

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

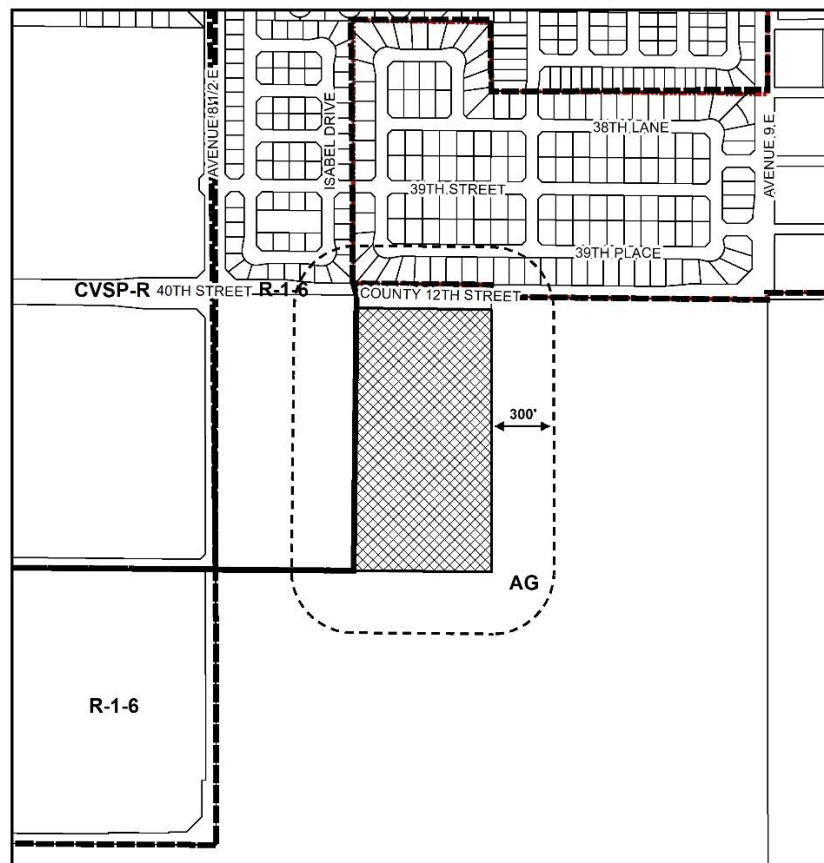
Hearing Date: January 13, 2020

Case Number: ZONE-28098-2019

Project Description/Location: This is a request by Edais Engineering, Inc., on behalf of Riedel Construction Company, LLC, to rezone a 19.3 acre parcel from Agriculture (AG) to Low Density Residential (R-1-6), for the property located east of the southeast corner of Avenue 8½E and 40th Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture (AG)	Undeveloped	Low Density Residential
North	County Manufactured Home Subdivision (MHS-10)	Trail Estates Single Family Homes	Suburban Density Residential
South	Agriculture (AG)	Undeveloped	Low Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential

Location Map



Prior site actions: Annexation: ANEX-24913-2019 (O2019-21); General Plan: GP-26140-2019 (R2019-039).

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** ZONE-28098-2019 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 recommending approval to the City Council for the request to rezone a 19.3 acre parcel from Agriculture (AG) to Low Density Residential (R-1-6) for the property located east of the southeast corner of Avenue 8½E and 40th Street, 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 developer intends to create a residential subdivision with lots of 6,000 square feet or larger. The current land use designation in the General Plan of Low Density Residential would allow from 19 to 94 dwelling units to be constructed in a single-family development on this property, based on a range of 1 to 4.9 dwelling units per acre.

The subject property is vacant desert land south of the existing Trail Estates Subdivisions, and it will be accessed via 40th Street upon improvement and paving of the roadway.

1. Does the proposed zoning district conform to the Land Use Element?

Yes A recent General Plan Amendment changed the designation from Rural Density to Low Density Residential.

2. Are there any dedications or property easements identified by the Transportation Element?

Yes

Transportation Element	Planned	Existing	Difference	Requested
40 th Street – Minor Arterial	50 FT H/W	62 FT H/W	-12 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 This rezoning request is not in conflict with other Elements of the General Plan.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes The recent General Plan Amendment to Low Density Residential was approved to accommodate residential development on this property.

Public Comments Received: None Received

External Agency Comments: None Received.

Neighborhood Meeting Comments: Held 07/10/19. No neighbors attended.

