

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

Hearing Date: January 27, 2020

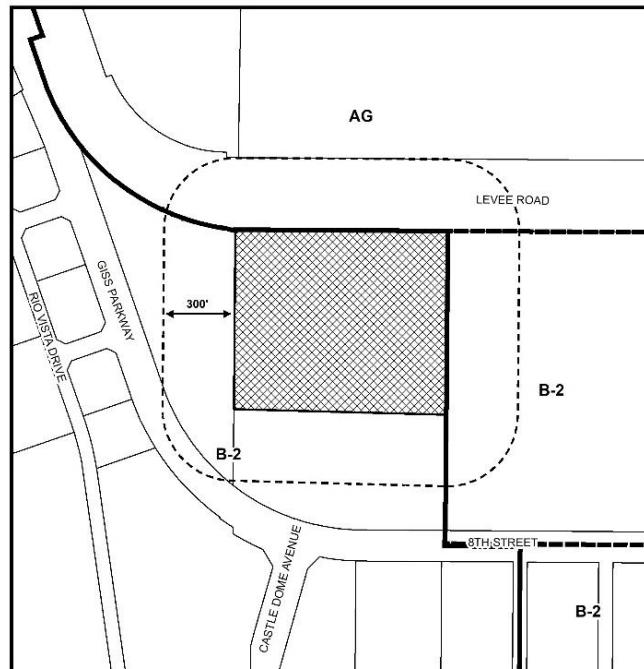
Case Number: ZONE-28275-2019

Project Description/Location:

This is a request by Kerry A. Schimpf, on behalf of The Nelson Family Trust, 4/13/95 and Kerry & Gail Schimpf Trust, 11-19-03, and Kyle P. Nelson, to rezone approximately 14.9 acres from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Aesthetic Overlay (AO) District, for the properties located north of the intersection of E. 8th Street and S. Castle Dome Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	High Density Residential
North	Agriculture (AG)	Levee Road	Resort/Recreation/Open Space
South	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	Business Park
East	General Commercial/Aesthetic Overlay (B-2/AO)	Pacific Avenue Athletic Complex (PAAC)	Resort/Recreation/Open Space
West	General Commercial/Aesthetic Overlay (B-2/AO)	Vacant	Resort/Recreation/Open Space

Location Map



Prior site actions: Pre-Annexation: Res. R2005-72 (September 2, 2005); Annexation: Ord. O2005-92 (November 19, 2005); General Plan Amendment: Res. R2013-41 (November 20, 2013); Development Agreement: Res. R2019-012 (May 1, 2019); Rezone: Ord. O2015-027 (May 20, 2015; AG to B-2/AO); Subdivision: The Fields at Castle Dome (SUBD-24366-2018)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Aesthetic Overlay (AO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-28257-2019 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 rezone the property from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Aesthetic Overlay (AO) District for the property located at for the properties located north of the intersection of E. 8th Street and S. Castle Dome 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 subject properties are located north of the intersection of E. 8th Street and S. Castle Dome Avenue. Historically the property was utilized for agricultural purposes. While currently undeveloped, the intended development for the subject area is multi-family housing. The subject area will be part of a larger development plan within the Fields of Castle Dome Subdivision; this subdivision was approved by City Council on May 1, 2019 and is expected to record in April 2020.

Further specified in §154-07.03, the following are some of the development standards required of a development with the High Density Residential (R-3) District:

1. The maximum lot coverage in the High Density Residential (R-3) 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 10 feet; and
5. A maximum building height of 40 feet;

The potential residential development could contain between 193 and 268 residential units based on the density limitation outlined in the General Plan. The request to rezone the property from the General Commercial (B-2) District to the High Density Residential (R-3) District, while maintaining the existing Aesthetic Overlay (AO) District is in conformance with the Land Use Element of 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
E. 8 th Street – 2 Lane Minor Arterial	40 FT H/W ROW	65 FT H/W ROW	20 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 Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: December 3, 2019

Final staff report delivered to applicant on: December 26, 2019

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: December 3, 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
Conditions of Approval	Aerial Photo	Staff Research

Prepared By:

Alyssa Linville

Assistant Director

DCD/Zoning Administrator

Date: 12.20.19

Alyssa.Linville@yumaaz.gov (928)373-5000, x3037

Approved By:

Laurie L. Lineberry, AICP,

Community Development Director

Date: 12-20-19

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:

