

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: CHAD BROWN

Hearing Date: June 10, 2019

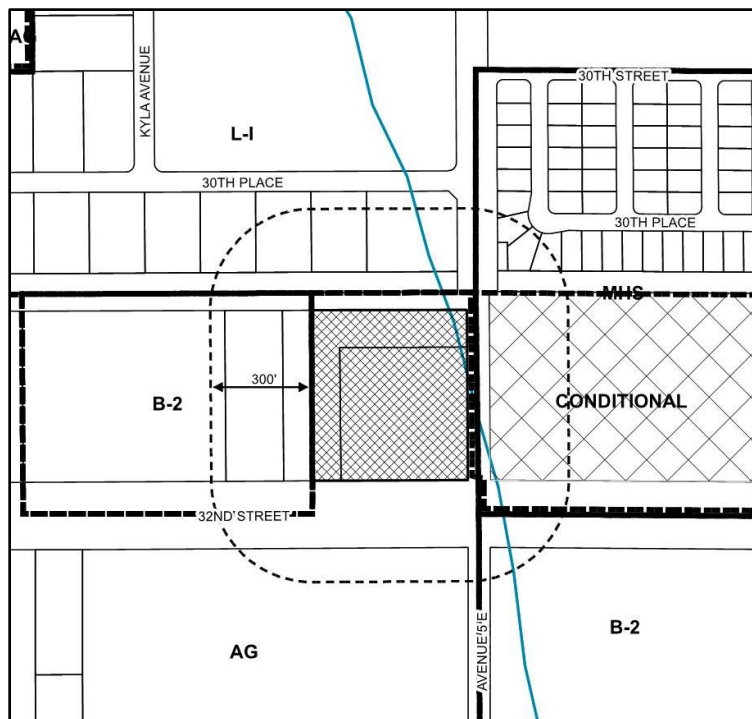
Case Number: ZONE-25138-2019

Project Description/Location:

This is a request by Barry Olsen, on behalf of Elias Z. Guijarro & Frank Ramirez, to rezone approximately 5.34 acres from the Agriculture (AG) District to the General Commercial (B-2) District, while maintaining the existing Airport Overlay (AD) District, for properties located at the northwest corner of 32nd Street and Avenue 5E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture/Airport Overlay (AG/AO)	Vacant Parcels	Commercial/Industrial
North	Light Industrial/Airport Overlay (L-I/AO)	Kingdom Hall of Jehovah's Witnesses/Two Guy'z Body and Paint	Industrial
South	Agriculture/Airport Overlay (AG/AO)	Agriculture	Industrial
East	Manufactured Housing Subdivision/ Conditional Limited Commercial/ Airport Overlay AD (MHS/Cond. B-1/AO)	Agriculture	Mixed Use
West	General Commercial/Airport Overlay (B-2/AO)	Hnos Macana Inc (truck storage)	Commercial/Industrial

Location Map



Prior site actions: N/A

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the General Commercial (B-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-25138-2019 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 from the Agriculture (AG) District to the General Commercial (B-2) District for the property located at northwest corner of 32nd Street and Avenue 5E. 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 requested rezone encompasses two parcels. The subject properties begin at the northwest corner of 32nd Street and Avenue 5E, and are identified by parcel numbers 697-28-005, and 697-25-004.

The subject properties have not been developed and records indicate no history of an established use on-site. The two properties are currently zoned Agriculture (AG), and comprise approximately 5.34 acres. In the year 2000, the same change to the Zoning District was requested (AG to B-2), however Conditions of Approval were never met and the rezone was not completed.

The customer has stated that no specific plans have been set for the site, however the proposed zoning and potential uses from that rezone compliment the area and neighboring uses. The standard impacts should be expected, namely increased traffic. The proposal is keeping with the character of 32nd Street and supports the continued trend to increase density of housing and industry to the east of downtown.

The request to rezone the subject properties from Agriculture (AG) to General Commercial (B-2) 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?

Transportation Element	Planned	Existing	Difference	Requested
32nd Street	50 FT H/W ROW	50 FT H/W ROW	0 FT	0 FT
Avenue 5 E	40 FT H/W ROW	33 FT H/W ROW	-7 FT	7 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.

External Agency Comments: See Attachment B.
Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: April 3, 2019

Final staff report delivered to applicant on: April 22, 2019.

