



Staff Report

Planning and Zoning Commission

September 14, 2021

Major Amendment 2021-0340:

REQUEST: To change the land use designation of two parcels 180.9 acres in size from Commercial (C) and Employment (EMP) to Medium Density Residential (MDR). This Major Amendment will allow the applicant to rezone to the R1-6 zoning district for the construction of a residential subdivision. Assessor's parcel number 227-11-004 and 005.

APPLICANT: Edais Engineering Inc, representing Riedel Holdings LLC

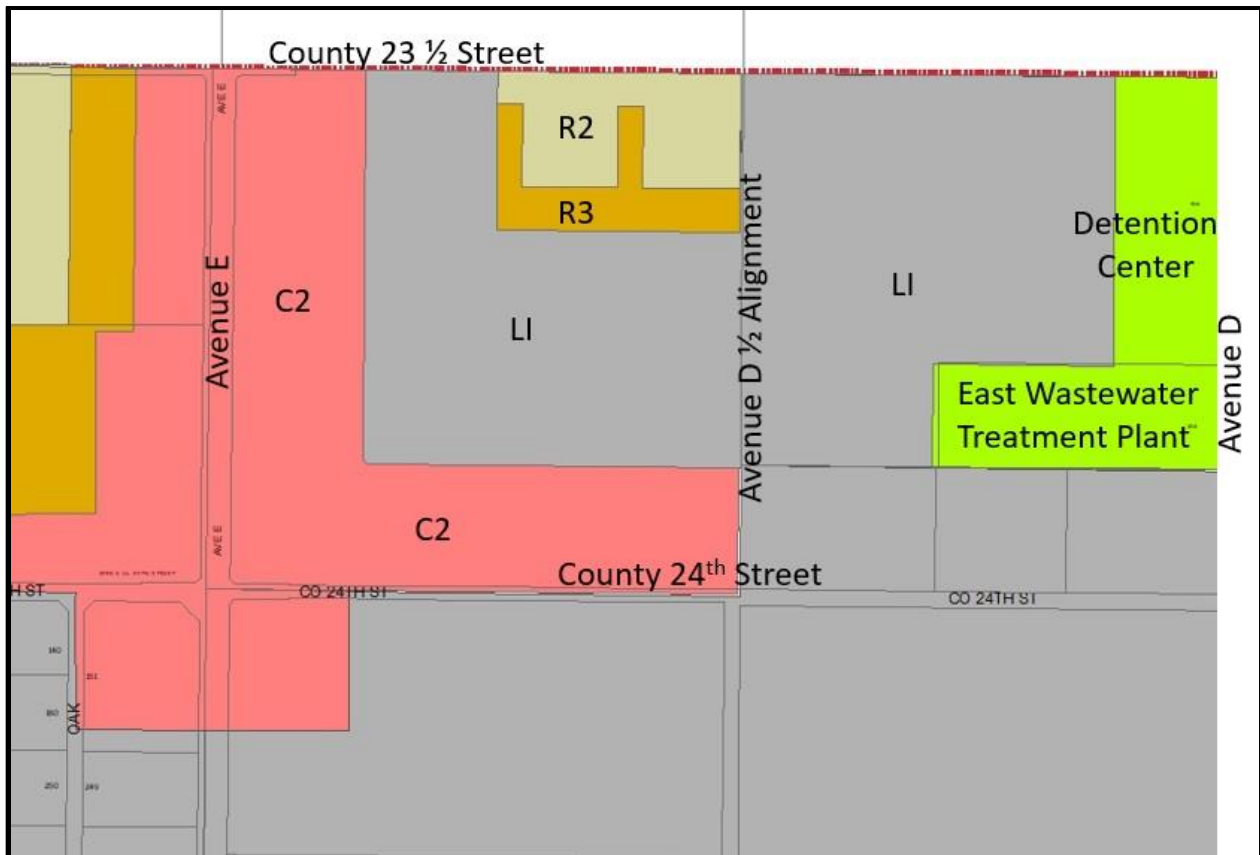
DIRECTIONS: The parcels are located on the south east corner of County 23 ½ Street and Avenue E in San Luis Arizona.

BACKGROUND: In 2019 Major Amendment Case No. 2019-0394 was denied by City Council for a similar request on the subject properties, this case was denied under the City of San Luis 2020 General Plan. Later, on November 2020, the City adopted the 2040 General Plan.

