

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

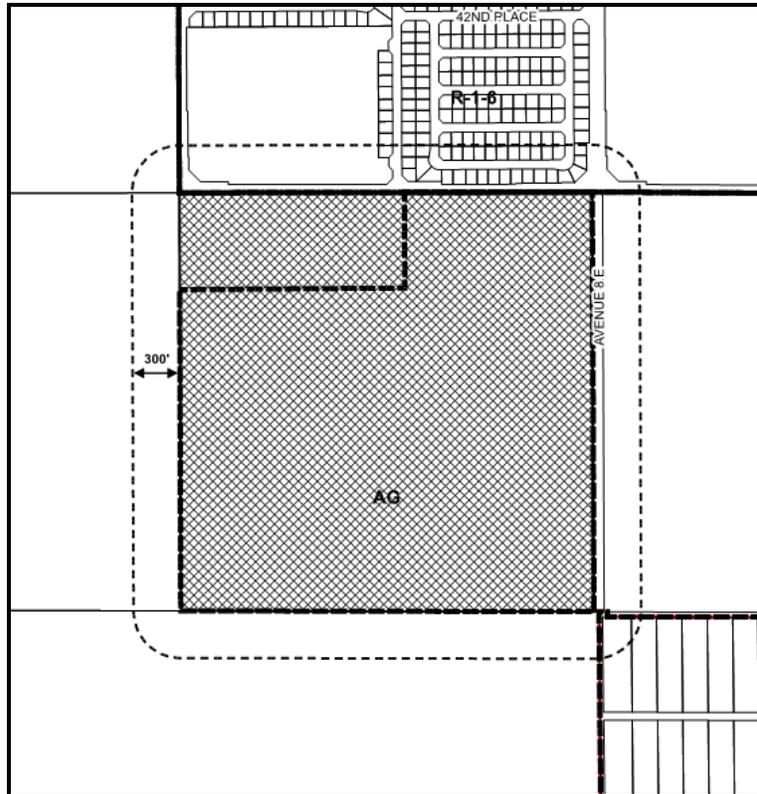
Hearing Date: December 9, 2019

Case Number: ZONE-27899-2019

Project Description/Location: This is a request by Dahl, Robins, and Associates, on behalf of Yucca Land Company, LLC, to rezone approximately 19.3 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, for the property located at the southeast corner of Avenue 7 ½ E and 44th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Low Density Residential/Commercial
North	Low Density Residential (R-1-6)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
West	Agriculture (AG)	Undeveloped	Low Density Residential/Commercial

Location Map



Prior site actions: Annexation – Ord O9781 (January 2, 1998); General Plan Amendment – Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential); Res. R2019-025 (August 16, 2019; Commercial to Low Density Residential); Rezone – ZONE-24256-2018 (April 5, 2019; AG to R-1-5); Subdivision – SUBD-25166-2019 Desert Sands Preliminary Plat (April 22, 2019); SUBD-26025-2019 Desert Sands Final Plat (August 17, 2019);

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-27899-2019 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 19.3 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, for the property located at the southeast corner of Avenue 7 ½ E and 44th Street, 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 subject property is located at the southwest corner of E. 44th Street and S. Avenue 8E, south of the Saguaro Unit No. 3 Subdivision. In its entirety, the subject parcel is approximately 160 acres. However, the requested rezone only relates to 19.3 acres as indicated. With this request, the applicant is seeking to rezone the subject area to the Medium Density Residential (R-2) and Medium Density Single-Family Residential (R-2-5) Districts with the intent of subdividing the property into Desert Sands Unit No. 2 Subdivision and a multi-family complex.

Some permitted principal uses in the Medium Density Residential (R-2) District are as follows: One single family dwelling, one two-family dwelling, small lot single family subdivisions, multi-family dwellings with a maximum density of 12 dwelling units per acre, schools, daycares, residential care facilities, rooming and boarding houses, and community gardens.

Some permitted principal uses in the Medium Density Single-Family Residential (R-2-5) District are as follows: single family subdivision with density requirements of 5 to 12.9 dwelling units per acre, parks, daycares, community gardens, and small rooming and boarding houses.

A neighborhood meeting was held at the subject property on November 5, 2019; the meeting was not attended by any neighboring residents.

The applicant is in disagreement with Conditions 4 – 10, based on a previous rezone for the majority of the existing parcel. The applicant has stated, *“We rezoned 140 acres previously without any of the requested conditions, this is the balance of the 160 acres of the Desert Sands development and we would like to have the same consideration and a non-conditional zoning.”*

The request to rezone the property from the Agriculture (AG) District to the

Medium Density Residential (R-2) and Medium Density Single-Family Residential (R-2-5) Districts is in conformance with the General Plan.

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
E. 44 th Street – Local Street	40 FT H/W ROW	40 FT H/W ROW	11 FT	0 FT
S. Avenue 7 ½ E – Local Street	40 FT H/W ROW	0 FT H/W ROW	-40 FT	40 FT
E. 48 th Street – Minor Arterial	50 FT H/W ROW	0 FT H/W ROW	-50 FT	50 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: November 7, 2019

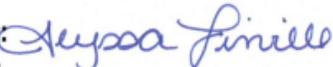
Final staff report delivered to applicant on: December 2, 2019

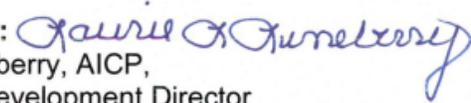
- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval: Conditions # 4 – 10.
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting response.

Attachments

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

Prepared By:  **Date:** 12/2/19
 Richard Munguia,
 Senior Planner
 Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

Approved By:  **Date:** 12.02.19
 Alyssa Linville,
 Assistant Director Community Development

Approved By:  **Date:** 12.2.19
 Laurie L. Lineberry, AICP,
 Community Development Director

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 prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement and Range Disclosure Statement 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 Conditions: Agustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7 ½ E, Avenue 8E, and 44th St, as required for collector streets as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
5. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 50 feet half-width right-of-way along 48th Street, as required for a minor arterial street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
6. Owner/developer shall dedicate to the City of Yuma, via plat, all required corner visibility triangles in all major and local street intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. Owner/developer shall dedicate to the City of Yuma, via plat, a one-foot non-access easement to the City of Yuma along all collector and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
8. Owner/developer shall dedicate to the City of Yuma, via plat, additional right-of-way for turn lanes as required for collector streets and minor arterial streets as specified in City of Yuma Construction Standard 2-050.
9. Owner/developer shall design and construct bicycle lanes on the collector and arterial streets within the development, similar to City of Yuma Construction Standard 2-020, with signage consistent with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).
10. Per ADOT Southwest District, owner/develop shall perform a Traffic Impact Analysis (TIA) assessing the potential impacts on the intersection of State Route 195 and County 14th Street

from the proposed new development. In addition, direct access to SR 195 from the development will not be permitted.

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

11. 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 ADOT Southwest District is requesting a Traffic Impact Analysis (TIA) be completed for the proposed development. This development with the inclusion of the the adjacent development (ZONE-27555-2019) will generate up to 6,000 homes within the area. We would expect traffic to split travel north to 32nd Street or south and west to SR 195 via County 14th Street. The TIA would allow us to assess the potential impacts these new developments would have on the intersection of SR 195 and County 14th Street. No direct access to SR 195 from the development would be permitted as this is a controlled-access highway.

DATE: 10/28/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159
RETURN TO: Richard Munguia
 Richard.Munguia@YumaAZ.gov

**ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS**

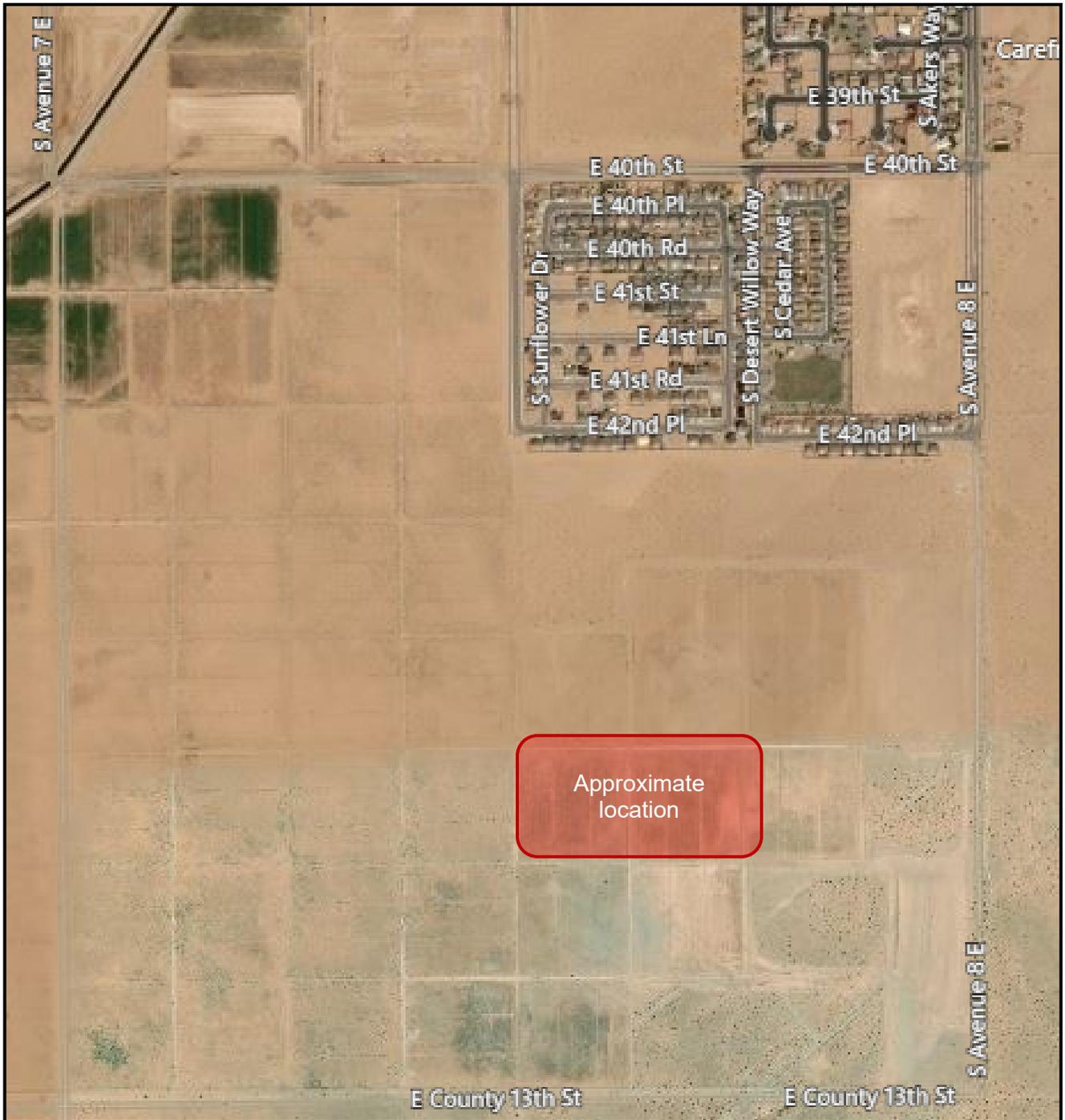
Date Held: November 5, 2019

Location: Onsite

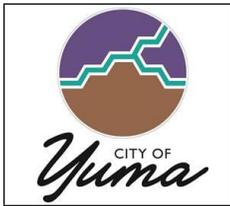
Attendees: Richard Munguia, Senior Planner; Adrian Vega, Agent.

There were no attendees at the neighborhood meeting

ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-27899-2019
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

Project Location:	Located at the southeast corner of Avenue 7 ½ E and 44 th Street												
Parcel Number(s):	A portion of 197-15-003												
Parcel Size(s):	160 acres												
Total Acreage:	19.3 acres	portion											
Proposed Dwelling Units:	149												
Address:	N/A												
Applicant:	Yucca Land Company AZ, LLC												
Applicant's Agent:	Dahl, Robins & Associates, Inc.												
Land Use Conformity Matrix:	Conforms:	Yes	X	No									
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X					
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone					
	Existing Zoning			Use(s) on-site			General Plan Designation						
Site	Agriculture (AG)			Undeveloped			Low Density Residential/Commercial						
North	Low Density Residential (R-1-6)			Future Single-Family Subdivision			Low Density Residential						
South	Agriculture (AG)			Undeveloped			Rural Density Residential						
East	Low Density Single-Family Residential (R-1-5)			Future Single-Family Subdivision			Low Density Residential						
West	Agriculture (AG)			Undeveloped			Low Density Residential/Commercial						
Prior Cases or Related Actions:													
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>									
Pre-Annexation Agreement	Yes		No	N/A									
Annexation	Yes	X	No	Ord. O97-81 (January 2, 1998)									
General Plan Amendment	Yes	X	No	Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential); Res. R2019-025 (August 16, 2019; Commercial to Low Density Residential)									
Development Agreement	Yes		No	N/A									
Rezone	Yes	X	No	ZONE-24256-2018 (April 5, 2019; AG to R-1-5)									
Subdivision	Yes	X	No	SUBD-25166-2019 Desert Sands Preliminary Plat (April 22, 2019); SUBD-26025-2019 Desert Sands Final Plat (August 17, 2019)									
Conditional Use Permit	Yes		No	N/A									
Pre-Development Meeting	Yes	X	No	November 13, 2018									
Design Review Commission	Yes		No	N/A									
Enforcement Actions	Yes		No	N/A									
Avigation Easement Recorded	Yes	X	No	Fee #	2019-12990								
Land Division Status:	Legal lot of record												
Irrigation District:	Yuma Mesa Irrigation and Drainage District (YMIDD)												
Adjacent Irrigation Canals & Drains:	"A" Canal												

