

REQUEST FOR CITY COUNCIL ACTION

Yuma			
MEETING DATE:	June 15, 2016	☐ Motion☒ Resolution	
DEPARTMENT:	Community Development	☐ Ordinance - Introduction	
DIVISION:	Community Planning	☐ Ordinance - Adoption☐ Public Hearing	
TITLE: General Plan Amer	ndment: Palos/Martinez		

SUMMARY RECOMMENDATION:

Approve the request to amend the City of Yuma General Plan to change the land use designation from Low Density Residential to Medium Density Residential, for property located at the northwest corner of 11th Street and Avenue A. The applicants are Rogelio Sosa Palos and Ma. Del Pilar Soto Martinez. (GP-10768-2015).

REPORT:

Clerk Note: This item initially came before Council on February 3, 2016 and was continued to the March 16, 2016, Regular City Council meeting. On March 16, 2016, City Council referred back to the Planning & Zoning Commission per the applicant's request. To keep up with the resolution numbering sequence, the resolution number was changed from R2016-002 to R2016-018.

The applicant's original request was to change the land use designation from Low Density Residential to High Density Residential. As required by Arizona Revised Statutes §9-461.06 this General Plan amendment case was heard by the Planning and Zoning Commission on December 28th, 2015 and January 11th, 2016 at two public hearings. On January 11th, the Planning and Zoning Commission recommended denial of the applicant's original request to High Density Residential.

At the City Council meeting of March 16th, 2016, this case was remanded back to the Planning and Zoning Commission at the applicant's request to consider an alternative, less intense land use. The applicant has revised their original request from High Density Residential to Medium Density Residential.

Additionally, this request was originally scheduled for the October 12th and October 26th Planning and Zoning Commission meetings but due to a scheduling conflict for the agents the item was rescheduled for December 28th, 2015 and January 11th, 2016. The Planning and Zoning Commission took public comment at those October meetings.

PLANNING AND ZONING COMMISSION'S RECOMMENDATION:

On May 23rd, 2016, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with

one vacancy) of the General Plan land use amendment revised request to change the land use designation from Low Density Residential to Medium Density Residential.

PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (5/23/16) FOR REVISED PROPOSAL FROM LOW DENSITY RESIDENTIAL: QUESTIONS FOR STAFF

"Dave Koopmann – Planning and Zoning Commissioner asked if one public hearing for the General Plan Amendment revision was sufficient. Albers said yes and added if the revised request was less intense than the original request, public hearing requirements were still being met. She stated that this proposed General Plan Amendment request has had three public hearings and an additional two hearings.

"Koopmann asked if there was a potential site plan. Albers said the agent for the applicant would provide the site plan.

APPLICANT / APPLICANT'S REPRESENTATIVE

"Vianey Vega, 1846 S. 8th Avenue, Yuma, AZ, said the applicant was proposing a 28-unit townhome subdivision and presented a potential site plan. He said there would be access to the site off of 11th Street and 13th Avenue. Vega said on-street parking would not be permitted and the applicant intends to provide sufficient on-site parking to meet the parking requirements of the City Code. He stated that the two streets in the subdivision would be private and the streets would be maintained by a Home Owners' Association.

"Chris Hamel, Chairman, Planning and Zoning asked for clarification where the vehicles would park in the proposed subdivision. Vega said that each unit would have two paved parking spaces and there would also be visitor parking on the east side of lot 19.

"Richard Sorenson – Planning and Zoning Commissioner asked for clarification on what would be on the west side of the property. Vega said there would be a retention basin with ramada's and a playground.

"Kim Hamersley – Planning and Zoning Commissioner asked if each unit would be individually owned. Vega said yes. Koopmann commented that the homeowners would have to maintain the private streets and asked if the subdivision would be gated. Vega said no.

"Hamersley asked if there would be any traffic restrictions. Andrew McGarvie, Assistant City Engineer, said traffic restrictions were not required because 11th Street and 13th Avenue were local streets.

