



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

Hearing Date: December 11, 2017

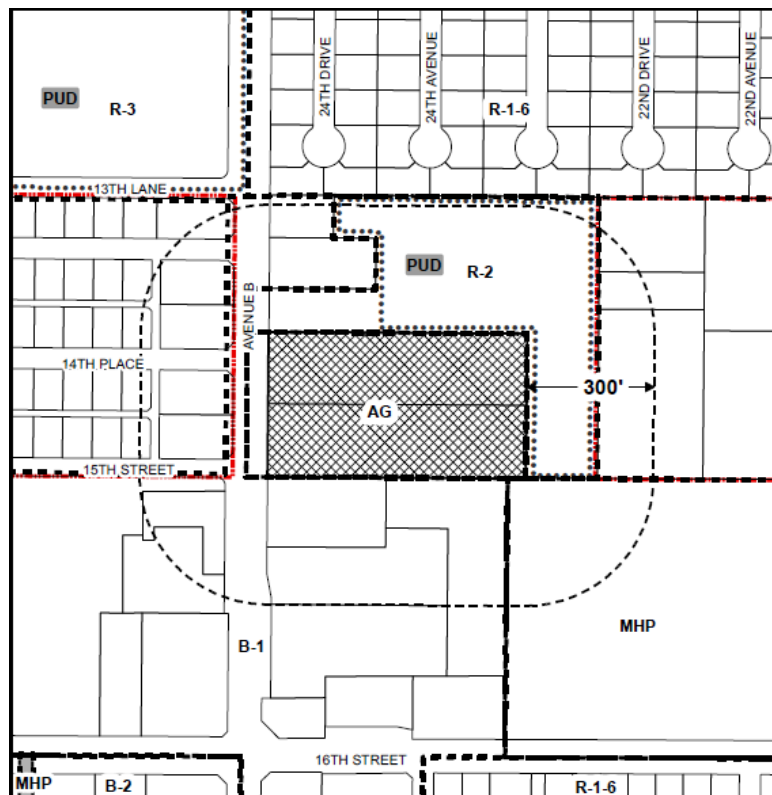
Case Number: ZONE-19909-2017

Project Description/Location:

This is a request by Dahl, Robins, & Associates, on behalf of Ghiotto Family Properties AZ, LLC, to rezone two parcels containing 4.8 acres from the Agriculture (AG) Zoning District to the High Density Residential (R-3) District. The properties are located approximately 625 feet north of the northeast corner of 16th Street and Avenue B.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Vacant	High Density Residential
North	Medium Density Residential (R-2 / PUD)	Negrete's Tire Shop, Vacant	Mixed Use
South	Limited Commercial (B-1)	Burger King, Vacant	Commercial
East	Medium Density Residential (R-2 / PUD)	Vacant	Medium Density Residential
West	Limited Commercial (B-1)	Westwoods Furniture, Dentist	Medium Density Residential

Location Map



Prior site actions: Annexation: ANNEX-16663-2017 (June 21, 2017); General Plan Amendment: GP-17082-2017 (August 2, 2017)

Staff recommendation: Staff recommends **APPROVAL** of the request to rezone the properties located approximately 625 feet north of the northeast corner of 16th Street and Avenue B, from Agriculture (AG) to High Density Residential (R-3), subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** the rezoning of the subject properties, located approximately 625 feet north of the northeast corner of 16th Street and Avenue B, from Agriculture (AG) to High Density Residential (R-3), subject to the conditions outlined in Attachment A, because the application is in conformance with the General Plan.

Staff Analysis: The subject properties are 4.8 acres in area and are located north of the northeast corner of S. Avenue B and W. 15th Street. The properties were annexed into the City of Yuma earlier this year on September, 2017. They are zoned Agriculture (AG) and currently vacant. A General Plan Amendment was adopted on August 2, 2017, which designated these properties for High Density Residential uses.

Dahl, Robins, & Associates, on behalf of Ghiotto Family Properties AZ, LLC, have requested a rezone of the properties to the High Density Residential (R-3) District. This would allow for development of the property in accordance with the General Plan Amendment. According to the agent, there is no immediate plan for development, the rezone is merely to make development possible.

