

**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – REZONE**  
**CASE PLANNER: ALYSSA LINVILLE**

**Hearing Date:** April 23, 2018

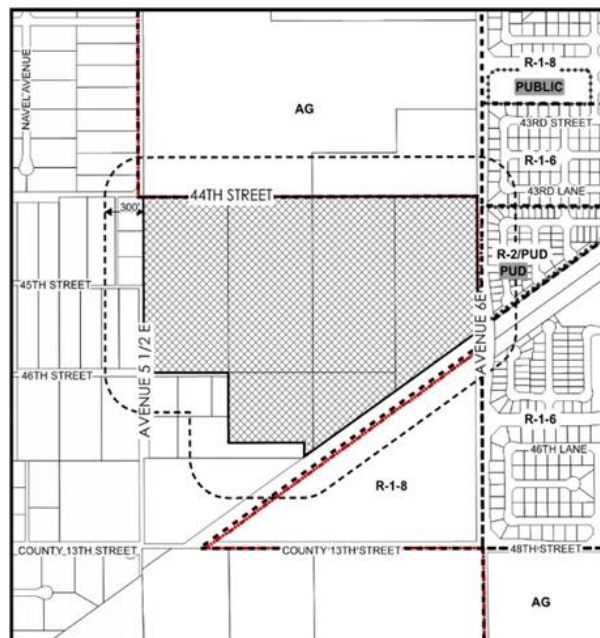
**Case Number:** ZONE-21130-2018

**Project Description/Location:**

This is a request by Dahl, Robins & Associates Inc., on behalf of Avenue 6E Land, LLC, to rezone approximately 89.8 acres from the Agriculture (AG) District to the Low Density Residential (R-1-12) and Low Density Residential (R-1-8) Districts, for the properties located at the southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Agriculture	Undeveloped	Low Density Residential
<b>North</b>	Agriculture	Yuma County Public Works	Public/Quasi Public
<b>South</b>	Yuma County (Suburban Site Built (SSB-2); Rural Area (RA-10)); Low Density Residential (R-1-8)	Single-Family Residence(s)/ Undeveloped/ Agriculture	Rural Density Residential/ Low Density Residential
<b>East</b>	Low Density Residential (R-1-6); Medium Density/Planned Unit Development (R-2/PUD); Low Density Residential (R-1-8)	Single-Family Residence(s)	Low Density Residential/ High Density Residential
<b>West</b>	Yuma County (Suburban Ranch (SR-2); Suburban Site Built (SSB-2))	Single-Family Residence(s)/ Undeveloped	Rural Density Residential

**Location Map**



**Prior site actions:** General Plan Amendment: Res. R2014-06 (Rural Density Residential to Low Density Residential); Pre-Annexation Agreement: Res. R2017-035; Annexation: ANEX-20377-2017 (March 21, 2018)

**Staff recommendation:** Staff recommends **APPROVAL** of the rezoning for the properties located at the southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street from the Agriculture (AG) District to the Low Density Residential (R-1-12) and Low Density Residential (R-1-8) Districts, subject to the conditions shown in Attachment A, because they are in conformance with the General Plan.

**Suggested Motion:** Move to **APPROVE** the rezoning of the properties located at the southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street from the Agriculture (AG) District to the Low Density Residential (R-1-12) and Low Density Residential (R-1-8) Districts, subject to the conditions shown in Attachment A, because they are in conformance with the General Plan.

**Staff Analysis:** The subject properties are located at the southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street. The subject properties have historically been used for agricultural purposes. The 89.8 acres are bounded by large acre residential lots to the south and west, and the Low Density Residential (R-1-6) Ocotillo Subdivision to the east. The Yuma County Public Works operation bounds the subject property to the north.

In 2005, the property owner/developer petitioned to have these subject properties annexed for development. During the 2005 City Council Meeting for the annexation request, public comments were provided by neighboring property owners in opposition. A brief summary of the comments are as follows:

- A new residential subdivision may result in the widening of Avenue 5½E, which translates into the loss of private property from the neighboring properties;
- Development will further increase traffic;
- The proposed new development will disturb the rural lifestyle already established;
- Potential decrease in property values; and
- Removal of agriculture lands will remove a much needed buffer.

Partly convinced by the neighbors' concerns, the City Council tabled the annexation indefinitely (reference Attachment D for minutes from the public hearing). Almost immediately thereafter, the national and local housing market took a downward turn.

In late 2013/early 2014, the housing market began to show signs of recovery. A general plan amendment was submitted by the developer requesting to alter the land use designation from rural density residential to low density residential. At the time of this land use designation request, the proposed development area was still located within the jurisdiction of Yuma County. The 2014 land use amendment proposed to increase the potential housing density from 45 residences to 441 residences. During this process, Staff received a number of public comments from neighboring property owners concerned with the potential increase in density (reference Attachment D for minutes from the public hearings). The developer's request for a change in land use from rural density to low density was approved by City Council on February 19, 2014.

Following the approval of the General Plan amendment, the City of Yuma and the developer began negotiating and drafting a pre-annexation development agreement which would outline the requirements for development following a successful annexation. The requirements discussed within the agreement include: development

standards, right-of-way dedications, traffic mitigation and rezoning of the subject parcels. The pre-annexation development agreement for the development of the subject properties was finalized on January 22, 2018.

Following the finalization of the pre-annexation development agreement, the developer revived the petition to annex the subject properties into the City of Yuma. A public hearing was held on February 21, 2018 in which several neighbors were in attendance. These neighboring property owners once again voiced concern about the potential impacts of the proposed development. A brief summary of these comments are as follows:

- Concerned with potential density increase that this development will allow;
- Subsequent population increase;
- Negatively affect the current rural “way of life” for neighboring properties;
- Potential increase in traffic along S. Avenue 5 ½ E;
- Proposed development may decrease the property values of the surrounding properties which are developed as rural ranchettes; and
- Would recommend a larger buffer along S. Avenue 5 ½ E.

While Council considered and appreciated the public input from the surrounding property owners, the annexation request was adopted on April 4, 2018.

The need for a rezoning has been addressed within the pre-annexation agreement. That agreement states that the western perimeter of the development shall be rezoned under the Low Density (R-1-12) zoning designation, while the balance of the properties shall be zoned Low Density (R-1-8). In addition to typical development standards, those properties which are to be rezoned R-1-12 will require an increased rear/side yard setback of 50 feet.

The agreed-upon increase in lot size and the additional rear/side setbacks for the perimeter properties serves as a buffer between the proposed development and the neighboring, large lot developments. The buffer is intended to maximize the compatibility of the new residential development with the form, scale, and visual character of neighboring properties in the vicinity. Additionally City staff and the developer are working closely to ensure that the required 50 foot setback buffer be maintained on the agreed upon perimeter lots. The developer’s engineering professionals are working through challenges such as size and location of product on these perimeter lots to ensure that proposed standard housing plans fit on the R-1-12 lots. As detailed in Attachment E, the increased lot sizes within the R-1-12 district will be sized accordingly in an effort to maintain the required 50 foot buffer as specified within the pre-annexation development agreement.

According to the developer, the overall development of the site will include a residential subdivision, consisting of approximately 228 single-family lots, and a site for a future elementary school. The school district has indicated that they intend on completing the school development in time for the Fall 2019 school year. The developer’s inclusion of a future school site in this development has been well received by the residents and elected officials and has been listed as a positive by those voicing approval for the development.

A neighborhood meeting was held on March 1<sup>st</sup>, 2018. There were a number of neighbors in attendance who expressed their concerns regarding the proposal. A majority of the concerns discussed during the meeting focused on the potential for increased traffic and the number of residences being anticipated. There were

additional concerns regarding the location of the elementary school and whether the school site offer would be rescinded and additional houses built on that property. A detailed account of the neighborhood meeting can be reviewed in Attachment C.

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

Yes.

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

Transportation Element	Planned	Existing	Difference	Requested
S. Avenue 5 ½ E – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT	29 FT
S. Avenue 6 E – 2-Lane Collector	40 FT H/W ROW	33 FT H/W ROW	-7 FT	7 FT
E. 44 <sup>th</sup> Street – Local Street	29 FT H/W ROW	0 FT H/W ROW	-29 FT	29 FT
E. 48 <sup>th</sup> Street – 4-Lane Minor Arterial	50 FT H/W ROW	33 FT H/W ROW	-17 FT	17 FT

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

Yes.

