

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

**Hearing Date:** October 14, 2019

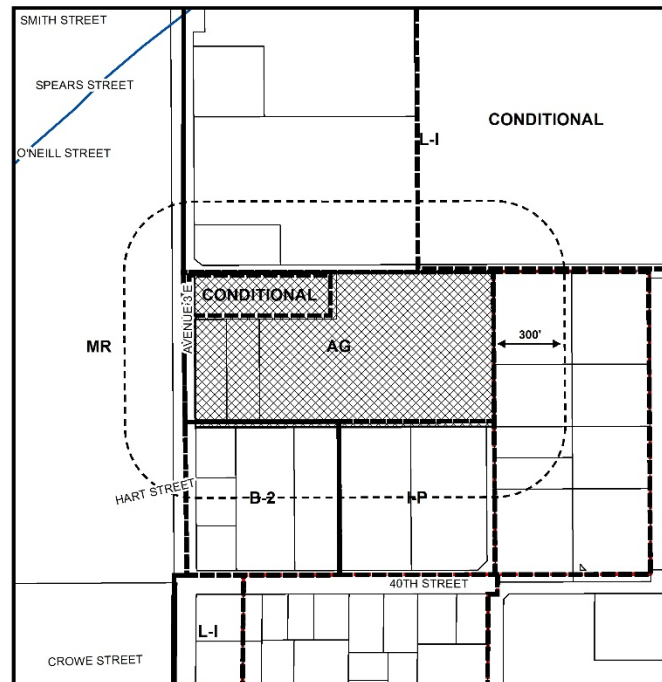
**Case Number:** ZONE-27148-2019

**Project Description/Location:**

This is a request by Dahl, Robins and Associates, Inc., on behalf of Christopher G. Merziotis, to rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38<sup>th</sup> Street alignment, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial
<b>North</b>	Light Industrial/Airport Overlay (L-I/AD)	Sam Day Auto Sales/ Undeveloped	Industrial
<b>South</b>	General Commercial/Airport Overlay (B-2/AD)	Various Commercial/ Industrial Uses	Commercial/Industrial
<b>East</b>	Yuma County	Undeveloped	Industrial
<b>West</b>	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

**Location Map**



**Prior site actions:** Annexation: Ord. 2015 (July 3, 1981); Rezone: APN: 696-61-001 (Ord. O2005-104; AG to L-I/AO; Expired)

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Agriculture District to the Light Industrial (L-I) District, while maintaining the Airport Overlay (AD) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-27148-2019 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 approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38<sup>th</sup> Street alignment, 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 rezone request contains four parcels located at the southeast corner of Avenue 3E and the 38<sup>th</sup> street alignment. Historically, a majority of the area was used for the housing of equine and accessory equestrian facilities. In its entirety, the subject area is approximately 19.31 acres in size. The intent of this rezone is to allow the development of an industrial subdivision.

The principal purposes of the Light Industrial (L-I) Zoning District are to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor; dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development. Uses permitted within the district include assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair.

While there are a variety of uses permitted within the proposed Light Industrial (L-I) District, there may be limitations on specific uses as the property is located within the 70/75 dB noise contour of the Airport Overlay (AD) District. The Airport Overlay (AD) District will also require additional sound attenuation to be incorporated into the design and construction of all new buildings.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma's Zoning Code. These development requirements include paved parking, access, setbacks, height limitations, landscaping, and lighting.

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 3E – 4-Lane Principal Arterial	50 FT H/W ROW	50 FT H/W ROW	0 FT	0 FT
38 <sup>th</sup> Street – Local Street	29 FT H/W ROW	0 FT	-29 FT	29 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:** See Attachment B.

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** September 30, 2019

**Final staff report delivered to applicant on:** October 3, 2019

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: September 30, 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	E
Conditions of Approval	External Agency Comments	Conceptual Site Plan	Aerial Photo	Staff Research

**Prepared By:**   
Alyssa Linville,  
Assistant Director  
Community Development

[Alyssa.Linville@yumaaz.gov](mailto:Alyssa.Linville@yumaaz.gov)

**Date:** 09.30.19  
(928)373-5000, ext. 3037

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

**Date:** 9.30.19

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

4. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38<sup>th</sup> Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.
6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.

