

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

Hearing Date: November 27, 2017

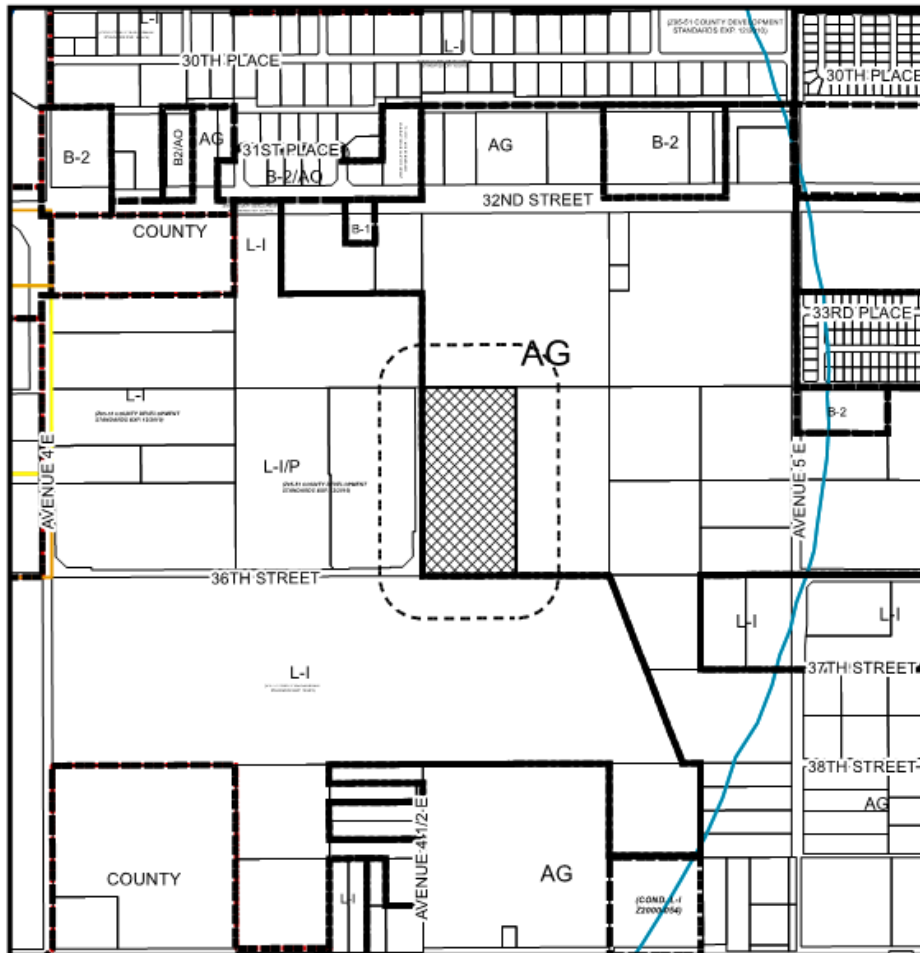
Case Number: ZONE-19718-2017

Project Description/Location:

This is a request by Dahl, Robins & Associates, on behalf of CCDL Farm, LLC, to rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located at the northeast corner of 36th Street and Avenue 4 ½ E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Industrial
North	Agriculture (AG)	Undeveloped	Industrial
South	Light Industrial (L-I)	Undeveloped	Industrial
East	Agriculture (AG)	Undeveloped	Industrial
West	Light Industrial (L-I)	Undeveloped	Industrial

Location Map



Prior site actions: Annexation: Ord. #O99-081 (August 7, 1999); Pre-Development Meeting: PDM-18644-2017 (June 29, 2017).

Staff recommendation: Staff recommends **APPROVAL** of the rezoning for the property located at the northeast corner of 36th Street and Avenue 4 ½ E from the Agriculture (AG) District to the Light Industrial (L-I) 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 at the northeast corner of 36th Street and Avenue 4 ½ E from the Agriculture (AG) District to the Light Industrial (L-I) 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 at the northeast corner of 36th Street and Avenue 4 ½ E. Upon annexation of the undeveloped parcel in 1999, the property was zoned Agriculture (AG). While a majority of the surrounding area remains undeveloped, the parcel located to the west of the subject property is currently being developed for the processing of shelled eggs.

The applicant is proposing to rezone this property to the Light Industrial (L-I) District 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.

