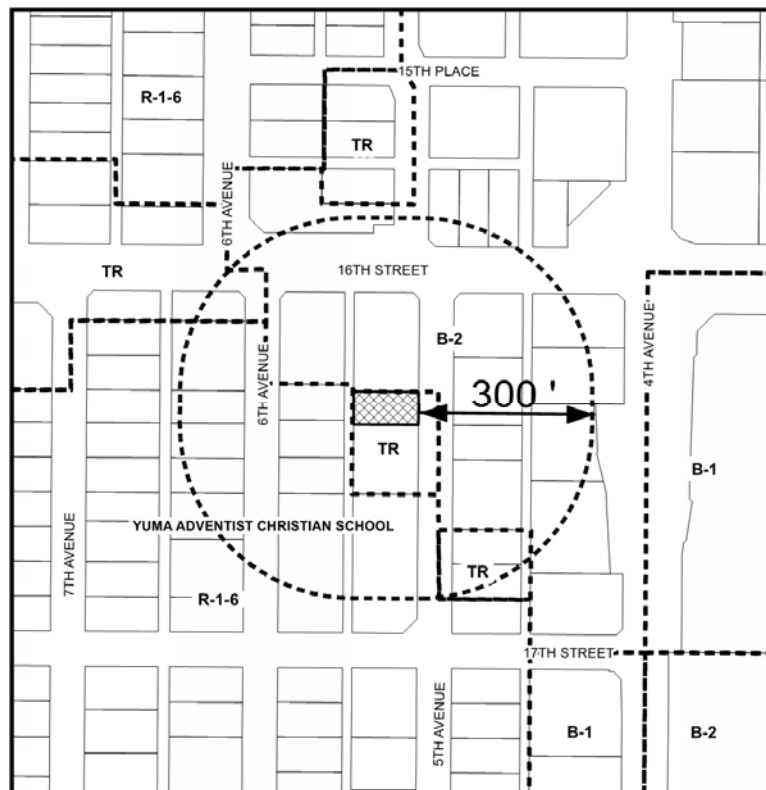
**Case Number:** ZONE-13178-2016

**Project Description/Location:**

This is a request by Xanthi Panos, on behalf of the City of Yuma, to rezone approximately 0.15 acres from the Transitional (TR) District to the General Commercial (B-2) District. The property is located approximately 160 feet south of the southwest corner of 5<sup>th</sup> Avenue and 16<sup>th</sup> Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Land Use Designation
<b>Site</b>	Transitional (TR)	Vacant	Low Density Residential
<b>North</b>	General Commercial (B-2)	Vacant	Commercial
<b>South</b>	Transitional (TR)	Bibleway Apostolic Church	Low Density Residential
<b>East</b>	General Commercial (B-2)	Vacant	Commercial
<b>West</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. #567 (March 11, 1952); Subdivision: Orange Grove Subdivision (February 25, 1948)

**Staff recommendation:** Staff recommends **APPROVAL** of the rezoning for the property from the Transitional (TR) District to the General Commercial (B-2) 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 from the Transitional (TR) District to the General Commercial (B-2) 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 within the Orange Grove Subdivision and was annexed into the City of Yuma in March of 1952. The property was subsequently zoned Residential "A", equivalent to the modern day Low Density Residential (R-1-6) District. The property was then rezoned to Transitional (TR) a number of years later to serve as a buffer between the residential properties and the more intense commercial properties in the area.

Historically the property has been utilized as a parking lot for the neighboring business. The subject property, which is City-owned, was purchased along with many other parcels, for roadway and intersection improvements at 4th Avenue and 16<sup>th</sup> Street. This property needs to be tied to the property to the north and rezoned for future development.

A neighborhood meeting for the rezoning request was held on March 3, 2016. A few neighbors attended the meeting with the intent to gather information regarding plans for future development. However, at this point, the City has no intention to develop the site and therefore information regarding planned development could not be provided to the neighbors.

The current General Plan designation for the property is Low Density Residential. However, due to the fact that the property is less than 2 acres and is adjacent to the allowable land use, the request to rezone the property to the General Commercial (B-2) Zoning 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?**

No

**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:** March 10, 2016

**Final staff report delivered to applicant on:** March 16, 2016

- ☒ Applicant agreed with all of the conditions of approval on: March 14, 2016  
☐ 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.