PUBLIC COMMENT

"Ety Vasquez, 1331 W. 10th Street, Yuma, AZ, asked if the proposed townhomes would be utilized by farm workers. She expressed her concern with the existing farm workers living in the surrounding areas because of the children and surrounding properties, which included a school and the Boys and Girls Club.

"Vega said the farm worker housing was no longer being considered.

"Charles Bub, 1133 S. 12th Avenue, Yuma, AZ, expressed his concern with the proposed change. He was opposed to the 28-unit subdivision and stated it was out of character with the surrounding neighborhood. He commented that the common walls of the subdivision resembled barracks housing.

"Catherine Marisibel, 1155 S. 12th Avenue, Yuma, AZ, said she was opposed to the proposal. She expressed her concern with the noise and traffic issues the subdivision would produce. She said

the subdivision would have a negative impact on the neighborhood and added that she did not see any landscape on the site plan.

- "Rose Tidwell, 1133 S. 12th Avenue, Yuma, AZ, said she was against the proposal. She said traffic was an issue in the surrounding area and the addition of the townhomes would make traffic issues worse. She said based on the size of the lots they seemed to be low-end housing and did not believe it was an improvement to the community.
- "Tony Mozqueda, 975 S. 13th Avenue, Yuma, AZ, said he was opposed to the proposal. He expressed his concern with the traffic on 13th Avenue and the amount of children in the neighborhood. He said the townhome subdivision would not improve the neighborhood and added that there were not any landscape details on the site plan. He also mentioned that the neighbors would not be able to utilize the proposed park in the subdivision.
- "Vega wanted to address the public comments and stated that the property was an in-fill parcel that was currently zoned Light Industrial. The applicant revised the original request from farm worker housing to a townhome subdivision because of the neighbors opposition. He said they worked with City Staff to revise the original request and found a use that would better fit the surrounding neighborhood. He added that the amenities provided in the subdivision were for the families that would be occupying the townhomes.
- **"Koopmann** asked if the applicant knew what the potential townhome structures would look like. **Vega** said the townhome subdivision located on north Frontage Road and 9E (Sunset Mountain Villas) could be used as a reference as to what the townhomes would resemble. **Koopmann** said the site plan that was provided resembled the lots of the subdivision and not the concept of what the subdivision would look like. He added that the neighbors did not understand that the process was in the General Plan Amendment and the details of the subdivision were not available. **Vega** said the comments that were being addressed were not addressed at the neighborhood meeting.
- "Hamersley agreed with Commissioner Koopmann's comment and said the neighbors were concerned with the beautification of the neighborhood. She said it was difficult to visualize the landscape with the site plan that was provided. She added that that there were various areas in the City that had traffic issues. Vega explained that the subdivision would have landscape requirements that they would follow.
- "Lukas Abplanalp Planning and Zoning Commissioner said he encouraged the public to notify the traffic engineer about any traffic issues.
- **"Koopmann** explained that this proposal was currently in the beginning stages of development, and there would be additional opportunities for public input, with information being sent out to the property owners.
- "Maria De La Herran, 1340 W. 10th Street, Yuma, AZ, said she was an educator and in agreement with the proposal. She said it would have a positive impact on the surrounding neighborhood and school. She asked for clarification on Medium Density Residential and Low Density residential.
- "Hamel said the difference between Low Density Residential and Medium Density Residential was the amount of people that could live in a specific area.
- "Charles Bub, 1133 S. 12th Avenue, Yuma, AZ, said the agent for the applicant was vague about what they would build on the property. He said once the General Plan Amendment request to change the land use designation from Low-Density Residential to Medium Density Residential was approved the applicant would have the ability to change his proposal.

"Hamel said the change from the farm worker housing to townhomes was an improvement. He understood the public wanted to know the details of the proposal but the details were not available at the moment.