Upon development of the property, all development standards will be required to be met. Such improvements may include, but are not limited to, setbacks, height restrictions, paved parking, landscaping, and possible roadway construction.

The request to rezone the property from the Agriculture (AG) District 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
Avenue 4 ½ E – Collector Street	40 FT H/W ROW	0 FT H/W ROW	-40 FT H/W ROW	40 FT H/W ROW
36 th Street – Collector Street	40 FT H/W ROW	0 FT H/W ROW	-40 FT H/W ROW	40 FT H/W ROW
34 th Street – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT H/W ROW	29 FT H/W ROW

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: No Meeting Required

Proposed conditions delivered to applicant on: October 24, 2017

Final staff report delivered to applicant on: November 13, 2017

- Applicant agreed with all of the conditions of approval on: October 24, 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
Conditions of Approval	Aerial Photo	Staff Research

Project Planner: Richard Munguia, 373 -5000 x3070; Richard.Munguia@YumaAZ.gov
Assistant Planner

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 11/09/17

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

Date: 11-13-17

**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 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:

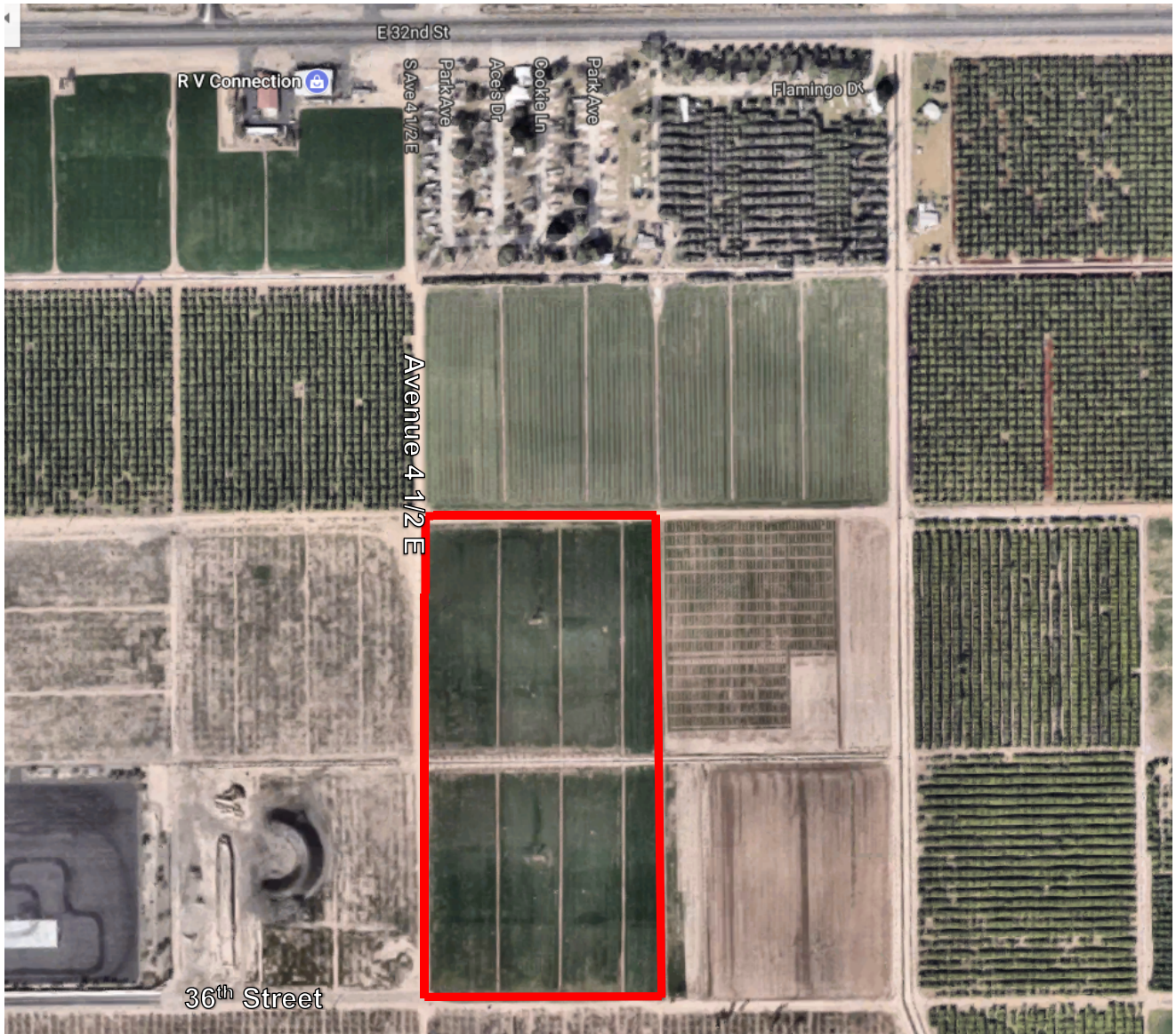
4. The owner shall dedicate to the City of Yuma, the north half of 36th street as a collector street requiring 40 ft half width.
5. The owner shall dedicate to the City of Yuma, the East half of Avenue 4½E as a midsection collector street requiring 40 feet half width.
6. The owner shall dedicate to the City of Yuma, the South half of 34th street as a local street requiring 29 feet nominal half width.
7. The owner shall dedicate to the City of Yuma, a triangle with 25 ft legs at the southeast corner of Ave 4½E and 34th Street.
8. The owner shall dedicate to the City of Yuma , the North bound turn lane along west bound 36th Street and a corner triangle with 40 ft legs per Figure 3 of the 2005 Major Roadways Plan. The Northbound acceleration/merge lane for Avenue 4½E is not being required from Figure 3.
9. The owner shall dedicate to the City of Yuma, a 1' non access easement along Avenue 4½E and 36th St frontages with a reservation of future access locations per City of Yuma Construction standards, at the time of development.
10. The owner shall dedicate to the City of Yuma, a 1' non-access easement across all corner triangles in conformance with City of Yuma Construction Standard 2-096.

