

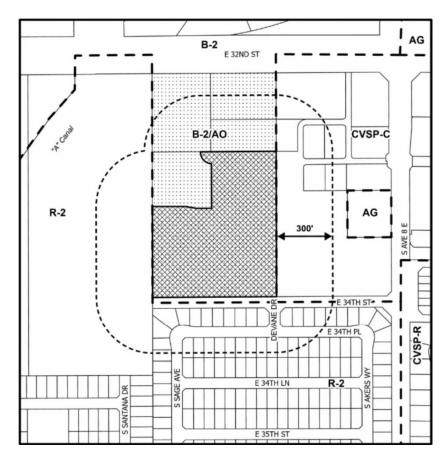
# STAFF REPORT TO THE PLANNING AND ZONING COMMISSION DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES COMMUNITY PLANNING DIVISION CASE TYPE – REZONE

CASE PLANNER: ERIKA PETERSON

<u>Project Description/</u> Location: This is a request by Dahl, Robins & Associates, Inc. on behalf of Yuma Development One, LLC to rezone approximately 9.74 acres from the General Commercial/Aesthetic Overlay (B-2/AO) District to the Medium Density/Planned Unit Development (R-2/PUD) District, for the property located at the northwest corner of 34<sup>th</sup> Street and DeVane Drive, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/ Aesthetic Overlay (B-2/AO)	Undeveloped	Medium Density Residential
North	General Commercial/ Aesthetic Overlay (B-2/AO)	Undeveloped	Commercial
South	Medium Density Residential (R-2)	Single-family homes	Medium Density Residential
East	Cielo Verde Specific Plan Commercial (CVSP-C)	Apartments	Commercial
West	Medium Density Residential (R-2)	Undeveloped	Medium Density Residential

#### **Location Map**



<u>Prior site actions</u>: Annexation: Ord. O99-29 (July 3, 1999); General Plan Amendment: GP-2005-014 Resolution R2005-125 (November 16, 2005) Minor Amendment to change land use designation from Medium Density Residential to Commercial; Rezone Z2006-12: Ord. O2006-59 (AG to B-2/AO) (February 27, 2008); Lot Split: LS2005-042 Yuma Development One Lot Split; Subdivision: YDO Parcel C Subdivision; Lot Split: LOTS-43285-2024 24/7 Get Fit Lot Tie/Lot Split No. 3 (in process)

**Staff Recommendation:** 

Staff recommends **APPROVAL** of the rezoning from the General Commercial/Aesthetic Overlay (B-2/AO) District to the Medium Density/Planned Unit Development (R-2/PUD) District, subject to the conditions shown in Attachment A.

Suggested Motion:

Move to **APPROVE** Rezone ZONE-43328-2024 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 rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 9.74 acres from the General Commercial/Aesthetic Overlay (B-2/AO) District to the Medium Density/Planned Unit Development (R-2/PUD) District for the property located at northwest corner of 34<sup>th</sup> Street and DeVane Drive, Yuma, AZ, 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 applicant proposes developing the subject property for the La Vida Town Homes development. The site is currently undeveloped, and the development will be developed in one single phase.

#### Density

The Planned Unit Development Overlay (PUD) District states, "the average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site (§154-14.07 (C)(4))." The R-2 District requires a minimum lot size of 4,500 square feet for small lot single-gamily subdivisions with a maximum of 72 small lots per 160 acres. The proposed development encompasses 9.74 acres for the entire development, including streets. By excluding the streets, the common area and individual lots total approximately 306,214 square feet. Taking 306,214 square feet and dividing that by the proposed 60 lots, as shown on the site plan (Attachment B), yields an average lot area of 5,104 square feet. Therefore, the proposed development meets the required minimum average lot area of 4,500 square feet per dwelling unit, as required by the R-2 District.

#### Development Standards

"Planned Unit Developments are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas that generally is possible under conventional zoning regulations. (§154-14.07 (A))."

The proposed development with the PUD overlay would allow the following dimensional variations:

- A decrease in the minimum lot size from 4,500 square feet to 3,674 square feet
- A decrease in minimum lot width from 50 feet to 32 feet.