**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** See Attachment B.  
**Comments:**

**Neighborhood Meeting** See Attachment C.  
**Comments:**

**Proposed conditions delivered to applicant on:** April 3, 2018

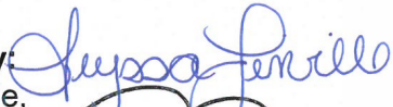
**Final staff report delivered to applicant on:** April 11, 2018

- ☒ Applicant agreed with all of the conditions of approval on: April 10, 2018
- ☐ Applicant did not agree with the following conditions of approval:
- ☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments**

A	B	C	D	E	F	G
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	2005 Annexation and 2014 General Plan Public Hearing Minutes	Proposed Zoning Boundaries	Aerial Photo	Staff Research

**Prepared By:**  
Alyssa Linville,  
Principal Planner



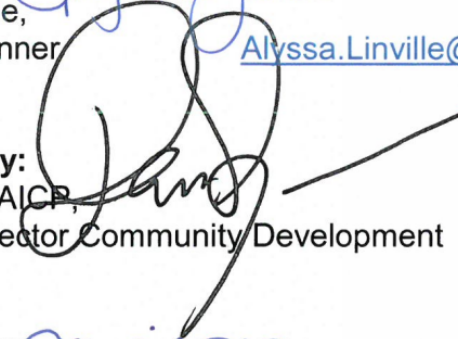
[Alyssa.Linville@YumaAz.gov](mailto:Alyssa.Linville@YumaAz.gov)

**Date:** 04/13/18

(928)373-5000, ext. 3037

**Approved By:**

Dan Symer, AICP,  
Assistant Director Community Development



**Date:**

04/13/18

**Approved By:**

Laurie L. Lineberry, AICP,  
Community Development Director



**Date:**

4.13.18

**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 Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

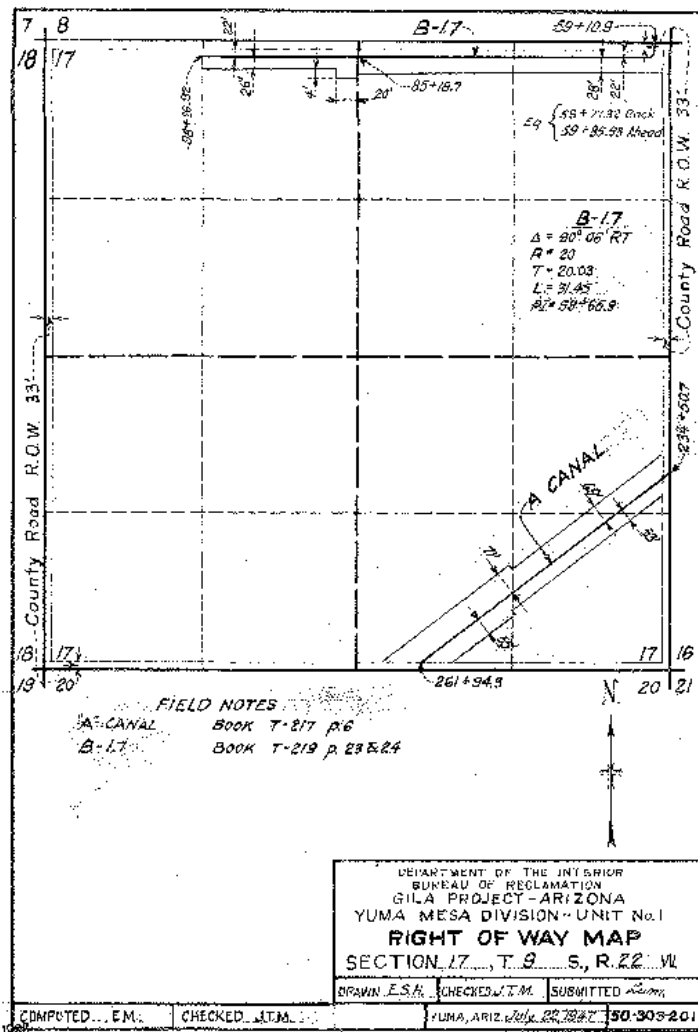
**Community Planning, Alyssa Linville, Principal Planner, (928) 373-5000, ext. 3037**

4. All aspects of development shall be in accordance with the approved Pre-Annexation Agreement, Resolution R2017-035 (Fee No. 2018-01671).
5. 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 EXTERNAL AGENCY COMMENTS

	Kerns, Scott <skerns@usbr.gov>	Linville, Alyssa - Principal Planner; pmorgan@ymidd.org	0 1 2
Re: Request for Comments ZONE-21130-2018			
50-303-201.tif 30 KB			
<p>Reclamation has existing ROW for the A Canal along the Southeasterly portion of the subject property as reflected on the attachment. Any encroachments or impacts to Reclamation ROW or Facilities will need to be reviewed and approved by Reclamation and Yuma Mesa Irrigation and Drainage District prior to development</p> <p>Scott C. Kerns Sr. Realty Specialist US Bureau of Reclamation Yuma Area Office (928) 343-8462 <a href="mailto:SKerns@usbr.gov">SKerns@usbr.gov</a></p>			





RE: Request for Comments ZONE-21130-2018

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YMIDD does not oppose the Rezoning Case 21130-3018 but do have a few comments. Please see comments below.

- 1) FYI, the location map of the "Request for Comment" does not match the map posted on the property. Which may leave up to five property owners not contacted within the 300'ft perimeter.
  - 2) All structures need to be outside of the U.S.B.R. easement for the A- Main Canal.
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☐ COMMENT      ☐ NO COMMENT

*Enter comments below:*

The ADOT Southwest District would like to the opportunity to review and comment on a Traffic Impact Analysis (TIA). Specifically, the TIA would allow the Department the opportunity to assess the affects the increased traffic from the proposed development would have on the SR 195 and Interstate 8. Thank you.

DATE: 2/28/18      NAME: Isabell Garcia      TITLE: Development Coordinator  
AGENCY: ADOT Southwest District  
PHONE: (928) 317-2159  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

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**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** March 1, 2018

**Location:** On-Site (Southwest corner of S. Avenue 6E and E. 44<sup>th</sup> Street)

**Attendees:** Alyssa Linville, City of Yuma; Dave Bickel, Agent for the Property Owner; and 6 neighbors in attendance.

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

- **A NUMBER OF NEIGHBORS VOICED CONCERN ABOUT THE INTENDED LOCATION FOR THE ELEMENTARY SCHOOL. MANY FELT THAT AN APPROPRIATE LOCATION FOR THE SCHOOL WOULD HAVE BEEN ALONG AVENUE 6E.**
- **IN ADDITION TO THE LOCATION OF THE SCHOOL, THE NEIGHBORS WERE CONCERNED THAT IF THE SCHOOL WERE TO BACK OUT OF THE DEVELOPMENT, THAT THE INTENDED SCHOOL SITE WOULD BE DEVELOPED WITH RESIDENTIAL LOTS.**
- **NEIGHBORS VOICED CONCERN ABOUT THE POTENTIAL INCREASE IN TRAFFIC ALONG S. AVENUE 5 ½ E AND THE NEED TO IMPROVE THE EXISTING ROADWAY IN ANTICIPATION FOR THIS INCREASE IN TRAFFIC. THE AGENT STATED THAT E. 44<sup>TH</sup> STREET WOULD BE IMPROVED BUT THAT THE IMPROVEMENTS WOULD NOT INCLUDE S. AVENUE 5 ½ E.**
- **A NEIGHBOR INDICATED THAT A TRAFFIC SIGNAL SHOULD BE INSTALLED AT THE INTERSECTION OF AVENUE 6E AND 44<sup>TH</sup> STREET. THE AGENT RESPONDED STATING THAT A TRAFFIC STUDY WOULD BE CONDUCTED TO IDENTIFY PROPERTY TRAFFIC MEASURES.**
- **NEIGHBORS WERE CONCERNED THAT BECAUSE THEY WERE COUNTY RESIDENTS THEIR OPINION WOULD NOT HOLD AS MUCH WEIGHT AS WOULD FOR A CITY RESIDENT. STAFF INFORMED THE NEIGHBORS THAT ALL COMMENTS ARE REVIEWED AND CONSIDERED EQUALLY REGARDLESS OF RESIDENCY STATUS.**
- **ALL THE NEIGHBORS IN ATTENDANCE RAISED CONCERN ABOUT THE QUALITY OF DEVELOPMENT THAT WOULD OCCUR AND THAT THE INCREASED DENSITY WOULD HAVE A NEGATIVE IMPACT ON THE RURAL RESIDENTIAL DEVELOPMENT ALREADY ESTABLISHED.**
- **NEIGHBORS STATED THAT WHILE THEY ARE NOT OPPOSED TO RESIDENTIAL DEVELOPMENT, THEY ARE OPPOSED TO THE PROPOSED DENSITY. THEY WOULD BE IN FAVOR OF LARGER LOTS, PREFERABLY 1 ACRE LOTS, WHICH WOULD SERVE AS AN ADEQUATE TRANSITION BETWEEN THEIR 2-5 ACRE LOTS AND THE OCOTILLO SUBDIVISION.**

