



Staff Report

Planning and Zoning Commission

September 14, 2021

**Major Amendment Case No. 2021-0337:**

**REQUEST:** To change the land use designation of a 20-acre parcel from Commercial (C) 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 227-15-030.

**APPLICANT:** Core Engineering Group PLLC. On behalf of Border Ranches II AZ LLC.

**DIRECTIONS:** The subject property is located on the northeast corner of 20<sup>th</sup> Avenue and County 24 ½ Street in San Luis Arizona.

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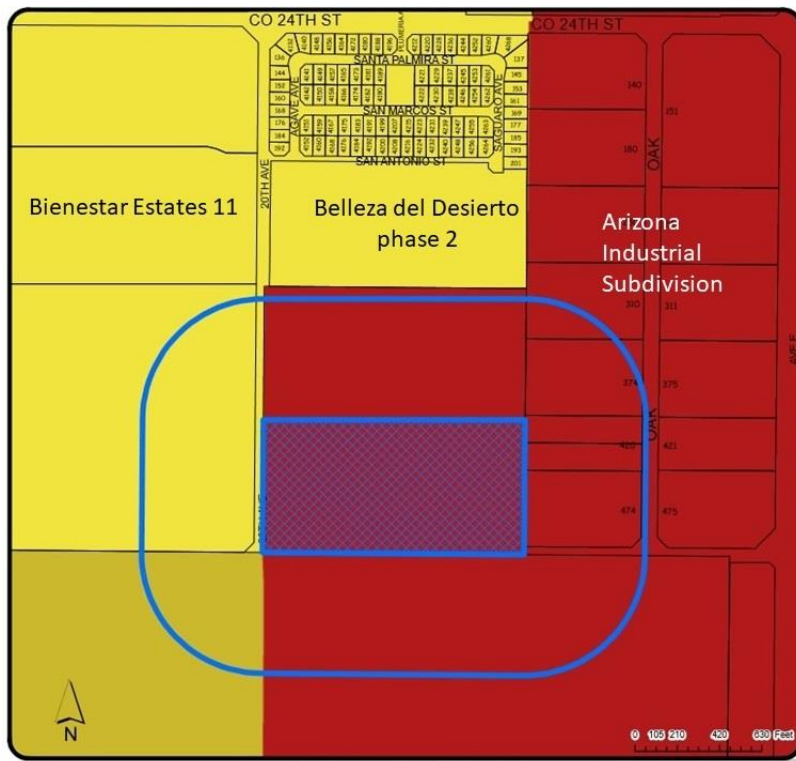
**BACKGROUND:** Recently, Lot Split Case No. 2021-0275 was approved to create the subject property. The property owner requested a minor amendment for the adjacent parcel to the north (Minor Amendment Case No. 2021-0336). The request was to change the land use designation of the parcel to north from Commercial (C) to Medium Density Residential (MDR). The case was denied by City Council on September 8, 2021. This major amendment case is the same request as the recently denied Minor Amendment Case No. 2021-0336.

If this major amendment is approved the applicant will be requesting the rezoning of the subject parcel to R1-6 for the construction and development of a residential subdivision.

The City of San Luis 2040 General Plan requires a minor amendment for any change in a non-residential land use category of less than 20 contiguous acres to a residential land use category. For this reason, the applicant submitted a minor amendment application to change the land use designation of the parcel to the north from Commercial (C) to Medium Density Residential (MDR) (Minor Amendment Case 2021-0336). However, a major amendment was required for the south parcel because both properties are more than 20 contiguous acres.

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 existing land use category for the subject property is Commercial (C) 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

**Proposed Land Use Category**

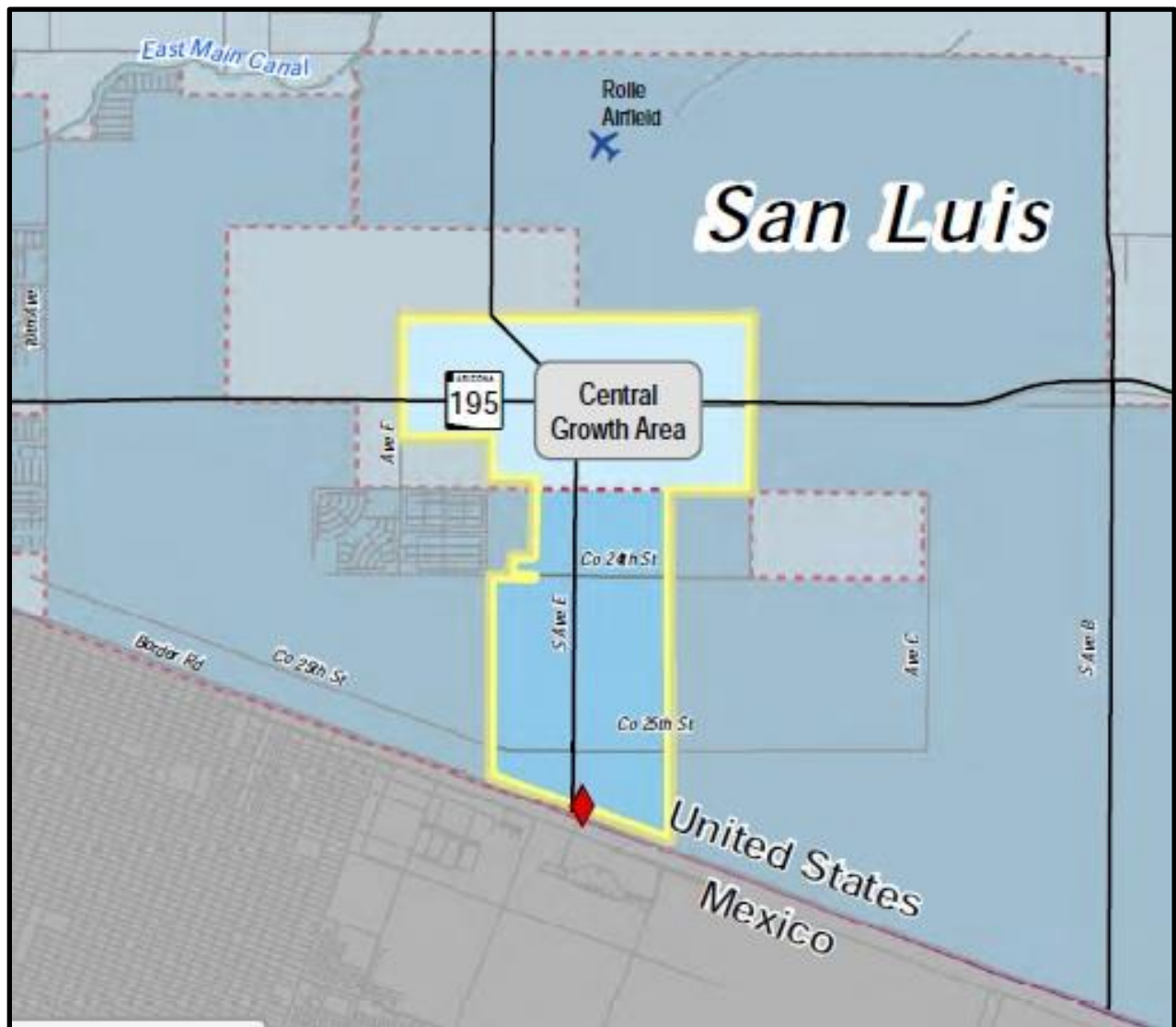
**Medium Density Residential (MDR):** The Medium Density Residential (MDR) land use category is intended to provide for detached single family residential development on moderately sized lots.

**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 property to Medium Density Residential zoning districts. The existing condition of the subject property is native desert undeveloped land zoned light industrial (LI).

**CRITICAL ISSUES:**

The subject property is located inside 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-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.**

The subject property is located inside the Central Growth Area identified in the 2040 General Plan where infrastructure can be expanded. Existing development in the area have provided access to the infrastructure needed for residential development. However, County 24<sup>th</sup> Street is not fully improved and traffic in the area has increased. 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.**

The subject property is not located adjacent to a compatible land use designation to the north since Minor Amendment Case No. 0336 was denied and the parcels to the north, south and east are designated as commercial. The only compatible land use is located to the west. This request is not 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 24<sup>th</sup> Street. Both arterial roads are not fully improved. However, the City public works department can request a traffic study for proposed subdivisions in the area in accordance with the public works standards. A traffic study can ensure that all the improvements necessary are done by the developer to provide connection to Cesar Chavez Boulevard. This request is partially 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.** The general plan designates sites west of Avenue E for residential development. Since the subject property is surrounded by parcels designated as commercial the development pattern will be changed by allowing Medium Density Residential.
- 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 is not an overall improvement to the San Luis 2040 General Plan because the request is surrounded by commercial land use designations to the north, south and east. The proposed development pattern is not consistent with the goals and policies of the General Plan.

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 to north, south and east are commercial and the approval of this major amendment will alter the existing land use patterns.
  - 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 major amendment will require additional and more expensive improvements to roads. Since County 24<sup>th</sup> Street is not fully improved and this development will contribute to the existing traffic conditions on the area.
  - 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. If approved, residential traffic will be combined with commercial trucking along Avenue E and County 24<sup>th</sup> Street. The City public works department can request a traffic study for proposed subdivisions in accordance to the public works standards. The traffic study will ensure that all the improvements necessary are done by the developer to provide connection to Cesar Chavez Boulevard.
  - d. **Affecting the livability of the area or the health and safety of the residents.** If approved, the traffic safety of the new residents will be affected. However, residential development in the area is increasing and the City is building a community park that will help with livability, health and safety of the new residents.
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.** No, the request is not consistent with the General Plan overall intent, vision and goals and objectives. The residential subdivision will be required to comply with the adopted codes and ordinance of the City of San Luis.

#### **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 (7 letters).

Staff received comment letters from the 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 denial to change the land use designation from Commercial (C) to Medium Density Residential (MDR) as requested.

**RECOMMENDED MOTION:**

I MOVE TO FORWARD MAJOR AMENDMENT CASE NO. 2021-0337 TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL.

**Staff Report Prepared by:**

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**Staff Report Reviewed by:**

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Planning Director