- A reduction from 5 feet on each side yard setback to zero feet.
- An increase in maximum lot coverage from 55% to 70%
- A reduction in minimum local street widths from 58 feet to 48 feet.

#### **Amenities**

"PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level or urban amenities and preservation of natural scenic qualities of open spaces (§154-14.07 (A))."

The applicant has agreed to the following amenities for the proposed PUD:

- 1. A landscaped retention basin.
- 2. A midblock 5-foot walking path running North/South allowing access to the centrally located amenity area.
- 3. A landscaped amenity area with a ramada, barbeque grill, playground equipment and athletic court.
- 4. Each residential lot will feature irrigation, artificial grass, a 15-gallon tree, and 4 shrubs located in the front yard.

#### Dwelling Unit Design and Massing Plan

The applicant proposes three different floor plans, a single story 2-bedroom, a single story 3-bedroom, and a 2-story 4-bedroom, each with a 2-car attached garage. The units will include a combination of flat and tile roofing. The elevations for these floor plans are available in Attachment C. The proposed development will feature attached townhomes, clustered in groups of four to ten units, ranging in size from 1,290 square feet to 1,924 square feet. Each lot will have a 6-foot-tall block wall on each of the rear and side property lines and there will be a 6-foot-tall perimeter subdivision wall around the entire development constructed of earth tone colored CMU block.

The massing plan illustrates the arrangement of the units with 20-foot setbacks, the retention basin, and midblock walking path (Tract C) connecting to the amenity area (Tract B). The massing plan is provided in Attachment D.

The proposed Planned Unit Development Overlay (PUD) District permits an increase in density flexibility in development standards far beyond what would be allowed under the underlying zoning district. The increase in density and flexibility in development standards is financially beneficial to the developer. The tradeoff for the increased density and flexibility in development standards is that the applicant provides a higher level of urban amenities and preservation of natural scenic qualities of open spaces for the benefit of the residents of the PUD. The proposed amenities for this development meet the intent of a Planned Unit Development as outlined in the City Code.

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

La	nd Use Element:										
	Land Use Designa	ation:	1	Mediu	m Den	sity I	Resid	ential			
	Issues:										
	Historic District:	Brinley Avenu	е	Се	ntury F	leigh	its		Main Street	None	Χ
	Historic Buildings	on Site:	Yes		No	Χ					

# 2. Are there any dedications or property easements identified by the Transportation Element? No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
32 <sup>nd</sup> Street- Principal Arterial- 4 Lanes	50 FT HW	100 FT HW				Х
Avenue 8E- Collector 2 Lanes	40 FT HW	49 FT HW				
34 <sup>th</sup> Street- Local	29 FT HW	29 FT HW				
Bicycle Facilities Master Plan	32 <sup>nd</sup> Street	- Bike path and	Avenue 8E	- Proposed	bike lane	
YCAT Transit System	32 <sup>nd</sup> Street	at Avenue 8E-	Gold Route	8		
Issues:	N/A					

olan? Yes.														
Parks, Recreation and C	•		Eleme	nt:										
Parks and Recreation F								-						
Neighborhood Park:			Saguar								Saguaro P			
Community Park:			Kenned								East Mesa			
Linear Park:	Existi	ng: E. Main Canal Linear Park Future: "A" Canal Linear Park												
Issues:	N/A													
lousing Element:														
Special Need Househol	d:	N/A	١											
Issues:														
Redevelopment Elemen														
Planned Redevelopmer		N/A							1					
Adopted Redevelopme	nt Plan:		rth End	:t		Ca	arver	Park:			None: X			
Conforms:		Ye			No									
onservation, Energy &			ntal El	em	ent:									
Impact on Air or Water	Resourc	es	Yes			No		_						
Renewable Energy Sou	rce		Yes			No	X							
Issues:														
ublic Services Elemen	t:													
Population Impacts Population projection per 2018-2	2022	D	welling	s 8	к Тур	e   1	Proje	ected	Po	lice	Wa	ter	Wastew	<i>r</i> ate
American Community Survey Police Impact Standard:			2-4 (	Jni	ts	P	opu	lation	lmp	act	Consun	nption	Genera	tior
1 officer for every 530 citizens		Ma	aximun	ı F	Per U	nit			Offi	cers	GPD	AF	GPE	)
2020 Conservation Plan Water demand: 207 gallons/da	v/person:		125		2.07	'	25	59	0.	49	53,561	60.0	18,1	13
Wastewater generation:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	М	inimum	1							0.5.004		ļ <u></u>	
70 gallons per day per person			59		2.07		12	22		23	25,281	28.3	8,54	9
	Existing: F										tation No. 7			
	Source:	Cit	у Х	Pr	ivate		<u> </u>	onnec	ction:	1	0" PVC on			
Sewer Facility Plan: .	Treatme	nt:	City	Χ	Sep	otic		Priva	ate		Connection of parcel	on: 8" P	VC east s	ide
Issues:														
afety Element:					1						ı		1	
Flood Plain Designation	n. 500	Vos	ar Flood	4		Liqu	uefac	ction H	lazar	dΔr	ea: Ye	s	No X	1