**ATTACHMENT D**  
**2005 ANNEXATION AND 2014 GENERAL PLAN PUBLIC HEARING MINUTES**

**CITY COUNCIL MEETING**  
**JUNE 15, 2005**

**V. INTRODUCTION OF ORDINANCES**

**Kuiper** read the following title:

**Ordinance O2005-45**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 17 of Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto**

**(A2005-11; property being 7 parcels comprising 103 acres located at the southeast corner of Ave. 5½ E**

**and 44<sup>th</sup> St.) (CD/Admin)**

**Patricia Billingsley**, 5314 E. 47<sup>th</sup> Street, expressed opposition to the annexation because the proposed high density residential development would destroy the rural environment that now exists. Currently, there are large, expensive homes on 2-acre minimum parcels with some farming and large animals.

**Paul Johnson** discussed specifics with **Billingsley**, who stated that residents have met with Brian Hall, the developer of the site being annexed and he intends to build 6 homes per acre. **Billingsley** added that traffic from the new subdivision would have to use their roads, which are dirt roads and maintained by those living nearby. **Billingsley** confirmed that the Joint Land Use Plan designates the property to north and west of the A Canal as under the runway approach area for military tactical fighters.

**Lineberry** stated that she had been in conference with Brian Hall today discussing his General Plan Amendment submission involving this property. Originally, he was requested R-1-6 zoning (residential, 6 units per one acres); however, he has decided to revise his request to half-acre lots near Avenue 5½ E and R-1-8 zoning on the east side of the parcel. A Major General Plan Amendment has not been requested; a Major General Plan Amendment would be required if the change involves 400 or more dwelling units. The original concept included a buffer area to the south, so it did not reach the threshold of 400 units. Thus, neither the original nor the revised plans would require a Major General Plan Amendment.

**William Ladd**, 4162 S. Avenue 5½ E, stated that three hundred new homes in the area would bring in 900 more people and 600 more vehicles. If the current 1 unit per 2 acres were to be upheld, it would reduce the number of people to 150. The proposed homes would be valued at half of the value of the existing homes. The development will mean more noise, traffic, crime and less property value. He asked that the area be buffered from Hall's development.

**Shoop** noted that this area was part of the 1996 Joint Land Use Plan, Suburban Development Study Area (SUDSA), an area Yuma County was supposed to study. **Paul Johnson** agreed, noting that the designation was at the insistence of the Yuma County Board of Supervisors; Yuma County was to develop a plan to control the future development of the area. In the interim, the area received a designation of one house on 2 acres. The area has developed at this level, but Yuma County has never performed the study to develop a plan. **Shoop** asked whether developing under County standards would be more appropriate for the property.

**Lineberry** stated that last year, both the City and County eliminated the SUDSA area requirements and designated the area as two-acre minimum parcels. The SUDSA area generally falls within the City's urban footprint, that is, it is anticipated that the property within the area will ultimately be annexed into the City. Currently, the City and the County jointly review property in the area. If the request was for annexation and the developer wanted to build at the level of one dwelling per two acres, the City could annex the property and designate its zoning in one action.

In response to Giss, **Moore** stated that, the density of the development is yet to be determined and will not be determined at annexation. The property will have to come back to the City Council for rezoning. If the property were developed in the County, it would have to go before the Board of Supervisors for rezoning.

**Paul Johnson** asked about the threshold for requiring hookup to a sewer system. **Lineberry** stated that the requirement originates with the Arizona Department of Environmental Quality. She clarified that the rezoning code does accommodate the designation of zoning at the time of annexation if certain criteria are met and the density is not more intense than what the General Plan calls for and the area's current zoning. Only a Preannexation Development Agreement could prevent the developer from asking for a more dense zoning designation after annexation and a Preannexation Development Agreement would have to be approved by the City Council, giving local residents the opportunity to speak to the issue.

**Brooberg** stated that there is no minimum lot size threshold for sewer hookup; however, Yuma County Department of Development Services will not issue a septic tank drain field system for any property that has sanitary sewer service available to it, with one caveat. The Arizona Department of

Environmental Quality has established that, if the cost of hookup exceeds \$6,000, hookup will not be required and a septic tank is acceptable.

The following speakers objected to the annexation for the reason given:

**Marty Fuller**, 13261 S. Fairchild Place: The area was supposed to remain a country environment; the encroachment of the City will have a profound affect on their lifestyles. Annexation only benefits the developer. Let Hall build a buffer area of one home per two acres and disclose to them that high density residential will be in their backyard.

**James Robinson**, 5392 E. 45<sup>th</sup> Street: People in the area have invested a great deal of money to live the rural lifestyle. Greater traffic will create a hazard for children and animals. The schools will be even more overcrowded. It will overextend the City in terms of its fire and police services. There's no need on the part of the City for the property to be annexed.

**Wesley Burch**, 5387 E. 45<sup>th</sup> Street, reiterated remarks made by others, adding that gangs and graffiti in the area will increase.

**Bill Kereluk**, 12765 S. Avenue 5½ E: Displayed pictures of Avenue 5½ E. He has to give up his dream home for a developer who wants to take advantage of the housing boom. The new Yuma County Public Works facility and the existing Ocotillo development are already impacting their lives.

**Anna Hopton**, 12771 S. Avenue 5½ E: The qualities of hard work, responsibility, truth and love for each other are enhanced by their chosen way of life – close to nature. This will crush their way of life.

**Michael Curtis**, 13126 Orlando Road, developer of the La Valencia Subdivision, stated that La Valencia is comprised of two-acre parcels. As part of the development, he paved County 13<sup>th</sup> Street to the canal. He was also involved in the development of Mesa View Subdivision, another two-acre parcel subdivision, built within the City limits. The quality of the water in their aquifer is such that there is no reason to extend City water to La Valencia. It would not be cost effective to do so. The A Canal is a natural barrier that should separate rural living from urban.

**Matt Kahlen**, 5433 E. County 13<sup>th</sup> Street: He moved here to get away from poorly planned urban areas, where developers have been allowed to put up thousands of homes without being held responsible for their impacts on existing communities and roadways.

**Paul Johnson** asked for a show of hands of those in the audience who are against this annexation and are not City voters. Most were not City residents.

**Giss** asked whether the current density would be less protected under the City's jurisdiction versus Yuma County? **Moore** stated that rezoning decisions are made by the legislative body in whose jurisdiction the property lies. Nothing precludes the developer from requesting a higher density of the Yuma County Board of Supervisors. City staff is not aware of the tendency on the part of the City Council to approve higher density zoning districts. One of the legislative bodies will determine the density and intensity of use on this property.

**Giss** asked why staff is recommending this annexation for approval. **Erlenbach** stated that City staff is forwarding a request by an applicant, Brian Hall, for annexation of his property. Staff's recommendations on density will come forward at a later date when the rezonings occur.

**Shoop** expressed concern about growth and its impact on the community. Many are concerned about the number of homes that are being built. She would prefer slowing the process in some fashion so that its impact on current taxpayers is lessened and fully explored. Can the City realistically accommodate the growth of population that is occurring on the East Mesa? **Shoop** discussed with **Moore** whether the ordinance can be amended. **Moore** clarified that the City Council can choose to not bring this ordinance forward for adoption at the next meeting. The issue is of density, however, could be pursued by the developer via the Yuma County Board of Supervisors.

**Giss** stated that, although he is in agreement with **Shoop**, the City could better protect the neighborhood than the County. **Paul Johnson** asked whether this item would be precluded from ever coming before the City Council, if a motion directing staff not to bring it forward for adoption were passed. **Moore** stated that the appropriate motion would be to not put this ordinance on the next City Council meeting agenda. A vote on such a motion would not deny the annexation, per se. **Urias** further explained, saying that annexation procedures do not have a time limitation on when a new request can be made. The annexation process begins with the filing of a blank annexation petition. Technically, an applicant can begin the process anew at any time. In practical fact, the City Council is sending the applicant a message that it is not interested in annexing this area. If the annexation ordinance is not brought forward for approval, the City Council can never act upon it. Undoubtedly, the applicant would be contacting the City to find out what he can do to make it more acceptable to the City Council and, eventually, another action would be come forth. The annexation area need not be changed in order for a new request to be made; it could come back identical to what it is right now. There is no waiting period required.

**Motion** (**Shoop** /**Giss**): To postpone indefinitely O2005-45, the annexation of Annexation Area A2005-11. **Shoop** requested a roll call vote. Roll call vote: **adopted 5-0**.

**PLANNING & ZONING MEETING**  
**JANUARY 13, 2014**

**GP-4539-2013:** *This is a General Plan Amendment request by Dahl, Robins & Associates on behalf of Avenue 6E Land LLC, to change the land use designation from Rural Density Residential to Low Density Residential for approximately 90 acres. The properties are located at the southwest corner of Avenue 6E and 44th Street. (This is the first of 2 public hearings.)*

**Noah Cullis, Senior Planner**, summarized the staff report.

**QUESTIONS FOR STAFF**

**Koopmann** asked if the site was annexed into the city. **Cullis** said it was currently outside of the city limits. **Koopmann** said the last time this area was before the commission, it was regarding Ocotillo 6 and a school site. Would there still be a school site? **Cullis** said there was no talk of a school site at this point. **Koopmann** asked if the property was 90 acres and the applicant wanted 400 units, would that be R-1-6. **Cullis** said if this request was granted, the applicant could apply for a rezone to R-1-6.

**APPLICANT / APPLICANT'S REPRESENTATIVE**

**Harvey Campbell, 4155 E. County 13 ½ Street, Yuma, Arizona**, said this was an application for a minor amendment. The property is not within the city and would require annexation and a future rezoning. It is currently Rural Density Residential and the applicants are asking for Low density residential. The lot sizes would range between 9,000 to 10,000 square feet. The property could be developed into 441 homes, but since the applicant chose a minor amendment instead of a major amendment, the maximum density could only be 396 units. It was the applicant's commitment to the city of Yuma to only build 224 homes on the property. There could be up to 7 floor plans, ranging in size from 1,800 to 3,300 square feet and starting at \$200,000. The General Plan is not etched in stone, which was why there were amendment processes. Change happens, and if you wait long enough, time would change almost anything. The usage of the land to the north and the east was similar to what was being proposed here. This land is not prime agriculture land – it was only good for alfalfa and had not nor ever been used for produce. The development of this property would also help with PM-10 issues. It was reasonable to assume that this area would be developed and neighboring property values will increase. Additionally, the city has designated the A Canal as a linear park. Employment would be increased with the development of houses and increase city sales tax and property taxes. The applicant is not asking for anything more or less than what has already been approved in this area. People have a right to express their opinion, however, change is inevitable. This matter will also be addressed at an annexation and rezoning stage. This property fits the description for what "infill" is. Commissioner Koopmann was correct about the school site issue - during the Ocotillo 6 discussions, the Halls had offered to place the school on this property. There was intent for a school site and the General Contractor, Hall's Construction, is going to donate ten acres to the school district for their school site to be provided in this area.

**Koopmann** asked if there were any sewage capacity issues. **Lineberry** said there was one point in time where capacity was not available, but that was no longer the case.

**PUBLIC COMMENT**

**Bill Kereluk, 12765 S. Avenue 5 ½ E Yuma, Arizona**, said he was a homeowner adjacent to the property. He said many property owners in the area built their dream homes in this area. This property was before the commission previously, and the promises of a school fell by the wayside. The applicant said a lot of things, but nothing was written on paper – if the applicant was allowed

to build 400+ homes, that was what they would do. The reason the applicant filed for a minor amendment was because of property size: the maximum amount allowed for a minor amendment was 90 acres, according to his information. There was still another 17 to 19 acres that were not being changed at this time. Breaking up the property into two minor amendment requests would still be a major amendment to the area. **Kereluk** voiced his displeasure with this request and stated that the MCAS could possibly leave the area if there were a lot of encroachment leading up to the base and added that he thought the property was under the noise contours.

**Koopmann** asked if the noise contours extended to the property in question. **Lineberry** said no.

**Emily McGrath, 4362 S. Avenue 5 ½ E, Yuma, Arizona**, said she opposed this request and there were approximately 50 residences that agreed this proposal would not be beneficial to the area. She understood that property values may not decrease, but that did not mean they would increase either. The atmosphere of the largely rural neighborhood would disappear. There was quiet, not much light or noise pollution, many animals, and very little traffic. All of those things would disappear with the proposed development. Change is inevitable, but she did not appreciate being told that she had to accept the change for better or worse – she had a voice and a say in this matter. She did not want her neighborhood changed. She was going to try to speak at the next meeting to voice her opposition.

**Barry Adams, 5272 E. 45<sup>th</sup> Street, Yuma, Arizona**, said although he probably lived the furthest from the property, he lived in an area that had a private roadway. The road is less than 14 feet wide, which means the neighbors pull over for each other to pass. This development would increase the traffic in the area. The neighbors would eventually call the Sheriffs for assistance with any issues, but DUI and reckless driving are the only 2 enforceable items on a private roadway, by Arizona state statute. There is a small canal and he was curious as to how much weight that could support.

**Jeff Jackson, 5364 E. 47<sup>th</sup> Street, 5392 E. 47<sup>th</sup> Street and also has five acres of non-developed property, Yuma, Arizona**, this was the second time this type of request has been attempted. He stated that he knew approximately where the applicant's representative lived and said it was most likely the same type of houses the neighbors all had. He said alfalfa can help to regenerate the soil and the price of alfalfa is profitable at the moment. Some of the roads shown on the overhead maps are not actual constructed roads, but dirt roads. The property owners here wished to keep their lifestyle as is. It was opposed during the first request and is opposed to this as well. He asked how the applicant's representative would feel if this type of development encroached upon his neighborhood.

**Rodney Short, Assistant City Attorney**, said the dialogue had to be directed to the chairman, in order to keep the meeting on track.

**Chris Bosley, 12605 S. Avenue 5 E, Yuma, Arizona**, said this property previously had citrus, because she used to ride her horses through the citrus groves. She was opposed to this development and did not want to lose her animals. There were homes to the south, although they may look undeveloped, there were residents. There were places that could be developed other than this property, including the developments that only have one or two houses on them while remaining vacant land.

**Andy Williamson, 5469 E. County 13<sup>th</sup> Street, Yuma, Arizona**, said this property was too close to his property. This would have a large impact on his lifestyle if this were approved. He was opposed to this development. There was another development across 5E that had no houses being

built. He tried to figure out how the unemployment rate would plummet because of building a subdivision. He asked for consideration for people that worked in trenches every day that did not have flabbergasting money to throw away like the developer does and requested denial of this proposal.

**Steven Stone, 3944 S. Avenue 5 E., Yuma, Arizona**, said these meetings were being held too early in the day. The applicant spoke of the developments north and east – those developments were filled with vacant lots. The development to the south and west are mostly acreages within the county. He had two parcels, one of which was kept as a buffer area. He felt that his neighbors were not opposed to development, but would prefer 2 – 2.5 acre parcels. He hoped the Commission denied this request.