A neighborhood meeting was held on November 8, 2017. One neighbor, Mary Yashkus (1409 S. Avenue B), was in attendance and did not oppose the rezone request. Lower attendance for this meeting, as opposed to the neighborhood meeting for the General Plan Amendment (Case No. GP-17082-2017), likely came as a result of the smaller notification radius required for a Rezone (300 feet) versus a General Plan Amendment (660 feet) per state statute. Concerns from the neighborhood meeting for the General Plan Amendment included increasing traffic on Avenue B and the potential impacts to surrounding neighborhoods due to an increase in population and development.

The General Plan Land Use Element calls for these properties to be used for High Density Residential Development. Rezoning them to the High Density Residential Zone would be consistent with the General Plan. The Transportation Master Plan accounts for Avenue B, which is classified as a minor arterial, to support heavy traffic. The Yuma Metropolitan Planning Organization (YMPO) conducts traffic counts, which serve as crucial information on which to base travel forecasting and a suitable level of service. Even if the subject properties were to be built out to their maximum density, the present Avenue B level of service would remain appropriate despite the increase in traffic demand. The City's Engineering Department has conditioned the approval of this Rezone request with a median disclosure, which would reduce traffic congestion by limiting left turns to and from the properties. As the General Plan and Transportation Master Plan serve to address the concerns about an increase in population and traffic, Staff is recommending approval of the request.

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

Yes. The Land Use Element calls for high density residential development, which aligns with the High Density Residential Zoning District proposed.

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

Yes.

Transportation Element	Planned	Existing	Difference	Requested
Avenue B – Major Arterial	50 FT H/W ROW	50 FT H/W ROW	0 FT	0 FT
Median Covenant	Yes			

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 None Received

Comments:

Neighborhood Meeting See Attachment B

Comments:

Proposed conditions delivered to applicant on: November 16, 2017

Final staff report delivered to applicant on: November 23, 2017

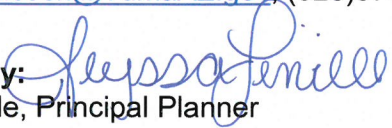
☒	Applicant agreed with all of the conditions of approval on: November 16, 2017
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

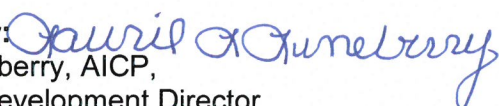
A	B	C	D	E
Conditions of Approval	Neighborhood Meeting Comments	Site Photo	Aerial Photo	Staff Research

Project Planner: 
Aubrey Trebilcock, Associate Planner
Aubrey.Trebilcock@YumaAZ.gov, (928)373-5000, x 3040

Date: 11/30/17

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 11/30/17

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 11.30.17

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 within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
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, Andrew McGarvie, Engineering Manager, (928) 373-5000 x3044

4. The Owner shall record a raised median disclosure acknowledging that a median will be construct in Avenue B frontage creating access restrictions to the property.
5. The Owner shall record a 1' non-access easement along the property frontage at the time of development, except for driveways that meet City of Yuma construction standards.

Community Planning, Aubrey Trebilcock, Associate Planner, (928) 373-5000 x3040

6. With the exception of Condition 2, 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 or 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
NEIGHBORHOOD MEETING COMMENTS

Date Held: (11/13/17)

Location: 1451 S. Avenue B

Attendees: **City Staff:** Aubrey Trebilcock, Associate Planner; **Agents:** Kevin Dahl and Adrian Vega, Dahl Robins & Associates **Public (1):** Mary Yashkus, 1409 S. Avenue B

