

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

Hearing Date: September 23, 2019

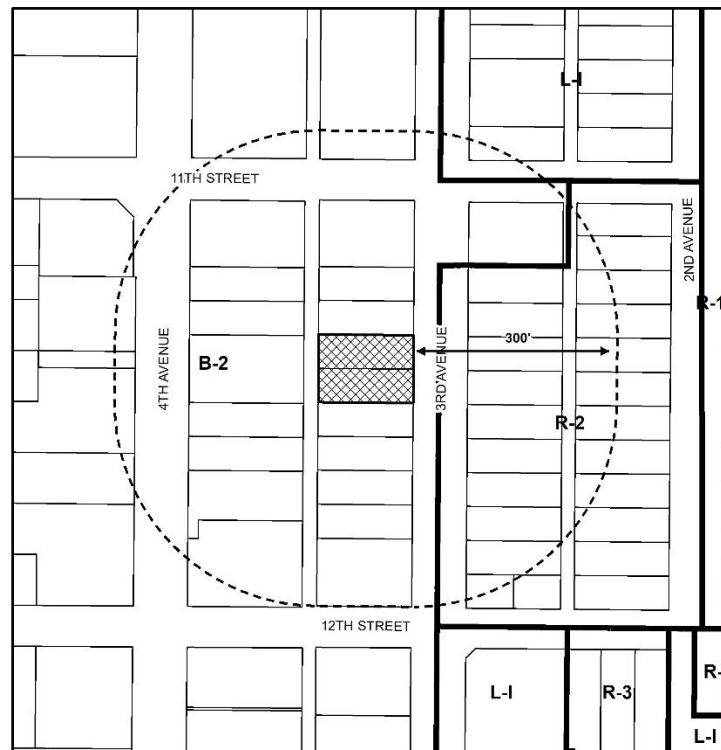
Case Number: ZONE-27138-2019

Project Description/Location:

This is a request by Rodolfo Bernal and Ramiro and Monique Sandoval to rezone two residential lots, each approximately 7,000 square feet, from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1146 and 1154 South 3rd Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Single Family Home	Commercial
North	General Commercial (B-2)	Single Family Home	Commercial
South	General Commercial (B-2)	Single Family Home	Commercial
East	Medium Density Residential (R-2)	Single Family Home	Medium Density Residential
West	General Commercial (B-2)	Brownie's Diner/Rudy's Auto Repair	Commercial

Location Map



Prior site actions: Annexation: May 29, 1946 (Ordinance No. 449); Subdivision: January 20, 1925 (Speese Addition).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-27138-2019 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 two properties from General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1146 and 1154 South 3rd Avenue, 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 two parcels. The intent of this rezone is to match the zoning designation to the existing use. The properties are currently zoned General Commercial (B-2), and each property features a single-family residential unit. The purpose of this rezone is to legalize currently non-conforming structures and uses.

The General Plan designation is Commercial, however the proposed rezone may be approved due to the size of the land being changed and due to the proximity to another designation (across the street the General Plan designation is Medium Density Residential). Arizona State Law and adopted City of Yuma standards permit land use changes/rezones/general plan changes on commercial land without a General Plan Amendment if the proposed changes are equal to or less than 2 acres.

The subject properties are located within part of the City that have been subdivided since the 1920s. Due to the age of the area, the character and regulations managing the land uses have changed over time. This has created a community area that is a mixture of commercial, industrial, and residential uses. South 3rd Avenue, the subject street, is primarily residential in nature. The current use and requested rezone would fit the character and nature of the surrounding uses and zoning designations.

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?

No.

Transportation Element	Planned	Existing	Difference	Requested
3 rd Avenue – local street	29 FT H/W ROW	40 FT H/W ROW	+11	0'

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 See Attachment B.
Comments:

Neighborhood Meeting See Attachment C.
Comments:

Proposed conditions delivered to applicant on: 8/19/19

Final staff report delivered to applicant on: 9/5/19

☒ Applicant agreed with all of the conditions of approval on: 8/19/19

Attachments

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

Prepared By:
Chad Brown
Associate Planner



Chad.brown@yumaaz.gov

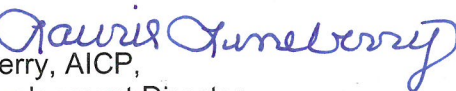
Date: 9/4/19
(928)373-5000, x1234

Reviewed By:
Alyssa Linville
Assistant Director



Date: 09/04/19

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



Date: 9-9-19

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
EXTERNAL AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

If this request were within the Yuma County Jurisdiction, it would require a minor amendment to change the land use designation to one that supports the requested density. Otherwise the request will be in character with the neighborhood.