#### **MOTION**

**Motion by Koopmann, second by Hamel, to CLOSE Case Number GP-4539-2013. Motion carried unanimously (5-0).**

### **PLANNING & ZONING MEETING**

**JANUARY 27, 2014**

**GP-4539-2013:** *This is a General Plan Amendment request by Dahl, Robins & Associates on behalf of Avenue 6E Land LLC, to change the land use designation from Rural Density Residential to Low Density Residential for approximately 90 acres. The properties are located at the southwest corner of Avenue 6E and 44th Street. (This is the second of 2 public hearings.)*

**Noah Cullis, Senior Planner**, summarized the staff report, recommending **DENIAL**.

#### **QUESTIONS FOR STAFF**

**Cave** asked about parks in the area near the church on 32<sup>nd</sup> Street. **Lineberry** said there was property north of the sewer treatment plant being reserved for an area park. **Cave** was of the understanding that there was a park to be built in that area. **Koopmann** said it was the land north of Desert Dunes that had been rezoned to public use for a future area park. **Cave** asked what Staff was recommending. **Cullis** said Staff was recommending denial of the request.

**Underhill** asked if this property was located in the county. **Cullis** said yes. **Underhill** asked if annexation would be next. **Cullis** said yes, that could occur. **Underhill** asked if annexation could have been applied for prior to the General Plan Amendment. **Richard Files, Deputy City Attorney**, said yes. **Underhill** asked why City Council tabled the previous request. **Cullis** said there was overwhelming opposition to the request and Council then tabled the item indefinitely.

#### **APPLICANT / APPLICANT'S REPRESENTATIVE**

**Harvey Campbell, 4155 E. County 13 ½ Street, Yuma, Arizona**, said he was the consultant for the property owner. Typically a developer requests a General Plan Amendment, then an annexation rather than the other way around. He was hoping for approval for the subject property. The project would eventually consist of 224 homes. The developer did not wish to build small homes on this site. There would be seven models of large homes, ranging in size from 1,800 square feet to 3,300 square feet, starting at \$200,000 to upwards of \$335,000. The developer had successfully developed the Ocotillo subdivision. The developer was willing to donate ten acres to the school district for a future elementary school. At the last meeting, Commissioner Koopmann asked what happened to the school site proposed in the Ocotillo Subdivision. After doing research, he found out that the school district was not approving any new school sites. The school board has now recognized the need for a school in the area. He spoke with Kerry Jones, the CFO of the school



district, and was informed that the school board had retained Patterson Thompson Architects to commence drawings for this site. At the last meeting, there were seven people spoke with one neighbor living over a mile from the site. They spoke about the rural lifestyle and traffic issues. The roads would be widened and built to the City of Yuma standards. In his opinion, he disagreed with Staff's conclusions. He felt that Staff's opinion was subjective and all conclusions were taking place within their mind and not the external world. Staff went to great lengths explaining that the property did not fit within the facility plans, but there was a \$77 million dollar wastewater facility less than half a mile away. This was a perfect infill to utilize the existing plant. He felt that the General Plan had to be adaptable to accept change. There were utilities available to the site. The land use is consistent with the growth and the properties to the north and east. The property was only able to produce alfalfa and was not prime produce property. The development of this property would help reduce PM-10 particles. He thought it was important that the Commission acknowledge the developer was willing to work with the neighborhoods by restricting building to only 224 homes on 9,000 square foot and larger lots. The subdivision would be walled just like every other subdivision in Yuma.

#### **PUBLIC COMMENT**

**William Ladd, 5 ½ E, Yuma, Arizona**, said he was out of the original notification area by a few yards. He said the applicant was stating this was a minor change to the General Plan. Many people woke up in the morning and ate eggs and bacon. If you were a chicken, the egg would be a minor adjustment. For the pig, the bacon was a major adjustment. The growth of the city was happening in his front yard. Staff recommended denial and he agreed with Staff. There could be increased crime and traffic. If approved, there could be up to 441 homes. The applicant has not guaranteed anything yet. There were additional areas where subdivisions were approved, and nothing developed in the area for over 5 years. The land was stated to be good for only alfalfa, but had previously had citrus trees. There were 60 people that showed up for the neighborhood meeting, and no one was in favor of the project. This project was not needed for this area.

**Jeff Jackson, 5364 E. 47<sup>th</sup> Street, Yuma, Arizona**, said he kept hearing the term "minor", but said the existing homes were two-acre parcels. The donation of land seemed generous, but there were horses, chickens, and crop dusters spraying the alfalfa fields. Would you put your children in a school near that area? Prior to purchasing his property, he had Dahl, Robins, & Associates survey the land. Some of 5 ½ E was not a road – it was a canal. There were portions of 45<sup>th</sup> Street that were on private property. Alfalfa is one of the more profitable crops that can be grown right now. Alfalfa was used to let the soil regenerate and some of the alfalfa fields would be going back to citrus. **Koopmann** asked what Jackson would have the property owner do with the property. **Jackson** stated the property owner should keep the property at two acre parcels.

**Chris Mosley, 12605 S. Avenue 5 E, Yuma, Arizona**, said the property used to be orchards and she used to ride her horses near those orchards. She moved out there to keep livestock because there was no place within city limits that allowed her to keep animals. The neighbors out here love the rural lifestyle and that's why they lived out there. Although the applicant stated there would be only 224 homes, the potential for over 400 was still there.

**Eddie Good, 12771 S. Avenue 5 ½ E, Yuma, Arizona**, said he and his wife had lived in Yuma their whole lives and spent their savings on building their home out in this area. They loved the rural lifestyle and enjoyed raising animals. They watch television with the door open and leave the vehicle keys in the ignition – that was the type of area they lived in. Everything would change if the request were approved. He commended Staff for their work.

**Barry Adams, 5272 E. 45<sup>th</sup> Street, Yuma, Arizona**, said he realized 5E had a huge underdeveloped residential area. There were large empty areas. He took a horse ride to the south of Ocotillo Estates and counted over 20 homes that were vacant and had not yet had anyone living in them. He drove his truck around the city and found many places that were vacant. Why try to build more of the same type of houses that were not selling. Ten acres was a small area to have an elementary school. There was a canal in the area proposed for the school. That canal was unfenced and if a child fell in, that could end up as a dangerous situation.

**Pamela Honaker, Avenue 5 ½ E Yuma, Arizona**, said the same property owner owned another development that was currently not selling. She was not against development in the area, but wished for one house per two acres instead.

**Luann Watson, 4372 S. Maple Avenue, Yuma, Arizona**, was opposed to this request and stated that the applicant stated the project would “be like every subdivision in Yuma”, and that would be the problem. The reason she moved out in that area was to avoid living in a typical subdivision. The traffic, noise, and light would increase.

**Emily McGrath, 4362 S. Avenue 5 ½ E, Yuma, Arizona**, said she was still opposed to this request and felt that this was not a minor change. It would have a major impact for the existing population. Everyone in the neighborhood lives on two acre parcels. A school in the area would heavily impact traffic in the area.

**Rex Knoll, 5135 S. 45<sup>th</sup> Street, Yuma, Arizona**, said he felt money could still be made on two acre parcels.

**Bill Knowland, Yuma, Arizona**, stated he had been in Yuma since 1937. He wished to live in the area because there are not a lot of houses, and asked why the property could not remain at two acre parcels. He did not want anyone building anything next to him. He was in opposition to the request. **Koopmann** asked what **Knowland** would have the property owner do with the property. **Knowland** said to leave it as two acre parcels and not develop it into housing projects.

**Patty Potts, 12731 S. Avenue 5 ½ E, Yuma, Arizona**, said she moved from Temecula, California because of encroaching development. Upon moving to Yuma, she ensured she was in an area with large parcels. Her grandson lives in Riverside, California, and loves seeing cows and horses whenever he comes to visit. She does not have to worry whenever he is outside alone.

**Kevin Dahl, 1560 S. 5<sup>th</sup> Avenue, Yuma, Arizona**, said there was no market for two acre lots and was a difficult size lot to maintain. Someone suggested a half-mile buffer between Avenue 6E and the properties west of Avenue 5 ½ E. That was not good planning. The property was within a half mile of a sewer plant and was intended for water and sewer. City Council did table the annexation case, A2005-11, on June 15, 2005. On June 5, 2013, former mayor Al Krieger made a motion to untable the annexation, which was unanimously approved, but it was not scheduled for any meetings yet. Avenue 6 E was a new street that was recently improved. He did not feel that people would drive through the unimproved roads that the neighbors spoke of, but if they did, that was their choice. He felt that traffic would use Avenue 6E. A while back, developers were asked to go east in development and that is what the developers did. Crop dusting does not happen in residential areas. It was a state law. There was no crop dusting occurring where these neighbors lived. One previous commissioner said change was inevitable and stated that if someone wanted to avoid change, buy 40 acres and build a house in the middle. The reason the property was zoned for two acre lots was because there was not yet enough capacity for any higher density. A study was supposed to be

done after the building of the new treatment plant, but was never completed. **Cave** asked about two acre lots. **Dahl** said there was an abundance of two acre lots, both developed and undeveloped and they were not selling. **Koopmann** asked if the state schools facility board provided any input, because if a school was not developed within 10 years of being donated land, the land would return to the developer. **Dahl** said he did not believe a school district would hire an architect to design a school if they were not ready to move forward with the construction of a new school.