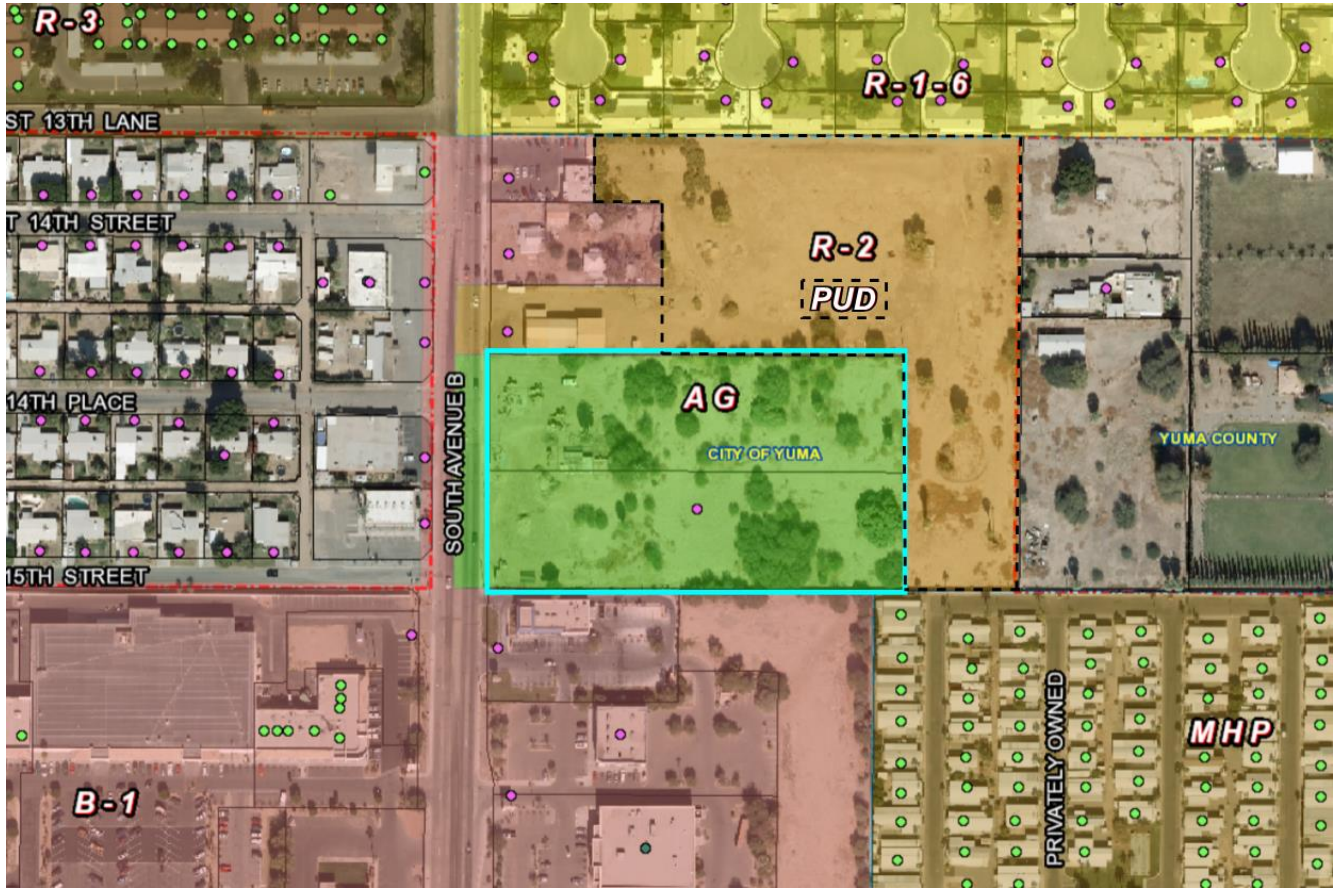
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- Mary Yashkus asked what the objective of the rezone was
 - Kevin Dahl responded, saying that there were no firm plans for the property, but the rezone was needed to develop in the future
 - Ms. Yashkus is not opposed to the request, but is weighing her options on how to best utilize her property, which is directly to the west of the subject parcels

ATTACHMENT C
SITE PHOTO

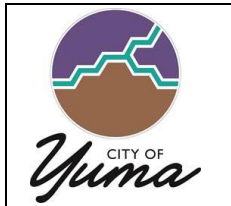


ATTACHMENT D
AERIAL PHOTO



N↑

ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-19909-2017
CASE PLANNER: AUBREY TREBILCOCK