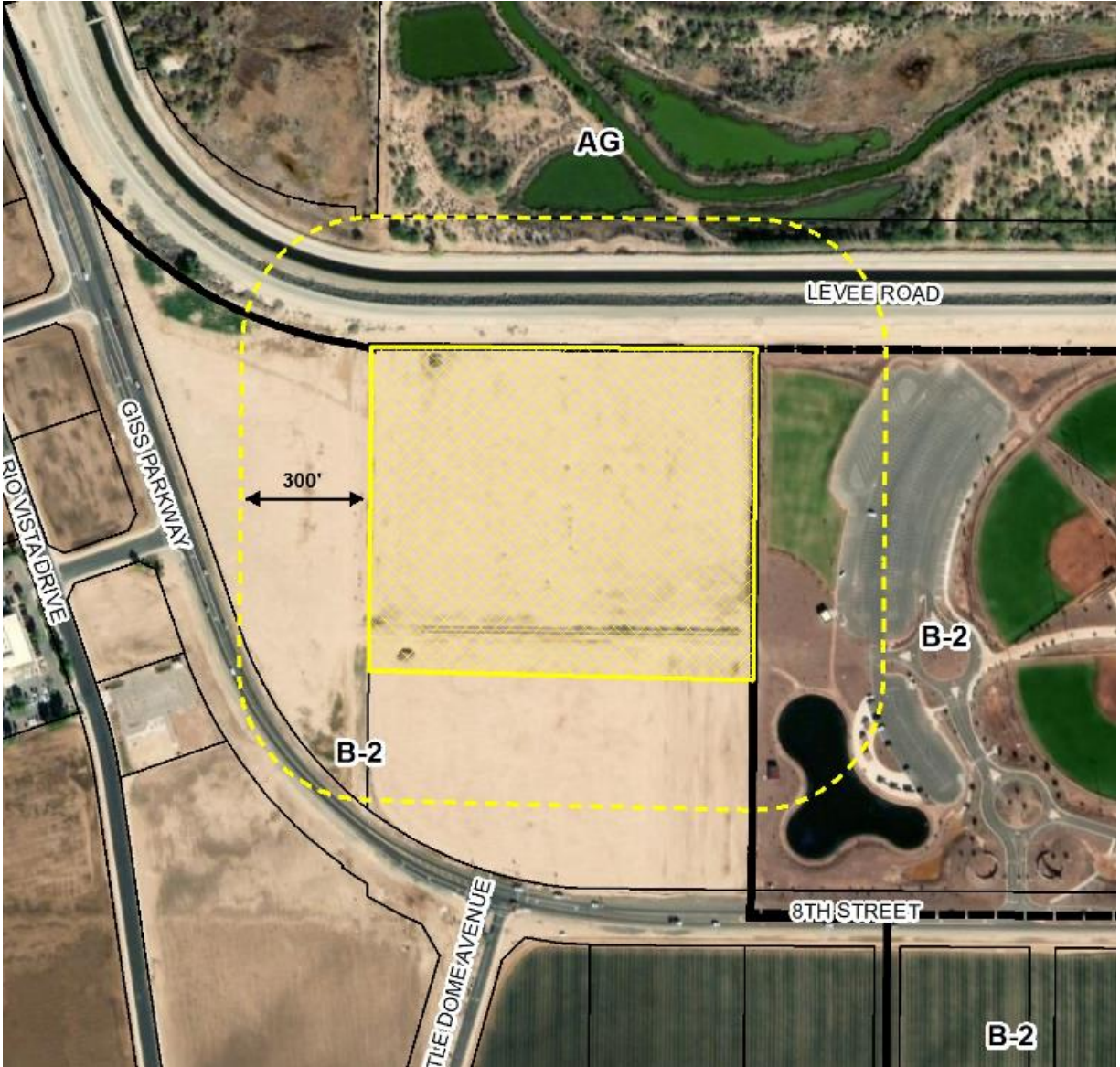
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.

