

STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: AMELIA DOMBY

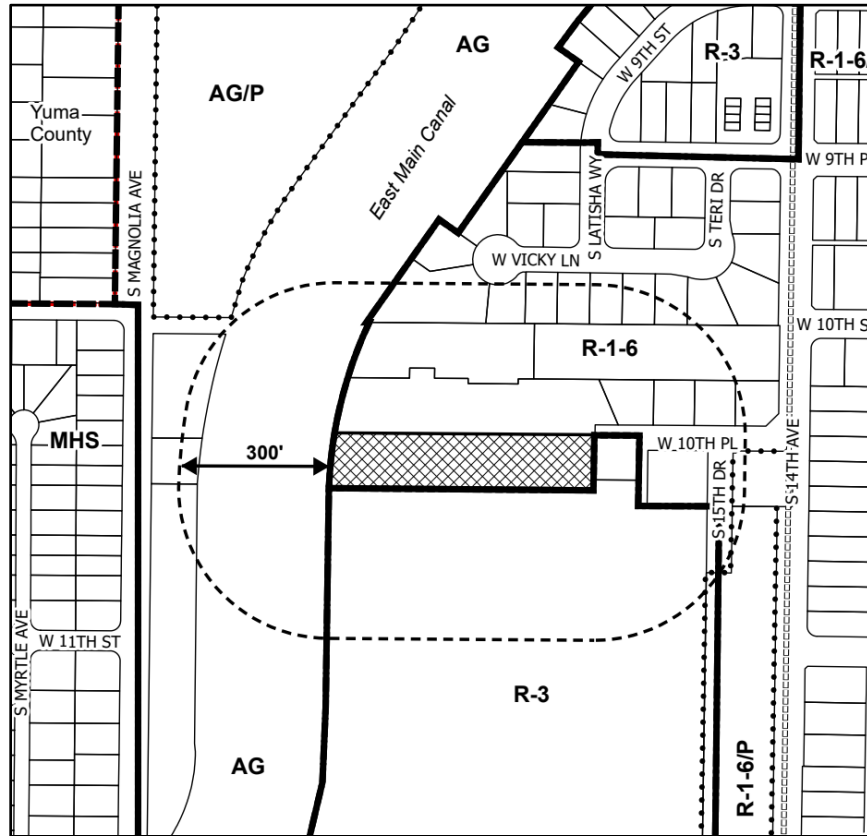
Hearing Date: November 27, 2023

Case Number: ZONE-41893-2023

Project Description/Location: This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6) District	Undeveloped	High Density Residential
North	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
South	High Density Residential (R-3) District	Rio Santa Fe Apartments	High Density Residential
East	High Density Residential (R-3) District	Apartments	High Density Residential
West	Agriculture (AG) District	East Main Canal	Medium Density Residential

Location Map



Prior site actions: Annexation: Ord. 787 (December 31, 1959); Pre-Development Meeting: November 10, 2023

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41983-2023 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 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located 1641 W. 10th Place, 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 subject property is located at the end of the 10th Place cul-de-sac, just east of the East Main Canal. The property is approximately 1.33 acres in size and is undeveloped. The property owner intends on developing townhomes on this site.

Below, are some of the development standards which apply to the High Density Residential (R-3) District:

High Density Residential (R-3) District:

The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
A minimum front yard setback of 20 feet;
A minimum side yard setback of 7 feet; and
A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the High Density Residential District is 40', however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60' of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the High Density Residential District (R-3) are met.

The potential residential development could contain between 17 and 39 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District is in conformance with the General Plan.

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

Land Use Element:									
Land Use Designation:				High Density Residential					
Issues:				None					
Historic District:		Brinley Avenue		Century Heights		Main Street		None X	
Historic Buildings on Site:			Yes		No		X		

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

FACILITY PLANS							
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard	Truck
10 th Place – Local Street		30 FT H/W	30 FT H/W				
14 th Avenue – Local Street		30 FT H/W	30 FT H/W				
Bicycle Facilities Master Plan		14 th Avenue – Bike Route					
YCAT Transit System		Purple Route 6A					
Issues:		None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan? Yes.

