



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

September 19, 2018

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- ☐ Motion
☒ Resolution
☐ Ordinance - Introduction
☐ Ordinance - Adoption
☒ Public Hearing

TITLE:

General Plan Amendment: 1421 S. Avenue B

SUMMARY RECOMMENDATION:

Deny the request to amend the City of Yuma General Plan to change the land use designation from Medium Density Residential to High Density Residential, for property located at 1421 S. Avenue B. The applicant is South Avenue B L.L.C. (GP-19696-2017).

REPORT:

CLERK NOTE: *This General Plan Amendment was continued by motion of the City Council, per the applicants' request, at the April 4, 2018 and the July 18, 2018 Regular City Council Meetings.*

PLANNING AND ZONING COMMISSION'S RECOMMENDATION:

On March 12th, 2018, the Planning and Zoning Commission voted to recommend DENIAL (5-0, with two vacancies) of the General Plan amendment request to change the land use designation from Medium Density Residential to High Density Residential. As required by state statute, the City of Yuma Planning and Zoning Commission held an earlier public hearing on this item on January 22nd, 2018, in order to take additional public comment.

Although the Planning and Zoning Commission recommended denial, a Resolution has been included and put on file with the City Clerk's Office to allow the City Council the option to consider the request.

PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (3/12/18):**QUESTIONS FOR STAFF**

“Chris Hamel, Chairman – Planning and Zoning Commission noted the Commission received a letter from the City Administrator.

“Tyrone Jones– Planning and Zoning Commissioner asked if staff added the notes to the staff analysis. **Jennifer Albers – Principal Planner** said yes and explained the staff analysis had additional information from the previous staff report.

“Jones said the letter from the City Administrator reaffirmed his thoughts on this proposal. He added comments from the neighboring property owners should be considered. **Jones** stated he would be voting against this proposal because the request has not been clearly identified.

APPLICANT / APPLICANT’S REPRESENTATIVE

“Barry Olsen, 101 E. 2nd Street, Yuma, AZ 85364, stated the Commission approved High Density Residential for the property to the south and this property deserved the same rights. **Olsen** said this request was submitted after the rezone request for the property to the south was approved and added that denying this request would not be consistent. **Olsen** said Medium Density Residential would allow the development of townhomes and that project was not successful. **Olsen** commented he was not familiar with a Commission Member expressing he would be voting against a request before the applicant has been asked to speak.

“Jones commented that he did not do all the necessary research when the High Density Residential request for property to the south was presented to the Commission. **Jones** said he has done all the necessary research with this request and added the City Administrator expressed the same concerns he had. **Olsen** said the biggest concern with this proposal was traffic and Council Member Knight requested YMPO to provide additional details on existing traffic patterns on Avenue B. **Olsen** added that based on the statistics provided by YMPO, development on this property would not have a significant bearing on traffic generation. He commented the developer could not be restricted because of traffic concerns. **Jones** stated there were more than traffic issues with this proposal.

“Jones asked if the applicant has read the letter the Commission received from the City Administrator. **Olsen** said no. **Jones** read from the letter “Some of the opposition issues carry more weight than others, but the impact of traffic and the logistics of accommodating the highest density would be the one most concerning to City Administration” and said he was in agreement with the comment. **Olsen** said he has not had the opportunity to review the letter and speak to his client. He expressed his concern with the letter and added he was not familiar with the City Administrator ever writing a letter to the Planning and Zoning Commission before.

“Fred Dammeyer – Planning and Zoning Commissioner asked if the developing properties were related. **Olsen** said no and added that the only common connection was that he represented both properties.

PUBLIC COMMENT

“Steve Shadle, 833 E. Plaza Circle, Yuma, AZ 85364, commented the traffic study provided by YMPO was not reliable because it was not done during heavy traffic times. **Shadle** added that a median may be constructed on Avenue B and would impact the traffic flow on Avenue B. He expressed his concern with the amount of additional vehicles on Avenue B if this property was developed as an apartment complex. He added traffic was a concern as well as other factors. **Shadle** stated he would not be opposed to Medium Density Residential on this property.