Community Planning, Alyssa Linville, Assistant Director of Community Development, (928) 373-5000, ext. 3037

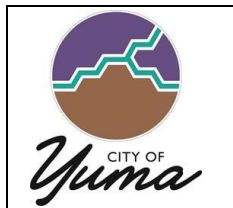
3. The mylars for the Fields at Castle Dome Subdivision are to be recorded prior to the vesting of the zoning.
4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy 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
AERIAL PHOTO



ATTACHMENT C
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-28275-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		North of the intersection of E. 8 th Street and S. Castle Dome Avenue									
Parcel Number(s):		180-22-016									
Parcel Size(s):		649,044 square feet									
Total Acreage:		14.9 acres									
Proposed Dwelling Units:		193-268 Permitted based on General Plan designation									
Address:		N/A									
Applicant:		The Nelson Family Trust, 4/13/95 and Kerry & Gail Schimpf Trust, 11-19-03, and Kyle P. Nelson									
Applicant's Agent:		Kerry A. Schimpf									
Land Use Conformity Matrix:		Conforms: Yes <input type="checkbox"/> X <input checked="" type="checkbox"/> No <input type="checkbox"/>									
Zoning Overlay:	Public	AO	X	Auto	B&B	Historic	Infill	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/Aesthetic Overlay (B-2/AO)				Vacant		High Density Residential				
North	Agriculture (AG)				Levee Road		Resort/Recreation/Open Space				
South	General Commercial/Aesthetic Overlay (B-2/AO)				Vacant		Business Park				
East	General Commercial/Aesthetic Overlay (B-2/AO)				Pacific Avenue Athletic Complex (PAAC)		Resort/Recreation/Open Space				
West	General Commercial/Aesthetic Overlay (B-2/AO)				Vacant		Resort/Recreation/Open Space				
Prior Cases or Related Actions:											
Type	Conforms				Cases, Actions or Agreements						
Pre-Annexation Agreement	Yes	X	No		Res. R2005-72 (September 2, 2005)						
Annexation	Yes	X	No		Ord. O2005-92 (November 19, 2005)						
General Plan Amendment	Yes	X	No		Res. R2013-41 (November 20, 2013)						
Development Agreement	Yes	X	No		Res. R2019-012 (May 1, 2019)						
Rezone	Yes	X	No		Ord. O2015-027 (May 20, 2015; AG to B-2/AO)						
Subdivision	Yes	X	No		The Fields at Castle Dome (SUBD-24366-2018)						
Conditional Use Permit	Yes		No		N/A						
Pre-Development Meeting	Yes	X	No		July 23, 2019						
Design Review Commission	Yes		No		N/A						
Enforcement Actions	Yes		No		N/A						
Avigation Easement Recorded	Yes	X	No		Fee # 2019-13544						
Land Division Status:		Subdivision plat to be recorded prior to the approval of this rezoning.									
Irrigation District:		None									
Adjacent Irrigation Canals & Drains:		Main Outlet Drain									
Water Conversion: (5.83 ac ft/acre)		86.87 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:	High Density Residential					
Issues:	None					
Historic District:	Brinley Avenue		Century Heights		Main Street	
Historic Buildings on Site:	Yes		No	X		

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
E. 8 th Street – 2-Lane Minor Arterial	40 FT H/W ROW	65 FT H/W ROW				X
Bicycle Facilities Master Plan	8 th Street – Proposed Bike Lane					
YCAT Transit System	Orange Route 2					
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: Colorado River Levee Linear Park	Future: Colorado River Levee Linear Park	
Issues:	Limited access to neighborhood and community parks.		

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:

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>Multi-Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	268	1.7	456	0.86	136,680	153.1	45,560
	Minimum						
	193	1.7	328	0.62	98,430	110.3	32,810
Fire Facilities Plan:		Existing: Fire Station No. 1				Future: Fire Station No.1	
Water Facility Plan:		Source:	City	X	Private	Connection:	12" PVC
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 12" PVC
Issues:		Line extension required for sewer connection.					

Safety Element:

Flood Plain Designation:	Flood Zone 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.		
Issues:	North End		Pacific Ave & 8 th St	X	Estancia		None
	None						

NOTIFICATION

- **Legal Ad Published: The Sun** (12/20/19)
- **300' Vicinity Mailing:** (11/25/19)
- **34 Commenting/Reviewing Agencies noticed:** (11/27/19)
- **Neighborhood Meeting:** (N/A)
- **Hearing Dates:** (01/27/20)
- **Comments Due:** (12/09/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	12/02/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	12/02/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	Yes	12/02/19	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.	NR				
Yuma Irrigation District	NR				
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.	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	NR				
Kayla Franklin, Fire	Yes	12/03/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	12/04/19	X		
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant in person on January 13, 2020.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED