

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

Hearing Date: October 28, 2019

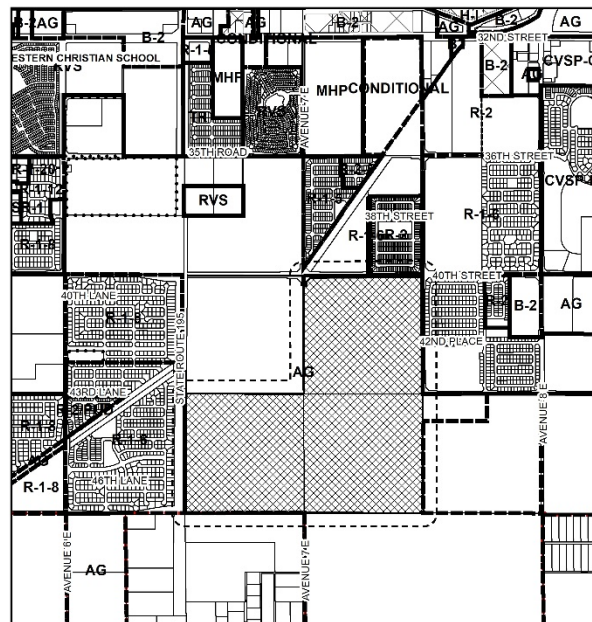
Case Number: ZONE-27555-2019

Project Description/Location:

This is a request by Dahl, Robins and Associates, Inc., on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to rezone approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Low Density Residential, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space
North	Agriculture (AG) and Medium Density Residential (R-2)	Undeveloped and Single Family Homes	Low and Medium Density Residential
South	Agriculture (AG) and County Rural Area (RA-10)	Undeveloped	Rural Density Residential
East	Low Density Residential (R-1-6 and R-1-5) and Agriculture (AG)	Undeveloped	Commercial and Low Density Residential
West	Low Density Residential (R-1-8)	SR-195 and Single Family Homes	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Resolution R2019-044 (October 16, 2019)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District.

Suggested Motion: Move to **APPROVE** Rezone ZONE-27555-2018 as presented, subject to the staff report, information provided during this hearing, and the requirements set forth in the Conditional Settlement and Release Agreement approved by City Council on June 5, 2019.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 455.88 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District, for the properties located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street, subject to the requirements set forth in the Conditional Settlement and Release Agreement approved by City Council on June 5, 2019, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject properties are located at the northeast corner, southeast corner, and southwest corner of Avenue 7E and 44th Street. While currently undeveloped, the intended development for the area includes a variety of low and medium density housing subdivisions featuring centralized basins and an area park, a site for a future school, and an area for commercial development. A General Plan Amendment was approved on October 16, 2019 amending the land use designation so as to support the proposed rezoning.

This potential residential development is limited to a maximum of 2,224 dwelling units as agreed upon within a recently adopted settlement agreement, between the City of Yuma and the applicant. The development standards for the residential zoning designations will still apply. Below, are some of the development standards which apply to the Low Density Residential (R-1-6) District and the Medium Density Single-Family Residential (R-2-5) District:

Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-40) District shall not exceed 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Medium Density Single-Family Residential (R-2-5) District:

1. The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall not exceed 45% of the lot area;
2. A minimum front yard setback of 15-20 feet;
3. A minimum side yard setback of 5 or 9 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet;
6. A 15-gallon street tree and accompanying irrigation system; and
7. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

As part of this proposed residential development, the property owner intends on addressing on-site retention requirements through the installation of centralized basins and a local area park; a 10-acre park site to be dedicated to the City of Yuma as required within the previously mentioned settlement agreement during the time of platting. The agreement also indicates that the 10-acre park site may be utilized for retention/detention purposes. The following comment was made by the Parks and Recreation Department regarding the location of the future park:

We suggest that the park be built along a major roadway (Avenue 7E). The reasons for this request the park will be used heavily by people outside of the subdivision just as the park at Ocotillo is. The design of the park is approximately 10 acres which most of it will be open green space, and the open green space will be used primarily for soccer along with football practice and games. Three times a week the park at Ocotillo is packed with kids and adults (mostly from outside the neighborhood) playing soccer, if the park were in the middle of the subdivision this would bring heavy traffic and parking issues internal to the neighborhood.

The proposed commercial zoning is approximately 12 acres and would support of a variety of potential commercial uses. Such uses include, the retail sale of goods and services, restaurants, religious institutions, grocery stores, and child care services. Upon development of this commercial site, all City of Yuma development standards will need to be adhered to. These development requirements include paved parking, access, setbacks, landscaping, and lighting.

Upon the platting of the subsequent development, right-of-way dedications will need to be addressed for those new and existing roadways/alignments. Below is a list of the dedications that will need to be addressed at such time:

1. 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 7E, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
2. 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 collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.

3. 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 44th Street, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction standards.
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, as required for a collector street 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 40th Street, as required for a minor collector 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 intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. A one-foot non-access easement shall be dedicated, via plat, to the City of Yuma, along all collector street 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 a bridge crossing on 48th Street similar to what was dedicated on Ocotillo Unit 4B.
9. 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.

In addition to the future dedication requirements, the City of Yuma also received a comment from the Arizona Department of Transportation (ADOT) requesting that a Traffic Impact Analysis (TIA) be completed to assess the potential impact that this future development may have on area roadways. A copy of this comment can be seen on Attachment B. Similar to the dedication requirements, this comment will also need to be addressed in the near future. It is Staff's recommendation that if warranted, this TIA be completed prior to the design and/or platting of the subdivision.

The proposed mixed-use development featuring a variety of single-family housing options, a school site, a park and open space, and a commercial development component, will provide future residents within the area ease of access to goods and services. The request to rezone the properties from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, the Medium Density Single-Family Residential (R-2-5) District, and the General Commercial (B-2) District 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
State Route 195	130 FT H/W ROW	130 FT H/W ROW	0 FT	0 FT
Avenue 7E – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
40 th Street – Minor Arterial	50 FT H/W ROW	0 FT and 61 FT H/W ROW	-50 FT	0 FT
Mississippi Avenue/Avenue 7½ E – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
44 th Street – Collector	40 FT H/W ROW	0 FT	-40 FT	0 FT
48 th Street – Minor Arterial	50 FT H/W ROW	0 FT	-50 FT	0 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: Several comments were received during the General Plan Amendment process in opposition of the proposal; however, none have been received during the rezone.

External Agency Comments: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: October 16, 2019

Attachments:

A	B	C	D
External Agency Comments	Proposed Zoning Map	Aerial Photo	Staff Research

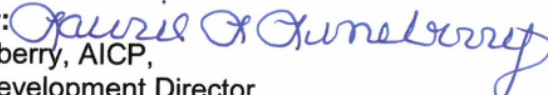
Prepared By:

Alyssa Linville,
Assistant Director of

Community Development

Date: 10.21.19Alyssa.Linville@yumaaz.gov

(928)373-5000, ext. 3037

Approved By:

Laurie L. Lineberry, AICP,

Community Development Director

Date: 10.21.19

ATTACHMENT A
EXTERNAL AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

Any development occurring at the SEC of the intersection of Ave 7E and 40th St, could potentially impact our easement which may require a License Agreement. Please have the developer or their representative contact our office at the number listed below

DATE: 9/18/19 NAME: Dennis Patane TITLE: Land & Realty Specialist
AGENCY: Western Area Power Administration
PHONE: 602 605-2713
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

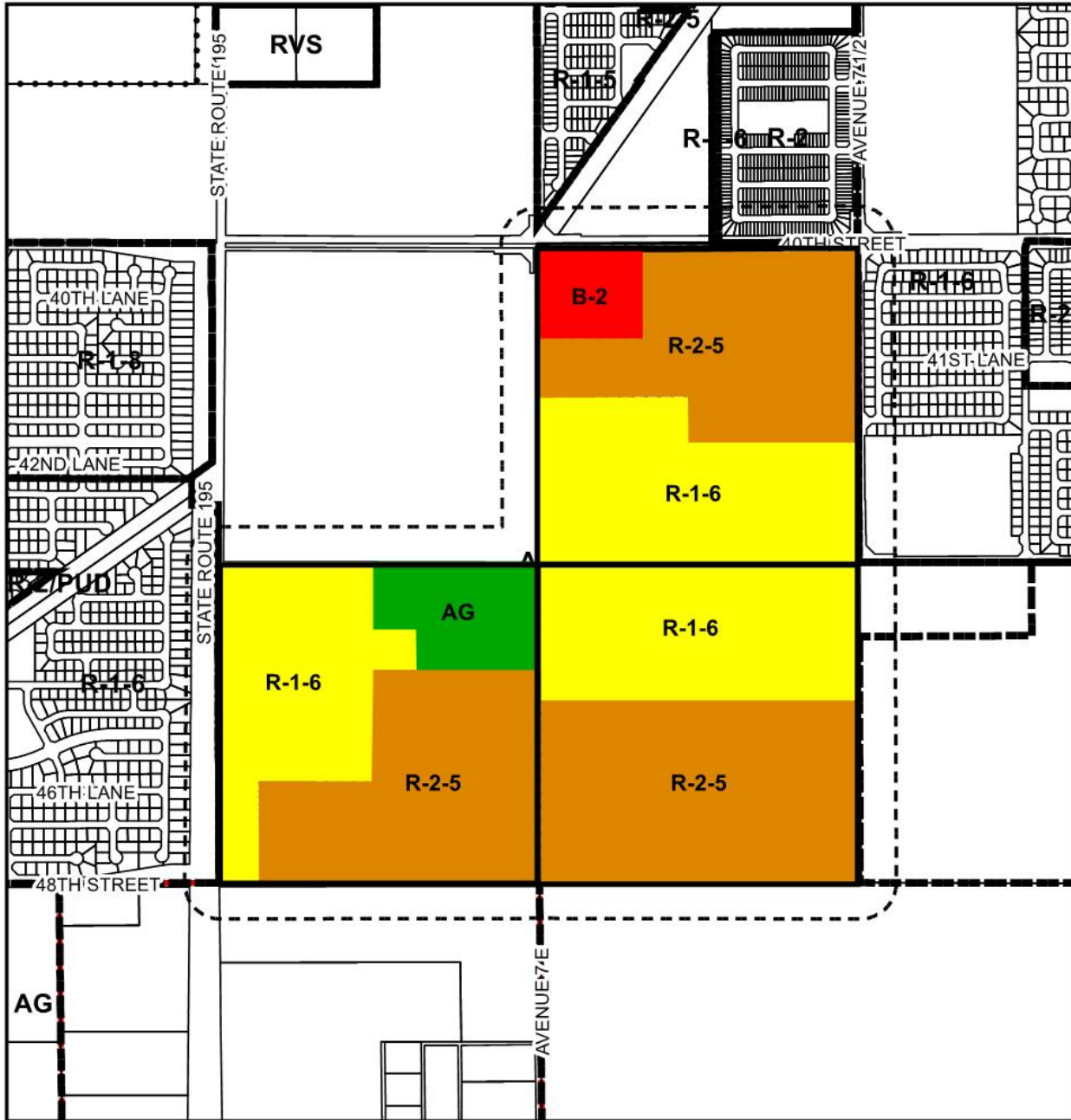
☒ COMMENT ☐ NO COMMENT

Enter comments below:

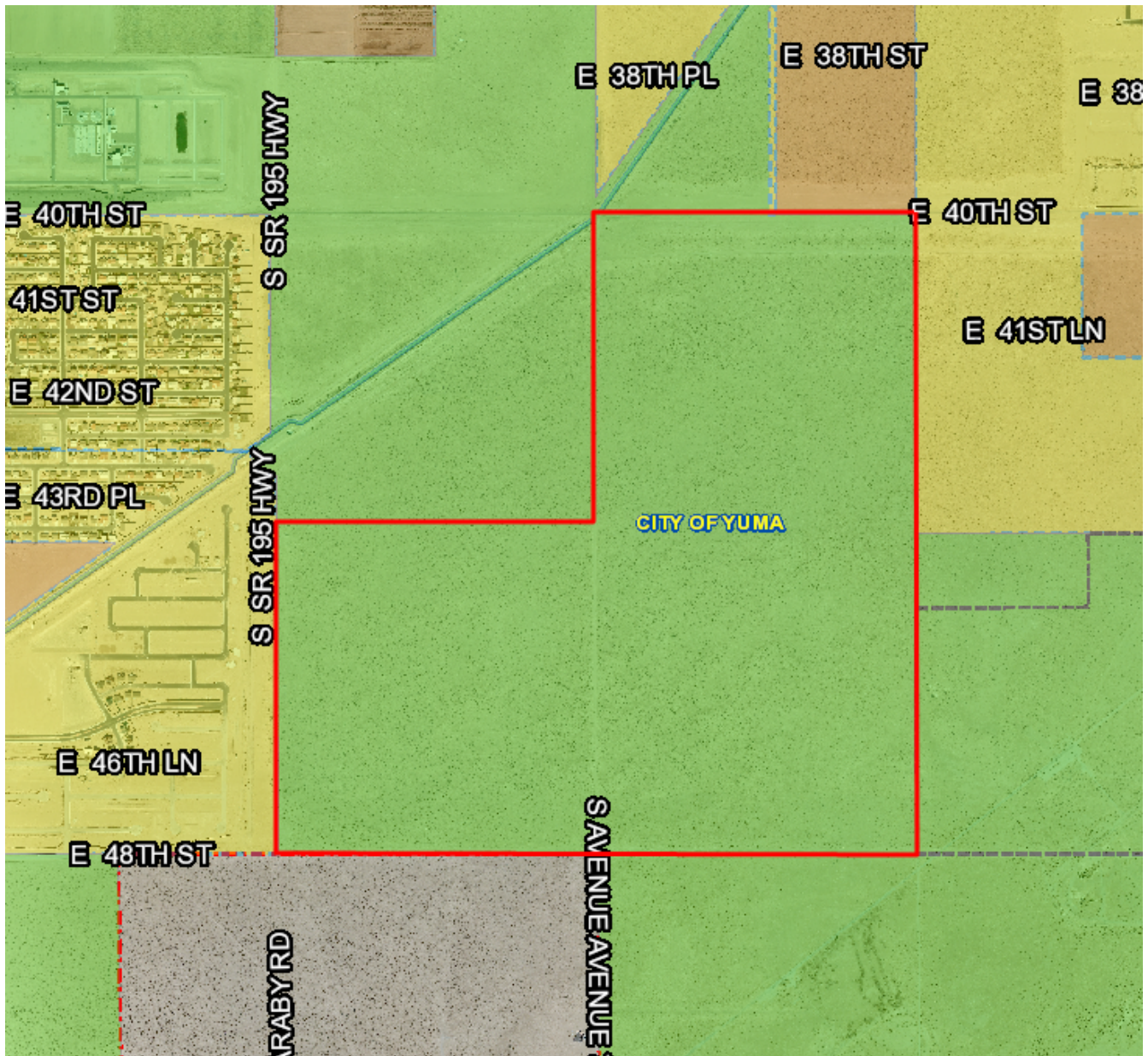
ADOT Southwest District is requesting a Traffic Impact Analysis (TIA) be completed for the proposed development. We would like to assess the potential impacts the new development would have on the intersection of State Route 195 and County 14th Street. Direct access to SR 195 from the development will not be permitted as this is an access-controlled highway.