Proposed conditions delivered to applicant on: 12/10/19

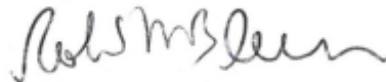
Final staff report delivered to applicant on: 12/31/19

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 12/10/19
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C
Conditions of Approval	Aerial Photo	Staff Research

Prepared By:
Robert M. Blevins
Principal Planner



Date:

12/20/19

Robert.Blevins@yumaaz.gov (928)373-5189

Approved By:
Alyssa Linville
Assistant Director Community Development



Date:

12/20/19

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



Date:

12-20-19

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 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 Comments: Agustin Cruz, Senior Civil Engineer (928)373-5182:

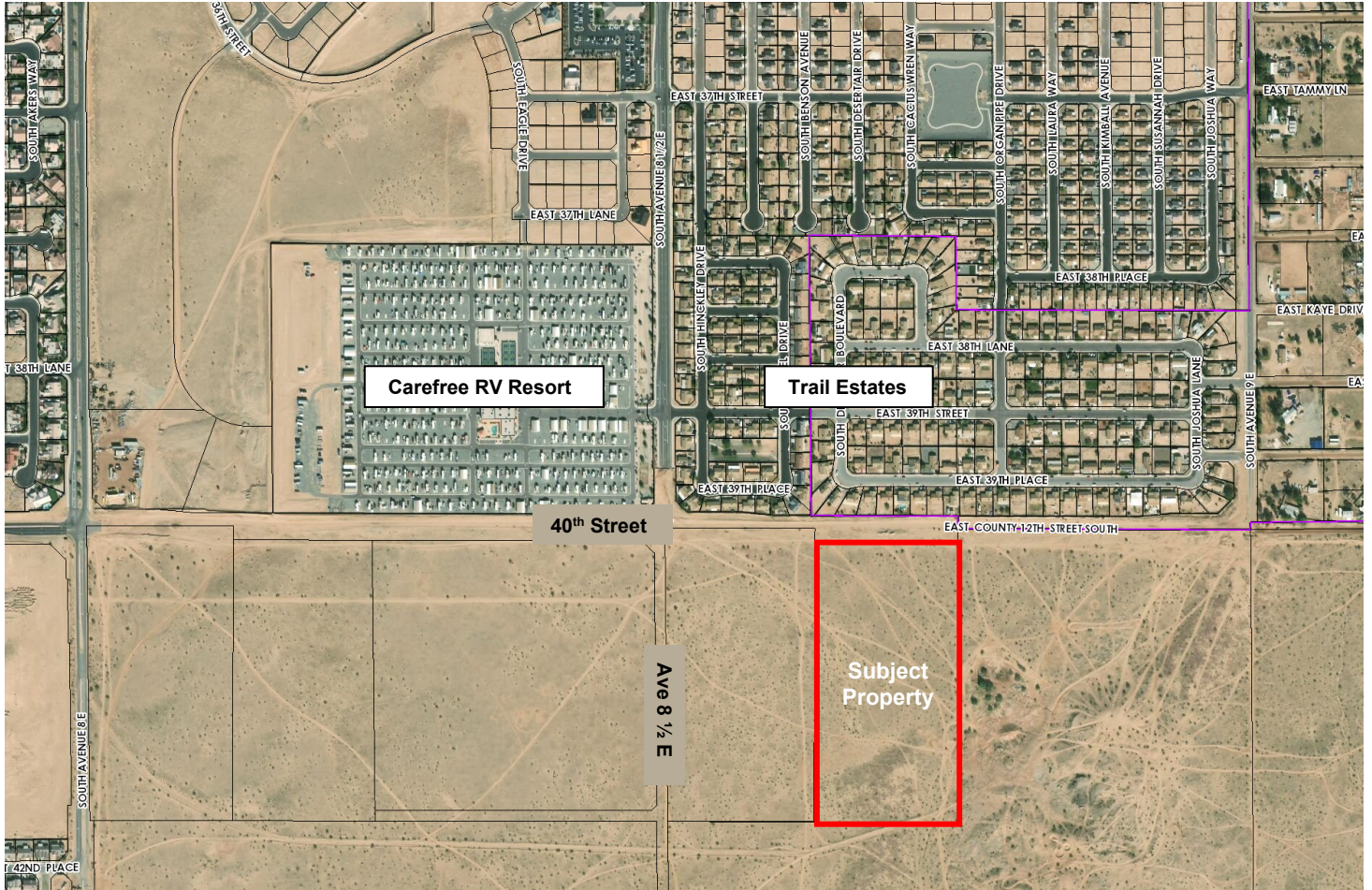
4. Owner/Developer shall design and construct the south half of 40th Street per City of Yuma Construction Standard 2-015 at the time of development. 40th Street is transportation development fee eligible.
5. Owner/Developer shall dedicate (in fee title) the south half of 40th Street as a minor arterial street with 50 foot half width.

Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:

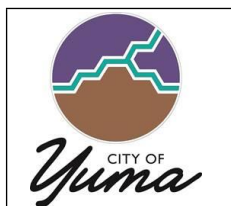
6. Each of the conditions listed above shall be completed within one (1) year of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are 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
AERIAL PHOTO



ATTACHMENT C
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-28098-2019
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:	East of the SEC of Avenue 8½E and 40 th Street.														
Parcel Number(s):	726-03-002														
Parcel Size(s):	840,708 sq. ft.														
Total Acreage:	19.3														
Proposed Dwelling Units:	Up to 94														
Address:	Not yet assigned														
Applicant:	Riedel Construction Company, LLC														
Applicant's Agent:	Edais Engineering, 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							
North	County Manufactured Home Subdivision (MHS-10)				Single Family Homes			Suburban Density Residential							
South	Agriculture (AG)				Undeveloped			Low Density Residential							
East	Agriculture (AG)				Undeveloped			Low Density Residential							
West	Low Density Residential (R-1-6)				Undeveloped			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		ANEX-24913-2019 (O2019-21)										
General Plan Amendment	Yes	X	No		GP-26140-2019 (R2019-039)										
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		PDM-24649-2019 (01/18/2019)										
Design Review Commission	Yes		No		N/A										
Enforcement Actions	Yes		No		N/A										
Avigation Easement Recorded	Yes		No	X	Fee #										
Land Division Status:	Parcel is a legal lot of record.														
Irrigation District:	N/A														
Adjacent Irrigation Canals & Drains:	None														
Water Conversion: (5.83 ac ft/acre)	N/A														
Water Conversion Agreement Required	Yes		No	X											

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Low Density Residential
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																																												
40 th Street – Minor Arterial		50 FT H/W	62 FT H/W					X																																											
Bicycle Facilities Master Plan	40 th Street Proposed Bike Lane																																																		
YCAT Transit System	None																																																		
Issues:	None																																																		
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: Aqua Viva Park																																														
Linear Park:	Existing: East Main Canal Linear Park				Future: Gila Gravity 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:	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		<table border="1"> <thead> <tr> <th colspan="2">Dwellings & Type</th> <th>Projected</th> <th>Police</th> <th colspan="2">Water</th> <th>Wastewater</th> </tr> <tr> <th colspan="2"><i>Single Family</i></th> <th>Population</th> <th>Impact</th> <th colspan="2">Consumption</th> <th>Generation</th> </tr> <tr> <th>Maximum</th> <th>Per Unit</th> <th></th> <th>Officers</th> <th>GPD</th> <th>AF</th> <th>GPD</th> </tr> </thead> <tbody> <tr> <td>94</td> <td>2.8</td> <td>263</td> <td>0.50</td> <td>78,960</td> <td>88.5</td> <td>26,320</td> </tr> <tr> <td colspan="2">Minimum</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>19</td> <td>2.8</td> <td>53</td> <td>0.10</td> <td>15,960</td> <td>17.9</td> <td>5,320</td> </tr> </tbody> </table>								Dwellings & Type		Projected	Police	Water		Wastewater	<i>Single Family</i>		Population	Impact	Consumption		Generation	Maximum	Per Unit		Officers	GPD	AF	GPD	94	2.8	263	0.50	78,960	88.5	26,320	Minimum							19	2.8	53	0.10	15,960	17.9	5,320
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Fire Facilities Plan:	Existing: Fire Station No. 5				Future: Fire Station No. 7																																														
Water Facility Plan:	Source:	City	X	Private		Connection:	30" PVC Line on 40 th Street																																												
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	Connection: 24" PVC Line on 40 th Street																																												
Issues:	None																																																		
Safety Element:																																																			
Flood Plain Designation:	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 12/20/19
- 300' Vicinity Mailing: 11/25/19
- 34 Commenting/Reviewing Agencies noticed: 11/28/19

- Neighborhood Meeting: 07/10/19
- Hearing Dates: 01/13/20
- Comments Due: 12/09/19

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	12/02/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	11/27/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	12/02/19	X		
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	12/02/19	X		
Yuma Mesa Irrigation District	YES	11/27/19	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.	YES	12/02/19	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	NR				
Agustin Cruz, Engineering	YES	12/09/19		X	
Kayla Holiman, Fire	YES	12/03/19	X		
Alan Kircher, Building Safety	YES	12/02/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	12/04/19		X	
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
07/10/19	No one in attendance.
Prop. 207 Waiver	
Given to Applicant on 10/23/19 by U.S. Mail.	

PUBLIC COMMENTS RECEIVED: NONE