

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: GUILLERMO MORENO-NUNEZ

Hearing Date: December 11, 2023

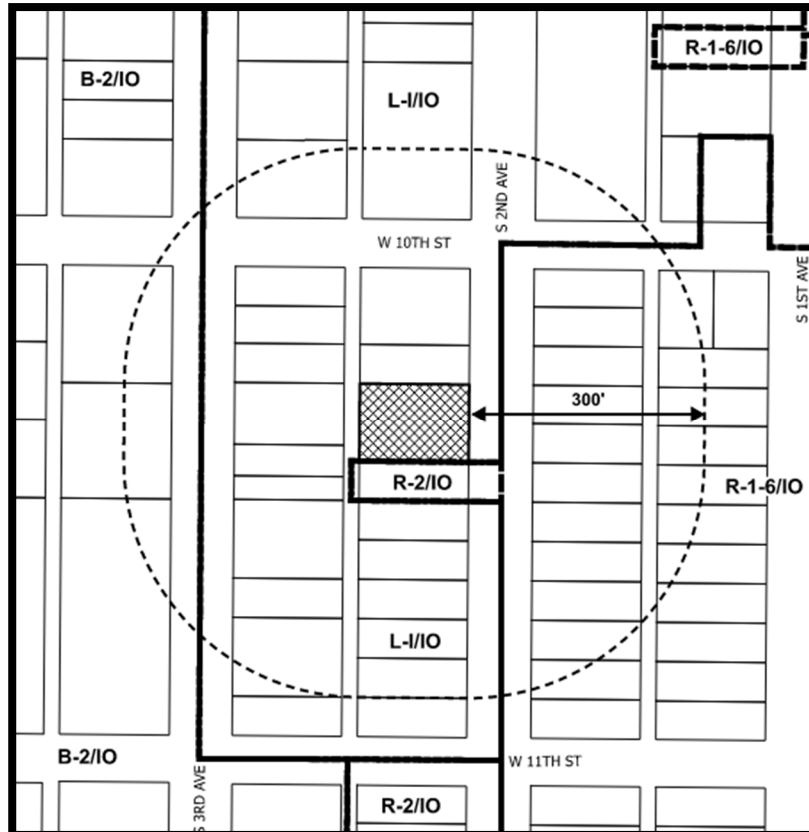
Case Number: ZONE-41907-2023

Project Description/
Location:

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/IO)	Undeveloped Lot	Medium Density Residential
North	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Medium Density Residential
South	Medium Density Residential/Infill Overlay (R-2/IO)	Duplex	Medium Density Residential
East	Low Density Residential/Infill Overlay (R-1-6/IO)	Single Family Homes	Low Density Residential
West	Light Industrial/Infill Overlay (L-I/IO)	Commercial Buildings	Commercial

Location Map



Prior site actions: PDM-41827 for proposed duplex (January 24, 2023), Annexation ord. 449 (May 29, 1946), Rezone: Ord. 1979 (January 7, 1981, Industrial “A” to Light Industrial (L-I))

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41907-2023 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 to Medium Density Residential/Infill Overlay (R-2/IO) for the property located at 1010 and 1012 S. 2nd 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 property is located at 1010 & 1012 S. 2nd Avenue, one parcel with two assigned addresses, in the Speese Addition Subdivision, which was originally recorded on April 18, 1901. The property is approximately 14,000 square feet in size and currently undeveloped. The property was developed with a market which was demolished in 2016 and has remained vacant since.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, with the intent to split the property into two lots and build two-family dwellings on each lot. In order to develop residential structures on the property, a rezone is required.

