

**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: BOB BLEVINS**

Hearing Date: March 25, 2024

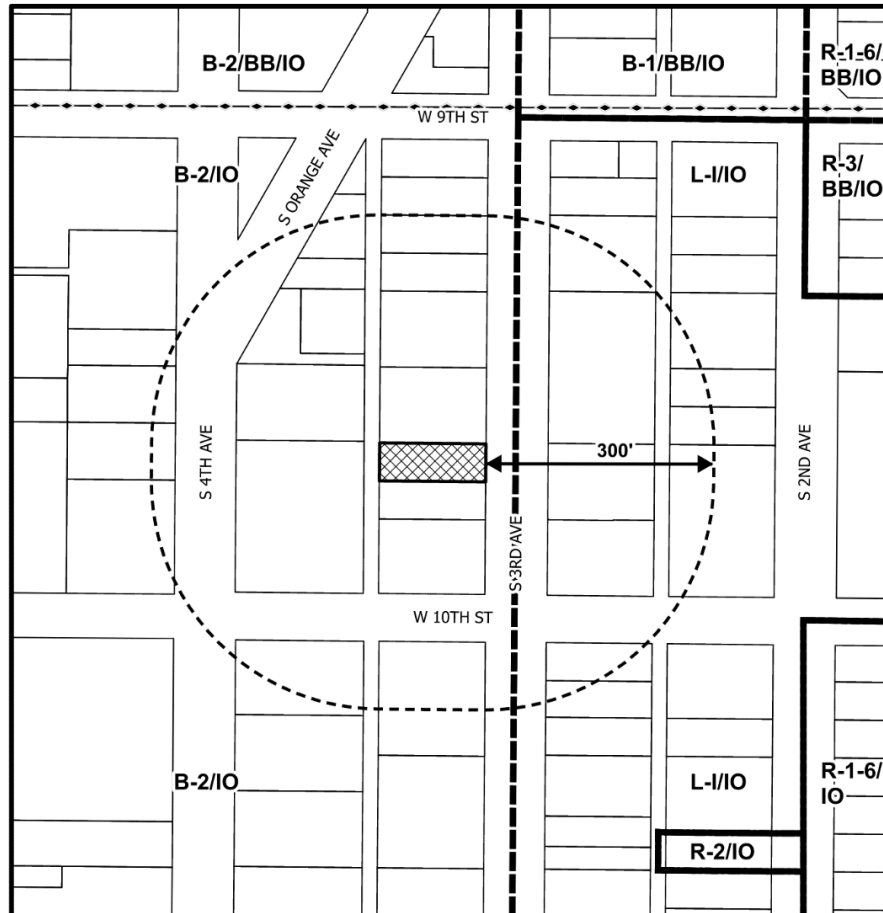
Case Number: ZONE-42266-2024

**Project Description/
Location:**

This is a request by Chris Morris, on behalf of Miguel Duran, to rezone an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District to allow for the construction of a new garage, for the property located at 958 S. 3rd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay (B-2/IO)	Residence	Commercial
North	General Commercial/Infill Overlay (B-2/IO)	Vacant	Mixed Use
South	General Commercial/Infill Overlay (B-2/IO)	Vacant	Commercial
East	Light Industrial/Infill Overlay (L-I/IO)	Offices/Storage	Commercial
West	General Commercial/Infill Overlay (B-2/IO)	Tire Shop	Commercial

Location Map



Prior site actions: Subdivision: Speese Addition (01/29/1925); Annexation: #449 (05/29/1946).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-42266-2024 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 the City Council for the request to rezone an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3rd Avenue, Yuma, AZ, 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 applicant is proposing a new residential garage in front of the existing home. The addition of a garage is an expansion of a non-conforming use. B-2 zoning does allow non-conforming uses to continue, but not to expand.

Transitional (TR) zoning does allow single-family homes and their accessory buildings such as a new detached garage.

Zoning & General Plan:

Further specified in §154-08.01, the following are some of the development standards required of a development with the Transitional (TR) District:

1. The minimum lot size is 9,000 sq. ft.;
2. The maximum lot coverage shall not exceed 50% of the lot area;
3. A minimum front yard setback of 20 feet for all buildings, including accessory structures;
4. A minimum side yard setback of 5 feet*;
5. A minimum rear yard setback of 10 feet*; and
6. A maximum building height of 40 feet.

*Infill Overlay Incentive.

The request to rezone the property from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District is in conformance with the Commercial Land Use Category in the General Plan.

The lot was split prior to 1965 and the home was built in 1940. The lot is approximately 7,000 sq. ft. in size. Since the parcel is less than the minimum lot size in the TR district, a site plan (a specific plan of development) is included in this report to satisfy the following:

Section 154-15.02(C)(2): Applications which do not meet the minimum lot size as defined under the development standards for that zoning district may be considered for rezoning only if a specific plan of development is submitted at the time of the rezoning request which complies with all other development standards without the necessity of a variance.

It should be noted that the purpose of the site plan is to show the location of the future garage on this property and it can be accommodated without a variance.

Neighborhood Meeting:

Thirty neighboring property owners were notified by U.S. Mail and invited to the upcoming public hearings and neighborhood meeting, which was held at the property on February 14, 2024. One neighbor attended. He was concerned were about the use of the new garage. A synopsis of the meeting is included in Attachment F of this report.

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

Yes.

Land Use Element:									
Land Use Designation:				Commercial					
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
3 rd Avenue- Local Commercial/Industrial Street	29 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	3 rd Avenue – Bike Lane					
YCAT Transit System	4 th Avenue- Yellow Route					
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: Clymer Park (Pocket Park)				Future: None	
Community Park:	Existing: Riverfront Regional Park				Future: None	
Linear Park:	Existing: Colorado River Levee Linear Park				Future: None	
Issues:	None					
Housing Element:						
Special Need Household:	N/A					
Issues:	None					
Redevelopment Element:						
Planned Redevelopment Area:	N/A					
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:							
<u>Population Impacts</u> 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	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	10	2.7	27	0.05	5,589	6.3	1,890
Minimum							
	5	2.7	14	0.03	2,795	3.1	945
Fire Facilities Plan:	Existing: Fire Station #1			Future: None			
Water Facility Plan:	Source:	City	X	Private	Connection:	4" line on 3 rd Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line in 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	X	Pacific Ave & 8 th St	Estancia	None		
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

Name:	Jorge Holland			Contact Information:	jh333@aol.com		
Method of Contact:	Phone	FAX	Email	X	Letter	Other	
"What does the proposed change allow the owner to do? What are the new setbacks? I have no objections to this change."							

External Agency Comments:

None Received.

Neighborhood Meeting Comments:

See Attachment D.

Proposed conditions delivered to applicant on:

03/08/2024

Final staff report delivered to applicant on:

03/11/2024

- Applicant agreed with all of the conditions of approval on: (03/12/2024)
- Applicant did not agree with the following conditions of approval: (list #'s)

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Agency Notifications	Specific Plan of Development	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Mailing	Aerial Photo

Prepared By: *Robert M. Blevins* **Date:** 03/07/24
 Robert M. Blevins
 Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By: *Jennifer L. Albers* **Date:** 3/7/24
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 03/18/2024
 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, Bob Blevins, Principal Planner (928) 373-5189:

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.