"Koopmann commented that there was still a need with farm worker housing in the City. He stated that the townhomes would improve the area and said it was a good example of an in-fill project. **Koopmann** said the Commission should recognize the Public Comments and keep them into consideration.

"Abplanalp said that the applicant should increase the communication with the public. Vega agreed."

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (1/11/16)) FOR ORIGINAL PROPOSAL FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL: QUESTIONS FOR STAFF

"Dave Koopmann – Planning and Zoning Commissioner asked if any additional changes have been made since this case was last presented on December 28, 2015. Jennifer Albers, Principal Planner stated additional public comments have been received."

APPLICANT / APPLICANT'S REPRESENTATIVE

"Barry Olsen, 101 E. 2nd St, Yuma, AZ, stated that the 2012 General Plan's housing element stated the need for safe and affordable housing for special needs households, which included farmworkers. That type of housing was needed in the city, with this project being an in-fill project. There was a farmworker complex on Avenue A, and some farmworker housing to the east of the subject property. There was not a traffic component for this project, because nine buses would be used to transport the farmworkers on a daily basis. The project's plans were consistent with the Property Maintenance Code.

"Koopmann stated that the density of this project was similar to the MCAS barracks housing. Due to the number of people living in one room, problems could arise and the need for security was very important. **Koopmann** asked what type of recreational facilities would be provided to the farmworkers. **Olsen** said that the farmworkers would work very long hours and he did not anticipate any additional activities taking place, but the applicant would be providing two ramadas with grills and seating.

"Richard Sorenson – Planning and Zoning Commissioner asked for clarification on how many kitchen facilities would be provided to a 1,300 hundred square foot unit. Olsen said currently, the plan was to have one refrigerator and one stove. If two refrigerators were needed, then accommodations could be made. Chris Hamel, Chairman, Planning and Zoning asked about the requirements for kitchens, and asked if there was a site plan.

"Vianey Vega 1846 S. 8th Avenue, Yuma, AZ, stated that an additional square footage in the kitchen area would be needed to accommodate all 12 men. He also mentioned a second refrigerator would be required because of the number people living in one unit. Vega added that the applicant also proposed a multi-purpose room for the complex.

"Sorenson asked for clarification on the size of the proposed multi-purpose room. Vega said one unit would be allotted for multi-purpose use, which was approximately 1,300 square feet.

PUBLIC COMMENT

"Hamel stated that there was a five minute time limit per speaker.

- "Carolyn Knowlton, 928 S. 10th Avenue, Yuma, Arizona, said that the agent stated nine buses would be utilized to transport the residents to and from work, but questioned why 100 parking spaces were required. She also mentioned that the Arizona Department of Housing states that an occupancy limitation of two persons per bedroom residing in a dwelling unit shall be presumed reasonable for this state and all political subdivisions of this state, which was revised in June-2015. Knowlton added that two ramadas would not be sufficient for all 648 farmworkers residing in the complex.
- "Catherine Maire-Sebile, 1155 S. 12th Avenue, Yuma, Arizona, said she was opposed to the proposal and expressed her concern about the quality of life for the farmworkers. She also stated that each unit did not seem very spacious to accommodate 12 men, and was concerned about the increase of the noise made by the increase in buses.
- "Paul Muthart, 3576 W. 12th Lane, Yuma, Arizona, said he was against the proposal. He stated that this was not an ideal location for a project such as this. He said approving the project would be detrimental to the surrounding property owners.
- "Koopmann asked for a better location for a farmworker housing complex. Muthart said it was dependent upon the density of the location selected. Koopmann asked if he has ever considered H2A housing for Pasquinelli Produce Company. Muthart said no, but understood the need for this type of farmworker housing in the community.
- "Bill Manary, 1081 S. 14th Avenue, Yuma, AZ, said he was concerned with noise and traffic this project would bring to the neighborhood. He mentioned there were many shopping carts piling up in the park attached to the apartment complex used for farmworker housing across the street. The farmworkers left cracked mud and dirt, along the sidewalk, and added that he was concerned for the safety of the children in the neighborhood.
- "Bill Denise, 1800 W. 17th Street, Yuma, AZ, mentioned he owns two properties surrounding the subject property, and was opposed to this project, due to the proposed location.
- "Hamel said Yuma lacked farmworker housing, but agreed with most comments presented to the commission. The biggest concern was the sudden change of density from low density to high density in proximity to residential area. He said approving the project would dramatically impact the neighborhood.
- "Koopmann stated that there is a need for housing but not at this location. He felt it could be built and still meet the Arizona Department of Housing standards. He stated issues can arise between roommates with the amount of people staying in one room."

