

Yuma, AZ.

STAFF REPORT TO THE PLANNING & ZONING COMMISSION DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES COMMUNITY PLANNING DIVISION CASE TYPE – CONDITIONAL USE PERMIT CASE PLANNER: BOB BLEVINS

Hearing Date:December 9, 2024Case Number:CUP-43322-2024Project
Description/
Location:This is a request by Avila Construction, on behalf of Tanimura and Antle CA
General Partnership, for a Conditional Use Permit to allow the construction of
a new large company housing complex in the Light Industrial (L-I) District. The
property is located at the southwest corner of Avenue 6E and E. 30th Street,

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial (L-I)	Vacant	Industrial
North	Agriculture (AG)	Railroad	Industrial
South	Agriculture/Light Industrial (AG/L-I)	Cactus Tree RV & Mobile Home Park	Industrial
East	Heavy Industrial (H-I)	Vacant	Industrial
West	Light Industrial (L-I)	Vacant Industrial Building	Industrial

Location Map:



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- <u>Prior site actions:</u> Annexation: A95-14, effective 03/22/1996; Rezoning: Z95-51 (County Light Industrial to City Light Lindustrial) O96-61.
- <u>Staff Recommendation:</u> Staff recommends **APPROVAL** of a Conditional Use Permit to allow the construction of a new large company housing complex in the Light Industrial (L-I) District, subject to the conditions outlined in Attachment A.
- <u>Suggested Motion</u>: Move to **APPROVE** Conditional Use Permit CUP-43322-2024 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 Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Avila Construction, on behalf of Tanimura and Antle CA General Partnership to allow the construction of a new large company housing complex in the Light Industrial (L-I) District for the property located at the southwest corner of Avenue 6E and E. 30th Street, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.
- **<u>Staff Analysis:</u>** The "Tanimura and Antle Employee Housing Project" is proposed to cover two adjoining properties on a total of 8.14 acres. The project will consist of twelve 2 story apartment-style buildings with a total of 183 two bedroom/two bath dwelling units, four laundry facilities, four recreation rooms, a manager's apartment, open space, and outdoor recreation fields.

The applicant states:

"Overview: The housing project would be occupied primarily during the Yuma, AZ harvest season from September through February. The housing would be available for agricultural employees, and the housing would be designed to accommodate up to 1,464 agricultural employees. Each apartment unit would be suitable to house eight individuals.

"The project would be built out in phases. The duration of construction is expected to be approximately 8 months from the issuance of permits. The number of workers would vary throughout construction and would range from 10 to 75 [construction] workers at any given time.

"Traffic: The seasonal employees typically do not have their own vehicles. Instead, the employees would be bussed or carpooled to agricultural fields throughout Yuma County. The majority of outbound bus/vanpool trips would occur between 2:00 - 5:00 A.M. and all inbound bus/vanpool trips typically occur between 12:00 - 4:00 P.M. The busses and vans would be stored offsite and driven to and from the site each day. During weekday evenings and weekends, bus or van service would be provided to the employees, as necessary, to transport employees to shopping, recreation, and religious services.

"Fencing and Lighting: The proposed project would install a perimeter fence and vehicle gates around the development. The project proposes one main vehicle

gate and two secondary/emergency vehicle gates. All gates will be automated. Exterior lighting at the project site would be downward facing, shielded to direct light downwards, to ensure that lighting does not spill over onto nearby properties. All exterior lighting would be consistent with local lighting ordinances.

"**Recreation**: The proposed project incorporates indoor and outdoor recreational facilities as depicted on the site plan. Facilities include 4 recreation rooms, 8 pergola shade/picnic table structures, open space, and two sports/recreation courts and walkways around the complex."