☒ Applicant did not agree with the following conditions of approval: Condition #5

Attachments

A	B	D	E
Conditions of Approval	External Agency Comments	Aerial Photo	Staff Research

Prepared By:
Chad Brown
Associate Planner

Chad Brown

Date: 5.10.19
(928)373-5000, x 3038

Reviewed By:
Alyssa Linville
Principle Planner

Alyssa Linville

Date: 05/10/19

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

Laurie L. Lineberry

Date: 5-13-19

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.

Public Works, Agustin Cruz, Senior Civil Engineer, (928) 373-5182

4. Owner shall dedicate as right of way, by warranty deed or plat, a 40x40 corner triangle to the City of Yuma, with 10 foot legs and including a one foot non-access easement, according to City of Yuma Construction Standard 2-096.
5. Even though the Transportation Master Plan specifies Avenue 5E as a local road, Development Engineering requests an additional 7' of right of way to be dedicated to the City of Yuma for a total of 40' half width for Avenue 5E, which corresponds to a collector street, due to the fact that this street is an access to an existing subdivision and industrial park.

Community Planning, Chad Brown, Associate Planner, (928) 373-5000 x 3038

6. 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

The subject property is located within the 70 dB noise contour however is allowable according to FAA Order 1050-1E. Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. Please also file an aviation easement with MCAS Yuma recognizing noise, interference and vibrations that may occur from activity at MCAS Yuma/Yuma International Airport.

DATE: 3/8/19 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: 928-726-5882
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

☒ Condition(s)

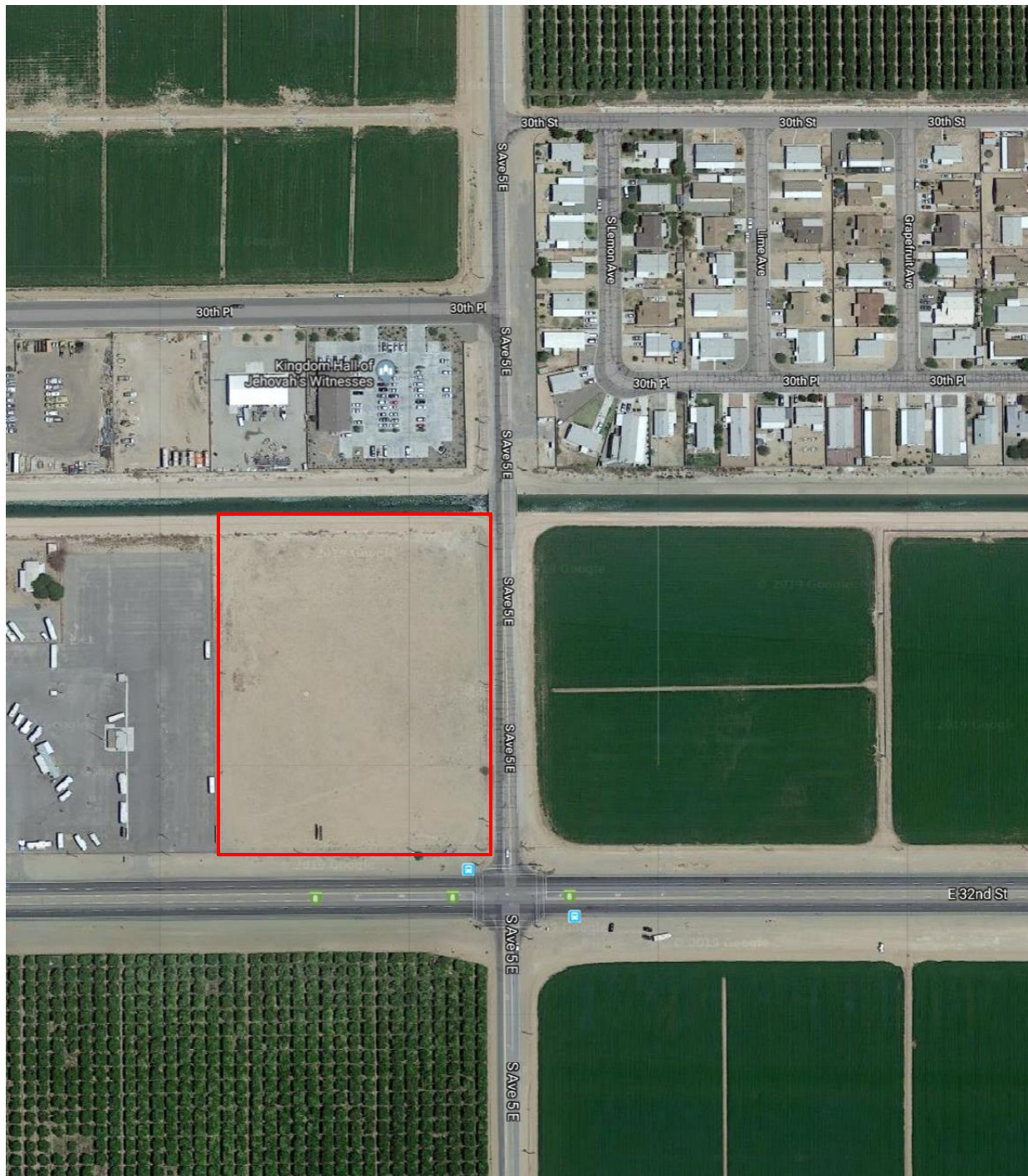
☐ No Condition(s)

☒ Comment

Enter conditions here: The subject parcel lies within the 70dB noise contour and is located within the overflight pattern. It is requested that an aviation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Light Industrial is for the most part a compatible use in this location but may require sound attenuation. MCASY respectfully requests to review final development plans for this parcel to ensure the operations are a compatible use and to comment on any sound attenuation that may be required.

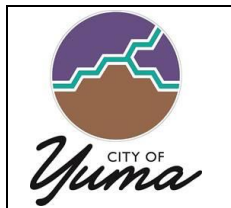
DATE: 12 March 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

ATTACHMENT C
AERIAL PHOTO



RED RECTANGLE ILLUSTRATES THE LOCATION OF THE SUBJECT PROPERTIES.

ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-25138-2019
CASE PLANNER: CHAD BROWN

I. PROJECT DATA

Project Location:				Northwest corner of South Avenue 5 E and East 32 nd Street																
Parcel Number(s):				697-28-004 and 697-28-005																
Parcel Size(s):				84,325 and 148,110																
Total Acreage:				5.34 acres																
Proposed Dwelling Units:				0																
Address:				No addresses																
Applicant:				Elias Z. Guijarro & Frank Ramirez																
Applicant's Agent:				Barry Olsen																
Land Use Conformity Matrix:				Conforms:		Yes	X	No												
Zoning Overlay:		Public		AO		Auto			B&B			Historic			Airport		X	None		
Noise Contours		65-70			70-75		X	75+			APZ1			APZ2			Clear Zone			

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Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	X	
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-23789-2018 (October 28, 2018).
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:	YMIDD	
Adjacent Irrigation Canals & Drains:	B Canal	
Water Conversion: (5.83 ac ft/acre)	31.13 Acre Feet a Year	

Water Conversion Agreement Required	Yes		No	X	
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II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:			Industrial/Commercial											
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									

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing
East 32 nd Street – Principle Arterial 4 lane	50 FT H/W ROW	50 FT H/W ROW
South Avenue 5 E – Collector 2 Lane	40 FT H/W ROW	40 FT H/W ROW
Median Covenant	Yes	
Gateway Route	Scenic Route	Hazardous Cargo Route
		Truck Route X
Bicycle Facilities Master Plan	Existing bike lane on 5 E and proposed shared use path on 32 nd Street	
YCAT Transit System	Orange Route 2	
Issues:	None	

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Terraces Park	Future: None
Community Park:	Existing: Yuma Readiness Center	Future: South Mesa Community Park
Linear Park:	Existing: None	Future: B 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:		None:	X	
Conforms:	Yes		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 Population projection per 2013-2017 American Community Survey 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		Dwellings & Type		Projected	Police	Water		Wastewater
		<i>Non-residential</i>		Population	Impact	Consumption		Generation
		Maximum	Per Unit		Officers	GPD	AF	GPD
		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. 5				Future: Fire Station No. 8		
Water Facility Plan:		Source:	City	X	Private		Connection:	16" AC

Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 4" PVC
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	X	Arizona Ave & 16 th St			Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St			Estancia		None
Issues:	None							

NOTIFICATION

- Legal Ad Published: The Sun (5/17/19)
- 300' Vicinity Mailing: (4/22/19)
- 34 Commenting/Reviewing Agencies noticed: (4/25/19)

- Hearing Dates: (6/10/19)
- Comments Due: (5/6/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
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.	NR				
Yuma Mesa 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	NR				
Damon Chango, Parks	NR				
Agustin Cruz, Engineering	NR				
Kayla Holiman, Fire	NR				
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required.	N/A
Prop. 207 Waiver	
Included in application.	