Several properties in the area are developed with single and two-family homes. The rezone of this property would complement the character of the surrounding area, while increasing access to housing. This request 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

Land Use Element:									
Land Use Designation:				Medium Density Residential					
Issues:				None					
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:		Yes		No	X				

2. Are there any dedications or property easements identified by the Transportation Element?

No

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
2nd Avenue	29 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	10 th Street – proposed bike lane					

YCAT Transit System	Yellow Route 95 – Highway 95 South (95) – 4 th Avenue at 10 th Street
Issues:	None

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes

Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Marcus Park				Future: Marcus Park					
Community Park:	Existing: Carver Park Complex				Future: Carver Park Complex					
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:	1 st Avenue – Study Area									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
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 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>2-4 Units</i>		Projected Population	Police Impact Officers	Water Consumption GPD AF		Wastewater Generation GPD	
			Maximum	Per Unit						
			10	2.5	25	0.05	5,175	5.8	1,750	
			Minimum							
			4	2.5	10	0.02	2,070	2.3	700	
Fire Facilities Plan:	Existing: Fire Station No. 1				Future: Fire Station No. 1					
Water Facility Plan:	Source:	City	X	Private		Connection:	12" line on 2 nd Avenue			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 8" line on alley		
Issues:	None									
Safety Element:										
Flood Plain Designation:	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									

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 D

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: November 13, 2023

Final staff report delivered to applicant on: November 30, 2023

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant – email sent to owner and applicant, no response received.

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Guillermo Moreno-nunez* **Date:** November 14, 2023
 Guillermo Moreno-nunez
 Assistant Planner Guillermo.moreno-nunez@yumaaz.gov (928)373-5000, x3038

Reviewed By: *Jennifer L. Albers* **Date:** 11/15/23
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 11/30/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

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 Planning and Neighborhood Services Comments: Alyssa Linville, Director (928) 373-5000, x 3037:

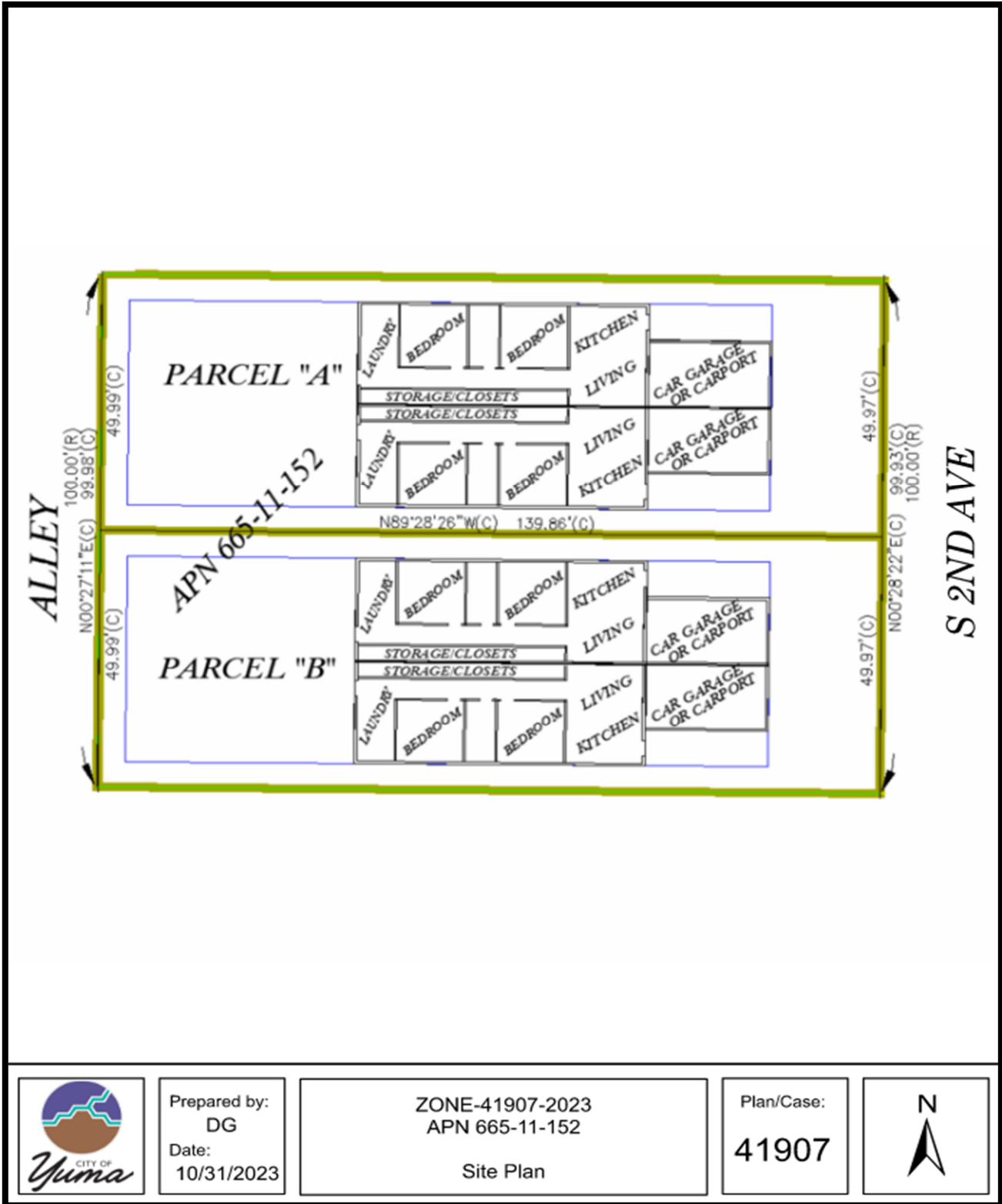
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038

3. 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
SITE PLAN**



Prepared by:
DG
Date:
10/31/2023

ZONE-41907-2023
APN 665-11-152
Site Plan

Plan/Case:
41907



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: **The Sun** (11/17/23)
- 300' Vicinity Mailing: (10/26/23)
- 34 Commenting/Reviewing Agencies noticed: (10/26/23)
- Site Posted on: (10/30/23)
- Neighborhood Meeting: (11/08/23)
- Hearing Date: (12/11/23)
- Comments due: (11/06/23)


External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/26/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	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.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	10/26/23	X		
Yuma Proving Grounds	Yes	10/26/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/30/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/01/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
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: Subject parcel (APN 665-11-152) is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize 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 review and comment.

DATE:	1 Nov 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Guillermo Moreno-nunez Guillermo.Moreno-nunez@YumaAZ.gov				

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/08/23

Location: 1010 & 1012 S 2nd Avenue

Attendees:

Applicant: Hector Hurtado and Raul Garcia

Neighbors: Jose Ramos, Juan Leal Rubio, Henry Pierson and Annette Roscoe

Staff: Guillermo Moreno-nunez and Meredith Burns

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

- HURTADO AND GARCIA- EXPLAINED THE PROPOSED PROJECT FOR PROPERTY.
- NEIGHBORS- WERE ALL IN FAVOR.
- RUBIO- MENTIONED TO LOOK FOR ANY BUFFER NEEDED BETWEEN NEW PROPOSED ZONING AND ADJACENT COMMERCIAL ZONING DISTRICT.
- RAMOS- EXPRESS HIS CONCERN ABOUT DUST CONTROL.
- HURTADO- EXPLAINED THEIR PLAN AND WHAT WILL THEY DO TO AVOID ANY DUST ISSUES.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ANDERSON SHELLEY W	1000 S 5TH AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
BARAJAS JUAN P & SUZANNA JT	1037 S 2ND AVE	YUMA	AZ	85364
BARBOSA MARIA M	145 W 10TH ST	YUMA	AZ	85364
BORDER PROPERTIES & INVESTMENTS LLC	290 W 10TH ST	YUMA	AZ	85364
CABRERA BERNABE	3447 W 27TH LN	YUMA	AZ	85364
CHAVEZ ROLANDO MANUEL	1057 S 2ND AVE	YUMA	AZ	85364