Issues:													
<b>Growth Area</b>	Element:												
Growth	Araby Rd & Interstate 8			Х	X Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.					
Area:	North End		Pacific Av	/e &	8 <sup>th</sup> St	Estancia		No	ne				
Issues:													

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: None Received

**External Agency Comments:** See Attachment F.

**Neighborhood Meeting Comments:** No Meeting Required.

Proposed conditions delivered to applicant on: 11/25/2024

Final staff report delivered to applicant on: 11/25/2024

Applicant agreed with all of the conditions of approval on:

Applicant did not agree with the following conditions of approval: # 6

Conditions of Approval were emailed to applicant on 11/25/2024.

#### **Attachments**

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Α	В	С	D	E	F	G	Н	I
Conditions of Approval	Conceptual Site Plan	Elevations and floor plans	Massing Plan	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: Date: 11/25/2024

Erika Peterson

Erika Peterson

Senior Planner (928)373-5000, x3071

Erika.Peterson@YumaAZ.Gov

Reviewed By: Jennifer L. Albers Date: 11/26/24

Jennifer L. Albers

Assistant Director of Planning

Approved By: Alysia Linville Date: 11/27/2024

Alyssa Linville

Director, Planning and Neighborhood Services

### 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 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.

#### Department of Engineering, Andrew McGarvie, Engineering Manager, (928) 373-5000 x3044

- 3. If rolled curb is used within the development, Owner/Developer shall put together an entity to maintain the private streets, as the local streets within the development does not meet current City standards. This condition will be considered null and void if the City adopts a new local street standard with rolled curbs, and that the subdivision has the same matching street construction standard and right-of-way width prior to the plat recordation.
- 4. Owner/Developer shall grant a full street width utility easement to the City of Yuma on the final plat if the streets remain private as noted above.
- 5. Owner/Developer shall provide a 6-foot-tall solid subdivision wall around the perimeter of the development per City of Yuma construction standard 1-010, or similar design as sealed by a registered civil or structural engineer certifying that it will stand up to current code wind and seismic loads.
- 6. At the time the preliminary subdivision plat is submitted, the Owner/developer shall submit a Traffic Impact Statement providing the peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with traffic experience. Development conditions per ARS 9-462.01.

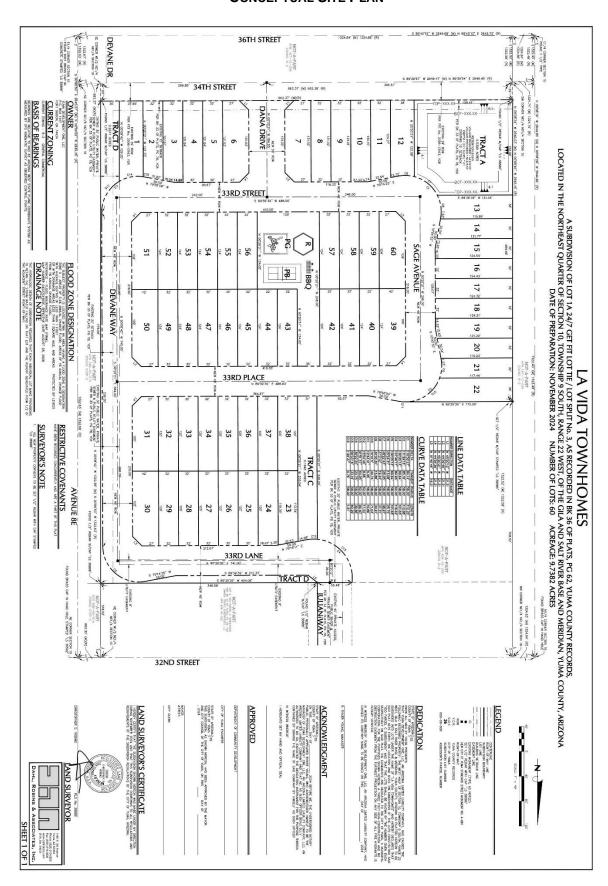
#### Community Planning, Erika Peterson, Senior Planner, (928) 373-5000 x3071