The City of Yuma Zoning Code includes Company Housing definitions as follows in Section 154-01.07 (Ord. O2019-022, passed 6-5-2019):

- **COMPANY HOUSING.** Seasonal or temporary housing made available to an employee by commercial entities, industries or labor contractors.
- COMPANY HOUSING UNIT (SMALL). Housing provided to an employee and their households by a commercial entity, labor contractor or employer; no more than two occupants shall be permitted in each bedroom, with a maximum of six occupants per unit. A company housing unit (small) allows for a maximum of 12 occupants per complex.
- COMPANY HOUSING UNIT (LARGE). Housing provided to employees by a commercial entity, labor contractor or employer. Occupancy for a large complex shall be determined by the Property Maintenance Code.

Further, the Zoning Code lists requirements which will be reviewed for compliance upon the submittal of construction and site plan documents, including, but limited to the following provisions for a new, large company housing complex:

- It is required to provide the following amenities:
 - (a) Indoor recreation facility; and
 - (b) Outdoor recreation facility; and The facility shall include at least one of the following: Sporting court and/or field, Ramada(s), or BBQ grill(s).
- The new complex shall utilize 10% of the property for outdoor recreation facilities/open (green) space.
- Needs On-site laundry facilities.
- If twenty-five (25) or more occupants, the complex requires the presence of a crew chief or supervisor on-site.
- All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.
- Must comply with the parking required of multiple dwellings One and onehalf spaces for each efficiency one-bedroom or two-bedroom dwelling unit, and two spaces for each dwelling unit containing three or more bedrooms.
- Need to provide dedicated on-site bus parking for loading/unloading of residents with a minimum of one bus parking space for each 50 residents.
- The parking and/or idling of vehicles, used for pick-up, on public streets shall be prohibited.

- The Zoning Administrator has the authority to approve off-site pick-up locations as an alternative to providing on-site bus parking when such alternatives are available.
- If an on-site parking area is to be utilized for outdoor recreation space, a deed restriction will be required in order to ensure that such parking area be reestablished upon conversion to a standard housing development.

Part of the approval of the proposed use would be based on the Site Plan as shown in Attachment B, and a deviation from it would require reconsideration by the Planning and Zoning Commission.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

	SPECIFIC IMPACT AREA	ISSUE	CONDITION #
Α.	Traffic	No off-site loading or stacking of vehicles.	4
В.	Parking	Use of parking as loading/unloading zones.	4
C.	Lighting	Non-issue	
D	Hours of Operation	Non-issue	
Е	Indoor/Outdoor Activities	Non-issue	
F.	Noise	Non-issue	
G.	Air Quality	Non-issue	
Η.	Hazardous Materials	Non-issue	
Ι.	Crime Prevention (CPTED)	Non-issue	
J.	Other	Development is across two parcels.	3

2. Does the site plan comply with the requirements of the zoning code?

- Yes. All new improvements on site will need to meet the development standards in the zoning code.
- 3. Does the proposed use and site plan comply with Transportation Element requirements? Yes.

FA	CILITY PLANS						
Т	ransportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
	30th Street- Local Commercial	29 FT	30-54 FT				
	50 Street Local Commercial	H/W ROW	H/W ROW				
	Avenue 6E- Local Commercial	29 FT	50 FT H/W				
	Avenue of - Local Commercial	H/W ROW	ROW				
	Bicycle Facilities Master Plan	Proposed I	E. 32 nd Street E	Bike Path			
	YCAT Transit System	Gold Route- E. 32 nd Street					
	Issues:	None					

- **4. Does the proposed conditional use conform to all prior City Council actions for this site?** Yes.
- 5. Can the P&Z Commission answer the following questions affirmatively?
 - (1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

- Yes. The Code requires review of Conditional Use Permits of this type by the Planning and Zoning Commission.
 - (2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?
- Yes. From the customer: "The proposed project is modeled after similar projects in California which operate in a very similar fashion during the Salinas Valley Growing season. The projects are generally quiet, peaceful, and do not disturb the surrounding areas or general City. In fact, most communities find the projects are an asset to the area because they provide safe, clean, and appropriately sized facilities for agricultural employees.