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

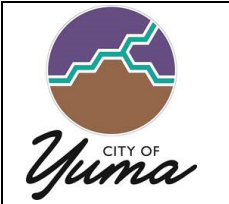
11. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval 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
AERIAL PHOTO**



**ATTACHMENT C
STAFF RESEARCH**



STAFF RESEARCH – REZONE

CASE #: ZONE-19718-2017
CASE PLANNER: RICHARD MUNGUA

I. PROJECT DATA

Project Location:	Northeast corner of 36 th Street and Avenue 4 ½ E												
Parcel Number(s):	697-43-001												
Parcel Size(s):	871,200 square feet												
Total Acreage:	20 acres												
Proposed Dwelling Units:	0												
Address:	None												
Applicant:	Dahl, Robins & Associates												
Applicant's Agent:	CCDL Farm, LLC												
Land Use Conformity Matrix:	Conforms:		Yes	X	No								
Zoning Overlay:	Public	AO	Auto	B&B	Historic	None	X	Airport					
Noise Contours	65-70	70-75	X	75+	APZ1	APZ2	Clear Zone						

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Industrial
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Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements		
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-18644-2017 (June 29, 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)	116.60 Acre Feet a Year					
Water Conversion Agreement Required	Yes		No	X		

II. CITY OF YUMA GENERAL PLAN

Land Use Element:			
Land Use Designation:	Industrial		
Noise Contour:	70-75 dB	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																															
Avenue 4 ½ E – 2-Lane Collector	80 FT F/W ROW			50 FT F/W ROW																															
36 th 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																																		
Parks, Recreation and Open Space Element:																																			
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																																		
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	N/A																																
Renewable Energy Source	Yes	No	N/A																																
Issues:	None																																		
Public Services Element:																																			
Population Impacts 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> <td>Maximum</td> <td></td> <td>Officers</td> <td>GPD</td> <td>AF</td> <td>GPD</td> </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> <td>Minimum</td> <td></td> <td></td> <td></td> <td></td> <td></td> </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
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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	X	Private	Connection: 10" AC																														
Sewer Facility Plan:	Treatment:	City	Septic	Private	Connection:																														
Issues:	No sewer line exists																																		
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 th St	Avenue B & 32 nd St.																																
	North End	Pacific Ave & 8 th St	Estancia	None	X																														
Issues:	None																																		

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:** N/A
- 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		10/16/17	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 Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.		10/13/17	X		
Yuma Irrigation District		10/13/17	X		
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		10/13/17	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering		10/19/17		X	
Kayla Holiman, Fire		10/12/17	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		10/13/17	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	None Available
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
October 5, 2017	by U.S. Mail

PUBLIC COMMENTS RECEIVED: NONE