**Community Planning, Alyssa Linville, Assistant Director Community Development, (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**

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☒ COMMENT      ☐ NO COMMENT

*Enter comments below:*

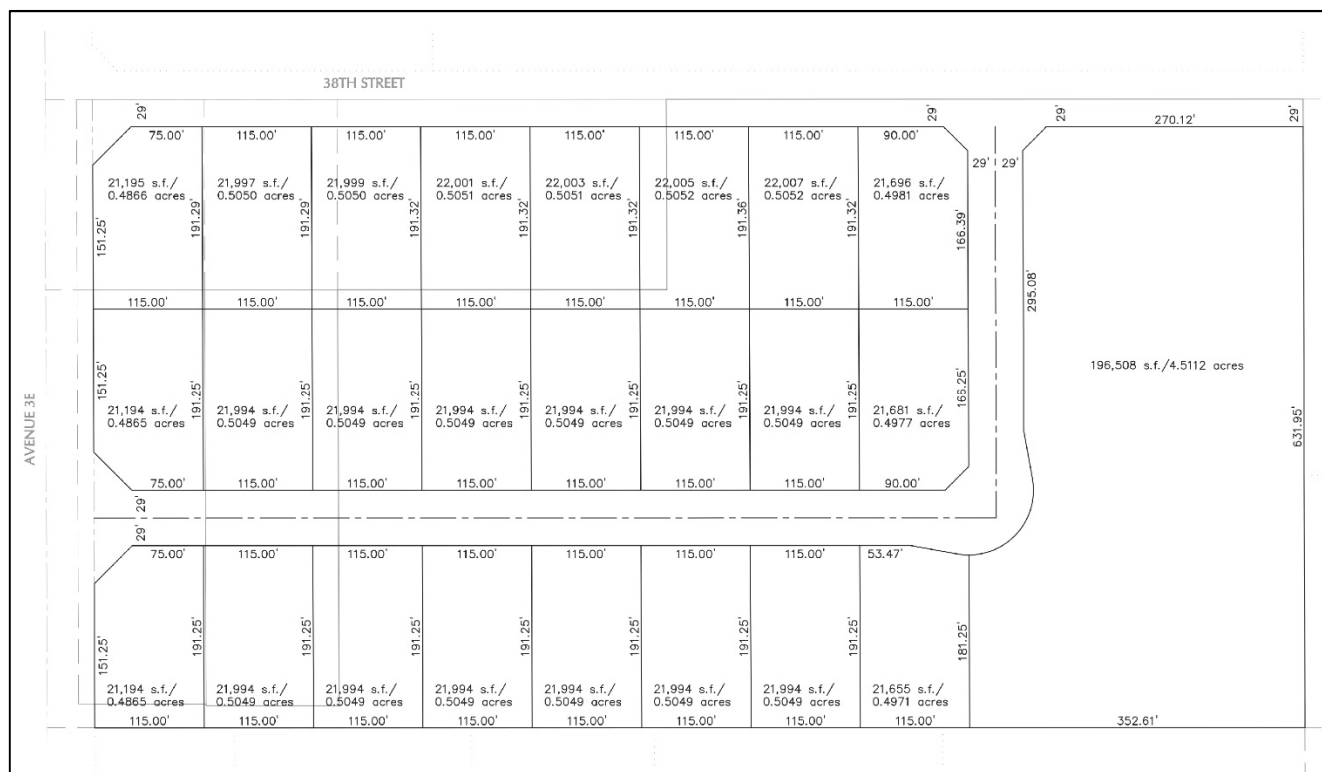
The subject property is located within the 65-70 dB noise contour. The request is permissible according to FAA Order 1050-1E, as long as measures to achieve NLR of 25 dB are incorporated into the design and construction of portions where the public is received office areas, noise sensitive areas or where the normal noise level is low. Please also file an avigation disclosure agreement with MCAS Yuma recognizing noise, interference or vibrations may occur at MCAS/Yuma International Airport. Thank you.