“Julie Demyan, 2332 W. 12th Lane, Yuma, AZ 85364, said she resided in Country Meadows and this proposal would have a negative impact on the surrounding residents. She said she was opposed to this request and added there was a petition for a referendum for the property to the south that was approved by City Council.

“Amy Gill, 1451 S. Hettema Street, Yuma, AZ 85364, thanked the Commission and City Staff for their time. **Gill** complimented Barry Olsen and said he has done a great job presenting this proposal. She added if Barry Olsen wasn’t representing the applicant, she would hire him to represent the neighbors that were opposed to this request. **Gill** stated that she knew there were current plans for development on this property and the adjacent properties, and to think not would be naïve. **Gill** added that the traffic study provided by YMPO was reliable but not accurate for the heaviest traffic times of the year. She added that if this property was not zoned High Density Residential, there were

other ways the adjacent properties could develop together.”

PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (1/22/218):

QUESTIONS FOR STAFF

“**Tyrone Jones– Planning and Zoning Commissioner** asked for clarification on the existing zoning for the property to the south. **Jennifer Albers – Principal Planner** explained the property to the south was currently zoned Agriculture (AG) and the request to rezone the property to the High Density Residential District (ZONE-19909-2017) was pending. **Jones** asked if the rezone request was presented to the Planning and Zoning Commission. **Albers** said yes and stated that the Planning and Zoning Commission recommended approval of the rezone request. The rezone case would be presented to City Council on February 7, 2018.

“**Jones** asked for clarification on Major Plan Amendments. **Albers** explained that a Major Amendment was required when there was an application to increase or decrease the number of dwelling units by 400 or more, and added that the three amendment requests in the immediate area combined did not rise to the level of a Major Amendment.

“**Jones** addressed the comment received by John and Mary Yashkus and asked for clarification on where their property was located. **Albers** stated the Yashkus property was located to the east of the subject property and added that they had access to their property through a 10’ easement.

“**Chris Hamel, Chairman – Planning and Zoning Commission** asked if this property currently had a tire shop. **Albers** said yes. **Hamel** asked if the tire shop would remain open. **Albers** said she would refer to the applicant.

APPLICANT / APPLICANT’S REPRESENTATIVE

“**Barry Olsen, 101 E. 2nd Street, Yuma, AZ 85364**, stated that the tire shop would remain open until this property was developed. **Olsen** explained that the Yashkus property had a 10’ easement and development on this property would incorporate and not impede access to their property. **Olsen** said Yuma was in need of a private market-rate apartment complex and added that an apartment complex has not been developed in the past 25 years. **Olsen** commented that rezoning this property from Medium Density Residential to High Density would be an increase of approximately 50 people. **Olsen** explained Avenue B was redeveloped to accommodate traffic that was anticipated, including the development of this property. **Olsen** added that a Commercial development would generate more traffic than High Density Residential. The traffic study would be done at the time of development. **Olsen** added the property owner had the right to develop this property and could not be restricted because of traffic concerns.

PUBLIC COMMENT

“**Steve Shadle, 1400 S. Hettema, Yuma, AZ 85364**, said he was opposed to this request and would be at the City Council meeting to speak in opposition of the rezone request of the adjacent property. **Shadle** stated he would not be opposed to Medium Density Residential on this property. **Shadle** clarified that there was a 15’ easement and not a 10’ easement. He added that the Cheung, Shadle, and Yashkus properties all had access through this easement. **Shadle** spoke extensively about traffic on Avenue B and stated an apartment complex would exacerbate current traffic issues. There were other properties that were currently zoned High Density Residential that were more suitable for development. **Shadle** said a full survey of apartment complexes in Yuma should be done and commented that vacancies would be identified. He added the Transportation Department has not responded to this General Plan Amendment.

