

**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

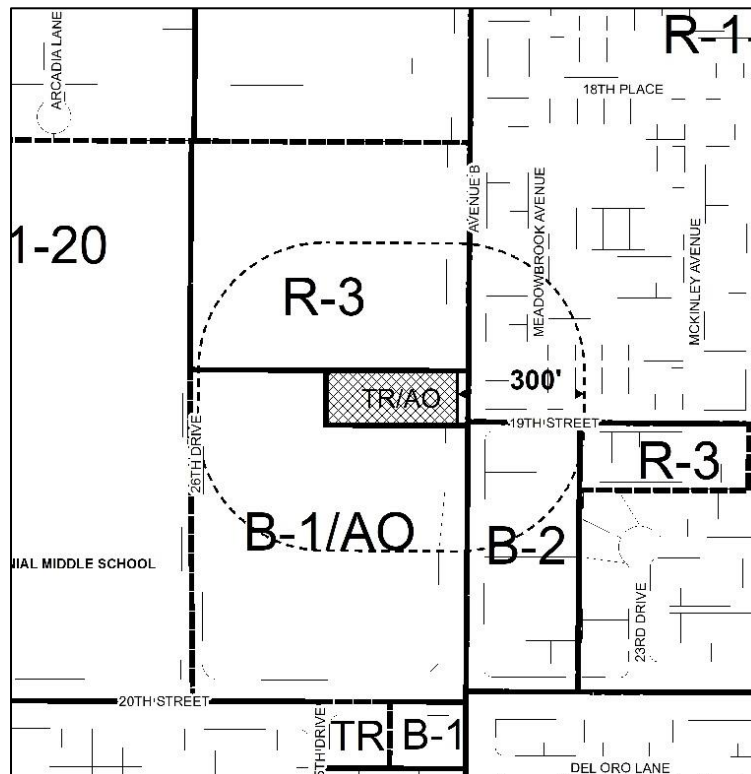
**Case Number:** ZONE-25872-2019

**Project Description/Location:**

This is a request by Vega & Vega Engineering, on behalf of Ricardo and Eva Jaramillo, to rezone approximately .94 acres from the Transitional (TR) District to Limited Commercial (B-1) District, for the property located at 1874 South Avenue B, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Transitional/Aesthetic Overlay (TR/AO)	Ricardo Jaramillo Tax Preparation Services	Mixed Use
<b>North</b>	High Density Residential (R-3)	Terracina Apartments	Low Density Residential
<b>South</b>	Limited Commercial/Aesthetic Overlay (B-1/AO)	Vacant Parcel	Mixed Use
<b>East</b>	Low Density Residential (R-1-6)/General Commercial (B-2)	Single-Family Homes/Southwest Lumber	Low Density Residential
<b>West</b>	Limited Commercial/Aesthetic Overlay (B-1/AO)	Vacant Parcel	Mixed Use

**Location Map**



**Prior site actions:** Annexation: September 15, 1975 (Ordinance No. 1533); Rezone: June 4, 2004 (Ordinance No. 2004-012).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the from the Transitional/Aesthetic Overlay (TR/AO) District to Limited Commercial (B-1) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-25872-2018 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 recommended approval to City Council for the request to the Transitional/Aesthetic Overlay (TR/AO) District to Limited Commercial (B-1) District for the property located at 1874 South Avenue B, 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 proposed rezone encompasses one parcel that is nearly an acre. The subject property is located at the northwest corner of the South Avenue B and West 19<sup>th</sup> Street intersection.

The site currently features a commercial building used by for Ricardo Jaramillo CPA, LLC tax preparation services, in the Transitional/Aesthetic Overlay (TR/AO) District. The intent of this rezone is to increase the value of the property by increasing the permitted principle uses, diversify its useable space with a multi-tenant commercial building, which will include an interior design business.

The surrounding area is currently a mix of commercial and residential uses. The properties to the north and east of the subject property are zoned for residential uses. The properties to the south and west of the subject property are zoned Limited Commercial (B-1) District. The proposed rezone would give the subject property the same zoning district that borders it on two sides.

The subject property currently has an Aesthetic Overlay (AO) on the property, due to a former requirement of the General Plan. Upon the rezone of this property, the AO will be removed. This would mean that the customer is able to complete exterior modifications without review and approval.

**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 B – 4 Minor Arterial	50 FT H/W ROW	52 FT H/W ROW	+2 FT	0 FT

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:** May 13,2019

**Final staff report delivered to applicant on:** May 28, 2019

☒ Applicant did not agree with the following conditions of approval: May 28,2019

**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.

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

4. 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**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** May 1, 2019

**Location:** Subject property; 1874 South Avenue B.

**Attendees:** City of Yuma: Chad Brown; Vega & Vega Engineering: Vianey Vega; Ricardo and Eva Jaramillo (applicants); Pat Conner (neighboring property owner to the south).

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

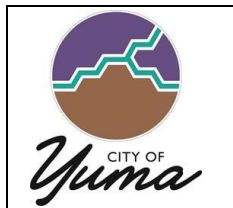
- MR. VEGA SHARED A DETAILED PRESENTATION AND WELL-ILLUSTRATED PROPOSED DEVELOPMENT. HE SHARED THAT THE APPLICANTS WOULD LIKE TO DEVELOP THE SITE WITH AN ADDITIONAL MULTI-TENANT STRUCTURE. THE GOAL IS TO CREATE ADDITIONAL VALUE ON THE PROPERTY WHILE ALSO ALLOWING MRS. JARAMILLO TO LOCATE HER INTERIOR DESIGN BUSINESS IN ONE OF THE FUTURE UNITS.
- THE NEIGHBORING PROPERTY OWNER, PAT CONNER, JOINED THE MEETING TO HEAR ABOUT THE PROPOSED PROJECT AND TO LEARN ABOUT RIGHT OF WAY THAT MIGHT BE TAKEN AS A RESULT OF DEVELOPMENT. STAFF OFFERED TO INFORM THE NEIGHBOR IF THERE WERE ANY RIGHT-OF-WAY DEDICATIONS.

ATTACHMENT C  
AERIAL PHOTO



**ATTACHMENT D**  
**STAFF RESEARCH**





# STAFF RESEARCH – REZONE

**CASE #: ZONE-25872-2019**  
**CASE PLANNER: CHAD BROWN**

## I. PROJECT DATA

Project Location:	NWC of South Avenue B and West 19 <sup>th</sup> Street												
Parcel Number(s):	664-44-014												
Parcel Size(s):	10,919 square feet												
Total Acreage:	.94												
Proposed Dwelling Units:	0												
Address:	1874 South Avenue B												
Applicant:	Ricardo and Eva Jaramillo												
Applicant's Agent:	Vega & Vega Engineering, PLC, Vianey Vega, P.E.												
Land Use Conformity Matrix:	Conforms: Yes X No												
Zoning Overlay:	Public	AO	X	Auto	B&B	Historic	Infill	None					
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone					
	<b>Existing Zoning</b>				<b>Use(s) on-site</b>		<b>General Plan Designation</b>						
<b>Site</b>	Transitional/Aesthetic Overlay (TR/AO)				Ricardo Jaramillo Tax Preparation Services		Mixed Use						
<b>North</b>	High Density Residential (R-3)				Terracina Apartments		Low Density Residential						
<b>South</b>	Limited Commercial/Aesthetic Overlay (B-1/AO)				Vacant Parcel		Mixed Use						
<b>East</b>	Low Density Residential (R-1-6)/General Commercial (B-2)				Single-Family Homes/Southwest Lumber		Low Density Residential						
<b>West</b>	Limited Commercial/Aesthetic Overlay (B-1/AO)				Vacant Parcel		Mixed Use						
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		Ordinance No. 1533 (September 15, 1975)								
General Plan Amendment	Yes	X	No		Resolution No. R2004-70 (September 15, 2004; LDR to MU)								
Development Agreement	Yes		No		N/A								
Rezone	Yes	X	No		Ordinance No. O2004-012 (June 4, 2004; rezone from AG to TR/AO)								
Subdivision	Yes		No		N/A								
Conditional Use Permit	Yes		No		N/A								
Pre-Development Meeting	Yes	X	No		PDM-22617-2018 (July 10, 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:	YCWU												
Adjacent Irrigation Canals & Drains:	N/A												



Water Conversion: (5.83 ac ft/acre)	5.48 Acre Feet a Year				
Water Conversion Agreement Required	Yes	X	No		

## II. CITY OF YUMA GENERAL PLAN

### Land Use Element:

Land Use Designation:	Mixed Use									
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				
South Avenue B – Minor Arterial				50 FT H/W ROW				61' FT H/W ROW				
Median Covenant				Yes								
Gateway Route			Scenic Route			Hazardous Cargo Route			Truck Route		X	
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: Winsor Rotary Park	Future: Winsor Rotary Park
	Community Park:	Existing: Yuma Valley Park	Future: Yuma Valley Park
	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/S					

### Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:	None									

### Public Services Element:

<b>Population Impacts</b> 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	<b>Dwellings &amp; Type</b>		<b>Projected</b>		<b>Police</b>	<b>Water</b>		<b>Wastewater</b>			
	<i>Non-residential</i>		<b>Population</b>		<b>Impact</b>	<b>Consumption</b>		<b>Generation</b>			
	Maximum	Per Unit			<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>			
	0	0	0		0.00	0	0.0	0			
	Minimum										
0	0	0		0.00	0	0.0	0				
<b>Fire Facilities Plan:</b>		Existing: Fire Station No. 4				Future: Fire Station No. 4					
<b>Water Facility Plan:</b>		<b>Source:</b>	<b>City</b>	<b>X</b>	<b>Private</b>	<b>Connection:</b>		16" APC			
<b>Sewer Facility Plan:</b>		<b>Treatment:</b>		<b>City</b>		<b>Septic</b>		<b>Private</b>	<b>X</b>	Connection: 36" Rubber Reinforced Concrete plpe	
<b>Issues:</b>		Property will need to connect to City Sewer.									

### Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	X	No		
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 (5/17/19)
- 300' Vicinity Mailing: (4/22/19)
- 34 Commenting/Reviewing Agencies noticed: (4/25/19)

- Neighborhood Meeting: (5/1/19).
- Hearing Dates: (6/10/19)
- Comments Due: (5/6/19)

<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	4/30/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	4/26/19	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	4/25/19	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	4/26/19	X		
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	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	4/25/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	5/3/19	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
MAY 1, 2019	N/A
<b>Prop. 207 Waiver</b>	
Included in the application.	