

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

Hearing Date: February 27, 2017

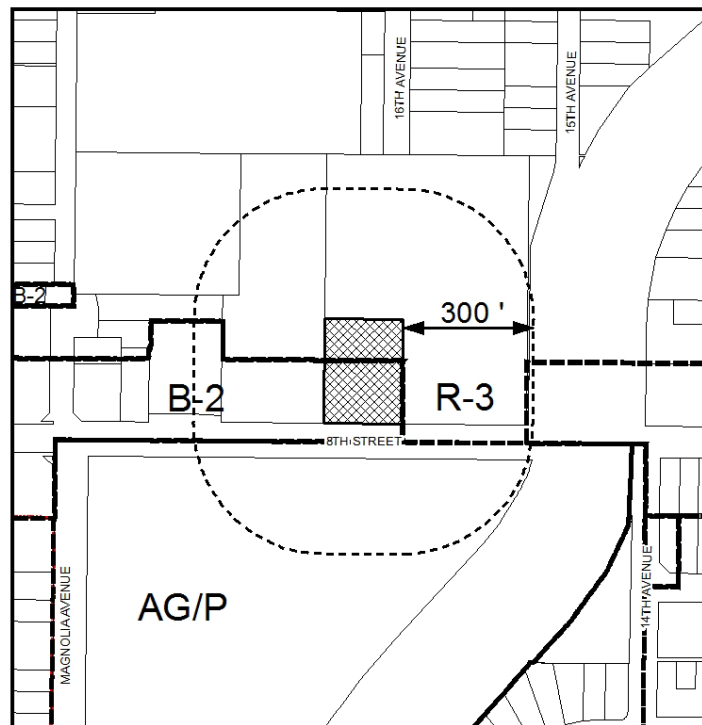
Case Number: ZONE-16559-2016

Project Description/Location:

This is a request by Olivia Padilla, on behalf of Manuel Valenzuela, to rezone approximately 17,000 square feet from the High Density Residential (R-3) District to the General Commercial (B-2) District. The property is located at 1540 W. 8th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential (R-3)	Vacant Single-Family Residence	Commercial
North	High Density Residential (R-3)	Villa Nueva Apartments	High Density Residential
South	Agriculture (AG)	Kiwanis Park	Resort/Recreation/Open Space
East	High Density Residential (R-3)	Villa Nueva Apartments	High Density Residential
West	General Commercial (B-2)/High Density Residential (R-3)	Eighth Street Mobile Home Park	Commercial/High Density Residential

Location Map



Prior site actions: Annexation: Ord. #605 (February 6, 1954); Subdivision: Sturges Lot Split (May 2, 1996).

Staff recommendation: Staff recommends **APPROVAL** of the rezoning for a portion of the property located at 1540 W. 8th Street from the High Density Residential (R-3) 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 a portion of the property located at 1540 W. 8th Street from the High Density Residential (R-3) 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 on 8th street, approximately 300 feet west of 15th Avenue. Currently, the subject property is bisected by the General Commercial (B-2) District and the High Density Residential (R-3) District. In 1940, the property was developed with a single-family residence and has historically been used for residential purposes. A rezoning action occurred a number of years ago which directly affected a number of properties along the northern portion of 8th Street; this zoning action caused a number of properties along 8th Street to have split zoning. In recent years, neighboring property owners have been granted rezoning requests to correct such zoning issues.

With this request the property owner would like to rezone the northern portion of the property to reflect commercial zoning. It is the intention of the property owner to convert the former residence into an office for a pest control company. Following approval of a rezone, the property owner intends to renovate the existing structure, provide paved parking for employees, landscape the site as required by code, and complete any additional modifications that may be required. A neighborhood meeting was held at the subject property on January 24th; the meeting was not attended by any neighboring residents.

The request to rezone a portion of 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?

Yes

Transportation Element	Planned	Existing	Difference	Requested
8 th Street – 4-Lane Minor Arterial	50 FT H/W ROW	40 FT H/W ROW	-10 FT	0 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: None Received

External Agency Comments: None Received

Neighborhood Meeting Comments: See Attachment

Proposed conditions delivered to applicant on: January 25, 2017

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

- ☒ Applicant agreed with all of the conditions of approval on: January 26, 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
Conditions of Approval	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Project Planner: Alyssa Linville, (928) 373-5000, Alyssa.Linville@yumaaz.gov
Senior Planner ext. 3037

Prepared By: 
Alyssa Linville, Senior Planner

Date: 01/31/17

Reviewed By: 
Bob Blevins, Principal Planner

Date: 01/31/17

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

Date: 1-31-17

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.

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

1. 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: January 24, 2017

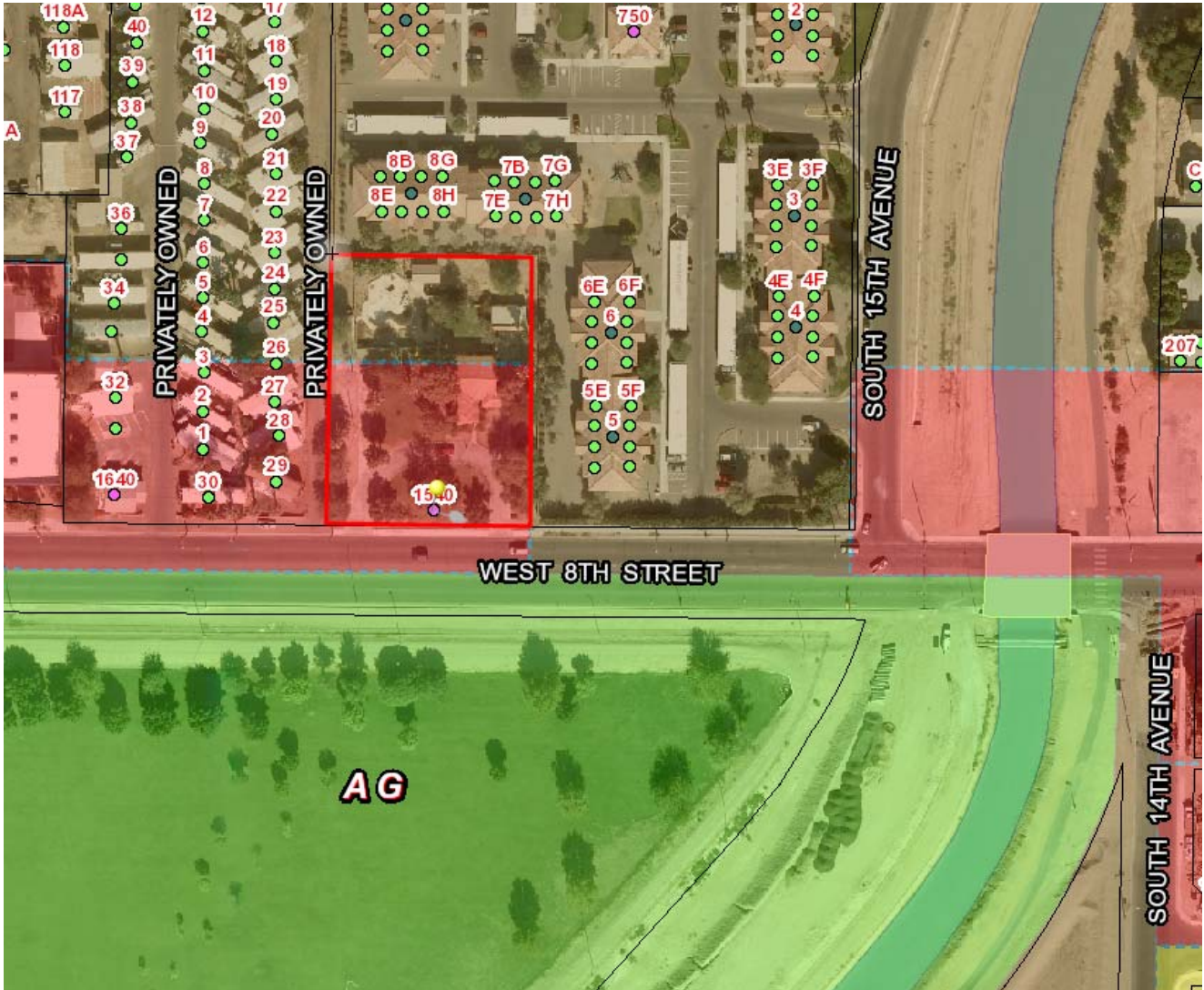
Location: On-Site (1540 W. 8th Street)

