

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

Hearing Date: March 23, 2020

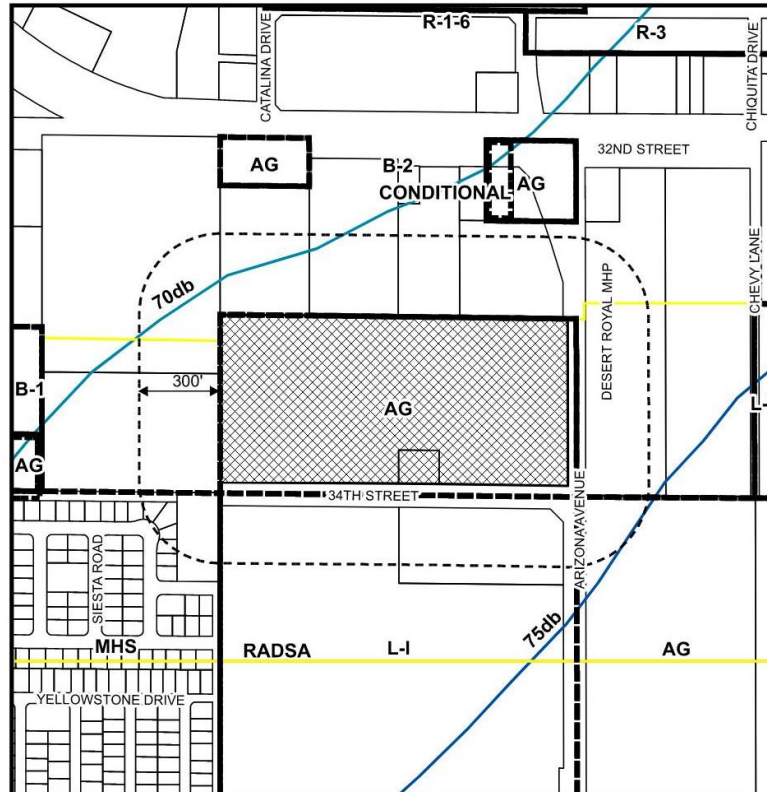
Case Number: ZONE-29231-2020

Project Description/Location:

This is a request by Dahl, Robins, and Associates, on behalf of Jeffrey Conte, to rezone approximately 18.34 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, for the property located at the northwest corner of Arizona Avenue and 34th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture/ Airport Overlay (AG/AD)	Residence/Undeveloped	Industrial
North	General Commercial/Auto Center Overlay/ Airport Overlay (B-2/ACO/AD)	Auto Sales/Repair/Parts	Commercial
South	Light Industrial/Airport Overlay (L-I/AD)	Undeveloped	Industrial
East	General Commercial Airport Overlay (B-2/AD)	Desert Royal MHP	Industrial
West	General Commercial Airport Overlay (B-2/AD)	Lowes/Undeveloped	Commercial

Location Map



Prior site actions: Annexation: O2000-14 (May 5, 2000); Pre-Development Meeting: PDM-28680-2019 (December 17, 2019).

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

Suggested Motion: Move to **APPROVE** Rezone ZONE-29231-2020 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 approximately 18.34 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, for the property located at the northwest corner of Arizona Avenue and 34th 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 properties are located at the northwest corner of 34th Street and Arizona Avenue. The properties consist of two parcels totaling 18.34 acres. With this request, the applicant is seeking to rezone the subject area to the Light Industrial District with the intent of developing the property into a bus barn for the Yuma County Intergovernmental Public Transportation Authority. The property is located within the 70-75 dB noise contours, and will require a noise level reduction of 25 dB for any structures where the public will be received.

A lot tie and conditional use permit will be required prior to development of the facility.

A neighborhood meeting was held at the subject property on February 12, 2020; the meeting was not attended by any neighboring residents.

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
S. Arizona Avenue – Collector	40 FT H/W ROW	33 FT H/W ROW	-7 FT	7 FT
E.34 th Street – Local Street	39 FT H/W ROW	0 FT H/W ROW	-39 FT	39 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: See Attachment C

Proposed conditions delivered to applicant on: February 20, 2020

Final staff report delivered to applicant on: March 11, 2020

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: March 10, 2020
<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

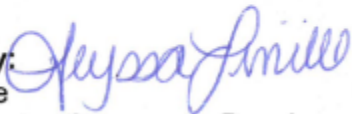
A	B	C	D	E
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Prepared By:
Richard Munguia
Senior Planner



Date: 3/10/2020
Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 03/10/20

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: (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's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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/developer shall dedicate, to the City of Yuma, via warranty deed or plat, 7 feet of right-of-way on Arizona Avenue, plus the underlying fee title for 33 feet from the centerline of the road.
5. Owner/developer shall dedicate, to the City of Yuma, via warranty deed or plat, 39 feet of existing canal easement along the 34th Street alignment.

Community Planning, Richard Munguia, Senior Planner, (928) 373-5000 x3070

6. 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:

The subject property is located within the 70-75 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 aviation disclosure agreement with MCAS Yuma recognizing noise, interference or vibrations may occur at MCAS/Yuma International Airport. Thank you.

DATE: 2/6/20 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: 928-726-5882
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: February 12, 2020

Location: Onsite


Attendees: Richard Munguia, Senior Planner; Kevin Dahl, Agent; Jerry Lococo, Agent.

THERE WERE NO NEIGHBORS IN ATTENDANCE

ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH

	STAFF RESEARCH – REZONE	
	CASE #: ZONE-29231-2020	
	CASE PLANNER: RICHARD MUNGUIA	

I. PROJECT DATA

Project Location:		Located at the northwest corner of Arizona Avenue and 34 th Street												
Parcel Number(s):		695-36-009 and 695-36-010												
Parcel Size(s):		798,968 square feet												
Total Acreage:		18.34 acres												
Proposed Dwelling Units:		None												
Address:		N/A												
Applicant:		Jeffrey Conte												
Applicant's Agent:		Dahl, Robins, and Associates, Inc.												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B		Historic		Infill		None	X
Airport	X	Noise Contours	65-70		70-75	X	75+		APZ1		APZ2		Clear Zone	
	Existing Zoning				Use(s) on-site				General Plan Designation					
Site	Agriculture/ Airport Overlay (AG/AD)				Residence/Undeveloped				Industrial					
North	General Commercial/Auto Center Overlay/ Airport Overlay (B-2/ACO/AD)				Auto Sales/Repair/Parts				Commercial					
South	Light Industrial/Airport Overlay (L-I/AD)				Undeveloped				Industrial					
East	General Commercial Airport Overlay (B-2/AD)				Desert Royal MHP				Industrial					
West	General Commercial Airport Overlay (B-2/AD)				Lowes/Undeveloped				Commercial					

Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	O2000-14 (May 5, 2000)
General Plan Amendment	Yes		No	N/A
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	PDM-28680-2019 (December 17, 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			
Adjacent Irrigation Canals & Drains:	B 3.8 Canal			
Water Conversion: (5.83 ac ft/acre)	106.92 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:		Determination of Compliance from MCAS is required.									
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	
S. Arizona Avenue – Collector	40 FT H/W ROW	33 FT H/W ROW					X
E.34 th Street – Local Street	39 FT H/W ROW	0 FT H/W ROW					
Bicycle Facilities Master Plan	Arizona Avenue: Proposed Bike Lanes						
YCAT Transit System	N/A						
Issues:	34 th Street will require development						

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Sanguinetti Memorial Park	Future: Sanguinetti Memorial Park
Community Park:	Existing: Smucker Memorial Park	Future: Jackrabbit Pass Park
Linear Park:	Existing: East Main Canal Linear Park	Future: East Main Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	None
Adopted Redevelopment Plan:	North End: <input type="checkbox"/> Carver Park: <input type="checkbox"/> None: <input checked="" type="checkbox"/> X <input type="checkbox"/>
Conforms:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X <input type="checkbox"/>
Renewable Energy Source	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X <input type="checkbox"/>
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	Police	Water		Wastewater
	<i>Non-residential</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	0	0	0	0.00	0	0.0	0
	Minimum						
	0	0	0	0.00	0	0.0	0

Fire Facilities Plan:	Existing: Fire Station No. 2	Future: Fire Station No. 2
Water Facility Plan:	Source: City <input checked="" type="checkbox"/> Private <input type="checkbox"/>	Connection: 12" PVC
Sewer Facility Plan:	Treatment: City <input checked="" type="checkbox"/> Septic <input type="checkbox"/>	Private <input type="checkbox"/> Connection: None
Issues:	Water and sewer lines will need to be extended.	

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X <input type="checkbox"/>
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 02/28/20
- 300' Vicinity Mailing: 02/03/20
- 34 Commenting/Reviewing Agencies noticed: 02/06/20

- Neighborhood Meeting: 02/12/20
- Hearing Dates: 03/23/20
- Comments Due: 02/17/20

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		02/06/20		X	X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.		02/10/20	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor		02/06/20	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.		02/10/20	X		
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.		02/04/20	X		
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		02/19/20		X	
Kayla Holiman, Fire		02/10/20	X		
Randy Crist, Building Safety		02/12/20	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		02/07/20			X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
February 12, 2020, 5:00pm, onsite.	See Staff Report Attachment B
Prop. 207 Waiver	
Given to Applicant on February 20, 2020 via US Mail.	

PUBLIC COMMENTS RECEIVED: NONE

INTERNAL 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: MCAS Yuma has reviewed the request for APN 695-36-009/010 . The subject parcel is located within the 70-74db Noise Contour. The requested use is compatible with Marine Corps Order 11010.16 Air Installations Compatible Use Zones (AICUZ) with the following conditions: The facility must be sound attenuated to 25db. Thank you for the opportunity to comment.

DATE:	7 Feb 2020	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Richard Munguia Richard.Munguia@YumaAZ.gov				