

**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**

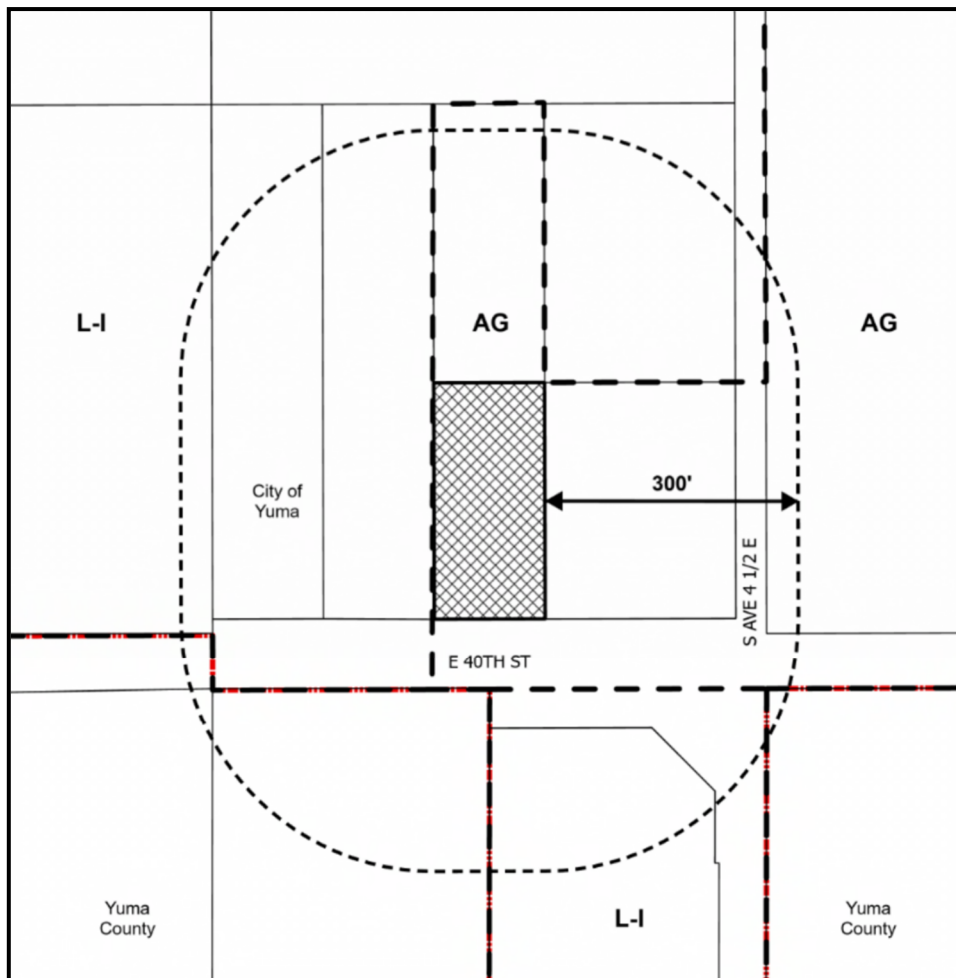
**Hearing Date:** November 25, 2024

**Case Number:** ZONE-43204-2024

**Project Description/ Location:** This is a request by Jim Kerley on behalf of Cindy Keck to rezone approximately .85 acres from the Agriculture (AG) District to the Light Industrial (L-I) District for property located at 4454 E. 40<sup>th</sup> Street, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Agriculture (AG)	Commercial Building	Industrial
<b>North</b>	Agriculture (AG)	Commercial Building	Industrial
<b>South</b>	Light Industrial (L-I)	Humane Society/Farms	Industrial
<b>East</b>	Agriculture (AG)	Vacant lot/Storage Yard	Industrial
<b>West</b>	Light Industrial (L-I)	Parking lot/Storage Yard	Industrial

**Location Map**



**Prior site actions:** Annexation ordinance O99-81 (August 7, 1999).

**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-43204-2024 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 to Light-Industrial (L-I) for the property located at 4454 E. 40<sup>th</sup> 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 property is located at 4454 E. 40<sup>th</sup> Street, approximately .85 acres in size and currently developed with a commercial building on site. The property was annexed to the City of Yuma in August of 1999 and assigned with the Agriculture (AG) District zoning. The property is not serviced by City utilities, rather has a well and septic tank. The applicant does not intend to connect to City water or sewer with this application.