COVARRUBIAS ALFRED R	1053 S 2ND AVE	YUMA	AZ	85364
D & V OF ARIZONA LLC	PO BOX 12798	SAN LUIS	AZ	85349
ESPINOZA JOSEPH S & NANCY A JT	1032 S 2ND AVE	YUMA	AZ	85364
FAJARDO BEATRIZ	1077 S 2ND AVE	YUMA	AZ	85364
GILMORE FRANK & LINDA TRUST 7-14-03	PO BOX 5595	YUMA	AZ	85366
GONZALEZ ENRIQUE MENDOZA	1071 S 2ND AVE	YUMA	AZ	85364
GROUNDED RMR ENTERPRISE LLC	242 E 30TH ST	YUMA	AZ	85364
GUZMAN LUPE	1069 S 2ND AVE	YUMA	AZ	85364
HIGGINS BRANDIE A	1061 S 2ND AVE	YUMA	AZ	85364
HIGGINS YVONNE	1049 S 2ND AVE	YUMA	AZ	85364
HURTADO HECTOR M & MARIA G	2180 S 4TH AVE STE G	YUMA	AZ	85364
LEAL R JUAN A & ELIZABETH V	1025 S 2ND AVE	YUMA	AZ	85364
LEE NELSON JOHN & JANIS JT	1035 S 3RD AVE	YUMA	AZ	85364
LIVING LEGACY INSTITUTE INC	5727 W CIELO GRANDE	GLENDALE	AZ	85310
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
MENDIVIL JOSEPH MICHAEL	1038 S 2ND AVE	YUMA	AZ	85364
OLAGUE MARGARET J	7585 E OLIVE ANN LN	YUMA	AZ	85365
PEREZ JAVIER	18657 NORTHRIDGE DR	SALINAS	CA	93906
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ MARGARITO JR	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ RUBEN	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ YOLANDA	1020 S 1ST AVE	YUMA	AZ	85364
RAMOS FRANK & CONNIE A LIVING TRUST*	PO BOX 6433	YUMA	AZ	85366
RAMOS JOSEPH F & YVONNE	1055 S 2ND AVE	YUMA	AZ	85364
RIVERA ERNESTO & RIVERA CARLOS FRANCISCO & RIVERA JESUS MIGUEL	1028 S 1ST AVENUE	YUMA	AZ	85364
RM-USE LLC	PO BOX 997	ALPINE	CA	91903
RODRIGUEZ BARBARA J	9475 LAKE CANYON RD	SANTEE	CA	92071
RODRIGUEZ LYDIA	7585 E OLIVE ANN LN	YUMA	AZ	85365
ROSCOE WILLIAM J & ANNETTE F JT	1006 S 2ND AVE	YUMA	AZ	85364
SANCHEZ ARTURO E	1037 S 3RD AVE	YUMA	AZ	85364
ULANICKI SLAWOMIR & LORRAINE	3058 DUCK POND LANE	RAMONA	CA	92065
VELAZQUEZ ROSA MARIA ZAMUDIO	1616 W 33RD ST	YUMA	AZ	85365
WARNER ANTONIA FELIX	3800 W FRANCIS ST	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364

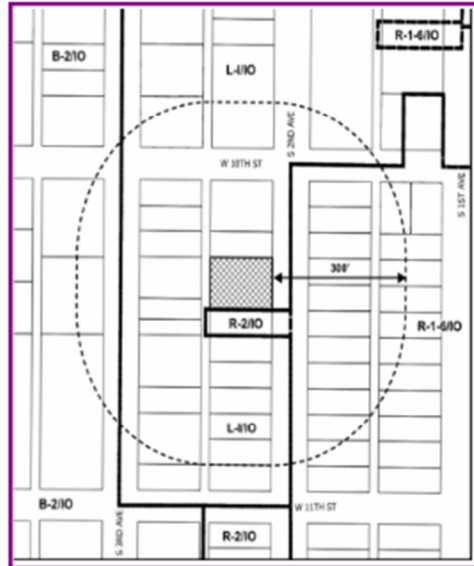
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 S. 2nd Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41907-2023**

**NEIGHBORHOOD MEETING
11/08/2023 @ 5PM
ON-SITE**

**PUBLIC HEARING
12/11/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of 1010 S. 2nd Avenue, Yuma, AZ you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at Guillermo.Moreno-nunez@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO

