

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

Hearing Date: August 26, 2019

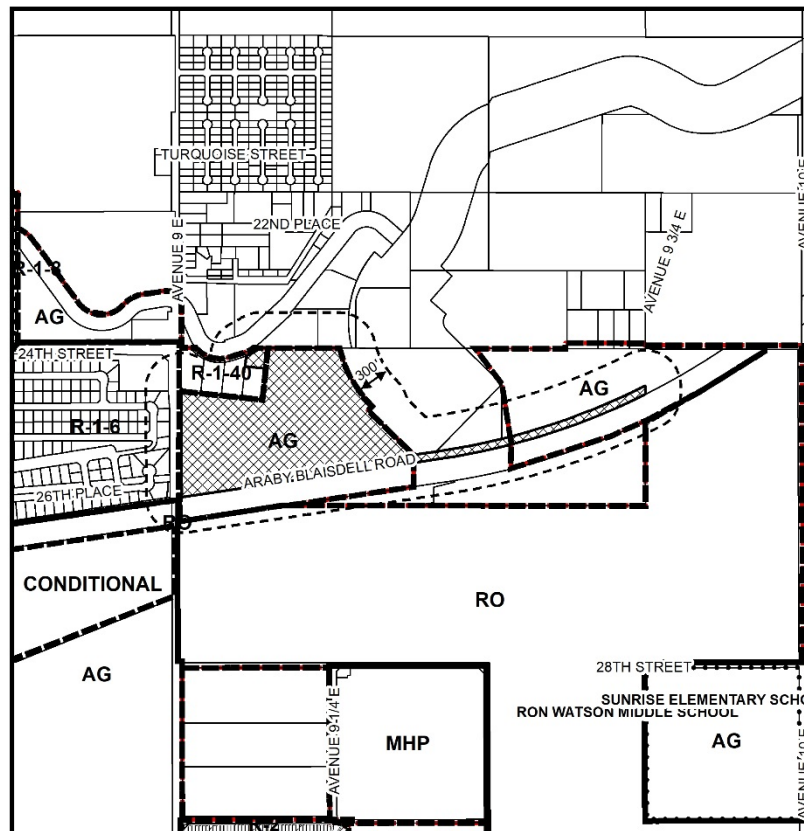
Case Number: ZONE-26714-2019

Project Description/Location:

This is a request by Dahl, Robins, & Associates, Inc., on behalf of KDC of Yuma, LLC, to rezone approximately 33.38 acres from the Agriculture (AG) District to the Low Density Residential (R-1-40) District, for the property located near the southeast corner of Avenue 9E and 24th Street, Yuma, AZ.

Site	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-40); Yuma County (SR-1/SR-2)	Undeveloped; Residential	Low Density Residential; Resort/Recreation/Open Space
South	Agriculture (AG)	Railroad	Resort/Recreation/Open Space
East	Yuma County	Gila Gravity Main Canal	Resort/Recreation/Open Space
West	Low Density Residential (R-1-6)	Residential	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O2019-009 (March 22, 2019); General Plan Amendment: Res. R2007-69 (November 20, 2007; Resort/Recreation/Open Space to Low Density Residential)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Low Density Residential (R-1-40) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-26714-2019 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 recommended approval to City Council for the request to rezone the property from the Agriculture (AG) District to the Low Density Residential (R-1-40) District for the property located near the southeast corner of Avenue 9E and 24th Street, 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 subject property is located near the southeast corner of Avenue 9E and 24th Street. While currently undeveloped, the property owner intends on developing the site with a large lot subdivision. The current zoning of the property, Agriculture (AG), would permit the construction of one single-family home for each 20 acres.

It is the intent of the applicant however, to subdivide the property for future construction of approximately 22 single-family dwellings. According to the applicant, it is the intent that such lots will range in size from approximately 40,000 square feet to 65,000 square feet.

Further specified in §154-05.04, the following are some of the development standards required of a development within the Low Density Residential (R-1-40) District:

1. The maximum lot coverage in the Low Density Residential (R-1-40) District shall not exceed 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 20 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A neighborhood meeting was held on July 18, 2019 to discuss the proposed project with neighbors and property owners within the surrounding area. There was one neighbor in attendance for the neighborhood meeting. The neighbor, who lives directly north of the subject property, was concerned about the existing access along County 10th Street and the impact this development may have on those who utilize the roadway for access to their properties. The developer stated that the existing access would be maintained and that no plans were anticipated which would inhibit access to the northern properties.

The request to rezone the property from the Agriculture (AG) District to the Low Density Residential (R-1-40) 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 9E – 4-Lane Minor Arterial	50 FT H/W ROW	33 FT H/W ROW	-17 FT	See Attachment A
24 th Street – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 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 See Attachment B.
Comments:

Neighborhood Meeting See Attachment C.
Comments:


Proposed conditions delivered to applicant on: August 5, 2019

Final staff report delivered to applicant on: August 15, 2019

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: August 6, 2019 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

Attachments

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

Prepared By: 
Alyssa Linville,
Assistant Director/
Zoning Administrator

Alyssa.Linville@yumaaz.gov

Date: 08/07/19

(928)373-5000, ext. 3037

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

Date: 8-7-19

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.

Engineering Department: Agustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner/Developer shall design, construct, and dedicate to the City of Yuma, via warranty deed or plat, a north to east turn lane along Avenue 9E into the southernmost subdivision entrance.
5. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma corner triangles with 25 foot legs per figure 3 of the 2005 Major Roadways Plan at both intersections with Avenue 9E.
6. Owner/Developer shall dedicate, via warranty deed or plat, to the City of Yuma a one-foot non-access easement along Avenue 9E, except at the approved subdivision entrances.

Community Planning, Alyssa Linville, Assistant Director/Zoning Administrator, (928) 373-5000, ext. 3037:

7. 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 (before its annexation to the City of Yuma) was rezoned from R-1-6 to RA-10 with RZ13-05, the following information was included in the mentioned case:

The subject property is currently unimproved desert. The Union Pacific Railroad tracks are located along the south boundary of the subject property. A City of Yuma Waterline easement 40 feet in width runs along the majority of the south boundary and continues north along the eastern portion of the subject property. An El Paso Natural Gas Line easement 30 feet in width runs along the south the entire length of the property. Two Western Area Power Administration (WAPA) easements 100 feet in width run east-west through the northern portion and approximate center of the property. Each easement contains a 34.5 kV electrical transmission line. Araby-Blaisdell Road, having 66 feet of dedicated right-of-way, runs along the south side of the property. The South Gila Canal, having an ingress/egress easement 33 feet in width, is directly to the north and the Gila Gravity Main Canal, 950 feet in width, is directly to the east of the subject property.

Physical access to the property is by Avenue 9E located along the west boundary of the subject property. Avenue 9E is a 22 foot wide asphalt right-of-way maintained by the City of Yuma, having 82 feet of dedicated right-of-way. The property is bordered on the north side by the alignment of County 10th Street which is not improved or dedicated right-of-way.

Major Amendment Case No. 2007-PA-08 was approved by the Board of Supervisors on November 20, 2007 changing the land use designation of the subject property from Resort, Recreation and Open Space (RR-OS) to Low Density Residential (R-LD). Rezoning Case No. 07-44 (RZ07-44) was approved by the Board of Supervisors on May 5, 2008 rezoning the subject property from General Commercial (C-2) to Low Density Residential-6,000 square feet minimum (R-1-6). On June 17, 2013, the Board of Supervisors approved an extension of time to comply with the Schedule for Development for RZ07-44.

DATE: 7/10/19 NAME: JAVIER B. TITLE: SENIOR PLANNER
AGENCY: YUMA COUNTY PLANNING & ZONING SECTION
PHONE: (928) 817-5000
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: July 18, 2019

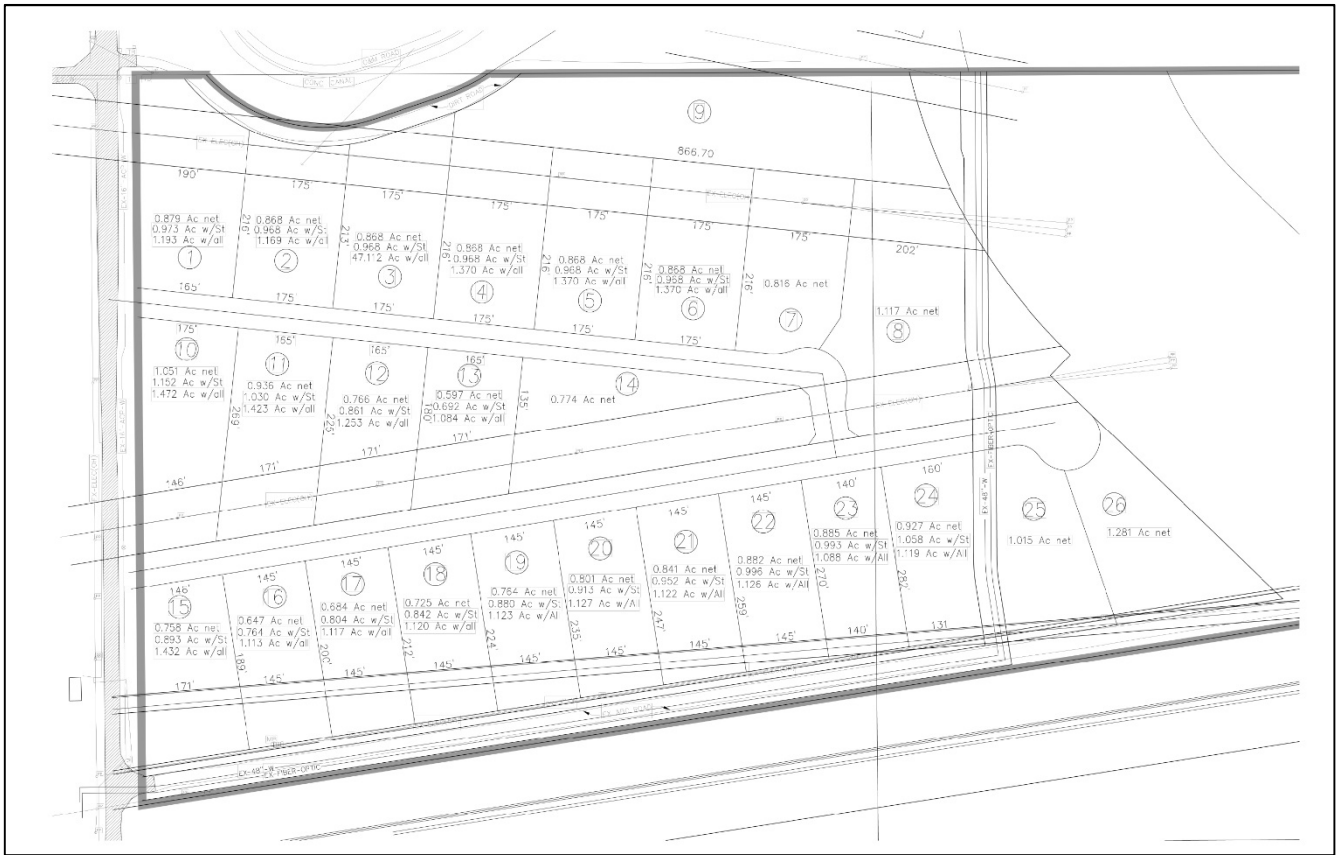
Location: On-Site

Attendees: Alyssa Linville, City of Yuma; Dave Bickel, Agent; Jim Kerley, Applicant; one neighbor in attendance

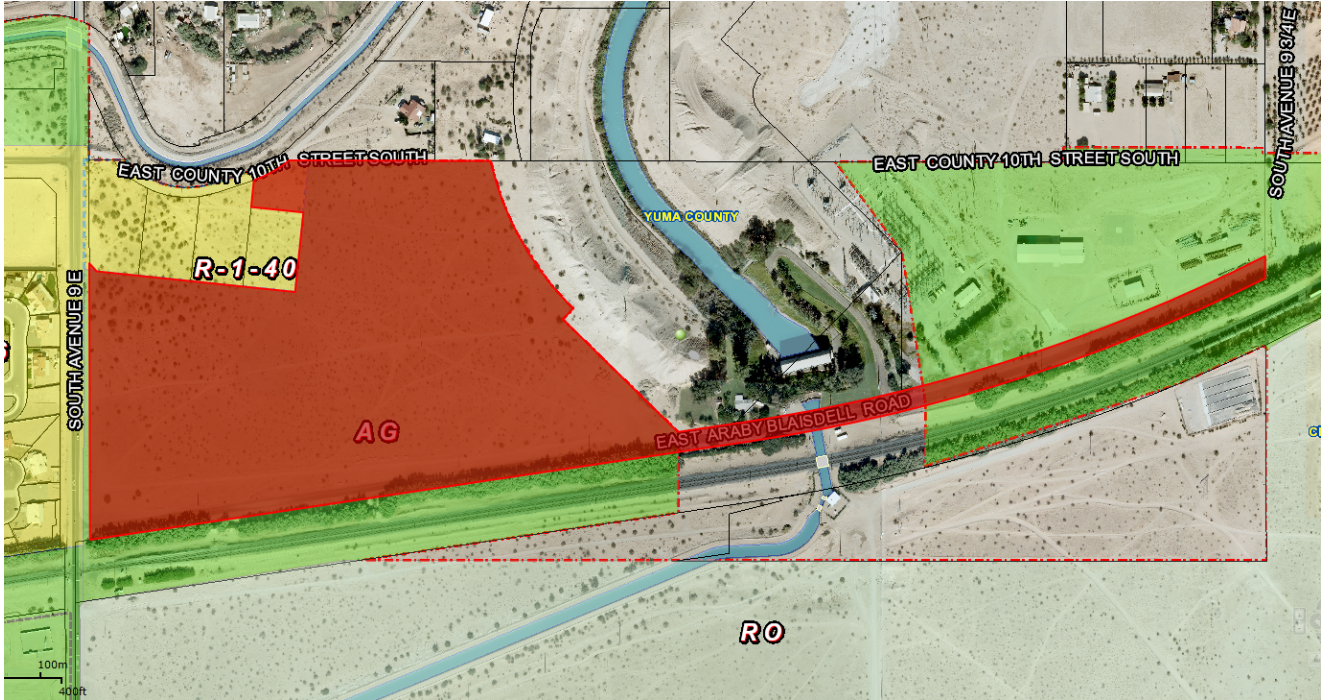
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **NEIGHBOR QUESTIONED EXISTING ACCESS ROAD, COUNTY 10TH STREET (24TH STREET). APPLICANT STATED THAT THERE WAS NO INTENTION TO LIMIT/OR ELIMINATE ACCESS TO THE EXISTING DEVELOPMENT WITHIN THE AREA.**

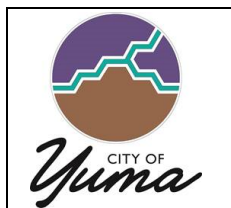
ATTACHMENT D CONCEPTUAL SITE PLAN



ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-26714-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		Near the southeast corner of Avenue 9E and 24 th Street											
Parcel Number(s):		197-01-008											
Parcel Size(s):		1,454,032.8 square feet											
Total Acreage:		33.38 acres											
Proposed Dwelling Units:		22											
Address:		N/A											
Applicant:		KDC of Yuma, LLC											
Applicant's Agent:		Dahl, Robins, & Associates, Inc.											
Land Use Conformity Matrix:		Conforms:		Yes	X	No							
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X					
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone						
	Existing Zoning		Use(s) on-site		General Plan Designation								
Site	Agriculture (AG)		Undeveloped		Low Density Residential								
North	Low Density Residential (R-1-40); Yuma County (SR-1/SR-2)		Undeveloped; Residential		Low Density Residential; Resort/Recreation/Open Space								
South	Agriculture (AG)		Railroad		Resort/Recreation/Open Space								
East	Yuma County		Gila Gravity Main Canal		Resort/Recreation/Open Space								
West	Low Density Residential (R-1-6)		Residential		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. O2019-009 (March 22, 2019)									
General Plan Amendment	Yes	X	No	Res. R2007-69 (November 20, 2007; Resort/ Recreation/Open Space to Low Density Residential)									
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	June 13, 2019									
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 (YMIDD)											
Adjacent Irrigation Canals & Drains:		South Gila Valley Main Canal; Gila Gravity Main Canal											
Water Conversion: (5.83 ac ft/acre)		194.61 Acre Feet a Year											
Water Conversion Agreement Required		Yes		No	X								

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential									
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 9E – 4-Lane Minor Arterial				50 FT H/W ROW				33 FT H/W ROW				
24 th Street – Local Street				29 FT H/W ROW				0 FT				
Median Covenant				Required								
Gateway Route			Scenic Route			Hazardous Cargo Route			Truck Route		X	
Bicycle Facilities Master Plan				Bike lane at Avenue 9E and 24 th Street								
YCAT Transit System				AWC/NAU/UA Transfer Hub								
Issues:				None								

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: None	Future: None
Community Park:	Existing: None	Future: Aqua Viva Water Treatment Facility Urban Lake Park
Linear Park:	Existing: None	Future: South Gila Valley Main Canal Linear Park and Gila Gravity Main Canal Linear Park
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 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 Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	36	2.8	101	0.19	30,240	33.9	10,080
	Minimum						
	0	2.8	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:	16" AC	
Sewer Facility Plan:	Treatment:	City		Septic	X	Private	Connection: Septic
Issues:	Water line extension required.						

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

- Legal Ad Published: The Sun (08/02/19)
- 300' Vicinity Mailing: (07/08/19)
- 34 Commenting/Reviewing Agencies noticed: (07/11/19)

- Neighborhood Meeting: (07/18/19)
- Hearing Dates: (08/26/19)
- Comments Due: (07/22/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	07/12/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	07/12/19	X		
Yuma County Planning & Zoning	Yes	07/15/19		X	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	07/18/19	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	Yes	07/16/19	X		
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				
Andrew McGarvie, Engineering	Yes	08/05/19		X	
Kayla Holiman, Fire	Yes	07/15/19			X
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	07/16/19			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
JULY 18, 2019	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on August 26, 2019 in person.	

INTERNAL AGENCY COMMENTS

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.


☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: The subject property is located beneath a flight path. It is requested that an avigation 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. Thank you for the opportunity to comment

DATE: 16 July 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov



Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☐ Condition(s)

☒ No Condition(s)

☒ Comment

Enter conditions here: YFD has no condition on a re-zone, but the proposed site plan/plat does not meet access requirements for LOT 9

DATE: 7/15/19 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov