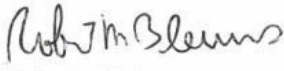
**Attachments**

A	B	C	D	E
Conditions of Approval	Neighborhood Meeting Comments	Conceptual Site Plan	Aerial Photo	Staff Research

**Project Planner:** Alyssa Linville, (928) 373-5000, [Alyssa.Linville@YumaAz.gov](mailto:Alyssa.Linville@YumaAz.gov)  
Senior Planner ext. 3037

**Prepared By:**   
Alyssa Linville, Senior Planner

**Date:** 03/15/16

**Reviewed By:**   
Robert Blevins, Principal Planner

**Date:** 3/15/16

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

**Date:** 3-15-16

**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.

**Community Planning, Alyssa Linville, Senior Planner, (928) 373-5000, ext. 3037**

1. A commercial subdivision will be required in order to tie all necessary parcels into one lot.
2. 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:** March 3, 2016

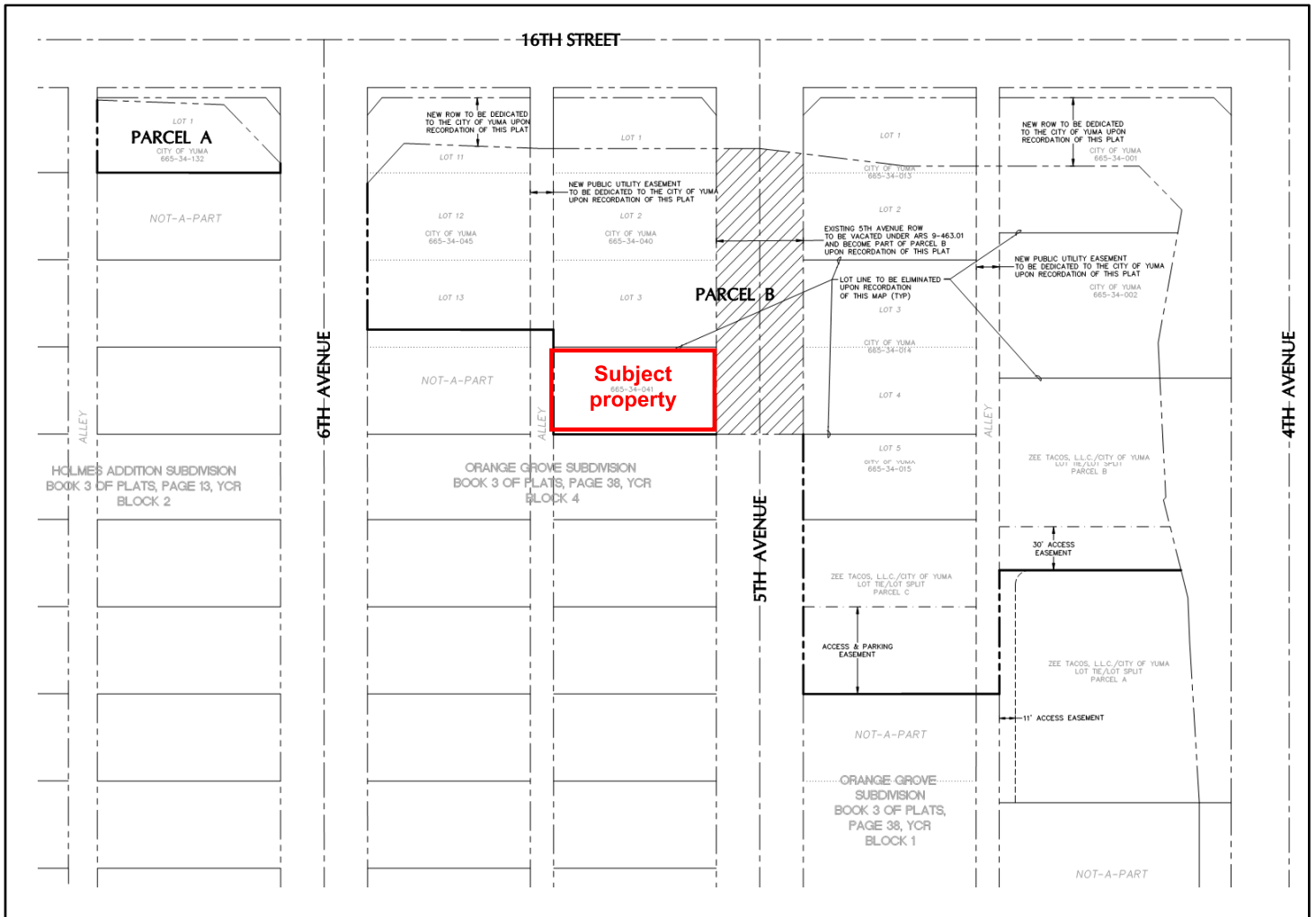
**Location:** On-site (Near SWC of 5<sup>th</sup> Avenue and 16<sup>th</sup> Street)

**Attendees:** Alyssa Linville, City of Yuma; Robert & Virginia Rico, 1608 S. 6<sup>th</sup> Avenue; Christopher Robins, 1560 S. 5<sup>th</sup> Avenue

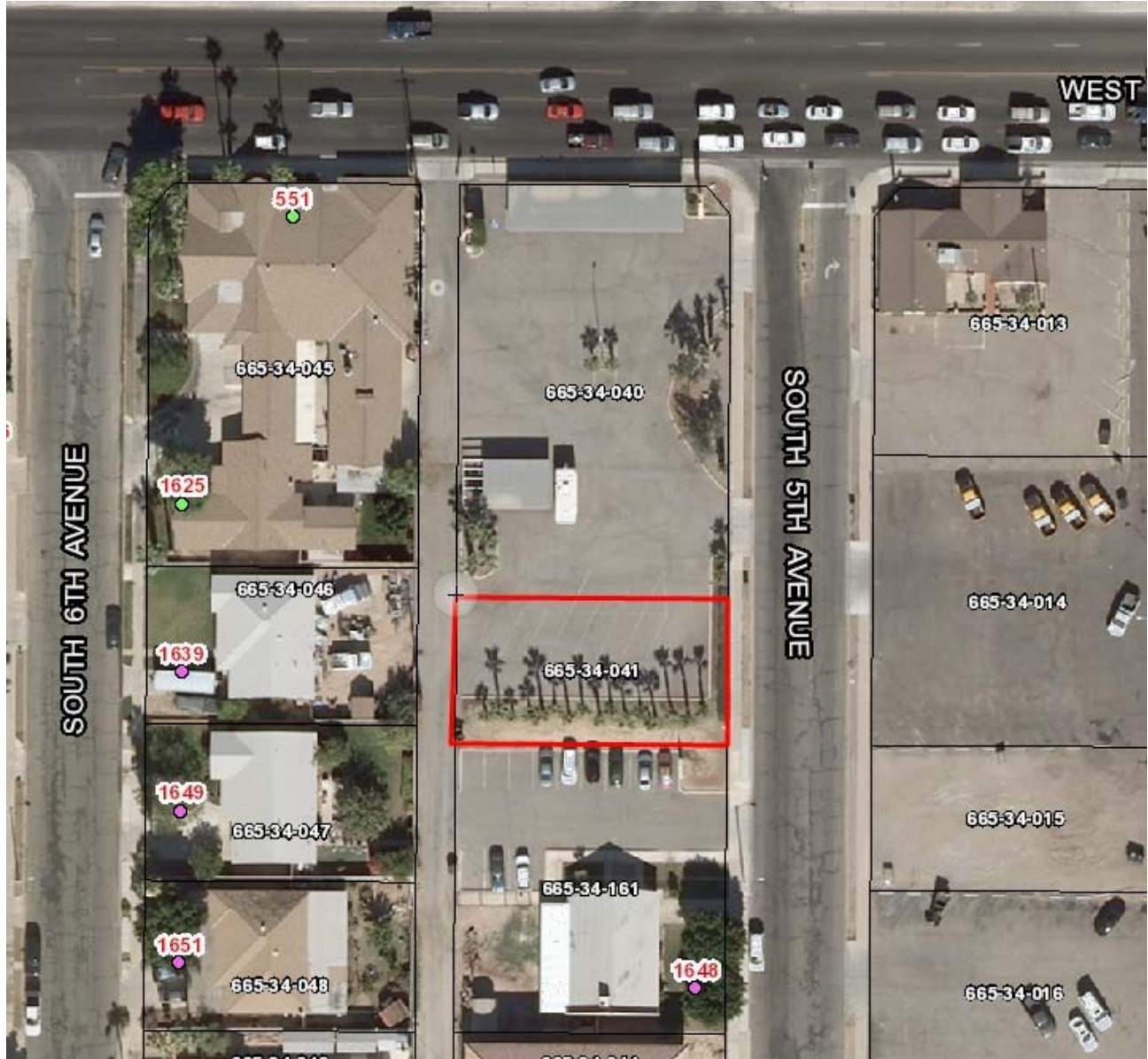
**SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:**

- **THE PROPERTY OWNERS WERE STRICTLY INTERESTED IN WHAT WOULD BECOME OF THE PROPERTY FOLLOWING THE REZONE. STAFF INFORMED THEM THAT THE INTENTION WAS TO CREATE A COMMERCIAL SUBDIVISION AND DISPOSE OF THE LAND FOR COMMERCIAL DEVELOPMENT.**
- **THERE WAS SOME CONCERN VOICED REGARDING THE FUTURE IMPACT OF TRAFFIC ALONG 6<sup>TH</sup> AVENUE. IT WAS DISCUSSED THAT THE INTENTION WAS TO VACATE A PORTION OF 5<sup>TH</sup> AVENUE WHICH COULD CAUSE AN INCREASE IN TRAFFIC ALONG 6<sup>TH</sup> AVENUE.**