**Robert Kammann, 4575 Covered Wagon Way, Yuma, Arizona**, said there was no way for the developer to develop two acre lots in a profitable manner. The developer was going above and beyond by having 9,000 square foot lots. The developer was going to be building a wall around the area and they had a right to develop as they wanted. The neighbors would still be allowed to have their animals.

**Bill Kerleuk, 12765 S. Avenue 5 ½ E, Yuma, Arizona**, said he spent his life savings building his dream home in this area, knowing the existing zoning. No one has asked the developer for a half mile buffer. All that was being asked was for the developer to build on two acre parcels, as was the current zoning in the area. The developer purchased 107 acres for \$6.4 million dollars, knowing the current zoning. If the developer wanted to buy the land hoping to develop houses, that should be a business decision, not something that affects the lives of the people in the area. The jobs being created would be temporary construction jobs. The city would not make a lot of money, nor would the employment rate change. The developer would develop this 90 acres, then develop the other 17 acres that were purchased in order to fall under a Minor General Plan Amendment, rather than being a Major General Plan Amendment. Traffic would flow through 6E until they realized that 5 ½ E was an unimproved county road with a 55mph speed limit, and avoid two traffic lights. The developer would make money and the existing property owners would lose money with this project. The county and the city do not need more homes. This was an opportunity to save 107 acres from being a lot of vacant homes. How many homes are still available in the first four phases of Ocotillo? How many open lawsuits were brought against the developer for inadequate construction?

**Honaker** stated that there was a large amount of alfalfa in the area that was crop dusted.

**Sorenson** said if the public did not have anything new to say, they should not come up. Only new topics were permissible.

**Ladd** stated that when he lived in Redmond, Washington, there was a similar situation that occurred. There were 375 people in attendance, with 373 people in opposition. Guess who won? Ladd left the podium without disclosing the results of the hearing.

**Sorenson** asked the public to not bring up the same topics previously discussed.

**Knowland** said there was a housing project across the road that was half empty.

**Jackson** stated that to the west were two acre and larger parcels.

**Koopmann** stated that development was starting to move to the mesa. Between the water and sewer plants, the city had millions of dollars in bonded debt. The first phase of Ocotillo had septic tanks because it began prior to the construction of the plants. Growth was here. The Estancia project will be the next area of growth after the mesa gets filled. Everyone wants to preserve their lifestyle. He had been accused of not understanding the rural lifestyle, but he was born in Minnesota and had no running water. His closest neighbor was half a mile away. He had *real* livestock. He

understood the rural lifestyle, and felt that these people had “big city lots”, and they did not have a farm. If the neighbors wanted to stack 20 animals on 2 acres, that did not constitute a farm. This property is so close to infrastructure. There is a school site being offered and felt that people in the area are happy to have a school in the area. Development will continue and will eventually move toward the Foothills. It was difficult to demand a buffer. There is a developer that has a plan stating how many houses were going to be built. If it is sold to someone else, they could build 3-story condominiums. The neighbors had to look at what was being offered. Change is inevitable. The neighbors have to realize what is best for the community as a whole. The City had to figure out the best way to pay off the bonded debt through development. If the project stays at 224 houses, that would end up being a good size lot. The property owner has a right to develop his land, just the same as the neighbors do not wish to have someone telling them what they can and cannot do with their property. A developer has a right to maximize profit on the property they own.

**Sorenson** asked what happens if this approved. **Lineberry** said the Commission makes a recommendation that goes to City Council. **Koopmann** said this was only the General Plan Amendment. There were many more opportunities for public input.

## **MOTION**

**Motion by Koopmann, second by Underhill, to APPROVE Case Number GP-4539-2013.**

**Motion carried unanimously (5-0).**

## **REGULAR CITY COUNCIL MEETING**

**FEBRUARY 19, 2014**

**A. Resolution R2014-06** Minor General Plan Amendment: 44th Street and Avenue 6E

**Mayor Nicholls opened the public hearing at 5:49 p.m.**

**Noah Cullis presented the following:**

- This Minor General Plan Amendment is to change the land designation for approximately 90 acres located at the southwest corner of 44<sup>th</sup> Street and Avenue 6E from Rural Density Residential to Low Density Residential.
- Location Map
- Surrounding land uses:
  - North - Yuma County Public Works Department building
  - South - Undeveloped land and agricultural crops
  - East - Ocotillo Development with phase 4A, 4B, and 5 and 6 Single-Family Residential Subdivisions
  - West - Single-Family homes and undeveloped land and agricultural crops
- Public Comments
  - Staff has received three emailed public comments in opposition of the request.
  - At the January 13, 2014 Public Hearing seven members of the public spoke in opposition of the land use amendment request.
  - At the January 29, 2014 Public Hearing 14 members of the public spoke in opposition of the land use amendment request.
- During this Public Hearing the Planning & Zoning Commission took action to forward a recommendation to City Council to approve the request to change the land use designation for approximately 90 acres from Rural Density Residential to Low Density Residential.

## Speakers

The following citizen's spoke in opposition of the adoption of Resolution R2014-06: Minor General Plan Amendment: 44th Street and Avenue 6E stating that their rights as residents were being violated and the developer knew that the land designation of the property he purchased was one house for every two acres:

**Patricia Billingsley**, 5314 E. 47<sup>th</sup> Street, stated that residents have suggested to the developer to modify the plan being presented to be site built homes with one home per two acres and then down grade into a progression until reaching Ocotillo.

**William Ladd**, 4162 S. Avenue 5 1/2E.

**Dr. John Parish**, 4112 S. Avenue 5 1/2E, stated that the proposed plan will cause a density problem in the area.

**Andrew Williamson**, 5469 E. County 13 Street, stated that there are several vacancies throughout the City which does not justify a need to have so many houses built by the developer.

**Emily McGrath**, 4362 S. Avenue 5 1/2E, opined that if approved the development will increase traffic and crime in the area.

The following citizen's spoke in favor of the adoption of Resolution R2014-06: Minor General Plan Amendment: 44th Street and Avenue 6E:

**Kerry Jones**, Chief Financial Officer, Yuma Elementary School District 1 (YESDI), provided the following to support his decision:

- Based on City projections the area east of Avenue 3E is projected to be about 44,000 people to a high estimate of 180,000 people. The YESDI does not have any schools east of Avenue 3E and south of Interstate 8, the heart of the area where the growth is projected to occur.
- In 2007 YESDI received \$5.3 million to maintain and build new schools, this year those funds were reduced to \$1.3 million. The State has withheld almost \$14 million over the last eight years from the district.
- The developer has supplied YESDI with a nonbinding letter of intent for the donation of approximately 10-15 acres valued between \$1 and \$2 million for the construction of the Dorothy Hall Elementary School.

### Discussion

- YESDI enrollment is declining in the north and east area of the district but is increasing in the subject area.
- As of today two schools have been closed in YESD1.
- YESDI will use 10 acres for the school and 5 acres will come from a retention basin that YESDI will be able to utilize as an athletic field.
- The donation is predicated on the approval of the Minor General Plan Amendment and YESDI ability to acquire funding to build the school.
- YESDI estimates to be able to open the school in about five years.
- If YESDI is unable to build the school within a reasonable amount of time the land would revert to the developer.