I. PROJECT DATA

Project Location:				Northeast corner of S. Avenue B and W. 15 th Street																	
Parcel Number(s):				Parcel A: 664-29-095; Parcel B: 664-29-096																	
Parcel Size(s):				Parcel A: 2.4 acres, Parcel B: 2.4 acres																	
Total Acreage:				4.8 acres																	
Proposed Dwelling Units:				Maximum:		86.4		Minimum:		62.4											
Address:				1451 S. Avenue B																	
Applicant:				Ghiotto Family Properties AZ, LLC																	
Applicant's Agent:				Dahl, Robins, and Associates																	
Land Use Conformity Matrix:				Conforms:		Yes	X	No													
Zoning Overlay:		Public		AO		Auto		B&B			Historic			None	X	Airport					
	Noise Contours		65-70			70-75			75+			APZ1			APZ2			Clear Zone			

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Prior Cases or Related Actions:												
Type	Conforms					Cases, Actions or Agreements						
Pre-Annexation Agreement	Yes		No		N/A							
Annexation	Yes	X	No		ANNEX-16663-2017							
General Plan Amendment	Yes	X	No		GP-17082-2017							
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-16798-2017							
Design Review Commission	Yes		No		N/A							
Enforcement Actions	Yes		No		N/A							
Avigation Easement Recorded	Yes		No	X	Fee #							
Land Division Status:			Legal Lots of Record									
Irrigation District:			YCWUA									
Adjacent Irrigation Canals & Drains:			East Main Canal									
Water Conversion: (5.83 ac ft/acre)			27.98 Acre Feet a Year									
Water Conversion Agreement Required			Yes	X	No							

II. CITY OF YUMA GENERAL PLAN

Land Use Element:																																										
Land Use Designation:			High Density Residential																																							
Noise Contour:			N/A		Overlay/Specific Area:			N/A																																		
Issues:			None																																							
Historic District:		Brinley Avenue				Century Heights				Main Street																																
Historic Buildings on Site:		Yes				No		X																																		
Transportation Element:																																										
<u>FACILITY PLANS</u>																																										
Transportation Master Plan			Planned					Existing																																		
Avenue B – Minor Arterial			50 FT H/W ROW					50 FT H/W ROW																																		
Median Covenant			Yes																																							
Gateway Route				Scenic Route				Hazardous Cargo Route				Truck Route																														
												X																														
Bicycle Facilities Master Plan			None																																							
YCAT Transit System			Green Route																																							
Issues:			None																																							
Parks, Recreation and Open Space Element:																																										
Parks and Recreation Facility Plan																																										
Neighborhood Park:		Existing: Kiwanis Park					Future: Kiwanis Park																																			
Community Park:		Existing: Yuma Valley Park					Future: Yuma Valley 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:			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 Projected Population per Census 2010: 2.9 persons per unit 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			<table border="1"> <thead> <tr> <th>Dwelling Units</th> <th>Projected Population</th> <th>Police Impact</th> <th colspan="2">Water Consumption</th> <th>Wastewater Generation</th> </tr> <tr> <th>Maximum</th> <th></th> <th>Officers</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>86.4</td> <td>251</td> <td>0.47</td> <td>75,168</td> <td>84.2</td> <td>25,056</td> </tr> <tr> <th>Minimum</th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> <tr> <td>62.4</td> <td>181</td> <td>0.34</td> <td>54,288</td> <td>60.8</td> <td>18,096</td> </tr> </tbody> </table>										Dwelling Units	Projected Population	Police Impact	Water Consumption		Wastewater Generation	Maximum		Officers	GPD	AF	GPD	86.4	251	0.47	75,168	84.2	25,056	Minimum						62.4	181	0.34	54,288	60.8	18,096
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62.4	181	0.34	54,288	60.8	18,096																																					
Fire Facilities Plan:			Existing: Fire Station No. 4					Future: Fire Station No. 4																																		
Water Facility Plan:			Source:		City		X		Private		Connection:																															
Sewer Facility Plan:			Treatment:		City		X		Septic		Private		Connection:																													
Issues:			None																																							

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.		
	North End		Pacific Ave & 8 th St			Estancia		None	X
Issues:	None								

NOTIFICATION

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

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/30/17	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	NR				
Yuma County Planning & Zoning	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.	Yes	10/30/17	X		
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 Company	NR				
Western Area Power Administration	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 Holiman, Fire	Yes	10/26/17	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/31/17	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NOVEMBER 8, 2017 @ 5 P.M.	N/A
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
December 11, 2017	In Person

PUBLIC COMMENTS RECEIVED: NONE RECEIVED