- 7. The common area/retention basin shall be designed to include the following amenities:
  - a. Landscaping in a cohesive manner throughout retention basin (Tract A), amenity area (Tract B), midblock walking path (Tract C), and Tract D.
  - b. Landscaping in retention basin, amenity area (Tract B), midblock walking path (Tract C), and Tract D to be installed prior to the closing of the first residence.
  - c. 5-foot walking path in Tract C connecting to amenity area (Tract B).
- 8. Front yard irrigation, artificial grass, a 15-gallon tree, and 4 shrubs for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
- 9. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy

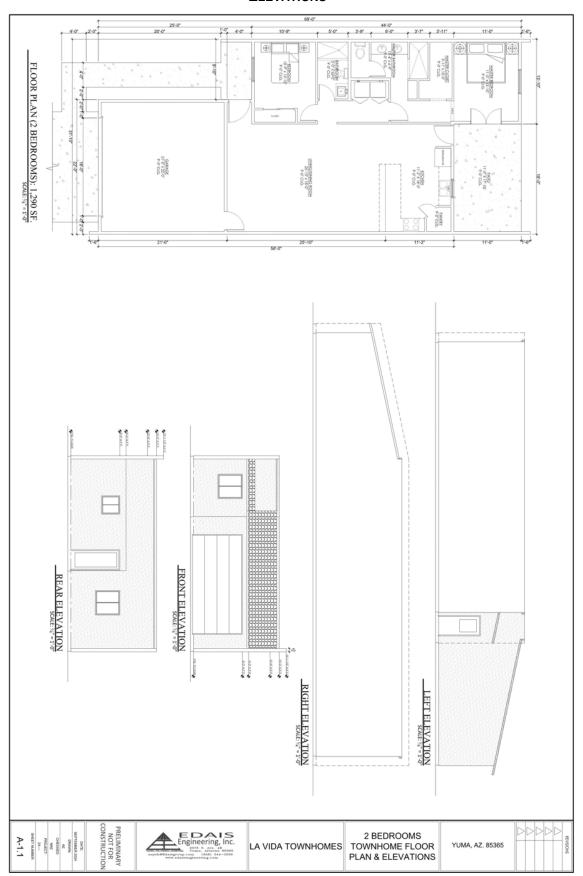
or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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.