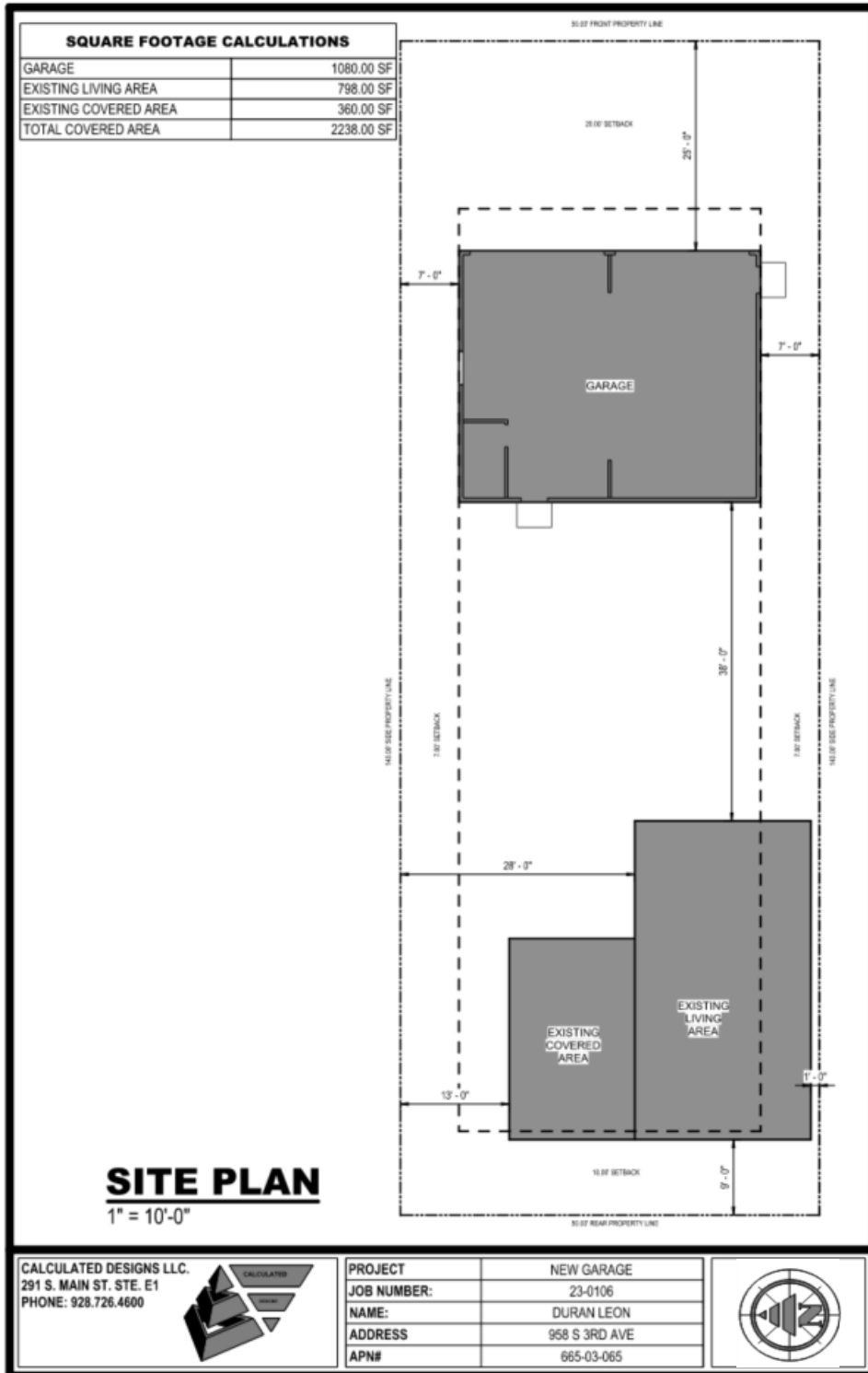
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 03/01/24
- **300' Vicinity Mailing:** 02/05/24
- **34 Commenting/Reviewing Agencies noticed:** 02/08/24
- **Site Posted on:** 02/07/24
- **Neighborhood Meeting:** 02/14/24
- **Hearing Date:** 03/25/24
- **Comments due:** 02/19/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	02/08/24	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	02/08/24	X		
Yuma County Planning & Zoning	YES	02/08/24	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	02/08/24	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	02/12/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	02/20/24	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C SPECIFIC PLAN OF DEVELOPMENT



ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: 02/14/24

Location: 958 S. 3rd Avenue

Attendees: City Staff: Bob Blevins, Community Planning; One neighbor in attendance.