Water Conversion: (5.83 ac ft/acre)	112.52 Acre Feet a Year		
Water Conversion Agreement Required	Yes	No	X

II. CITY OF YUMA GENERAL PLAN

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				

Transportation Element:

FACILITY PLANS							
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck	
E. 44 th Street – Local Street	29 FT H/W ROW	40 FT H/W ROW					
S. Avenue 7 ½ E – Local Street	29 FT H/W ROW	0 FT H/W ROW					
E. 48 th Street – Minor Arterial	50 FT H/W ROW	0 FT H/W ROW					
Bicycle Facilities Master Plan	E. 48 th Street and S. Avenue 8E: Proposed Bike Lanes						
YCAT Transit System	N/A						
Issues:	None						

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Saguaro Park	Future: Saguaro Park
Community Park:	Existing: None	Future: South Mesa Community Park
Linear Park:	Existing: None	Future: A Canal Linear Park
Issues:	Minimal access to nearby facilities.	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	None						
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 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 Population	Police Impact Officers	Water Consumption		Wastewater Generation GPD
	<i>Single Family</i>				GPD	AF	
	Maximum	Per Unit					
	10	2.8	28	0.05	8,400	9.4	2,800
	Minimum						
5	2.8	14	0.03	4,200	4.7	1,400	

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 Population	Police Impact Officers	Water Consumption		Wastewater Generation GPD
	<i>Multi-Family</i>				GPD	AF	
	Maximum	Per Unit					
	10	1.7	17	0.03	5,100	5.7	1,700
	Minimum						
5	1.7	9	0.02	2,550	2.9	850	

Fire Facilities Plan:	Existing: Fire Station No. 5	Future: Fire Station No. 7
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: 18" PVC
Issues:	Water and sewer lines will need to be extended to provide services for the future development.	

Safety Element:

Flood Plain Designation:	Flood Zone 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
Issues:	None		

NOTIFICATION

- Legal Ad Published: The Sun (11/15/19)
- 300' Vicinity Mailing: (10/21/19)
- 34 Commenting/Reviewing Agencies noticed: (10/24/19)

- Neighborhood Meeting: (11/05/19)
- Hearing Dates: (12/09/19)
- Comments Due: (11/04/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		10/25/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Assessor		10/28/19	X		
Yuma County Water Users' Assoc.		10/25/19	X		
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.		10/28/19		X	X
Yuma Irrigation District		10/31/19	X		
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.	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		10/25/19	X		
Randy Crist, Building Safety	NR				
City Engineer	10/30/19			X	
Traffic Engineer	NR				
MCAS / C P & L Office		11/1/19		X	
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
November 5, 2019, 5pm, Onsite	See Staff Report Attachment (or N/A)
Prop. 207 Waiver	
Given to Applicant on November 5, 2019, in person.	

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 this request and offer the following comments: The subject parcel 197-15- 006/007(paperwork states 197-15-003) is located 1 mile from the Northern boundary of the BMGR-W and as such is subject to aviation traffic in and out of the Range and Special Use Airspace. It is requested that a Range Disclosure Statement and Avigation easement be recorded that recognizes 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. These easements shall be extended as each lot is sold to the individual owners. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE:	1 Nov 2019	NAME:	Mary Ellen Finch	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Richard Munguia				
	Richard.Munguia@YumaAZ.gov				