**Harvey Campbell**, 4155 E. County 13 Vi Street, provided the following information in support of the developer:

- If the Minor General Plan Amendment is approved the developer intends to annex the 90 acres in to the City of Yuma to gain City water & sewer services.
- The change to the land use designation is being requested to enable the developer to develop a single family residential subdivision on 9,000 to 10,000 square foot lots.
- There will be 5 to 7 models ranging from 1,800 square feet to 3,300 square feet.
- The price range will commence at about \$200,000 and go up to \$335,000.
- The infrastructure for City water, sewer, and electricity is readily available for the proposed subdivision site. The City planned for expansion of these facilities because they requested that the developer stub out utilities along 44<sup>th</sup> Street which is the north boundary of this property.
- The intent for the General Plan was to provide a buffer for prime agricultural land and to infill parcels to preserve our prime agricultural land. Over 15 years ago there was a mandate that growth would commence up on the Mesa and leave the Yuma Valley with the demarcation of Avenue D to west and to the south County 12<sup>th</sup>.
- The reason YESD 1 has a letter of intent instead of a binding agreement is because the developer must first get the Minor General Plan Amendment approved. Then the developer will need to annex the 90 acres in to the City and then have the land zoned.
- The developer has received military approval for this development.

#### Discussion

- The developer filed an annexation application for this property in 2005 but it was tabled by City Council.
  - The annexation application was brought back by former Mayor Alan Krieger and is pending.
- Property owners will be required to sign a Noise Aviation Disclosure statement.
- The Marine Corp Air Station - Yuma's (MCAS-Yuma) position on this request is that the area is beneath the overhead flight pattern and the flight path of MCAS-Yuma. During the rezoning stage property owners will be required to sign an Aviation Easement that identifies that there is noise in the area made by aircraft.
- The City has the necessary resources within the Yuma Fire Department to provide adequate services to this area.
- The initial layout is to build 2:24 homes. The developer could have built 454 homes but decided to decrease the density by almost 50% instead.
- The land donation to YESDI will be finalized once the zoning phase is complete.
- The Saguaro Desert Land is the development entity used by the Hall Brothers and there is an option to purchase from Avenue 6E. The land is actually owned by Avenue 6E at this time.

**Bob Kammann**, 4575 Covered Wagon Way, stated that the proposal before City Council will benefit YESDI and the City.

**Ken Rosevear**, Direct of Yuma County Chamber of Commerce, stated that residential and commercial construction dollars benefit the entire community. The jobs in local construction have dropped more than 50% since 2007. The Yuma Southwest Contractors use to have about 400 members and now they are under 200. In 2007 over 1,200 single family dwellings were built. In 2012 Yuma County was at 238 and in 2013 we were 331. Yuma County is currently operating at a construction capacity of 25% of the 2007 numbers. Yuma County is fortunate to have commercial construction from the

F-35 program on MCAS-Yuma where several hundred million dollars worth of construction was completed. And \$150 million worth of commercial construction in YRMC over the next few years but Yuma County is still lacking residential construction.

**Kevin Dahl, Dahl Robins & Associates**, 1560 S. 5<sup>th</sup> Avenue, stated that one of the major concerns voiced from residents was related to traffic. Dahl clarified that the exterior streets will be developed in accordance with the City's Major Roadways Plan and with assistance from the City's engineering department the streets will be developed and set up for safe and efficient traffic. The developer is willing to look at different options for the streets that will be built for this area.

**Motion (Knight/Beeson): To close the Public Hearing. Voice vote: approved 6-0; Public Hearing closed at 7:03 p.m.**

**Motion (Knight/Beeson): To adopt Resolution R2014-06 as recommended.**

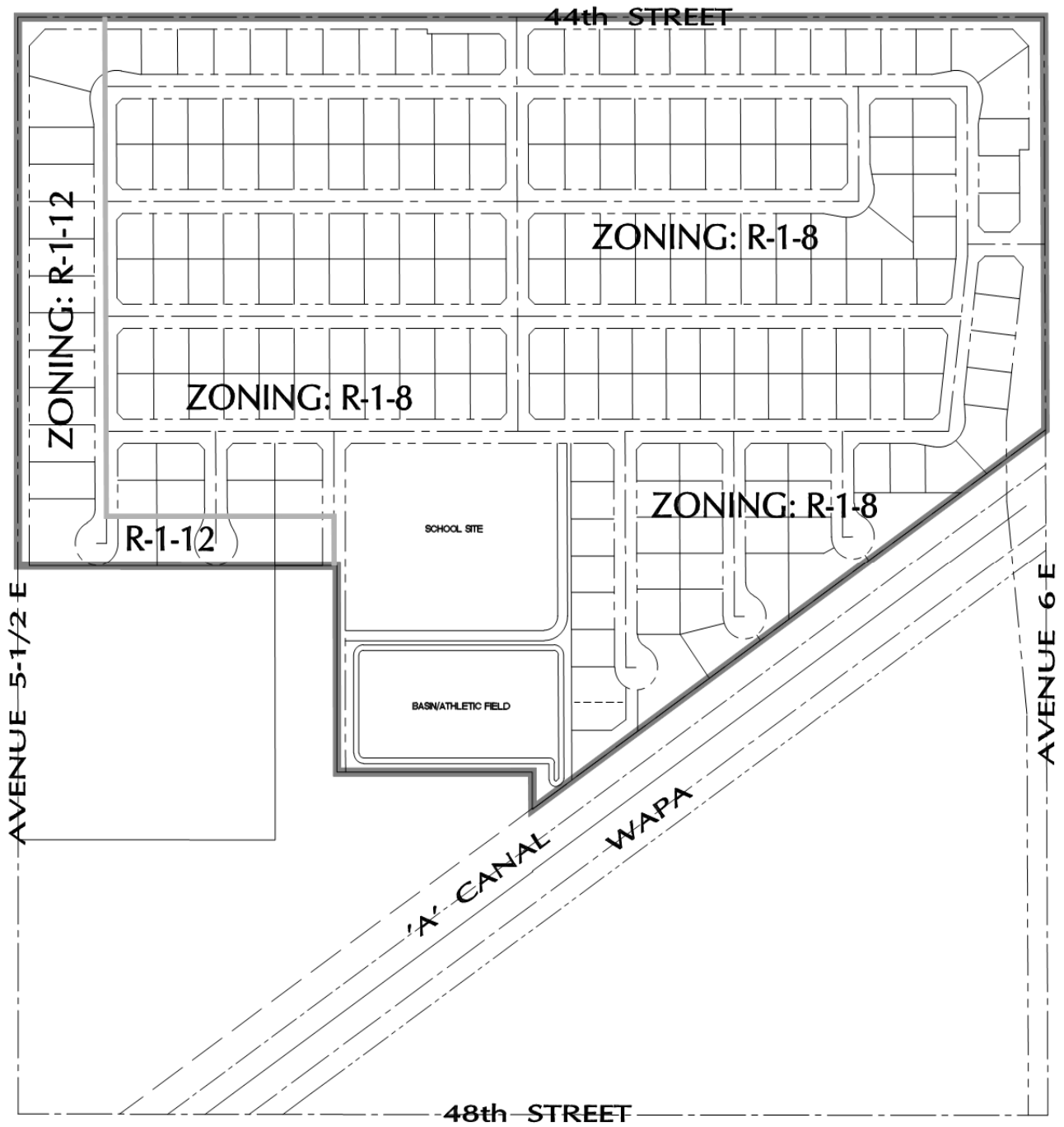
Discussion

**Wright** stated that the median value of a home in Yuma is \$ 159,000.

**Craft** noted that another positive point of this development is that YESDI will be responsible to maintain the retention basin and not the City.