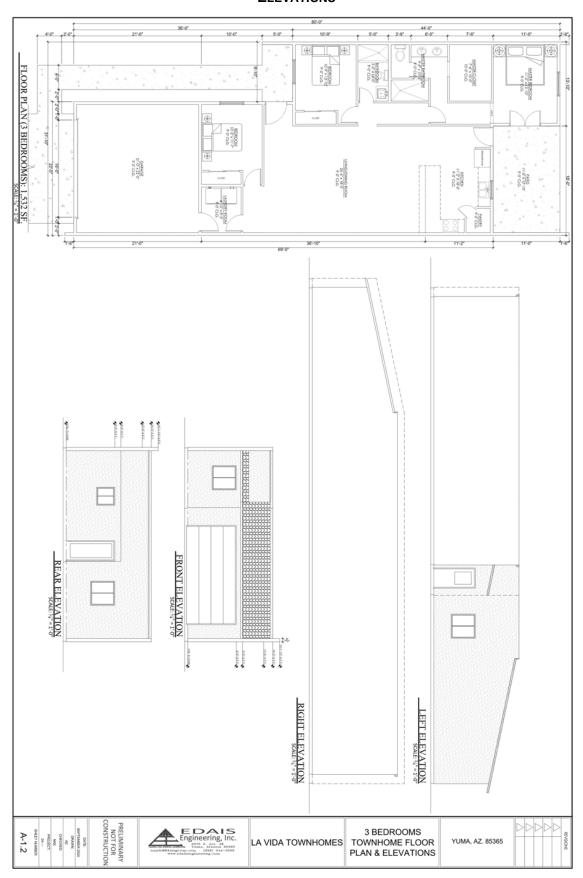
# ATTACHMENT B CONCEPTUAL SITE PLAN



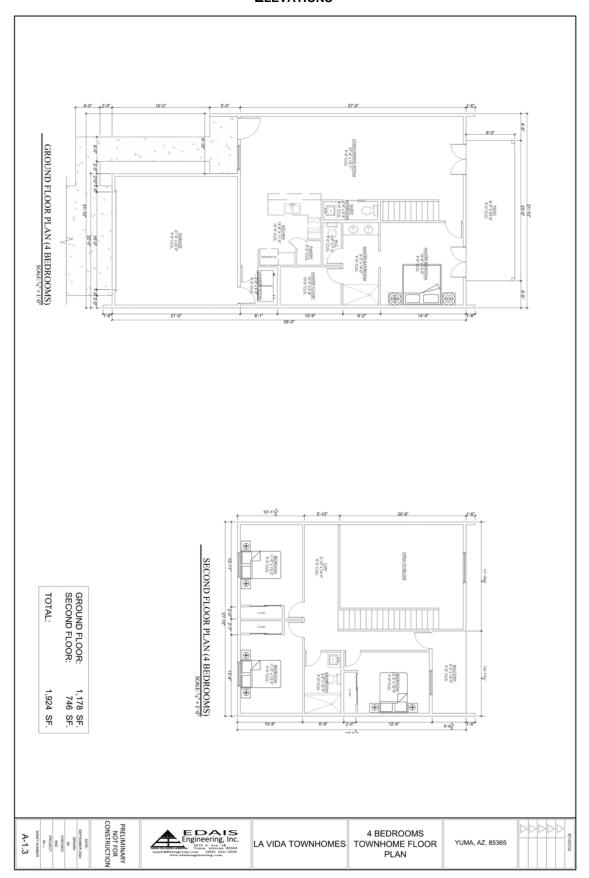
#### ATTACHMENT C ELEVATIONS



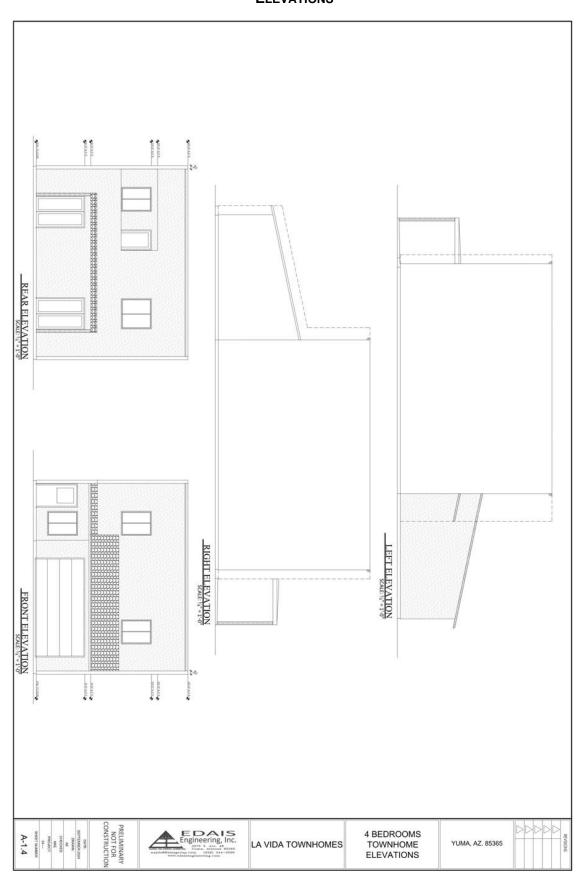
#### ATTACHMENT C ELEVATIONS



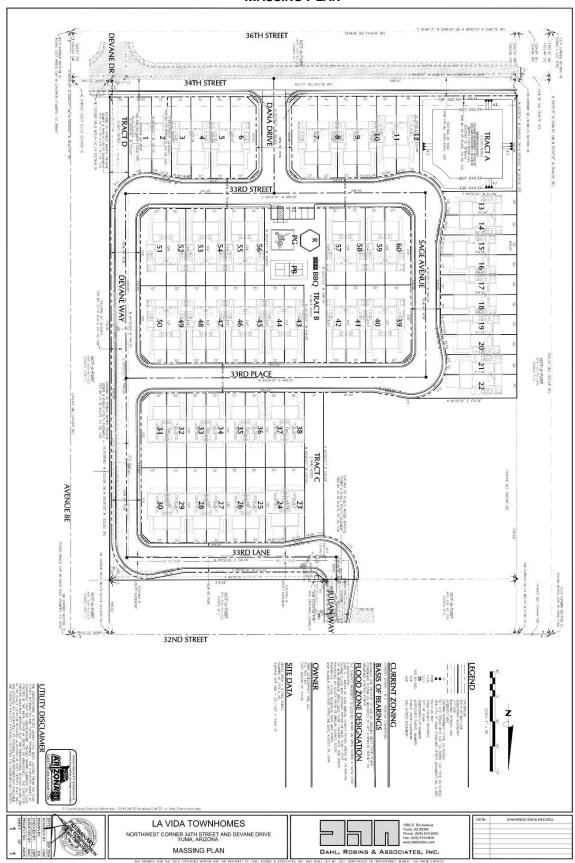
#### ATTACHMENT C ELEVATIONS



# ATTACHMENT C ELEVATIONS



# ATTACHMENT D Massing Plan



#### ATTACHMENT E **AGENCY NOTIFICATIONS**

Legal Ad Published: The Sun 11/15/2024 300' Vicinity Mailing: 10/21/2024 34 Commenting/Reviewing Agencies noticed: 10/24/2024 Site Posted on: 12/2/2024 Neighborhood Meeting: N/A Hearing Date: 12/9/2024 0 0 **Comments due:** 11/4/2024 0

External List (Comments)	Response	Date	"No	Written	Comments
Y and On at Alexand A thank	Received	Received	Comment"	Comments	Attached
Yuma County Airport Authority	YES	10/24/2024	X		
Yuma County Engineering	NR	40/04/0004			
Yuma County Public Works	YES	10/24/2024	X		
Yuma County Water Users' Assoc.	YES	10/25/2024	X		
Yuma County Planning & Zoning	YES	10/31/2024	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 Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/28/2024	Х		
Ft. Yuma Quechan Indian Tribe	YES	10/24/2024	X		
City of Yuma Internal List	Response	Date	"No	Written	Comments
(Conditions)	Received	Received	Conditions"	Conditions	Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	YES	11/7/2024			Х
Fire	YES	10/28/2024			Х
Building Safety	NR				
City Engineer	YES				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	11/5/2024		Х	
Utilities	NR				
Public Works	NR				
Streets	NR				

# ATTACHMENT F AGENCY COMMENTS

Conditions of approva conditions will be used					
Condition(s)		No Conditi	on(s)		
Enter conditions here:	Comment only: A	Adequate fire d	lepartment access has	been addres	ssed during the lot split plat.
DATE: CITY DEPT: PHONE: RETURN TO:	10/28/24 Fire 928-373-4865 Erika Peterson Erika.Peterson		Kayla Franklin gov	TITLE:	Fire Marshal
Conditions of approval					
conditions will be used	verbatim. If you	also have a	comment, please inc	dicate belov	W.
⊠ Condition(s)		No Condition	on(s)		Comment
Goldwater Range West ( Statements be recorded to nearby Marine Corps Air	BMGR-W) norther o recognize the noi Station Yuma, Yu	n boundary. It se, interference ma Internation	is requested that Avig e, or vibrations due to al Airport Aviation C	gation easen aviation op complex, BM	8 miles from the Barry M. nent and Range Disclosure erations that may occur at the MGR, and its associated flight thank you for the opportunity
DATE: CITY DEPT:	5 Nov 2024 MCAS Yuma	NAME:	Antonio Martinez  A. Mantz	TITLE:	Community Liaison Specialist
PHONE: RETURN TO:	928-269-2103 Erika Peterson Erika.Peterson@	②YumaAZ.go			
<b>.</b>		6 : 0			
From: Andrew McGa Sent: Thursday, Nove		•	naaz.gov>		
<b>To:</b> Erika Peterson < <u>E</u>	•				
Cc: David Wostenber		berg@yuma	az.gov>		
Subject: Zone-43328	-2024				
Commentary:					
The proposed drivew construction standard sewer easement area	ds. Moving the d	riveway/stre	et entrance to the		ed on City street itilizing the water and
	and west of 34 <sup>th</sup>				t through traffic from the cut route on the way

# ATTACHMENT G NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code			
CIELO VERDE APARTMENTS LLC	1334 S 5TH AVE	YUMA	ΑZ	85364	
CORONADO ALDO	7815 E 34TH PL	YUMA	ΑZ	85365	
DHG LLC	PO BOX 2986	SOMERTON	ΑZ	85350	
DHG LLC	1670 W MAIN ST	SOMERTON	ΑZ	85350	
DPL LLC	300 W 22ND PL	YUMA	ΑZ	85364	
FLECK KELLY LYNN	7827 E 34TH PL	YUMA	ΑZ	85365	
GONZALEZ PEDRO & KARINA	7804 E 34TH PL	YUMA	ΑZ	85365	
GUTIERREZ PAUL & ITZEL	3418 S SAGE AVE	YUMA	ΑZ	85365	
HERNANDEZ YUNKIN YUMIKO HEWITT RICHARD SCOTT & WILLIAM	7899 E 34TH PL	YUMA	AZ	85365	
FRANCIS II	2569 E COUNTY 15TH ST	YUMA	ΑZ	85365	
JACOBSON COMPANIES INC AZ CORP	1334 S 5TH AVE	YUMA	ΑZ	85364	
KNAM & D CONSTRUCTION LLC	PO BOX 2865 4575 W COVERED WAGON	SAN LUIS	AZ	85349	
LA VIDA SECA LLC	WAY	YUMA	ΑZ	85364	
MARICHI MARIA ANTONIETA	7887 E 34TH PL	YUMA	ΑZ	85365	
RIOS OMAR JOEL & NANCY A	7913 E 34TH PL	YUMA	ΑZ	85365	
RODRIGUEZ ANTONIO	1971 S 45TH DR	YUMA	ΑZ	85364	
SANTANA 142 RE HOLDINGS AZ LLC	340 PALLADIO PKWY STE 521	FOLSOM	CA	95630	
TROPIC ENTERPRISES LLC	3208 S AVE 8E	YUMA	ΑZ	85365	
UGARTE ONELIA AVILA	7893 E 34TH PL	YUMA	ΑZ	85365	
VALENCIA MARTIN & SYLVIA	7907 E 34TH PL	YUMA	ΑZ	85365	
YUMA DEVELOPMENT ONE AZ LLC	PO BOX 1417	FORT GIBSON	OK	74434	

## ATTACHMENT H NEIGHBOR MAILING

This is a request by Dahl, Robins & Associates, Inc. on behalf of Yuma Development One, LLC to rezone approximately 9.74 acres from the General Commercial (B-2) District to the Medium Density/Planned Unit Development (R-2/PUD) District, for the property located at the northwest corner of 34<sup>th</sup> Street and DeVane Drive, Yuma, AZ.

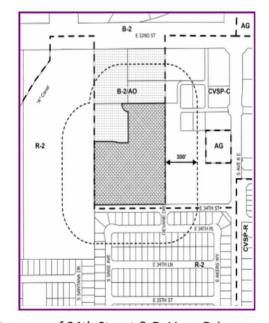
# MEETING DATE, TIME & LOCATION

FOR CASE #

ZONE-43328-2024

#### **PUBLIC HEARING**

12/09/2024 @ 4:30pm City Hall Council Chambers One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the northwest corner of 34th Street & DeVane Drive, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

# ATTACHMENT I AERIAL PHOTO