"It is expected that the residents will be required to follow operating rules and procedures designed to ensure the harmonious operation of the facility and ensure that the project is a good neighbor."

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. From the customer: "The project site has been designed specifically with traffic circulation in mind. Three driveway access points are proposed along with two additional access driveways for fire purposes. The drive aisles are wide enough to accommodate fire and bus access and turning; a fire access road along the back portion of the site is provided."

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

- Yes. The new buildings and parking areas are setback in accordance with City Codes to alleviate or reduce noise and excess lighting. Additionally, the perimeter landscaping will act as a buffer while enhancing the appearance of this project. No other new residential development is anticipated in the vicinity. The new two story buildings are approximately 60 feet or more distant from the property line adjoining the RV park to the south.
 - (5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?
- Yes. This project has buildings of normal size and height, and will appear to be much like a traditional residential apartment complex.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. Interior noise levels will be lessened by Building Code acoustical requirements. Exterior noise levels should be comparable to, or less than, a similar-size apartment complex since few residents will have their own vehicles, and they will rely on bus transportation provided by the agricultural operations at scheduled intervals. All lighting will be reviewed for safety and shielding.

- (7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?
- Yes. Lighting and landscaping is reviewed so all areas of the property are visible and safe for both pedestrians and vehicular traffic. A photometric survey is required to ensure there are not areas of shadow or insufficient lighting- while still keeping the light from exceeding the edges of the property.

Public Comments Received:

Name:	Name: Luanne Devlin				Contact Information: 541-254-1111						
Method	Method of Contact: Phone X FAX Email Letter Other										
"Cactus	"Cactus Tree RV Park is elderly people. Neighborhood meeting is unfair and needs to be postponed										

due to weather event [wind]."

Name: Gregory O'N	Cor	tact Information:	ga	oneal02	@hotr	nail.com)		
Method of Contact: Phone F			Email	Х	Letter		Other		
"I have a proposal or	n the Housing	Complex T	&A wants to build	l." M	ove it to	the p	roperty t	o the	e east.

Name:	Glen McMic	hael		Cor	tact Information	: 57	10 E. 32 ^r	nd Str	eet #2	
Name: Glen McMichael Method of Contact: Phone X "Going to jam them in here. Don't this			Х	FAX	Email		Letter		Other	
"Going	to jam them i	n here. Don	't think	this is a	good idea."					

Agency Comments: See Attachment E.

Neighborhood Meeting Comments: See Attachment F

Discussions with Applicant/Agent: November 6, 2024

Proposed conditions delivered to applicant on: November 12, 2024

Final staff report delivered to applicant on: November 25, 2024

X Applicant agreed with all of the conditions of approval on: November 15, 2024

Applicant did not agree with the following conditions of approval: (list #'s)

If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	В	С	D	E
Conditions of	Site Plan &	Floor Plans/	Agency	Agency Comments
Approval	Elevations	Ramadas	Notifications	

F	G	н	I	J
Neighborhood Meeting	Follow-up Responses After	Neighbor	Neighbor	Aerial
Comments	Neighborhood Meeting	Notification List	Mailing	Photo

Prepared By:	Robert M. Blevins	Date:	November 15, 2024
Robert Blevins Principal Planner	Robert.Blevins@yumaaz.gov	(928) 37	3-5189

Approved By:Jennifer L. AlbersDate:11/15/24Jennifer L. Albers,
Assistant Director of Planning

ATTACHMENT A CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director (928) 373-5000, x 3037:

- 1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
- 2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

3. The Owner/developer shall submit for City review, approval, and recordation a new lot tie plat to combine the two parcels (APNs: 697-32-001 & 697-32-002) and to correct the location and dimensions of the lots and roadway dedication called out in the warranty deed dated 3/27/2008, recorded in FEE# 2008-09023, Yuma County Records. The City may have to execute a City Council-approved Ordinance if additional land needs to be transferred to the property owner through this action.