The subject properties were annexed to the City of San Luis in the year 2000 as part of a pre-annexation agreement (Resolution No. 421). The pre-annexation agreement included the San Luis regional detention and support center and the east wastewater treatment plant. As part of the pre-annexation agreement the City agreed to allow the development of a private prison under existing zoning regulations and it was agreed by the property owner and the City that light industrial uses were the most appropriate uses for the remaining of the land since the adjacent parcels had the potential to be impacted by the private prison and the east wastewater treatment plant.

After the annexation became effective in 2010 the owner applied to rezone approximately 20 acres located on the southwest corner of County 23 ½ Street and

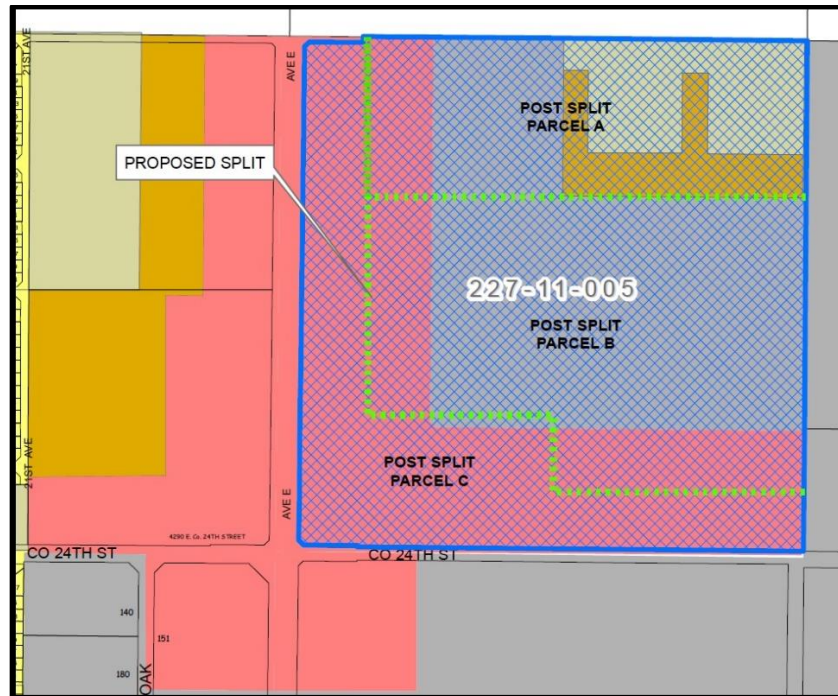
Avenue D ½ alignment to high-density residential zoning in an area primarily designated for industrial uses. (Rezoning Case No. 2010-11,12,13 and 14 see map below). In 2011, Resolution 933 amended the pre-annexation agreement to include certain provisions to allow for high-density residential development. The decision to include high-density residential zoning was based on the potential need for townhomes or condominiums to accommodate short-term employment in the construction or development fields.



Existing Zoning Map

According to Resolution 933 if the owner develops the 20-acre portion zoned R2 and R3 with single family homes, the developer agrees that such development will be limited to large lot development of lots no less in size of 8,000 square feet and homes of no less than 1750 square feet, exclusive of garage or carport or the owner needs to request an amendment to Resolution 933.

