

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Jennifer L. Albers

Hearing Date: June 24, 2019

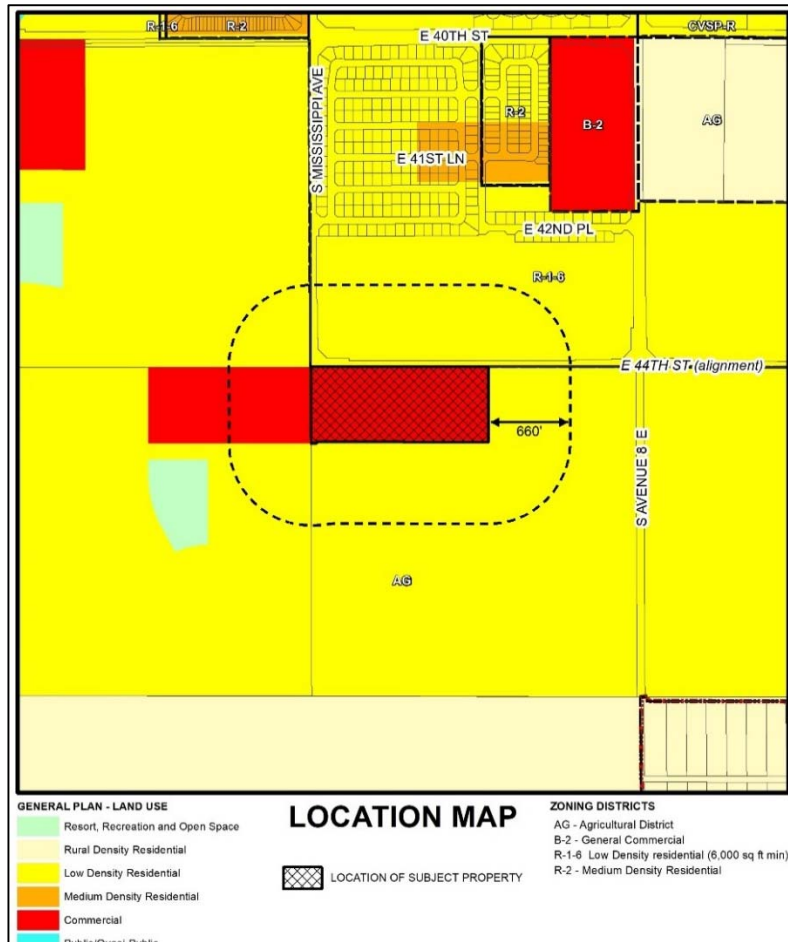
Case Number: GP-25035-2019

Project Description/Location:

This is a General Plan Amendment request by Dahl, Robins & Associates on behalf of Yucca Land Company, LLC, to change the land use designation from Commercial to Mixed Use for approximately 19.4 acres, for the property located at the southeast corner of Mississippi Avenue and 44th Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Commercial
North	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
South	Agriculture (AG) ZONE-24256-2018 to R-1-5 pending Approved by City Council 3/6/19	Undeveloped	Low Density Residential
East	Agriculture (AG) ZONE-24256-2018 to R-1-5 pending Approved by City Council 3/6/19	Undeveloped	Low Density Residential
West	Agriculture (AG)	Undeveloped	Commercial

Location Map



Prior site actions: Annexation O97-01 adopted 1/2/98. General Plan amendment case GP2004-008 approved 12/13/04 R2004-89 subject area changed from Suburban Density to Commercial as part of a larger case.

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for 19.4 acres from Commercial to Mixed Use.

Suggested Motion: Move to APPROVE the request to change the land use designation for 19.4 acres from Commercial to Mixed Use located at the southeast corner of Mississippi Avenue and 44th Street.

Staff Analysis: This is a General Plan Amendment request by Dahl, Robins & Associates on behalf of Yucca Land Company LLC, to change the land use designation from Commercial to Mixed Use for approximately 19.4 acres, for the property located at the southeast corner of Mississippi Avenue and 44th Street.

The existing Commercial land use designation supports the following types of zoning: Transitional (TR), Limited Commercial (B-1), General Commercial (B-2), Business Park (BP), and Planned Shopping Center (PSC) zoning districts.

The proposed Mixed Use land use designation supports the following types of zoning: Low Density Residential (R-1-6 - 6,000 square foot minimum lot size) and (R-1-5 - 5,000 square foot minimum lot size), Medium Density Residential (R-2) with a maximum 10 dwelling units per acre, Recreational Manufactured Home (RMH), Manufactured Home Subdivision (MHS), Manufactured Home Park (MHP), Transitional (TR) and Limited Commercial (B-1) zoning districts.

The applicant's intent in changing the land use designation is to develop a 90 unit single-family residential subdivision with the Low Density Residential (R-1-5) zoning designation.

Density

The current land use designation of Commercial would allow a range of commercial activities to be constructed on the subject 19.4 acres. The requested Mixed Use land use designation would allow from 97 to 194 dwelling units to be constructed in a multi-and/or single-family development but the applicant intends to develop approximately 90 single-family dwellings.

An amendment from Commercial to Mixed Use at this location is a Minor Amendment to the City of Yuma General Plan. The applicant considered but chose not to request an amendment to Low Density Residential as that would have been a Major Amendment, due to proximity of the remaining Commercial land use on the west side of Mississippi Avenue. The Mixed Use land use designation supports the zoning district the applicant intends to request if the General Plan amendment is successful.

Population

Information from the 2013-2017 American Community Survey provides data on population by housing unit type. The information shows an average household size of 2.8 persons per single-family dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Mixed Use Residential:
 - Minimum 97 homes – Expected population: 272
 - Maximum 194 homes – Expected population: 543

The 2010 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore the expected school-age population is estimated at:

- Mixed Use Residential:

Minimum expected population: 272 – School Age: 54

Maximum expected population: 543 – School Age: 108

Transportation

The property is located at the southeast corner of the Mississippi Avenue alignment and 44th Street. Access to the property will be from Avenue 8E and 40th Street via future construction of the Mississippi Avenue and 44th Street roadways.

According to the City of Yuma Transportation Master Plan Avenue 8E operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2017 as 2,741 vehicles on Avenue 8E south of 32nd Street. This facility is identified in the Transportation Master Plan as a Collector roadway.

Housing

The Housing Element of the City of Yuma 2012 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

Objective 1.3: Encourage a variety of housing types to meet all socioeconomic segments of the population, considering both full time and seasonal residents.

Public Services

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Yuma Elementary School District One and the Yuma Union High School District.

According to the Yuma Elementary School District One School Boundary Maps, the elementary students in the subject area are within the boundary of Desert Mesa Elementary School located at 2350 Avenue 7½E and junior high school students are within the boundary of Gila Vista Junior High at 2245 Arizona Avenue.

Conservation and Environmental

The land use amendment area is located outside of the Flat Tailed Horned Lizard Yuma Desert Management Area but is within the area where Flat Tailed Horned Lizards have historically been found. For development projects within the Management Area, specific development requirements must be followed to minimize any adverse impacts to the habitat. Development requirements include but are not limited to minimizing soil disturbance, fencing where appropriate to limit access to the habitat, habitat restoration following disturbances due to construction and fencing to minimize lizard encroachment on development sites. At this point in time, mitigation measures are not required for private development projects outside of the Management Area but are encouraged by the State of Arizona Game and Fish Department.

1. Does the proposed amendment impact any elements of the General Plan?

No The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing
Mississippi Avenue – Collector	40 Foot HW	0 Foot HW
44 th Street – Collector	40 Foot HW	0 Foot HW
Median Covenant	Yes	

2. Does the proposed amendment impact any of the facility plans?

No The change in land use will not significantly impact any of the facilities plans.

3. Is the proposed amendment in conflict with Council's prior actions?

Yes The 2004 General Plan amendment, GP2004-008, for this site changed the land use designation to Commercial to support the residential development planned within proximity to the site. By changing the land use designation to a residential use, residents needing access to commercial activities will be forced out of the area. This increases future vehicle trips.

Scheduled Public Hearings:

<input checked="" type="checkbox"/>	City of Yuma Planning and Zoning Commission: June 10, 2019
<input checked="" type="checkbox"/>	City of Yuma Planning and Zoning Commission: June 24, 2019
<input type="checkbox"/>	City of Yuma City Council: July 17, 2019

Public Comments Received:

None Received

Agency Comments:

See Attachment A

Neighborhood Meeting Comments:

None Required

Attachments

A	B	C
Agency Comments	Staff Worksheet	Aerial Photo

Prepared By:

Jennifer L. Albers, AICP,
Principal Planner

Date:

6/11/19

Reviewed By:

Alyssa Linville,
Assistant Director Community Development

Date:

06/11/19

Approved By:

Laurie L. Lineberry, AICP,
Community Development Director

Date:

**ATTACHMENT A
AGENCY COMMENTS**

DATE:	3/25/19	NAME:	Mary Ellen Finch	TITLE:	Community Liaison Specialist
AGENCY:	MCAS Yuma			PHONE:	928-269-2103
<i>Enter comments below:</i>					
<p>The subject parcel is approximately 1.36 miles from the Barry M Goldwater Range Boundary and under a flight path. As such Range Disclosure and Avigation Easements are requested to be recorded for this subdivision which will transfer to each parcel when sold that recognize that noise, interference and vibrations may be generated from aviation activities performed within the BMGR and associated airspace. Thank you for the opportunity to comment</p>					

DATE:	3/25/19	NAME:	Tyler Williford	TITLE:	Habitat Specialist
AGENCY:	Arizona Game and Fish Department			PHONE:	928-341-4069
<i>Enter comments below:</i>					
<p>Area is potential habitat for the flat-tail horned lizard (<i>Phrynosoma mcalli</i>) which is listed as a species of greatest conservation need (SGCN) in Arizona.</p>					

DATE:	5/24/19	NAME:	Michael Sumner	TITLE:	Regional Supervisor
AGENCY:	Arizona Game and Fish Department			PHONE:	928-342-0091
<i>Enter comments below:</i>					
<p>See attached letter</p>					



May 24, 2019

Mrs. Jennifer L. Albers, AICP
Principal Planner, Community Development
City of Yuma
One City Plaza
Yuma, AZ 85364

RE: Request for Comments GP-25035-2019

Dear Mrs. Albers,

The Arizona Game and Fish Department (Department) appreciates the opportunity to comment on GP-25035-2019, a General Plan Amendment request to change the land use designation from Commercial to Mixed Use for approximately 19.4 acres for the property located at the southeast corner of Mississippi Avenue and 44th Street with the intention of developing a single-family residential subdivision.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities for management of the state's fish and wildlife resources. It is the mission of the Department to conserve Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

As mentioned in the previous comments submitted on March 25, 2019, the project site is potential flat-tailed horned lizard (*Phrynosoma mcallii*) habitat which is a Species of Greatest Conservation Need (SGCN) in Arizona. The species was proposed for listing under the Endangered Species Act (ESA) as threatened in 1993 and withdrawn in 1997 in part due to a Candidate Conservation Agreement (CCA) and Rangewide Management Strategy (RMS) signed in 1997. Under the RMS guidelines, the site is considered occupied due to its proximity to the Yuma Desert Management Area and the undisturbed habitat between it and the project area. The Department requests that the applicant fence the area to be developed, then perform removal surveys before any ground-disturbing activities occur. Similarly, the Department requests that the fence remain in place to prevent flat-tails from re-entering the area. Fencing and removal survey protocols can be found in Appendix 7 of the Flat-tailed Horned Lizard RMS, 2003 Revision.

The Department also requests that the applicant consider a contribution to the Flat-tailed Horned Lizard Interagency Coordinating Committee compensation fund to compensate for the lost habitat. On CCA

azgfd.gov | 928.342.0091

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

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participating agency lands, the required compensation has recently been about \$700 per acre. The donation would be used to further the conservation of flat-tailed horned lizards.

Thank you for your consideration of these recommendations for the proposed project and we look forward to working with the City of Yuma and the applicant. If you have any further questions or require any further information please contact Tyler Williford at (928) 341-4069 or twilliford@azgfd.gov.

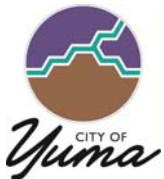
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sumner", written in a cursive style.

Michael Sumner
Regional Supervisor

M19-05244130

**ATTACHMENT B
STAFF WORKSHEET**

	STAFF RESEARCH – GENERAL PLAN AMENDMENT CASE #: GP-25035-2019 CASE PLANNER: JENNIFER L. ALBERS
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I. PROJECT DATA

Project Location:		SEC Mississippi Avenue and 44 th Street												
Parcel Number(s):		197-15-003 (part)												
Parcel Size(s):		160 acres – entire parcel												
Total Acreage:		19.4		Area of amendment										
Proposed Dwelling Units:		Maximum:		194		Minimum:		97						
Address:		SEC Mississippi Avenue and 44 th Street												
Applicant:		Yucca Land Company, LLC												
Applicant's Agent:		Dahl, Robins and Associates												
Land Use Conformity Matrix:		Current Zoning District Conforms:								Yes		No	X	
Zoning Overlay:	Public		AO		Auto		B&B		Historic		None	X		
	Airport	Noise Contours	65-70		70-75		75+		APZ1		APZ2		CLEAR ZONE	
	Existing Zoning				Current Use				General Plan Designation					
Site	Agriculture (AG)				Undeveloped				Commercial					
North	Low Density Residential (R-1-6)				Undeveloped				Low Density Residential					
South	Agriculture (AG) ZONE-24256-2018 to R-1-5 pending Approved by City Council 3/6/19				Undeveloped				Low Density Residential					
East	Agriculture (AG) ZONE-24256-2018 to R-1-5 pending Approved by City Council 3/6/19				Undeveloped				Low Density Residential					
West	Agriculture (AG)				Undeveloped				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		O97-01 adopted 1/2/98								
General Plan Amendment		Yes		No	X	GP2004-008 approved 12/13/04								
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		Date: 11/15/18								
Enforcement Actions		Yes		No		N/A								
Land Division Status:		Legal lot of record (entire parcel)												
Irrigation District:		YMIDD												
Adjacent Irrigation Canals & Drains:		None												
Water Conversion: (5.83 ac ft/acre)		113.10 Acre Feet a Year												
Water Conversion Agreement Required		Yes		No	X									

II. CITY OF YUMA GENERAL PLAN

Land Use Element:													
Land Use Designation:				Commercial									
Noise Contour:				None			Overlay/Specific Area:			N/A			
Issues:													
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					
Mississippi Avenue – Collector				40 Foot HW				0 Foot HW					
44 th Street – Collector				40 Foot HW				0 Foot HW					
Median Covenant				Yes									
Gateway Route				Scenic Route				Hazardous Cargo Route				Truck Route	
Bicycle Facilities Master Plan				None									
YCAT Transit System				None									
Issues:				ROW segments revised to Mid-section line Collectors from Local									
Parks, Recreation and Open Space Element:													
Parks and Recreation Facility Plan													
Neighborhood Park:		Existing: Saguaro Park				Future: Saguaro Park							
Community Park:		Existing: Kennedy Park				Future: Agua Viva Park							
Linear Park:		Existing: East Main Canal Linear Park				Future: Gila Valley Main Canal Linear Park							
Issues:													
Housing Element:													
Special Need Household:				N/A									
Issues:													
Redevelopment Element:													
Planned Redevelopment Area:				N/A									
Adopted Redevelopment Plan:				North End:				Carver Park:				None: X	
Conforms:				Yes				No					
Conservation, Energy & Environmental Element:													
Impact on Air or Water Resources				Yes				No		X			
Renewable Energy Source				Yes				No		X			
Public Services Element:													
<u>Population Impacts</u> 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 <i>Single Family</i>		Projected Population		Police Impact Officers		Water Consumption GPD AF		Wastewater Generation GPD	
				Maximum		Per Unit							
				194		2.8		543		1.02		162,960 182.6 54,320	
				Minimum									
				97		2.8		272		0.51		81,480 91.3 27,160	
Fire Facilities Plan:		Existing: Fire Station No. 5						Future: Fire Station No. 7					
Water Facility Plan:		Source:		City		X		Private				Connection: Mississippi Ave 10" line at 42 nd PI	
Sewer Facility Plan:		Treatment:		City		X		Septic				Private Connection: Ave 8E 18" line at 42 nd PI	
Issues:				Utility extensions required to the site									
Safety Element:													

Flood Plain Designation:	500 Year Flood Zone	Liquefaction Hazard Area:	Yes		No	X
Issues:						
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:						

NOTIFICATION

- | | |
|---|---|
| <ul style="list-style-type: none"> ○ Legal Ad Published: The Sun 5/25/19 ○ Display Ad Published: 5/25/19 ○ 660' Vicinity Mailing: 5/13/19 ○ 54 Commenting/Reviewing Agencies noticed: 3/19/19 | <ul style="list-style-type: none"> ○ Site Posted: 4/1/19 ○ Neighborhood Meeting: N/A ○ Hearing Dates: 6/10/19 & 6/24/19 ○ Comments Due: 5/20/19 |
|---|---|

<i>External List</i>	<i>Response Received</i>	<i>Date Received</i>	<i>"No Comment"</i>	<i>Written Comments</i>
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	Yes	3/20/19	X	
Yuma County Chamber of Commerce	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	Yes	3/20/19	X	
Arizona Game & Fish Dept.	Yes	3/29/19		X
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	Yes	3/25/19		X
USDA – NRCS	NR			
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	Yes	3/20/19	X	
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	Yes	3/20/19	X	

Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			
Western Area Power Administration	NR			

City of Yuma Internal List	Response Received	Date Received	"No Comment"	Written Comments
John Lekan, Police	NR			
Rod Hamilton, Police	NR			
Damon Chango, Parks and Rec – Admin	NR			
Ron Ramirez, Parks and Rec – Grounds	NR			
City Engineer	NR			
Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Holiman, Fire – Prevention	NR			
Alan Kircher, DCD – Building Safety	Yes	3/25/19	X	
Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
None Required	N/A
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request.	

ATTACHMENT C
AERIAL PHOTO