DATE: 8/13/19 NAME: Javier Barraza TITLE: Senior Planner

AGENCY: Yuma County, Development Services Department, Planning Section

PHONE: (928) 817-5000

RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

Image: The above image is Commentary from Yuma County. State law and adopted City of Yuma Code dictates that a rezone of a lot of up to 2 acres (loss of less than 2 acres) and adjacent to desired use/zoning designations may be completed without an Amendment to the General Plan.

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: August 14, 2019

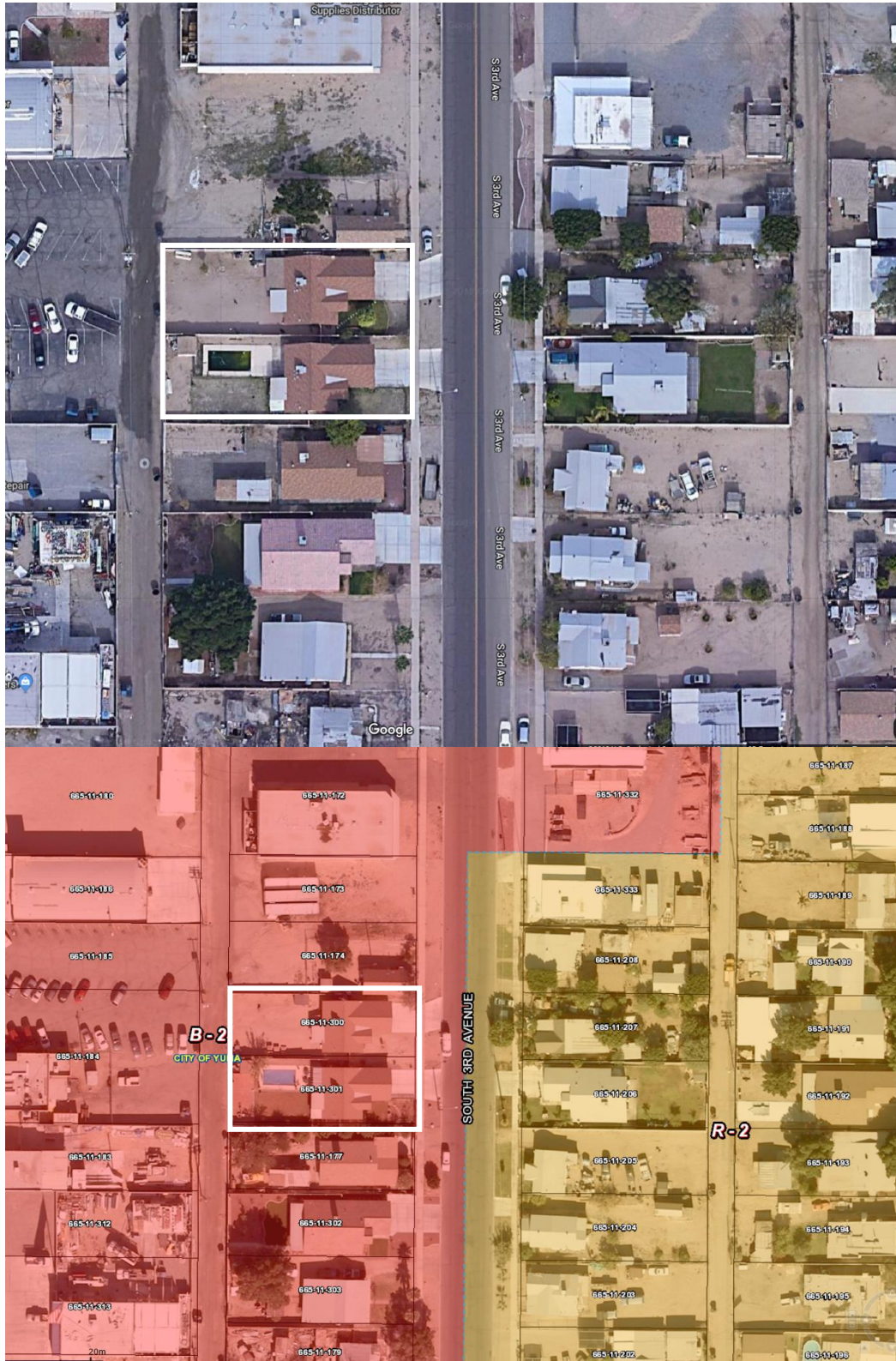
Location: In front of subject properties: 1146
and 1154 South 3rd Avenue, Yuma.

Attendees: Chad Brown, City of Yuma; Rodolfo Bernal (1146 S. 3rd Ave. resident, applicant); Bernie Bedoya (1168 S. 3rd Ave., property owner); Monique, Ramiro, Emmanuel, Elizabeth Sandoval (1154 S. 3rd Ave., residents and applicants).

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

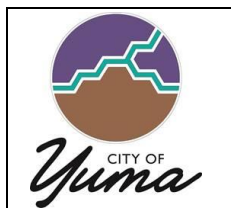
- TIMING OF HEARING, DATE, AND REASON FOR NEIGHBORHOOD MEETING DISCUSSED.
- ONE NEIGHBOR ATTENDED, TO UNDERSTAND WHAT WAS HAPPENING AND WHY.
- APPLICANT EXPRESSED DESIRE FOR SIDEWALKS ON STREETS IN THE AREAS CURRENTLY WITHOUT.

ATTACHMENT D AERIAL PHOTO



Images: White rectangle identifies location of subject properties, facing South 3rd Avenue.

ATTACHMENT E
STAFF RESEARCH



**STAFF RESEARCH – REZONE
CASE #: ZONE-27138-2019
CASE PLANNER: CHAD BROWN**

I. PROJECT DATA

Project Location:	Approximately 300' to the north of S. 3 rd Ave. and W. 12 th St.														
Parcel Number(s):	665-11-300 and 665-11-301														
Parcel Size(s):	7,000 square feet, each														
Total Acreage:	0.32 acres														
Proposed Dwelling Units:	2 existing														
Address:	1146 and 1154 S. 3 rd Ave.														
Applicant:	Rodolfo Bernal, Ramiro and Monique Sandoval														
Applicant's Agent:	N/A														
Land Use Conformity Matrix:	Conforms: Yes X No														
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	X	None							
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone							
	Existing Zoning				Use(s) on-site				General Plan Designation						
Site	General Commercial (B-2)				Single Family Home				Commercial						
North	General Commercial (B-2)				Single Family Home				Commercial						
South	General Commercial (B-2)				Single Family Home				Commercial						
East	Medium Density Residential (R-2)				Single Family Home				Medium Density Residential						
West	General Commercial (B-2)				Brownie's Diner/Rudy's Auto Repair				Commercial						
Prior Cases or Related Actions:	Yes.														
<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. 449 (May 29, 1946)										
General Plan Amendment	Yes		No		N/A										
Development Agreement	Yes		No		N/A										
Rezone	Yes		No		N/A										
Subdivision	Yes	X	No		Speese Addition (January 20, 1925)										
Conditional Use Permit	Yes		No		N/A										
Pre-Development Meeting	Yes		No		N/A										
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:	N/A														
Adjacent Irrigation Canals & Drains:	N/A														
Water Conversion: (5.83 ac ft/acre)	0.93 Acre Feet a Year														
Water Conversion Agreement Required	Yes		No	X											

II. CITY OF YUMA GENERAL PLAN

Land Use Element:
Land Use Designation: Commercial

Issues:		N/A										
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
South 3 rd Avenue – Collector 2 Lanes	40 FT H/W ROW	40 FT H/W ROW				
West 12 th Street – Collector 2 Lanes	40 FT H/W ROW	30 FT H/W ROW				

Bicycle Facilities Master Plan	Existing Bike path on 3 rd Avenue
YCAT Transit System	N/A
Issues:	None

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan	
Neighborhood Park:	Existing: Joe Henry Optimist Park Future: Joe Henry Optimist Park
Community Park:	Existing: N/A Future: N/A
Linear Park:	Existing: N/A Future: N/A
Issues:	None

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	Yuma North End Redevelopment Area – 4 th Avenue					
Adopted Redevelopment Plan:	North End:	X	Carver Park:		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 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
	10	2.8	28	0.05	8,400	9.4	2,800
	Minimum						
	5	2.8	14	0.03	4,200	4.7	1,400

Fire Facilities Plan:	Existing: Fire Station No. 1	Future: Fire Station No. 1
Water Facility Plan:	Source: City X Private	Connection: 4" AC
Sewer Facility Plan:	Treatment: City X Septic	Connection: 8" VCP
Issues:	None	

Safety Element:

Flood Plain Designation:	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
Issues:	None		

NOTIFICATION

- Legal Ad Published: The Sun (8/30/19)
- 300' Vicinity Mailing: (8/5/19)
- 34 Commenting/Reviewing Agencies noticed: (8/8/19)

- Neighborhood Meeting: (8/14/19)
- Hearing Dates: (9/23/19)
- Comments Due: (8/19/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	8/9/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	8/9/19	X		
Yuma County Planning & Zoning	YES	8/13/19		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	8/12/19	X		
Yuma Mesa Irrigation and Drainage District	YES	8/12/19	X		
Arizona Game and Fish	YES	8/9/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	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	YES	8/14/19	X		
Kayla Holiman, Fire	YES	8/13/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	8/16/19		X	X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
AUGUST 14, 2019	Attachment B
Prop. 207 Waiver	
Included in application	


INTERNAL COMMENTS RECEIVED:

☒ 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 Aug 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				