With this request the applicant is requesting to rezone the property from the Agriculture (AG) District to the Light Industrial (L-I) District, with the intent to allow the establishment of a heavy equipment contracting business.

The property is surrounded by Agriculture and Light Industrial zoning districts. In an effort to establish a heavy equipment contracting operation, the applicant is seeking to rezone the property. The proposed operation is an allowed use in the Light Industrial (L-I) District, and if successful with the rezone the applicant will be able to obtain a City of Yuma business license. The applicant’s request is in conformance with the Land Use Element of the General Plan for the City of Yuma.

**1. Does the proposed zoning district conform to the Land Use Element?** Yes

Land Use Element:							
Land Use Designation:	Light Industrial						
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
40 <sup>th</sup> Street- 2 lane minor arterial	40 FT H/W	50 FT H/W				X
Bicycle Facilities Master Plan	40 <sup>th</sup> Street- Proposed bike lane					
YCAT Transit System	Orange Route 2 – 32 <sup>nd</sup> Street @ Avenue 4E					
Issues:	None					

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

<b>Parks, Recreation and Open Space Element:</b>											
Parks and Recreation Facility Plan											
Neighborhood Park:	Existing: Ocotillo Park					Future: Ocotillo Park					
Community Park:	Existing: Kennedy Memorial Park Complex					Future: East Mesa Park					
Linear Park:	Existing: East Main Canal Linear Park					Future: East Main Canal Linear Park					
Issues:	None										
<b>Housing Element:</b>											
Special Need Household:	N/A										
Issues:	None										
<b>Redevelopment Element:</b>											
Planned Redevelopment Area:	None										
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X					
Conforms:	Yes		No		N/A						
<b>Conservation, Energy &amp; Environmental Element:</b>											
Impact on Air or Water Resources	Yes		No	X							
Renewable Energy Source	Yes		No	X							
Issues:	N/A										
<b>Public Services Element:</b>											
Population Impacts Population projection per 2018-2022 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	<b>Dwellings &amp; Type</b>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>				
	<i>Non-residential</i>										
	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				
Fire Facilities Plan:	Existing: Fire Station No. 5					Future: Fire Station No. 5					
Water Facility Plan:	Source:	City	Private	X	Connection:	10" line along S Avenue 4 ½ E					
Sewer Facility Plan:	Treatment:	City	Septic	X	Private	Connection: 18" line along S Avenue 4 ½ E					
Issues:	None										
<b>Safety Element:</b>											
Flood Plain Designation:	500 Year Flood Zone			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										

**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

**External Agency Comments:** See Attachment D

**Proposed conditions delivered to applicant on:** 10/28/2024

**Final staff report delivered to applicant on:** 11/14/2024

- 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 [kdcyuma@gmail.com](mailto:kdcyuma@gmail.com) on 10/28/2024 and followed up with a phone call, however, no reply from applicant. Left voicemail but applicant has not returned phone call.

**Attachments**

A	B	C	D	E	F
Conditions of Approval	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:** *Guillermo Moreno-nunez*      **Date:** 11/05/2024  
Guillermo Moreno-nunez  
Assistant Planner      (928) 373-5000, x3038  
Guillermo.Moreno-nunez@YumaAz.gov

**Reviewed By:** *Jennifer L. Albers*      **Date:** 11/5/24  
Jennifer L. Albers  
Assistant Director of Planning

**Approved By:** *Alyssa Linville*      **Date:** 11/13/24  
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.

**Development Engineering, Andrew McGarvie, Engineering Manager, (928) 373-5000 x3044**

3. Owner/Developer shall convert the existing 50 feet easement along 40<sup>th</sup> Street frontage, recorded in Docket 1949, Page 921 to fee title by warranty deed to the City of Yuma.