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

- 4. A deed restriction shall be recorded requiring the property owner to (re)establish a paved, lit, and landscaped parking lot which provides adequate parking spaces as required for a multiple dwelling unit use upon conversion of the property to a use which is not classified as company housing.
- 5. The trash enclosure must be of block construction with solid gates. The gates and roof shall be painted. The CMU shall be Tan Split face block to compliment the main development on the property. The trash enclosures are contained within the fenced and gated community and will be maintained and kept free of any graffiti or defacing of the structures.
- 6. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
- 7. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void. It is the understanding that the project will be built out in several phases over a number of years. Landowners' rights specific to this Conditional Use Permit shall be deemed vested upon the issuance of any of the above noted action

8. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.

9. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

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 SITE PLAN & ELEVATIONS



See ENLARGEMENT A

See ENLARGEMENT B





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ENLARGEMENT A



ENLARGEMENT B

ATTACHMENT C FLOOR PLANS/RAMADAS







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RAMADAS AND PICNIC TABLES FROM RECENT PROJECTS



ATTACHMENT D **AGENCY NOTIFICATIONS**

- 0
- 0
- Legal Ad Published: The Sun 11/14/24 300' Vicinity Mailing: 10/21/24 34 Commenting/Reviewing Agencies noticed: 10/24/24 Site Posted on: 10/30/24 0
- 0

- Neighborhood Meeting: 11/06/24 Hearing Date: 12/09/24 Comments due: 11/04/24 0
- 0
- 0

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/24/24	X	Comments	Attached
Yuma County Engineering	NR	10/24/24	Λ		
Yuma County Public Works	YES	10/24/24	Х		
Yuma County Water Users' Assoc.	YES	10/25/24	X		
Yuma County Planning & Zoning	NR	10/20/24	X		
Yuma County Assessor	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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
Ft. Yuma Quechan Tribe	YES	10/24/24	Х		
United States Postal Service	NR	10/24/24	^		
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/28/24	v		
	_		× "No	Written	Commonto
City of Yuma Internal List (Conditions)	Response Received	Date Received	Conditions"	Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	10/28/24	Х		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	11/05/24			Х
Utilities	NR				
Public Works	NR				
Streets	NR			1	

ATTACHMENT E AGENCY COMMENTS

Enter conditions here: Subject parcels (APNs 697-32-001 & 697-32-002) are located adjacent a known low flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	5 Nov 2024	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT: PHONE:	MCAS Yuma 928-269-2103		A. Mantz		Specialist

ATTACHMENT F NEIGHBORHOOD MEETING COMMENTS

Date Held: Location: At the property- the southwest corner of Avenue 6E and E. 30th St. 11/06/24 at 5 p.m.

Attendees: Applicant/Agent: Jeff Nohr & Mike Avila of Avila Construction; Sal Castaneda of T&A. Bob Blevins, Principal Planner, City of Yuma

Neighbors in attendance: Residents from the Cactus Tree RV & Mobile Home Park: Greg Donlin, Michael Keys, Donald Bailey, Cindy Mattingley, Anthony Navidad, Terry Spivey, Denise Spivey, Pastora Green, Donald Mendrea, Chris Wahr, Desdemonia Gilbert, Paulo Machado, Tina Hawley, Glen McMichael, Tracy Perry, Paul Cameron, Gregory O'Neal.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT (N = Neighbor, A = T&A/Avila):

- N: How many units?
- A: 183 two bedroom/two bath dwelling units.
- N: Concerns about security with so many new people. Why not put this on other sites?
- A: T&A is the property owner. This will be for their employees. Avila is the construction company.
- N: All this land is planned for agriculture in the area and there are concerns about traffic and road conditions.
- A: Very few workers in this new complex will have cars. These are H2A and domestic agricultural workers. It will be the same number of busses as now. They are now parked over there and will still be traveling on Avenue 6E. They will now pick up here. It will be low traffic as they will be loading onto busses. Traffic will be one way in and one way out.
- N: Will families be located here with children on site.
- A: There won't be children as the residents are all agricultural workers.
- N: Not a good location for housing because APS will be putting in transformers within six months and the trains are very loud. There may be a problem with fencing between the properties.
- N: Concerned about how to communicate with management if there are issues on site.
- N: Concerned about impact of development on the neighbors including access across vacant property, noise issues, moving RVs within park and loss of views. Would prefer the property was used for agriculture or undeveloped.
- A: Cactus Tree residents have had the benefit of using the Tanimura and Antle land until now. There is access to the north along 30th Street.

ATTACHMENT G FOLLOW-UP RESPONSES AFTER NEIGHBORHOOD MEETING

N: Concerns about security?

Response: All individuals that will be housed at the project site will be employed by the owner or their labor contractors. All individuals are required to clear background checks and register with their employer. An onsite manager will be housed at the site to monitor and manage the facility. The proposed project would install a perimeter fence and vehicle gates around the development. All gates will be automated and self-closing. An extensive video surveillance camera system will be installed around the facility and will monitor all vehicle and pedestrian traffic. License plate readers are installed at each vehicle gate entrance to track incoming and outgoing vehicles. Onsite security will be provided to monitor activity around the site.

N: Why not put this on other sites?

Response: The properties owned by Tanimura & Antle to the east of S. Avenue 6E are zoned as Heavy Industrial (H-I) and are contiguous with other parcels they own and currently use for ongoing industrial operations related to their business model. In anticipation of possible future operational expansion of their business and to provide adequate space for these operations and related activities it is in the best interest to leave these parcels available for expansion of these activities. This will allow the economic base of the city to be strengthened and employment opportunities to expand and protect residential development by locating the proposed housing away from these industrial operations and keeping the housing adjacent to existing residential development which are located to the west of S. Avenue 6E.

N: All this land is planned for agriculture in the area.

Response: The properties owned by Tanimura & Antle to the east of S. Avenue 6E are zoned as Heavy Industrial (H-I) and are contiguous with other parcels they own and currently use for ongoing industrial operations related to their business model. The soil conditions are not favorable to agricultural harvesting operations and are not intended to be used for growing operations. In anticipation of possible future operational expansion of their business and to provide adequate space for these operations and related activities it is in the best interest to leave these parcels available for expansion of these types of activities.

N: Will families be located here?

Response: No children or families will be housed at the project site. The housing would be available for agricultural employees only.

N:These people will come over from other countries.

Response: T&A employees both domestic workers (US Citizens) and foreign nationals to fulfill their farm labor harvesting needs. The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs.

ATTACHMENT H NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code			
BIG GOOSE LLC	PO BOX 669	WADDELL	AZ	85355	
GAZELLE INVESTMENTS LLC	520 COACHMAN DR	JACKSONVILLE	OR	97530	
TANIMURA & ANTLE CA GENERAL PARTNERSHIP	PO BOX 4070	SALINAS	CA	93912	
TANIMURA & ANTLE CA GENERAL PARTNERSHIP	PO BOX 4070	SALINAS	CA	93912	
TANIMURA & ANTLE CA GENERAL PARTNERSHIP	PO BOX 4070	SALINAS	CA	93912	
TANIMURA & ANTLE PARTNERSHIP	PO BOX 4070	SALINAS	CA	93912	
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179	
VALLEY FARMS LLC	5875 E GILA RIDGE RD	YUMA	AZ	85365	
VALLEY FARMS LLC	11330 E DEL GOLFO	YUMA	AZ	85367	
VALLEY FARMS LLC	11330 E DEL GOLFO	YUMA	AZ	85367	
WATSON JAMES	5950 W MISSOURI AVE SPC 1	GLENDALE	AZ	85301	

ATTACHMENT I NEIGHBOR MAILING



ATTACHMENT J AERIAL PHOTO