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (12/28/15)) FOR ORIGINAL PROPOSAL FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL: QUESTIONS FOR STAFF

"Dave Koopmann – Planning and Zoning Commissioner asked if any changes have been made to the proposal since it was last presented on October 26, 2015. Jennifer Albers, Principal Planner stated staff has received additional public comments and the agent has provided a site plan that was available for viewing on the presentation.

APPLICANT / APPLICANT'S REPRESENTATIVE

"Barry Olsen, 101 E. 2nd St, Yuma, AZ, said the property has been vacant for a number of years and would consider the property as an In-Fill parcel. He said 3.27 acres was not conducive for any type of residential development. He stated this proposal was not tax-credit apartments and was the highest best and most practical use of the property. Olsen said Yuma lacked apartment complexes and there has not been a private market-rate apartment complex built in the last twenty years. Olsen

added that the project was located on a commercial corridor and Avenue A would be widened in the future.

"Alan Pruitt – Planning and Zoning Commissioner said he noticed a privacy wall on the perimeter of the property and questioned if the wall was approved by the City. Olsen said it was a six foot wall and City approval was not required.

PUBLIC COMMENT

- "Chris Hamel, Chairman, Planning and Zoning stated that there was a five minute time limit per speaker.
- "Carolyn Knowlton, 928 S. 10th Avenue, Yuma, Arizona, stated homes in the area have improved over the past few years. She expressed her concern with foot traffic, and the value of her home. She stated the proposal would increase the foot traffic, and reduce the value of her home.
- "Charles Bub, 1133 S. 12th Avenue, Yuma, Arizona, said he was opposed to the proposal. He moved into a single family home area and fully restored his home and was not anxious for the area to change. He said there was a few hundred migrant workers living in the area already and this apartment complex would total 1,000 workers concentrated into a small area. He stated the proposal would bring more traffic. He noticed a fence being built and was disturbed. He felt the comments that were received from the public were not being considered and the developer should not maximize profit at his expense.
- "Mary Ann Easterday, 3359 S. 15th Avenue, Yuma, Arizona, said she was concerned about the area because of the surrounding properties, which included a school and the boys and girls club. She said it was a bad area for the development because there were two lane roads surrounding the property.
- "Catherine Marisibel, 12th Avenue, Yuma, Arizona, said she was against the proposal and expressed her concern about the safety of the neighborhood if the proposal was approved. She stated Rio Sante Fe provided 50 apartments for the migrant workers and has seen an increase in littering. She said if the apartment complex was built, the area would be depreciated.
- "Carolyn Knowlton said she would rather pay higher taxes than to have this proposal approved.
- "Hamel said his was concern was with the security, and wanted clarification on what other security would be provided other than a desk manager.
- "Vianey Vega 1846 S. 8th Avenue, Yuma, Arizona, said the program would provide on-site management and the company would provide monitoring as well. He stated there would be a procedure to follow when an emergency occurs. Crew members would also live on-site.
- "Koopmann asked if there would be twenty-four hour management as long as people were living in the apartment complex. Vega said yes.
- "Richard Sorenson Planning and Zoning Commissioner asked if each building that was shown on the site plan represented two floors and two units per floor. Vega said yes. Sorenson asked where the workers would come from and how they would be screened. Vega said the workers could come from anywhere. The workers would go through a security screening and must have a clean record and meet several other requirements to qualify.
- "Pruitt asked for clarification on the occupancy of the apartment complex. Vega said it was a seasonal six-month program and it would start late August or early September, and the season would end around February. Pruitt asked if the apartment complex would be vacant for the remainder of

the year. **Vega** said the owners would utilize the balance of the time to maintain and perform upkeep on the property for the next season.

"Karen Conde – Planning and Zoning Commissioner asked where the buses would pick up the workers. **Vega** said there would be access off of 11th Street on the South Side and there would be another access off of 13th Avenue. The buses would have an assigned area on-site for parking when picking up and dropping off the workers.

"Hamel asked for clarification on how many workers would be in each bedroom. Vega said 4 per bedroom.

"Olsen stated the screening process and requirements to get approved for a H2A visa were very strict. There would be multiple inspections to make sure standards were followed. He added there were various government agencies that would inspect the property to make sure standards were followed. If there were any problems with the workers, they would be sent home. The workers were highly screened and supervised. He also stated that the police department did not have any comment on the proposal because there were no police reports issued with existing H2A housing. Olsen stated that H2A housing would have to be viewed the same as military housing according to fair housing."

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (10/26/15)) FOR ORIGINAL PROPOSAL FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL:

"Chris Hamel, Chairman, Planning and Zoning asked if the first public hearing was going to be moved to December 28, 2015. Jennifer Albers, Principal Planner said yes.

"Laurie Lineberry, Director of Community Development, stated because staff has to notify the public about the change in the meeting dates, public comment could be heard, but the meeting should be continued to December 28, 2015.

"Alan Pruitt – Planning and Zoning Commissioner asked if there was an expense to notify the public again. Albers said yes, there was a cost associated with postage and advertisement in the newspaper. Pruitt asked if that was due to the fact that the applicant was not in attendance. Albers said yes.

"Dave Koopmann – Planning and Zoning Commissioner asked if the applicant would speak at this meeting. Albers said yes.

APPLICANT / APPLICANT'S REPRESENTATIVE

"Vianey Vega, 1846 S. 8th Avenue, Yuma, Arizona, apologized for not being in attendance for the first public hearing due to a family emergency, and was available for questions.

"Hamel asked for clarification on the type of security the proposed facility would provide, due to concerns the public had with existing facilities. **Vega** said he and City staff were looking at existing projects, trying to find solutions to existing problems to prevent them from occurring with this new facility. The design of the units would follow all OSHA guidelines. There would be an on-site manager at all times during the working season. During the off-season, there would be a monitoring agency on-site.

"Hamel asked where the employees would be picked up and dropped off. Vega stated they would not be using Avenue A, the two access points would be from 11th Street and 13th Avenue and employees would be picked up in the parking lot inside the facility.

"Karen Conde - Planning and Zoning Commissioner asked if anybody would be living on-site

when the agriculture season is over. **Vega** said that time would be utilized to make repairs on the units.

- "Pruitt asked if there was a demand for seasonal housing. Vega said yes. Pruitt asked how the demand was being met now. Vega said existing apartments have been converted into H2A housing. Koopmann asked if the applicant had any experience with this type of project. Vega said this was the first project they put together with the H2A program requirements.
- "Koopmann asked if a proposed site plan would be provided. Vega said he would provide a site plan. Koopmann asked if there would be on-site management in addition to security at all times. Vega said yes.
- "Conde asked what time the buses would pick up the employees. Vega said pick up would be at 7 a.m., while drop off would be between 5 p.m. and 6 p.m.
- "Conde asked if the Commission would be voting on changing the zoning. Lineberry said that the process would be to first change the General Plan Designation before the applicant could apply for rezoning."