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:		Existing: Netwest Park				Future: Netwest Park			
Community Park:		Existing: Carver Park Complex				Future: Carver Park Complex			
Linear Park:		Existing: East Main Canal Linear Park				Future: East 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 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type <i>Multi-Family</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation
		Maximum	Per Unit		Officers	GPD	AF	GPD	
		39	1.9	74	0.14	15,339	17.2	5,187	
		Minimum							
		17	1.9	32	0.06	6,686	7.5	2,261	
Fire Facilities Plan:		Existing: Fire Station No. 1				Future: Fire Station No. 1			
Water Facility Plan:		Source:	City	X	Private	Connection:	6" AC – 10 th Place		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 8" PVC – 10 th Place		

Issues:	None						
Safety Element:							
Flood Plain Designation:	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						

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: See attached.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: See Attachment.

Proposed conditions delivered to applicant on: November 3, 2023

Final staff report delivered to applicant on: November 20, 2023

Applicant agreed with all of the conditions of approval on: November 20, 2023

Attachments

A	B	C	D	E
Conditions of Approval	Conceptual Site Plan	Agency Notifications	Agency Comments	Public Comments
F	G	H	I	
Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo	

Prepared By: *Amelia Domby* **Date:** **November 8, 2023**

Amelia Domby
Senior Planner
Amelia.Domby@yumaaz.gov (928)373-5000, x3034

Reviewed By: *Jennifer L. Albers* **Date:** *11/13/23*

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** **11/20/23**

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:

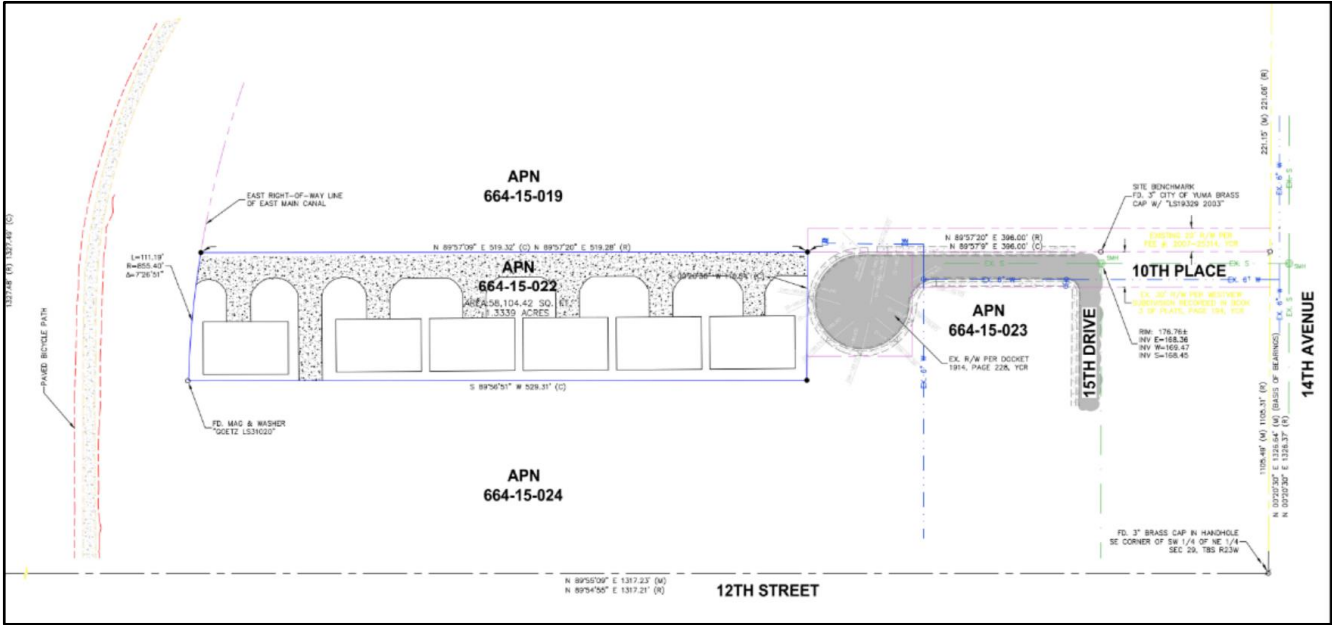
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Amelia Domby, Senior Planner, (928) 373-5000 x3034

3. 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
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/03/23)
- **300' Vicinity Mailing:** (10/09/23)
- **34 Commenting/Reviewing Agencies noticed:** (10/12/23)
- **Site Posted on:** (10/18/23)
- **Neighborhood Meeting:** (10/25/23)
- **Hearing Date:** (11/27/23)
- **Comments due:** (10/23/23)