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

- **SUSPICIOUS- IS IT A COMMERCIAL BUILDING?**
- **IS IT A WELDER? A WELDING SHOP?**
- **IS IT AN INDUSTRIAL USE?**
- **WE WERE FORCED TO COMPLY & STAY WITHIN CITY RULES.**
- **HE SHOULD KNOW THE RULES.**
- **IF THIS IS TO SKIRT FIRE SPRINKLERS- I AM NOT IN FAVOR.**
- **WE HAVE HAD FIRES.**

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code
940 SECOND LLC	221 S SECOND AVE	YUMA AZ 85364
ANDERSON SHELLEY W	1000 S 5TH AVE	YUMA AZ 85364
ARIZONA AUTO CLINIC INC	1001 S 4TH AVE	YUMA AZ 85364
BORDER PROPERTIES & INVESTMENTS LLC	290 W 10TH ST	YUMA AZ 85364
BRICK VICKIE M	2100 W COUNTRY LN	YUMA AZ 85365
CLABORN MICHELLE R TRUST 6-1-2016	340 W 32ND ST #447	YUMA AZ 85364
DURAN VALDEZ TRUST 10-12-2021	958 S 3RD AVE	YUMA AZ 85364
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY AL 36350
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY AL 36350
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY AL 36350
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA AZ 85364
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA AZ 85364
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA AZ 85364
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA AZ 85364
GALBREATH JOHN R III TRUST 04-15-97	920 S 3RD AVE	YUMA AZ 85364
GONZALEZ MARIO	2854 HOPE ST	HUNTINGTON PARK CA 90225
HOLLAND JORGE	PO BOX 2767	YUMA AZ 85366
HOLLAND JORGE	PO BOX 2767	YUMA AZ 85366
INGLE JOSEPH & SOLEDAD M JT	950 S 4TH AVE	YUMA AZ 85364
KJM HOLDINGS	802 W 34TH ST	YUMA AZ 85365
LEON MIGUEL DURAN	PO BOX 12798	SAN LUIS AZ 85349
LIVING LEGACY INSTITUTE INC	5727 W CIELO GRANDE	GLENDALE AZ 85310
MEJIA EDWARD L & WILLIAM L	108 W 23RD PL	YUMA AZ 85364
PHILLIPS ESTHER GIL	912 S 3RD AVE	YUMA AZ 85364
RODRIGUEZ FRANK & JESSICA JT	14686 S AVE 4 1/2E	YUMA AZ 85365
RODRIGUEZ ROBERT S & GLORIA A JT	960 S 2ND AVE	YUMA AZ 85364
SOTO PEDRO ZAWLO RUBEN	948 S 4TH AVE	YUMA AZ 85364
SOTO RODOLFO	948 S 4TH AVE	YUMA AZ 85364
VALENZUELA CIRILO C & RITA F JT	1150 S 8TH AVE	YUMA AZ 85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA AZ 85364

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Chris Morris, on behalf of Miguel Duran, to rezone an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3rd Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION**

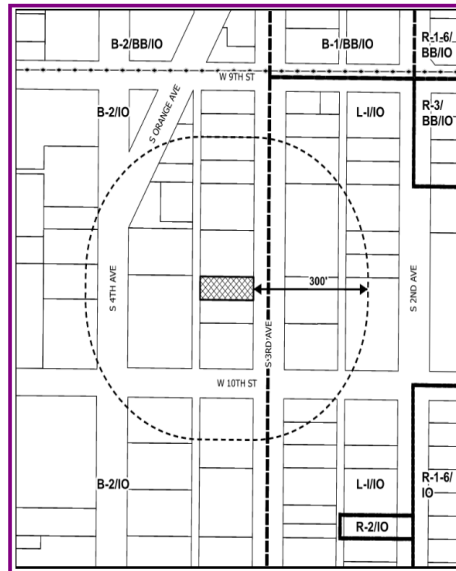
FOR CASE #
ZONE-42266-2024

NEIGHBORHOOD MEETING

02/14/2024 @ 5:00 PM
ON-SITE

PUBLIC HEARING

03/25/2024 @ 4:30 PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 958 S. 3rd Avenue, 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 Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

**ATTACHMENT G
AERIAL PHOTO**