DATE: 9/17/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

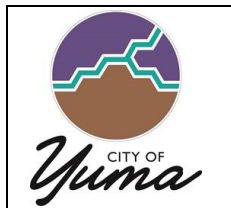
**ATTACHMENT B
PROPOSED ZONING MAP**



ATTACHMENT C
AERIAL PHOTO



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-27555-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		NEC, SEC and SWC of Avenue 7E and 44 th Street											
Parcel Number(s):		197-15-001, 197-15-002 and 197-16-002											
Parcel Size(s):		160 acres, 160 acres and 160 acres											
Total Acreage:		455.88		portion									
Proposed Dwelling Units:		2400											
Address:		N/A											
Applicant:		Brian L. Hall Living Trust and Michael T. Hall Living Trust											
Applicant's Agent:		Dahl, Robins and Associates											
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, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space							
North	Agriculture (AG) and Medium Density Residential (R-2)			Undeveloped and Single Family Homes		Low and Medium Density Residential							
South	Agriculture (AG) and County Rural Area (RA-10)			Undeveloped		Rural Density Residential							
East	Low Density Residential (R-1-6 and R-1-5) and Agriculture (AG)			Undeveloped		Commercial and Low Density Residential							
West	Low Density Residential (R-1-8)			SR-195 and Single Family Homes		Low Density Residential							
Prior Cases or Related Actions:													
Type		Conforms			Cases, Actions or Agreements								
Pre-Annexation Agreement		Yes		No	N/A								
Annexation		Yes	X	No	Ord. 097-81 (January 2, 1998)								
General Plan Amendment		Yes	X	No	GP-26567-2019 (In Process)								
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	May 18, 2019								
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:		Yuma Mesa Irrigation and Drainage District (YMIDD)											
Adjacent Irrigation Canals & Drains:		"A" Canal											
Water Conversion: (5.83 ac ft/acre)		1,836.45 Acre Feet a Year											
Water Conversion Agreement Required		Yes		No	X								

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Low Density Residential, Medium Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation & Open Space						
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
State Route 195	130FT HW	130FT HW			X	X
Avenue 7E – Collector	40FT HW	0FT HW				
40 th Street – Minor Arterial	50FT HW	0 FT and 61FT HW				X
Mississippi Avenue – Collector	40FT HW	0FT HW				
48 th Street – Minor Arterial	50FT HW	0FT HW				
Bicycle Facilities Master Plan	Future Bike Lanes – 40 th Street, Avenue 7E and 48 th Street					
YCAT Transit System	40 th Street – Proposed Estancia Route					
Issues:	None					

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan			
	Neighborhood Park:	Existing: Saguaro Park	Future: On-Site Park TBD (See Site Plan)
	Community Park:	Existing: Kennedy Park	Future: South Mesa Park
	Linear Park:	Existing: East Main canal Linear Park	Future: Gila Valley 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:	N/A			

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	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	2224	2.8	6227	11.75	1,868,160	2092.7	622,720
Fire Facilities Plan:		Existing: Fire Station No. 5				Future: Fire Station No. 7	
Water Facility Plan:		Source:	City	X	Private	Connection:	40 th Street 30" PVC
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 40 th Street 30" PVC

Issues:	None										
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		None	X		
Issues:	None										

NOTIFICATION

- Legal Ad Published: The Sun (10/04/19)
- 300' Vicinity Mailing: (09/09/19)
- 34 Commenting/Reviewing Agencies noticed: (09/12/19)

- Neighborhood Meeting: (N/A)
- Hearing Dates: (10/28/19)
- Comments Due: (09/23/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	09/13/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	09/13/19	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.	Yes	09/18/19		X	
Yuma Irrigation District	NR				
Arizona Game and Fish	Yes	09/23/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	Yes	09/18/19		X	X
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	Yes	10/07/19			X
Andrew McGarvie, Engineering	Yes	09/30/19		X	
Kayla Holiman, Fire	Yes	09/17/19	X		
Randy Crist, Building Safety	Yes	09/12/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	09/18/19			X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on October 28, 2019 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

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: The subject parcels are located approximately 1.5 miles (197-15-001) and 1 mile (197-15-002 and 197-16-002) from the northern boundary of the BMGRW. As such they are on the very edge of the acceptable density boundary for the BMGR Buffer zone identified in the Yuma County 2020 Comprehensive Plan / Yuma Regional Development Plan. Due to the proximity to the Range and associated flight paths an Range and Military Ground Support Disclosure is requested along with an Avigation disclosure on these parcels which will be passed on as the parcels are developed for residential use.

DATE:	18 Sept 2019	NAME:	Mary Ellen Finch	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Alyssa Linville				
	Alyssa.Linville@YumaAZ.gov				