External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/12/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/20/23	X		
Yuma County Planning & Zoning	NR				
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	YES	10/12/23			X
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	10/16/23	X		
Yuma Proving Ground	YES	10/12/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/17/23			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

<input checked="" type="checkbox"/> Condition(s)	<input type="checkbox"/> No Condition(s)	<input type="checkbox"/> Comment
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Enter conditions here: Subject property, APN 664-15-022, is located across the canal from Kiwanis Park, a known landing zone hub for the Weapons and Tactics Instructors (WTI) course. 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: 17 Oct 2023 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Amelia Domby
Amelia.Domby@YumaAZ.gov



Amelia,
Yuma Elementary School District #1 is supportive of this rezoning request from low to high density housing, as long as the proposed use is for resident housing, not H2A Corporate Housing. Given the number of housing units that have been converted to Corporate Housing in this area, our schools welcome replacement housing projects designed to serve our local families.
Sincerely,
Jamie Sheldahl

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

<input type="checkbox"/> Condition(s)	<input type="checkbox"/> No Condition(s)	<input checked="" type="checkbox"/> Comment
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Enter conditions here: Provide adequate primary and secondary fire department access and site flow. Please show on site plan how the proposed access meets the fire code requirements.

DATE: 10/17/23 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Amelia Domby
Amelia.Domby@YumaAZ.gov

ATTACHMENT E PUBLIC COMMENTS

From: scast3467@aol.com
Sent: Thursday, October 19, 2023 10:39 AM
To: Amelia Domby
Cc: scast3467@aol.com
Subject: 1641 W. 10th Place Yuma AZ high density construction meeting

You don't often get email from scast3467@aol.com. [Learn why this is important](#)

⚠ CAUTION: External Email

Good morning,

Amelia Domby

I am a homeowner within 300 ft of 1641 W. 10th Place under consideration by JP Mahon to build a high density residential project (otherwise known as an Apartment complex) within 300 ft of my residential property. I will not be able to attend the on-site meeting, so I would like to voice my concerns over this proposal by submitting this email to you:

" This proposal to build on this property should not be allowed to proceed or ever be considered. These are my following reasons:

1. The forecast population that would occupy this region will be well over the amount able to be sustained by the current infrastructure. Currently, the area is too overcrowded for both the human population and the traffic management. There have been numerous times when I'm driving and nearly hit a pedestrian crossing in the middle of the street because so many people, including migrant farm workers, are traveling to and from the local businesses and their apartments. This places an unnecessary safety hazard on everyone. In so far as the population growth, The overcrowding this will cause will lead to numerous flare ups in crime and police responses....just look at the Santa Fe apartments as a model and the amount of crime in that area.

2. I currently have an easement with my neighbor using a side access road that would be unusable if this development would proceed in it's current form. The access easement is vital and necessary to allow my septic tank in my backyard to be serviced. In addition, landscaping necessities such as palm tree trimming, mature tree trimming, lawn cutting...etc. all need to access my backyard through this easement road. In addition, APS and Southwest gas have an easement through my property and need to access that road to service their facilities running through my back property. There are numerous times throughout the year that this easement is vital to maintaining the property"

I am against this project, as this proposed development is NOT necessary, does not better the community, and would cause logistic problems in this area.

I will attend the public hearing on 11/27/2023, at which time I will have a copy of the easement agreement and verification from APS, Southwest Gas, PU Septic, and my landscaping service verifying the need to keep this access road open.

Thank you,

Gregory Scott Castillo
Megan Castillo

1681 West 10th St.
Yuma AZ 85364
(928) 783-9035 H
(928) 246-1845 C
(928) 246-3848 C

ATTACHMENT F
NEIGHBORHOOD MEETING COMMENTS

Date Held: October 25, 2023

Location: On-site, 5pm

Attendees: Applicant: JP Mahon; Staff: Amelia Domy, Jennifer Albers; four neighbors in attendance: Megan Castillo, Gregory Scott Castillo, Bud Hatchkis, Chris Mazza