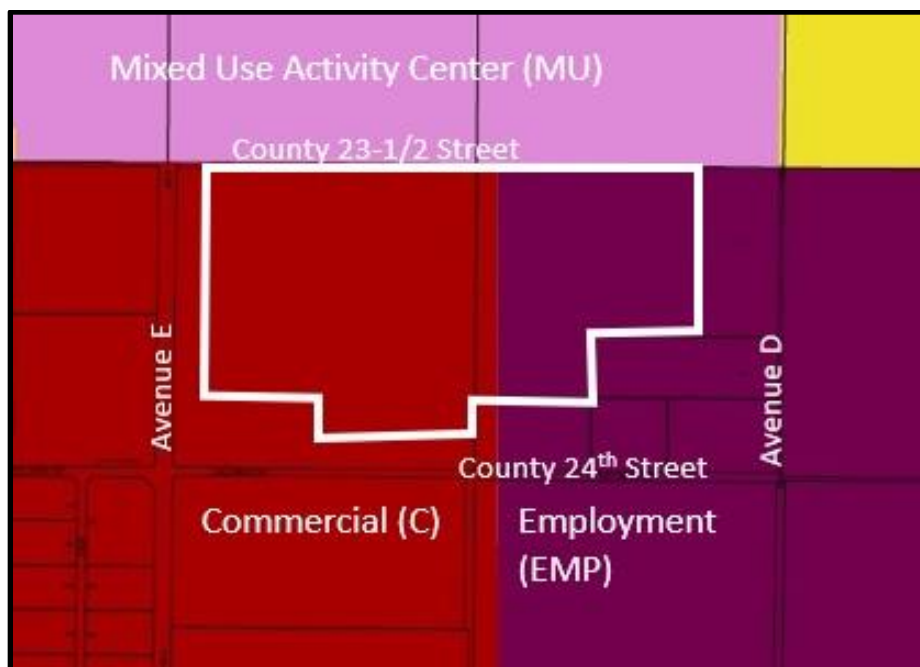
On May 2021, the subject properties were purchased by Riedel Holdings LLC and the new owner requested a lot split to divide parcel 227-11-005 to create three new parcels as shown on the map below: (Lot Split Case No. 2021-0387)



Lot Split Case No. 2021-0387

A.R.S. § 9-461-06 H requires approval by affirmative votes of at least two-thirds of the members of City Council to pass a Major Amendment.

GENERAL PLAN: The City of San Luis 2040 General Plan identifies two existing land use categories in the area north of County 24th Street between Avenue E and Avenue D, Commercial (C) and Employment (EMP), as shown on the land use map below:



Existing Land Use Map

Existing Land Use category

Commercial (C): The Commercial land use category is intended to provide for the primary commercial areas serving the community including neighborhood, community, and regional-scale development. Commercial areas provide convenient community access to goods and services and may include retail, service commercial, professional offices, light industrial and employment uses.

Zoning districts permitted within C: MU, C1, C2 and LI

Employment (EMP): The Employment (EMP) land use category is intended to provide areas with a focus on creating jobs to serve the community including warehouses, distribution centers, business parks, corporate centers, research and development facilities, light industrial, and heavy industrial uses.

Zoning districts permitted within EPM: LI and HI

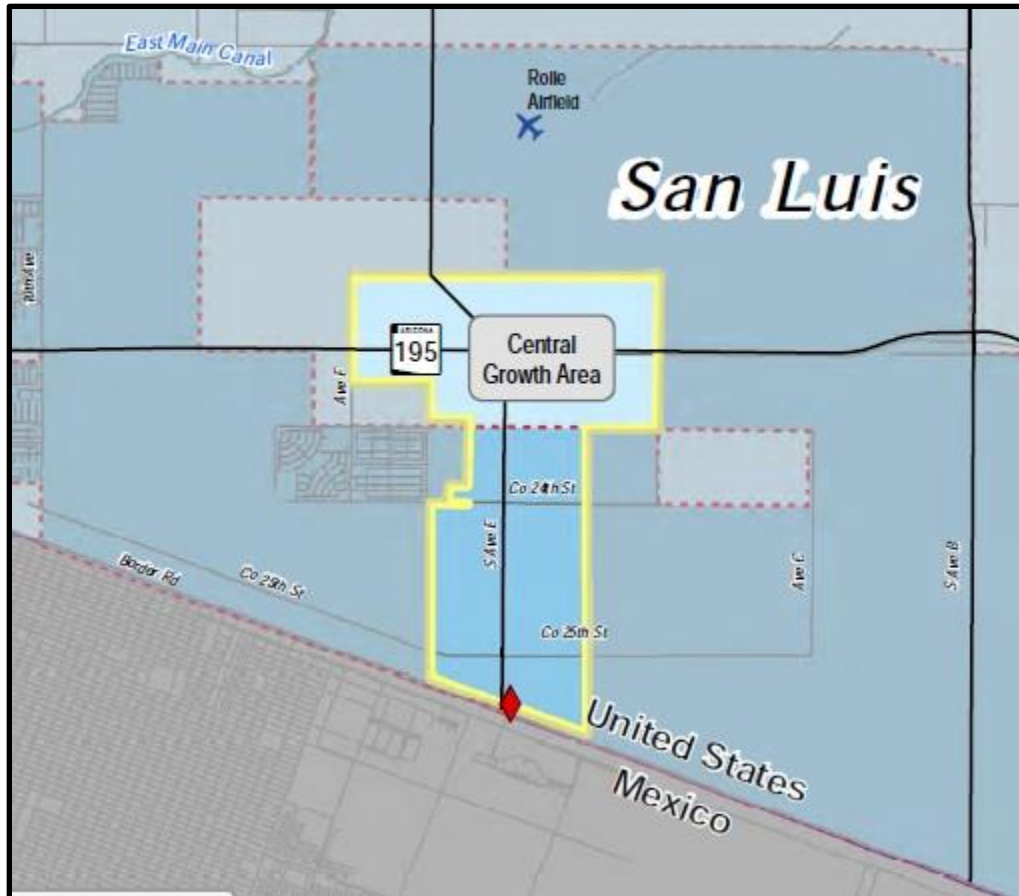
Proposed Land Use Category

Medium Density Residential (MDR): The Medium Density Residential (MDR) land use category is intended to provide for detached single family residential development on moderately sized lots.

Zoning districts permitted within MDR: R1-6, R1-8, R1-12, R1-20, R1-35, R2, MHS, MHP and PUD.

The approval of this major amendment will allow the applicant to rezone the subject properties to any zoning district allowed in the Medium Density Residential land use category.

CRITICAL ISSUES: The parcel located east of Avenue D ½, of this proposed land use change, is located outside of the Central Growth Area identified in the 2040 General Plan. According to the adopted 2040 General Plan Growth Element, the City should prioritize growth in the growth areas identified on the General Plan since these areas are suitable for multi modal transportation and for infrastructure expansion. The Central Growth Area in the City of San Luis is shown below:



Central Growth Area Map

General Plan Policies:

Policy G-1.4: Preserve and protect areas designated for employment from encroachment by single-family residential or other incompatible uses.

The proposed residential land use change will be encroaching into employment land use designation to the south in the area between Avenue D ½ and Avenue D. This proposal goes against this adopted policy since the applicant is proposing residential development adjacent to employment and adjacent to the San Luis regional detention and support center and the east wastewater treatment plant which are incompatible uses.

Policy G-7.1 The City of San Luis should only prioritize growth in areas with existing infrastructure or areas where infrastructure can be expanded in a fiscally sound manner.

Infrastructure can be expanded in the area, the east wastewater treatment plant located on the northwest corner of County 24th Street and Avenue D can provide the service for future development and a water line is located along County 24th Street. However, Avenue E is the only road connection to Cesar Chavez Boulevard/SR-ASH. This request is partially in compliance with this adopted policy.

Policy G-8.1 New development should provide a transition between uses with differing densities/intensities by incorporating compatible land use strategies.

This proposed land use change could be located adjacent to Commercial and Employment land use categories and some uses can be compatible land uses with the proposed residential development. The commercial land use category will be located to the west and south. However, the parcel located adjacent to the San Luis regional detention and support center and the east waste water treatment plant are not compatible uses with the proposed Medium Density Residential land use category. This request is partially in compliance with this adopted policy.

Policy G-9.3 Ensure growth areas are served and connected by major transportation routes and other modes of transportation.

Subdivisions in the Central Growth Area are served and connected by Avenue E and County 24th Street. Both arterial roads are not fully improved. Although, the City public works department could request traffic studies for future proposed subdivisions, in accordance with the public works standards, Avenue E is the only connection to Cesar Chavez Boulevard/SR-ASH. This proposal goes against this adopted policy since the applicant is not proposing a different route or other modes of transportation for the proposed residential development.

Policy PS 6.1 Require new growth and development to construct and dedicate public utility infrastructure to serve the development including water, wastewater and storm water improvements.

The developer should be responsible for providing all the necessary improvements including road construction, water, wastewater, and storm water. The proposed residential development will be required to construct and dedicate public utility infrastructure to serve the new development. This request is in compliance with this adopted policy.

Policy PS 14.1 Plan the siting of higher intensity uses along major roadway corridors, such as Avenue E and Cesar Chavez Boulevard/SR-ASH.

The applicant is not proposing a land use change for parcels located adjacent to Avenue E and County 24th Street. These portions of land will remain commercial

following this policy in the General Plan. This policy supports commercial and industrial uses adjacent to these major roadways, for this reason, the request is in compliance with this adopted policy.

APPROVAL CRITERIA: The Planning and Zoning Commission and City Council shall assure that the proposed amendment meets all the following criteria:

- 1. The development pattern contained in the existing San Luis General Plan-Land Use Plan does not adequately provide appropriate optional sites for the use or change proposed in the amendment.** There are no sites or properties located east of Avenue E designated for residential development. The land use plan only designates land located west of Avenue E for residential development. The Medium Density Residential Land use designation can be allowed east of Avenue E as proposed, only if the proposal is consistent with the goals and policies of the San Luis 2040 General Plan.
- 2. The amendment constitutes an overall improvement to the San Luis General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.** The amendment can constitute an overall improvement to the San Luis 2040 General Plan because a portion of the request is consistent with the goals and policies of the General Plan. For example, commercial development along County 24th Street and Avenue E and residential development on the back or adjacent to commercial development. However; the parcel located east of the Avenue D ½ alignment, of this proposed residential development, is not consistent with the existing San Luis regional detention and support center and the east wastewater treatment plant industrial uses.
- 3. The amendment will not adversely impact the community as a whole or a portion of the community by:**
 - a. Significantly altering acceptable existing land use patterns;** Existing land use patterns are commercial and industrial only. A land use change to Medium Density Residential can be acceptable if the proposal is in compliance with the goals and policies of the General Plan.
 - b. Requiring additional and more expensive improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact development in other areas.** The proposed land use change will require additional and more expensive improvements to roads, sewer and water delivery systems, However, the existing land use designations of commercial and industrial could also require both extensive and expensive improvements.
 - c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems.** This land use change will increase residential traffic in an area mainly

designated for commercial and industrial uses. If approved, residential traffic will be combined with commercial trucking along Avenue E and County 24th Street.

- d. **Affecting the livability of the area or the health and safety of the residents.** Currently, there are no residential development east of Avenue E and no land use designation supports residential development. If approved the health and safety of future residents east of Avenue D ½ and outside the Central Growth Area could be affected by future and existing industrial uses like the regional detention and support center and the east waste water treatment plant.

4. **The amendment is consistent with the General Plan's overall intent, vision, goals and objectives as well as being compliant with other adopted plans, codes, and ordinances.** The request is consistent with the General Plan for the parcel located west of Avenue D ½ and not consistent with the intent, vision, goals and objectives for parcel located east of Avenue D ½ since the parcel is adjacent to the San Luis regional detention and support center and the east wastewater treatment plant.

AGENCY REVIEW:

As part of the Major Amendment review process, this land use case was part of a 60-day review period and reviewed by various city and outside agencies. We received no comments during the 60-day review period for this case.

As required by State Statute, staff has sent notification letters to property owners within 600 feet of the proposed project (5 letters).

Staff received comment letters from the City Engineer, City Fire Department, Yuma County Development Services and ADOT for this case.

CITIZEN REVIEW MEETING:

A Citizen Review Meeting was held at City Hall on September 7, 2021 at the City Hall Council Chambers at 6:00 p.m. 27 people were in attendance during the meeting.

STAFF RECOMMENDATION:

Staff recommends approval to change the land use designation from Commercial (C) to Medium Density Residential (MDR) as requested by the applicant for parcel 227-11-005 totaling 106.26 acres. (Parcel between Avenue E and Avenue D ½) This portion of the request is consistent and in compliance with the adopted policies of the City of San Luis 2040 General Plan.

Staff recommends denial to change the land use designation of Assessor's parcels 227-14-004 totaling 74.64 acres from Employment (EMP) to Medium Density Residential (MDR), this portion of the request is not consistent or in compliance with the adopted

policies of the City of San Luis 2040 General Plan and is located outside the Central Growth Area.

RECOMMENDED MOTION:

I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0340 TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL TO CHANGE THE LAND USE DESIGNATION FROM COMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR PARCEL 227-11-005 AS REQUESTED BY THE APPLICANT AND DENIAL TO CHANGE THE LAND USE DESIGNATION FROM EMPLOYMENT TO MEDIUM DENSITY RESIDENTIAL FOR PARCEL 227-11-004.

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