“**Gary McCormick, 1556 Sycamore Canyon Road, Poway, California**, said he was representing Camelot Apartments. He stated he contacted other apartment complexes located on Avenue B and

expressed his concern with the vacancy rate. There was not a need for another apartment complex on Avenue B. **McCormick** recommended completing a vacancy survey during the summer months. **McCormick** requested to be notified of any future requests on this property.

“Tiffany Ott – Planning and Zoning Commissioner asked if Camelot apartments was currently zoned High Density Residential. **McCormick** said yes.

“Jones asked if McCormick was associated with other apartment complexes in Yuma. **McCormick** said no.

“Jeanne Vatterott, 1580 S. Hettema Street, Yuma, AZ 85364, expressed her concern with access points to this property and public safety. She questioned how the police department and fire department would have emergency access to this property. **Vatterott** commented that Public safety should review this proposal.

“Jones asked for clarification on when the traffic study would be completed. **Andrew McGarvie, Engineering Manager**, explained that a traffic study would be done at the time of development. He added the Traffic Engineer would review the proposed development and make recommendations on how to mitigate traffic concerns. **Albers** stated that this was in the General Plan Amendment process and explained that there was a range of different zonings the applicant could request if successful. Until final development plans were known and exact number of units were shown, that’s when a traffic study would identify what those impacts were. **Albers** added that the Traffic Engineer has not commented on this proposal because it was early in the development process. **Jones** commented the agent stated the property owner’s intent was to develop an apartment complex. **Laurie Lineberry, Director of Community Development**, stated that studies were done on the existing General Plans and not on future developments.

“Jones asked for clarification on the agencies that were notified of this proposal. **Albers** explained there was a list of agencies that were notified some mandated by the state, and some agencies that have requested to be notified.

“Alan Keebler, 260 Landis Avenue, Chula Vista, California, 91910, explained that there were density issues in California and there was a need to develop High Density Residential and questioned whether there was a demand for High Density Residential at this location. **Keebler** added that Camelot apartments were zoned High Density Residential but there were less than 14 units an acre.

“Steve Rubisch, 1460 S. Avenue B, Yuma, AZ, 85364, stated he was the owner of the dentist office to the west of this property. **Rubisch** commented that he purchased his property in 1985 and has seen the changes to Avenue B. The addition of a 400 unit apartment complex on the subject property would increase traffic issues. He was opposed to the development of an apartment complex on this property.

“Amy Gill, 1451 S. Hettema, Yuma, AZ, 85364, thanked the Commission and City Staff for their time. **Gill** said she felt cases related to this proposal have not been transparent to the public. **Gill** expressed the importance of the quality of life. **Gill** commented that the Mayor owned property directly adjacent to the subject property and added that he should recuse himself from voting on cases related to this request. **Gill** said Avenue B was already congested and the development of an apartment complex on this property would cause more issues.

“Peter Gill, 1451 S. Hettema, Yuma, AZ, 85364, commented that another apartment complex should not be developed on Avenue B. He expressed his concern with public safety issues that may arise if an apartment complex was developed on this property. **Gill** said he was not opposed to Medium Density Residential zoning on this property. **Gill** added that the safety of the animals on the

adjacent properties should also be considered.

“Wendy Spencer, 1900 W. 15th Street, Yuma, AZ, 85364, said she was speaking on behalf of Larry Hieber and commented that drivers use his parking lot as a roundabout. He was concerned for his children when they play on his business parking lot. **Spencer** expressed her concern with traffic on Avenue B.

“Olsen explained that there was not a significant difference between Medium Density Residential and High Density Residential. **Olsen** commented that the current apartment complexes in Yuma were not energy efficient nor built to today’s construction standards. He added that there was an identified shortage for an apartment complex with the current occupancy rates.

“Jones asked if the adjacent property had the same property owner. **Olsen** said no and stated he represented both property owners.

“Hamel asked if this property and adjacent properties would be developed together. **Olsen** said it has been transparent that development on the subject property and adjacent properties would essentially develop in a common mechanism. The property owners would be encouraged to agree on access points.”

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		7/10/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/9/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		3/19/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Jennifer L. Albers		3/19/2018		