PUBLIC COMMENT - None

PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MINUTES (10/12/15) FOR ORIGINAL PROPOSAL FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL: QUESTIONS FOR STAFF

- "Dave Koopmann Planning and Zoning Commissioner asked if there was a potential site plan. "Jennifer Albers, Principal Planner said the site plan that was provided at the neighborhood meeting showed clusters of two-story buildings. Koopmann asked if there would be any other facilities on the site. Albers said there would be a laundry facility, offices for management, office for security, and onsite retention with ramadas provided.
- **"Karen Conde Planning and Zoning Commissioner** asked if the apartment complex would be open 365 days a year. **Albers** said it would be in operation from October through April. Repairs would be made throughout the summer. **Conde** asked if there would be someone on site to prevent vandalism. **Albers** said yes.
- "Richard Sorenson Planning and Zoning Commissioner asked if similar operations have caused problems. Albers said neighbors have complained that existing operations were loud, with an increase in littering. Residents were also concerned about the security guards. Sorenson asked if the apartment complex would be next to a boat factory. Albers said yes. Sorenson asked how the complex would be situated on the property in regards to the boat factory. Albers said under normal circumstances, industrial and residential uses would not be adjacent to each other. Since the neighboring property was industrial with an existing building, that use could continue.
- "Chris Hamel, Chairman, Planning and Zoning asked if the other existing farmworker housing complexes were male-only. Albers said yes.

Koopmann asked if there would be management on site. **Albers** said yes, during their contract season.

"Daniel White, Assistant City Attorney, stated because the applicant was not in attendance, the meeting had to be continued to a later date, up to 90 days, pursuant to Planning Commission By-Laws. The Commission could receive public comment, but the Commission could not move forward with the case.

APPLICANT / APPLICANT'S REPRESENTATIVE

Applicant was not in attendance.

PUBLIC COMMENT

"Bill Manary, 1081 S. 14th Avenue, Yuma, Arizona, stated that he currently lives near an existing large farm worker housing apartment complex and noted that he sees the police go to that property nearly every day. He expressed concern about the safety of the children who would be walking to a nearby school if another large complex were built in the area.

"Jaime Hernandez, 1440 W. 9th Place, Yuma, Arizona, said Avenue A was currently congested with traffic and this proposal would only make it worse.

"Czarina Gallegos, 1936 S. 11th Avenue, Yuma, Arizona, said she currently lives across the street from an existing complex and was concerned about her daughter going to school because of the increase in police activity. She was opposed to another development close to a school.

"Hamel asked what times school started and ended. **Conde** said school starts at 8:45 a.m. and ends at 3:45 p.m.

"Conde asked if the hearing would be continued to a later date. White said yes."

PLANNING AND ZONING COMMISSION STAFF REPORT FOR MAY 23RD, 2016 – ATTACHED

	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00	
LS	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00	
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00	
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOR	UND IN THE FOLLOWING	
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REQUIREMENTS		φοισσ			
	TOTAL:	\$0.00			
	FISCAL IMPACT STATEMENT:				
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	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:				
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JRM,	5.				
INFC	TE CITY COLINGIL ACTION INCLUDES A CONTRACT LEASE OF ACREMENT, WHO WILL BE DESPONSIBLE				
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
OITIO					
ADE	© Department				
	City Clerk's Office				
	☐ Document to be recorded				
	CITY ADMINISTRATOR:			DATE: 6/7/2016	
_	Gregory K. Wilkinson			0/1/2010	
	REVIEWED BY CITY ATTORNEY:			DATE:	
JRES	Steven W. Moore			6/7/2016	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD)	:		DATE:	
	,			5/27/2016	
	Laurie Lineberry WRITTEN/SUBMITTED BY:			DATE	
	VVKII IEIV/OUBIVIII IEU BY.			DATE: 5/27/2016	
	Jennifer L. Albers				