# ATTACHMENT C CONCEPTUAL SITE PLAN

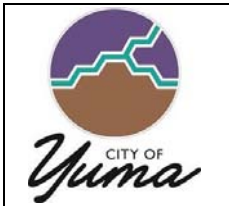


ATTACHMENT D  
AERIAL PHOTO



**ATTACHMENT E**  
**STAFF RESEARCH**





## STAFF RESEARCH – REZONE

**CASE #: ZONE-13178-2016**  
**CASE PLANNER: ALYSSA LINVILLE**

### I. PROJECT DATA

Project Location:	Located approximately 160 feet south of the southwest corner of 5 <sup>th</sup> Avenue and 16 <sup>th</sup> Street.									
Parcel Number(s):	665-34-041									
Parcel Size(s):	6,740 square feet									
Total Acreage:	.15 acre									
Proposed Dwelling Units:	None									
Address:	None									
Applicant:	City of Yuma									
Applicant's Agent:	Xanthi Panos									
Land Use Conformity Matrix:	Conforms:	Yes	X	No						
Zoning Overlay:	Public		AO		Auto		B&B		Historic	
	Noise Contours	65-70		70-75		75+		APZ1		APZ2
									Clear Zone	

	Existing Zoning	Existing Land Use	Planned Land Use
<b>Site</b>	Transitional (TR)	Vacant	Low Density Residential
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<b>South</b>	Transitional (TR)	Bibleway Apostolic Church	Low Density Residential
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<b>West</b>	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

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		Ord. #567 (March 11, 1952)					
General Plan Amendment	Yes		No		N/A					
Development Agreement	Yes		No		N/A					
Rezone	Yes		No		N/A					
Subdivision	Yes	X	No		Orange Grove Subdivision (February 25, 1948)					
Conditional Use Permit	Yes		No		N/A					
Pre-Development Meeting	Yes		No		N/A					
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:	None									
Adjacent Irrigation Canals & Drains:	None									
Water Conversion: (5.83 ac ft/acre)	N/A									
Water Conversion Agreement Required	Yes		No	X						

**II. CITY OF YUMA GENERAL PLAN****Land Use Element:**

Land Use Designation:			Low Density Residential									
Noise Contour:			N/A		Overlay/Specific Area:			N/A				
Issues:			None									
Historic District:	Brinley Avenue			Century Heights			Main Street			None	X	
Historic Buildings on Site:		Yes		No	X							

**Transportation Element:****FACILITY PLANS**

Transportation Master Plan				Planned				Existing				
5 <sup>th</sup> Avenue – Local Street		29 FT H/W ROW				30 F H/W ROW						
Median Covenant				N/A								
Gateway Route			Scenic Route			Hazardous Cargo Route			Truck Route			
Bicycle Facilities Master Plan				Existing Bike Route on 5 <sup>th</sup> Avenue								
YCAT Transit System				Red Route 1 and Yellow Route 95 – 4 <sup>th</sup> Avenue								
Issues:				None								

**Parks, Recreation and Open Space Element:**

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Joe Henry Center	Future: N/A
Area Park	Existing: Kennedy Park	Future: N/A
Linear Park:	Existing: East Main Canal Bike Path	Future: N/A
Issues:	None	

**Housing Element:**

Special Need Household:	N/A
Issues:	None

**Redevelopment Element:**

Planned Redevelopment Area:	4 <sup>th</sup> Avenue Corridor						
Adopted Redevelopment Plan:	North End:	X	Carver Park:		None:		
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:					

**Public Services Element:**

<b>Population Impacts</b> 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	Police	Water		Wastewater
		Population	Impact	Consumption		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: Fire Station No. 3			Future: Fire Station No. 4		
Water Facility Plan:	Source:	City	X	Private	Connection:	4" CA in Alley
Sewer Facility Plan:	Treatment:	City	C	Septic	Private	Connection: 8' VCP in Alley
Issues:	None					

**Safety Element:**

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes		No	X
Issues:	None					

Growth Area Element:									
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 <sup>th</sup> St		X	Avenue B & 32 <sup>nd</sup> St.		
	North End		Pacific Ave & 8 <sup>th</sup> St			Estancia		None	
Issues:	None								

## NOTIFICATION

- **Legal Ad Published: The Sun** (03/18/16)
- **300' Vicinity Mailing:** (02/22/16)
- **34 Commenting/Reviewing Agencies noticed:** (02/25/16)
- **Neighborhood Meeting:** (03/03/16)
- **Hearing Dates:** (04/11/16)
- **Comments Due:** (03/07/16)

<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	Yes	02/29/16	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	02/26/16	X		
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.	Yes	02/29/16	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	Yes	02/29/16	X		
<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	Yes	02/29/16	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	02/29/16	X		
Kerry Beecher, Building Safety	NR				
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jonathan Fell, Traffic Engineering	Yes	02/29/16	X		
MCAS / C P & L Office	Yes	02/29/16	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
MARCH 3, 2016	None
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
April 11, 2016	In-Person

**PUBLIC COMMENTS RECEIVED:** NONE