Attendees: Alyssa Linville, City of Yuma; Manual Valenzuela, Property Owner

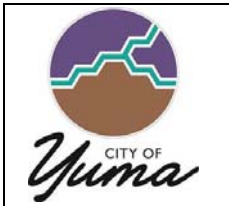
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **THE NEIGHBORHOOD MEETING WAS NOT ATTENDED BY ANY OF THE SURROUNDING NEIGHBORS.**

ATTACHMENT C
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-16559-2016
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:				Located approximately 300 feet west of the northwest corner of 8 th Street and 15 th Avenue											
Parcel Number(s):				632-63-358											
Parcel Size(s):				43,632 sq.ft. (approximately 17,000 sq.ft. to be rezoned)											
Total Acreage:				1.001											
Proposed Dwelling Units:				None											
Address:				1540 W. 8 th Street											
Applicant:				Manuel Valenzuela											
Applicant's Agent:				Olivia Padilla											
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		75+		APZ1		APZ2		Clear Zone			

	Existing Zoning	Use(s) on-site	General Plan Designation
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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		Ord. #605 (February 6, 1954)				
General Plan Amendment	Yes		No		N/A				
Development Agreement	Yes		No		N/A				
Rezone	Yes		No		N/A				
Subdivision	Yes	X	No		Sturges Lot Split (May 2, 1996)				
Conditional Use Permit	Yes		No		N/A				
Pre-Development Meeting	Yes	X	No		December 13, 2016				
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 County Water Users (YCWU)						
Adjacent Irrigation Canals & Drains:			East Main Canal						
Water Conversion: (5.83 ac ft/acre)			5.84 Acre Feet a Year						
Water Conversion Agreement Required			Yes	X	No				

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

Land Use Designation:			Commercial										
Noise Contour:			N/A		Overlay/Specific Area:			Carver Park Area					
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
8 th Street – 4-Lane Minor Arterial	50 FT H/W ROW	40 FT H/W ROW
Median Covenant	N/A	
Gateway Route	Scenic Route X	Hazardous Cargo Route Truck Route X
Bicycle Facilities Master Plan	East Main Canal Bike Path	
YCAT Transit System	Purple 6A	
Issues:	None	

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Kiwanis Park	Future: Kiwanis Park
Area Park	Existing: Carver Park	Future: Carver 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:	None						
Adopted Redevelopment Plan:	North End:		Carver Park:	X	None:		
Conforms:	Yes	X	No				

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 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
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. 1			Future: Fire Station No. 1	
Water Facility Plan:	Source:	City	X	Private	Connection: 16" PVC
Sewer Facility Plan:	Treatment:	City	X	Septic	Connection: 8" VCP
Issues:	None				

Safety Element:									
Flood Plain Designation:		Flood Zone X		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.		
	North End		Pacific Ave & 8 th St			Estancia		None	X
Issues:	None								

NOTIFICATION

- **Legal Ad Published: The Sun** (02/03/17)
- **300' Vicinity Mailing:** (01/09/17)
- **34 Commenting/Reviewing Agencies noticed:** (01/12/17)
- **Neighborhood Meeting:** (01/24/17)
- **Hearing Dates:** (02/27/17)
- **Comments Due:** (01/23/17)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	01/13/17	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	01/16/17	X		
Yuma County Planning & Zoning	Yes	01/13/17	X		
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	01/17/17	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				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	Yes	01/13/17	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	01/18/17	X		
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jonathan Fell, Traffic Engineering	Yes	01/20/17	X		
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
JANUARY 24, 2017	See Staff Report Attachment
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
January 9, 2017	U.S. Mail

PUBLIC COMMENTS RECEIVED: NONE RECEIVED