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

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  
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun 11/01/24
- 300' Vicinity Mailing: 10/07/24
- 34 Commenting/Reviewing Agencies noticed: 10/07/24
- Site Posted on: 10/22/24
- Neighborhood Meeting: N/A
- Hearing Date: 11/25/24
- Comments due: 10/21/24

<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	10/18/2024			X
Yuma County Engineering	NR				
Yuma County Public Works	Yes	10/10/2024	X		
Yuma County Water Users' Assoc.	Yes	10/16/2024	X		
Yuma County Planning & Zoning	Yes	10/10/2024	X		
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	10/15/2024	X		
Yuma Quechan Indian Tribe	Yes	10/10/2024	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>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/10/2024	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/16/2024			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C  
AGENCY COMMENTS**

COMMENT       NO COMMENT

*Enter comments below:*

The subject property is within the 70 dB noise contour. While land use and related structures for the intended business is compatible without restriction, measures to achieve NLR of 25 dB are recommended to be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

DATE: 10/18/24      NAME: Gen Grosse      TITLE: Property/Community Relations  
AGENCY: Yuma County Airport Authority, Inc.  
PHONE: 928-726-5882  
RETURN TO: Guillermo Moreno-nunez

Guillermo.Moreno-nunez@YumaAZ.gov

Condition(s)       No Condition(s)       Comment

**Enter conditions here:** The subject parcel (APN 697-58-005) is located within the 70-74dB noise contour. The following condition apply for any new construction or changes to existing structures: Measures to achieve noise level reduction (NLR) of 25dB must be 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. Most L-I uses are compatible with the recommended condition, if there are any specific uses please contact MCAS Yuma for a determination if needed. Thank you for the opportunity to review and comment.

DATE: 16 Oct 2024      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 D  
NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
CHA CHA LLC	PO BOX 6407	YUMA	AZ	85366
FRANKS MARY JUDYTHE	1003 E PALO VERDE ST	YUMA	AZ	85365
HUMANE SOCIETY OF YUMA INC AZ CORP	4050 S AVENUE 4 1/2 E	YUMA	AZ	85365
HUMANE SOCIETY OF YUMA INC AZ CORP	4050 S AVENUE 4 1/2 E	YUMA	AZ	85365
JACKSON PAULA C	4590 E 40TH ST	YUMA	AZ	85365
KECK CINDY D	11298 S SHADOW AVE	YUMA	AZ	85365
KECK CINDY D	11298 S SHADOW AVE	YUMA	AZ	85365
MARTINEZ INVESTMENT PROPERTIES LLC	3942 S AVE 4 1/2 E	YUMA	AZ	85365
MARTINEZ INVESTMENT PROPERTIES LLC	3942 S AVE 4 1/2 E	YUMA	AZ	85365
MCC AMIGOS LLC	4851 LBJ FRWY 10TH FLOOR	DALLAS	TX	75244
MCC AMIGOS LLC	4851 LBJ FRWY 10TH FLOOR	DALLAS	TX	75244
PERRICONE ARIZONA PROPERTIES LLC	PO BOX 21845	LOS ANGELES	CA	90021

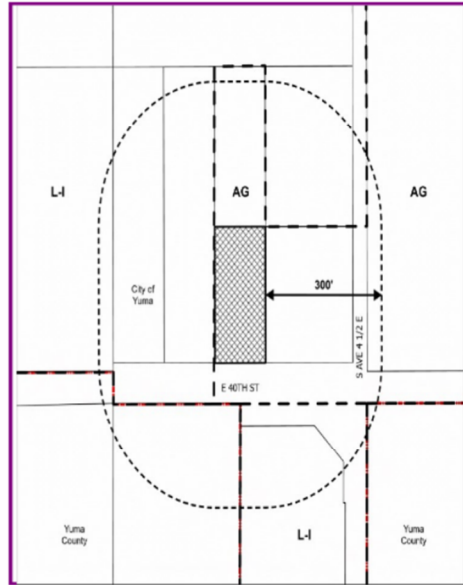


**ATTACHMENT E  
NEIGHBOR MAILING**

This is a request by Jim Kerley on behalf of Cindy Keck to rezone approximately .85 acres from the Agriculture (AG) District to the Light Industrial (L-I) District for property located at 4454 E. 40<sup>th</sup> Street, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-43204-2024**

**PUBLIC HEARING**  
11/25/2024 @ 4:30pm  
City Hall Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 4454 E. 40th Street, Yuma, AZ, you are invited to attend these meetings 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](mailto:Guillermo.Moreno-nunez@YumaAz.gov)

ATTACHMENT F  
AERIAL PHOTO