DATE: 9/5/19      NAME: Gen Grosse      TITLE: Property/Community Relations  
AGENCY: Yuma County Airport Authority  
PHONE: (928) 726-5882  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

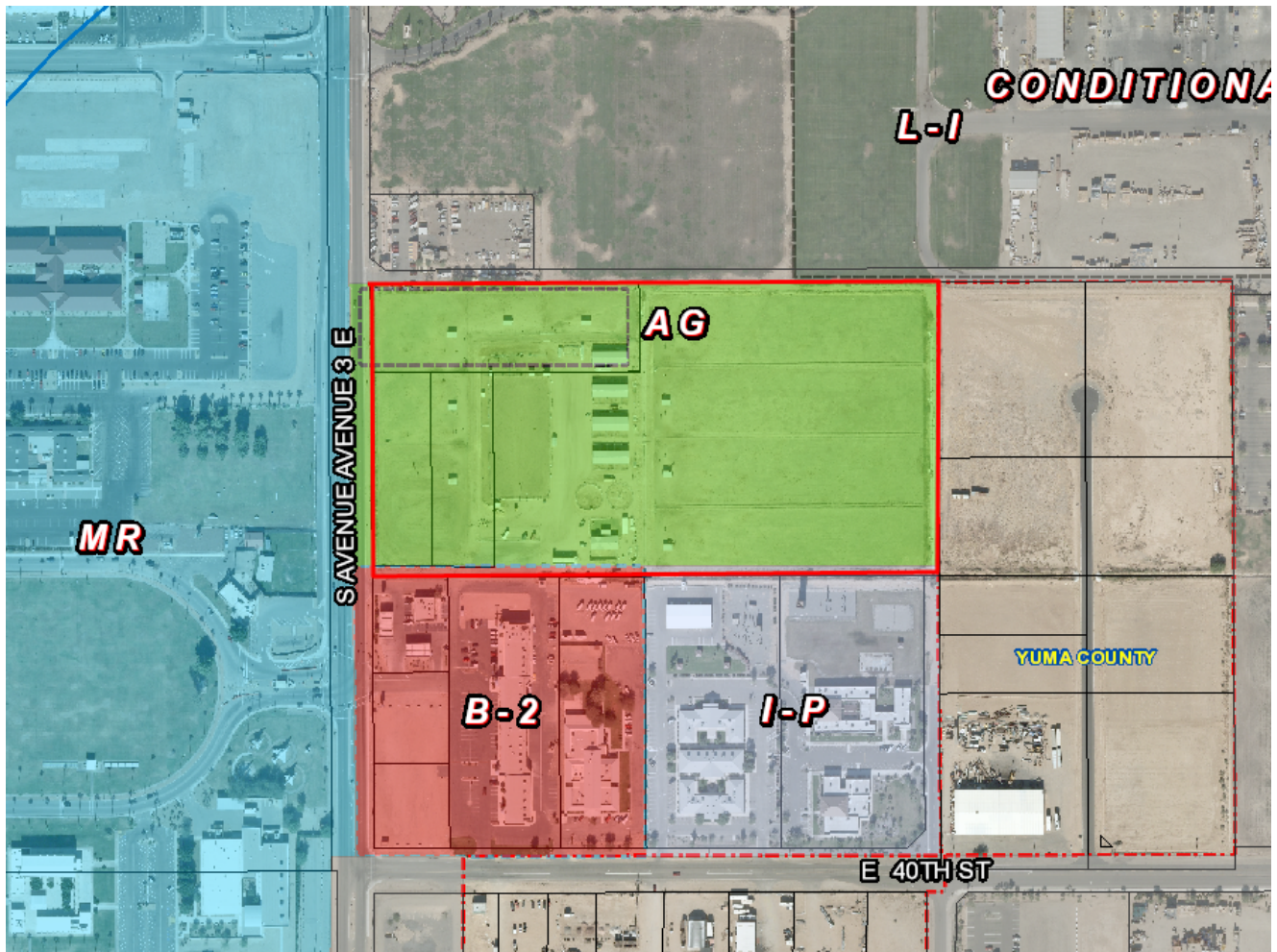
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## ATTACHMENT C

### CONCEPTUAL SITE PLAN

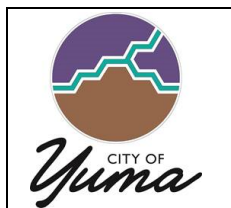


ATTACHMENT D  
AERIAL PHOTO



**ATTACHMENT E**  
**STAFF RESEARCH**





## STAFF RESEARCH – REZONE

**CASE #: ZONE-27148-2019**  
**CASE PLANNER: ALYSSA LINVILLE**

### I. PROJECT DATA

Project Location:		Located at the southeast corner of Avenue 3E and the 38 <sup>th</sup> Street alignment											
Parcel Number(s):		696-61-001, 002, 003, 004											
Parcel Size(s):		841,143 square feet											
Total Acreage:		19.31 acres											
Proposed Dwelling Units:		None											
Address:		3879 and 3899 S. Avenue 3E											
Applicant:		Christopher G. Merziotis											
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						
Airport	X	Noise Contours	65-70	70-75	X	75+	APZ1	APZ2	Clear Zone				
	<b>Existing Zoning</b>			<b>Use(s) on-site</b>			<b>General Plan Designation</b>						
<b>Site</b>	Agriculture/Airport Overlay (AG/AD)			Undeveloped			Industrial						
<b>North</b>	Light Industrial/Airport Overlay (L-I/AD)			Sam Day Auto Sales/ Undeveloped			Industrial						
<b>South</b>	General Commercial/Airport Overlay (B-2/AD)			Various Commercial/ Industrial Uses			Commercial/Industrial						
<b>East</b>	Yuma County			Undeveloped			Industrial						
<b>West</b>	Military Reservation/Airport Overlay (MR/AD)			Marine Corps Air Station			Public/Quasi Public						
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. 2015 (July 3, 1981)								
General Plan Amendment	Yes		No		N/A								
Development Agreement	Yes		No		N/A								
Rezone	Yes		No	X	APN: 696-61-001 (Ord. O2005-104; AG to L-I/AO; Expired)								
Subdivision	Yes		No		N/A								
Conditional Use Permit	Yes		No		N/A								
Pre-Development Meeting	Yes	X	No		November 20, 2018								
Design Review Commission	Yes		No		N/A								
Enforcement Actions	Yes		No										
Avigation Easement Recorded	Yes		No	X	Fee #								
Land Division Status:		Legal lots of record											
Irrigation District:		Yuma Mesa Irrigation and Drainage District (YMIDD)											
Adjacent Irrigation Canals & Drains:		None											
Water Conversion: (5.83 ac ft/acre)		112.58 Acre Feet a Year											
Water Conversion Agreement Required		Yes		No	X								

## II. CITY OF YUMA GENERAL PLAN

### Land Use Element:

Land Use Designation:	Industrial									
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	Gateway	Scenic	Hazard	Truck
Avenue 3E – 4-Lane Principal Arterial	50 FT H/W ROW	50 FT H/W ROW			X	X
38 <sup>th</sup> Street – Local Street	29 FT H/W ROW	0 FT				
Bicycle Facilities Master Plan	Avenue 3E: Existing Bike Path					
YCAT Transit System	N/A					
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	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> <i>Non-residential</i>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater 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: MCAS				Future: Fire Station No. 8		
<b>Water Facility Plan:</b>	Source:	City	X	Private		Connection:	16" AC
<b>Sewer Facility Plan:</b>	Treatment:	City	X	Septic		Private	Connection: 24" RGRC
<b>Issues:</b>	None						

### Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X
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** (09/20/19)
- **300' Vicinity Mailing:** (08/26/19)
- **34 Commenting/Reviewing Agencies noticed:** (08/29/19)
- **Neighborhood Meeting:** (N/A)
- **Hearing Dates:** (10/14/19)
- **Comments Due:** (09/09/19)

<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	09/05/19		X	X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	08/30/19	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	09/03/19	X		
Yuma Irrigation District	Yes	09/04/19	X		
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	Yes	09/04/19	X		
<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	08/30/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	09/06/19			X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
NONE REQUIRED	See Staff Report Attachment
<b>Prop. 207 Waiver</b>	
Given to Applicant on October 14, 2019 in person.	

**PUBLIC COMMENTS RECEIVED:** NONE RECEIVED.

**INTERNAL COMMENTS RECEIVED**

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☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: The subject parcels are located within the 70dB Noise Contour and as such MCAS Yuma would like to review the proposed Light Industrial use in order to determine its compatibility with our Air Installation Compatible Use Zone regulation. Most industrial and trade uses are compatible with some mitigation measures. This is a conditional approval based upon specific use.

DATE: 6 Sept 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