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- STAFF EXPLAINED THE REZONE REQUEST AND PROCESS.
- NEIGHBORS EXPRESSED THEIR CONCERN WITH THE NUMBER OF CARS PARKING ON THE STREET. STAFF INFORMED THE NEIGHBORS THE NEW DEVELOPMENT WILL HAVE MINIMUM OFF-STREET PARKING REQUIREMENTS. THE NUMBER OF PARKING SPACES WILL BE DETERMINED BY THE NUMBER OF UNITS AND THE NUMBER OF BEDROOMS.
- THE APPLICANT PROVIDED A CONCEPTUAL SITE PLAN OF THE PROPERTY.
- THE NEIGHBORS ASKED IF THE UNITS WOULD BE FOR LOW-INCOME RESIDENTS. THE APPLICANT INFORMED THE NEIGHBORS THESE WOULD BE EXPENSIVE UNITS.
- THE NEIGHBORS NOTED THAT THEY WERE OPPOSED TO THIS PROPOSAL. IN ADDITION, THEY EXPRESSED THEIR CONCERNS WITH THE NEW DEVELOPMENT ON THIS PROPERTY. THE NEIGHBORS HAVE UTILIZED THIS PROPERTY TO ACCESS THEIR REAR YARD.
- THE APPLICANT EXPLAINED THAT HE USED TO WORK FOR APS AND UTILITY COMPANIES SHOULD NOT DRIVE THROUGH OTHER PROPERTIES TO ACCESS A PROPERTY. THERE ARE NOT ANY EASEMENTS ON THIS PROPERTY.
- THE NEIGHBORS ASKED IF THIS REQUEST WAS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, THE NEIGHBORS ASKED WHAT STAFF LOOKS AT FOR REZONE REQUESTS. STAFF INFORMED THE NEIGHBORS THAT THIS REQUEST IS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, STAFF EXPLAINED THAT EXTERNAL AND INTERNAL AGENCIES ARE NOTIFIED OF THE PROPOSED REQUEST.

ATTACHMENT G
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ALEMAN OLGA	1397 W 1ST STREET	YUMA	AZ	85364
BELTRAN JOHN T & GENEVIEVE C	1553 W VICKY LN	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CUELLAR FELIX JR & ESCOBEDO EDUARDO & AURORA ESPERANZA	9875 S AVE 9E	YUMA	AZ	85365
FIGUEROA ROBERT E SR	2527 S 18TH AVE	YUMA	AZ	85364
GERARDO ABEL & CAROLINA A	1011 S MAGNOLIA AVE	YUMA	AZ	85364
GONZALEZ HECTOR	1529 W VICKY LN	YUMA	AZ	85364
HOTCHKISS MELVIN K & MABLE J TRUST	1504 W 10TH PL	YUMA	AZ	85364
JPM DEVELOPMENT LLC	1730 W 10TH PL	YUMA	AZ	85364
LARA JOSE & ROSA	3453 W 39TH ST	YUMA	AZ	85365
LILLIE DAVID W	1536 W 10TH PL	YUMA	AZ	85364
MORA HECTOR J	1565 W VICKY LN	YUMA	AZ	85364
ORTA BARBARA J	1528 W 10TH PLACE	YUMA	AZ	85364
RANGEL NOE T & MARIA C JT	1515 W VICKY LN	YUMA	AZ	85364
REGALADO SARA MORALES DE	PO BOX 5797	SALINAS	CA	93915
RIO SANTA FE OWNER LLC	1541 W VICKY LN	YUMA	AZ	85364
TORRES STEVEN SAL	11999 SAN VICENTE BLVD #325	LOS ANGELES	CA	90049
VALVERDE TIMOTHY DAVID & LISA HEATHER	1521 W VICKY LN	YUMA	AZ	85364
VELAZQUEZ JOSE L & ALMA D	1547 W VICKY LN	YUMA	AZ	85364
YUMA CITY OF	1516 W 10TH PL	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	ONE CITY PLAZA	YUMA	AZ	85364
	450 W 6TH ST	YUMA	AZ	85364

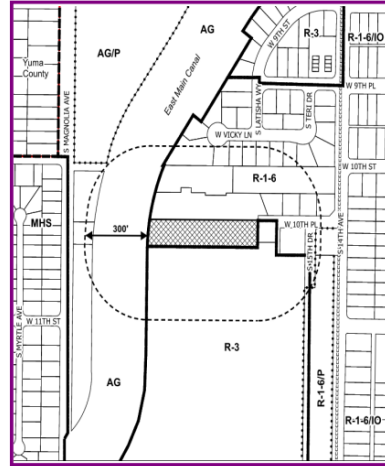
**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41893-2023**

NEIGHBORHOOD MEETING
10/25/2023 @ 5PM
ON-SITE

PUBLIC HEARING
11/27/2023 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1641 W. 10th Place, Yuma AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments please contact, Amelia Domby by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Domby@yumaaz.gov

ATTACHMENT I
AERIAL PHOTO