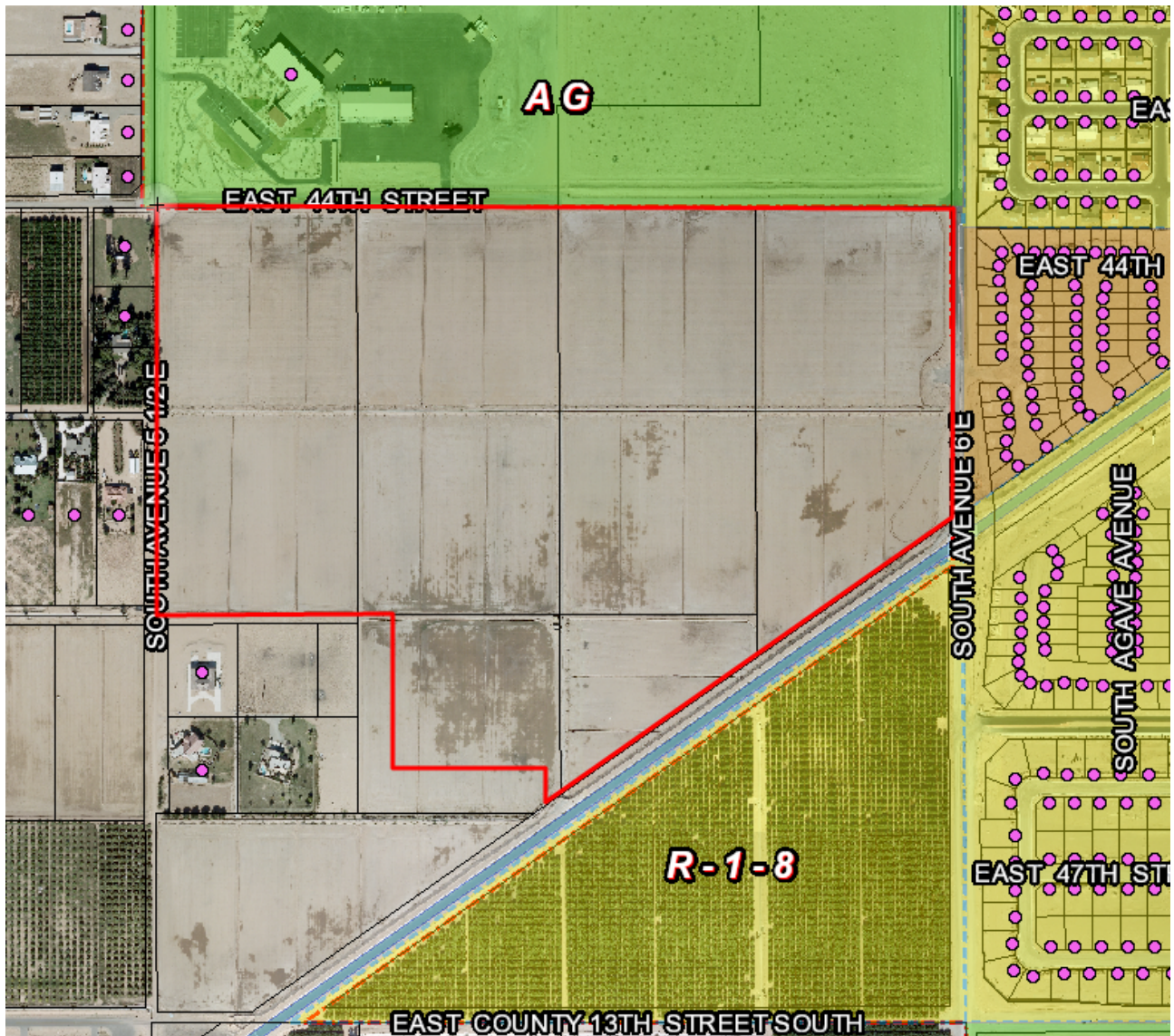
**Mayor Nicholls** pointed out that the land designation where the 2-acre and 5-acre homes are now was not always zoned 2-acre or 5-acre lots. At one point the land designation was 40-acres and before that it was agriculture and nothing but one home could be built on it. This is an example of how with a growing community everything gets rezoned at some point.

**ATTACHMENT E**  
**PROPOSED ZONING BOUNDARIES**

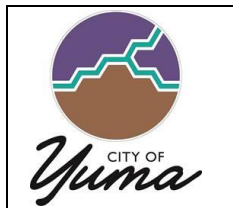




ATTACHMENT F  
AERIAL PHOTO



**ATTACHMENT G**  
**STAFF RESEARCH**



## STAFF RESEARCH – REZONE

**CASE #: ZONE-21130-2018**  
**CASE PLANNER: ALYSSA LINVILLE**

### I. PROJECT DATA

Project Location:	Located at the southeast corner of S. Avenue 5 ½ E and E. 44 <sup>th</sup> Street									
Parcel Number(s):	197-17-003, 004, 005, 011, and 012									
Parcel Size(s):	3,912,559 square feet									
Total Acreage:	89.82 acres									
Proposed Dwelling Units:	228									
Address:	N/A									
Applicant:	Avenue 6E Land, LLC									
Applicant's Agent:	Dahl, Robins & Associates, Inc.									
Land Use Conformity Matrix:	Conforms:	Yes	X	No						
Zoning Overlay:	Public		AO		Auto		B&B		Historic	
	Noise Contours	65-70		70-75		75+		APZ1		APZ2
										Clear Zone

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Agriculture	Undeveloped	Low Density Residential
<b>North</b>	Agriculture	Yuma County Public Works	Public/Quasi Public
<b>South</b>	Yuma County (Suburban Site Built (SSB-2); Rural Area (RA-10)); Low Density Residential (R-1-8)	Single-Family Residence(s)/ Undeveloped/ Agriculture	Rural Density Residential/ Low Density Residential
<b>East</b>	Low Density Residential (R-1-6); Medium Density/Planned Unit Development (R-2/PUD); Low Density Residential (R-1-8)	Single-Family Residence(s)	Low Density Residential/ High Density Residential
<b>West</b>	Yuma County (Suburban Ranch (SR-2); Suburban Site Built (SSB-2))	Single-Family Residence(s)/ Undeveloped	Rural Density Residential

#### Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No		Res. R2017-035 (January 22, 2018)
Annexation	Yes	X	No		ANEX-20377-2017 (March 21, 2018)
General Plan Amendment	Yes	X	No		Res. R2014-06 (Rural Density Residential to Low Density Residential)
Development Agreement	Yes		No		N/A
Rezone	Yes		No		N/A
Subdivision	Yes		No		N/A
Conditional Use Permit	Yes		No		N/A
Pre-Development Meeting	Yes		No		N/A
Design Review Commission	Yes		No		N/A
Enforcement Actions	Yes		No		N/A
Avigation Easement Recorded	Yes		No	X	Fee #
Land Division Status:	Legal lots of record				
Irrigation District:	Yuma Mesa Irrigation and Drainage District (YMIDD)				

Adjacent Irrigation Canals & Drains:	U.S.B.R. "A" Canal				
Water Conversion: (5.83 ac ft/acre)	523.65 Acre Feet a Year				
Water Conversion Agreement Required	Yes		No	X	

## II. CITY OF YUMA GENERAL PLAN

### Land Use Element:

Land Use Designation:		Low Density Residential										
Noise Contour:		N/A		Overlay/Specific Area:			N/A					
Issues:		None										
Historic District:	Brinley Avenue			Century Heights			Main Street			None	X	
Historic Buildings on Site:		Yes		No	X							

### Transportation Element:

#### FACILITY PLANS

Transportation Master Plan	Planned	Existing
S. Avenue 5 ½ E – Local Street	29 FT H/W ROW	0 FT H/W ROW
S. Avenue 6 E – 2-Lane Collector	40 FT H/W ROW	33 FT H/W ROW
E. 44 <sup>th</sup> Street – Local Street	29 FT H/W ROW	0 FT H/W ROW
E. 48 <sup>th</sup> Street – 4-Lane Minor Arterial	50 FT H/W ROW	33 FT H/W ROW
Median Covenant	Required	
Gateway Route	Scenic Route	Hazardous Cargo Route
		Truck Route
Bicycle Facilities Master Plan	Avenue 6E Bike Lane	
YCAT Transit System	N/A	
Issues:	None	

### Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Ocotillo Park	Future: Ocotillo Park
Community Park:	Existing: None	Future: South Mesa Community Park
Linear Park:	Existing: None	Future: "A" 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:
Conforms:	Yes	No	N/A	X	

### Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes	No	X
Renewable Energy Source	Yes	No	X
Issues:	None		

### Public Services Element:

<b>Population Impacts</b> Projected Population per Census 2010: 2.9 persons per unit Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwelling Units	Projected	Police	Water		Wastewater
		Population	Impact	Consumption		Generation
	Maximum		Officers	GPD	AF	GPD
	228	661	1.25	198,360	222.2	66,120
	Minimum					
	0	0	0.00	0	0.0	0

Fire Facilities Plan:	Existing: Fire Station No. 5				Future: Fire Station No. 7					
Water Facility Plan:	Source:	City	X	Private		Connection:	10" PVC (E. 44 <sup>th</sup> Street); 12" PVC (S. Avenue 6 E)			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 18" PVC (S. Avenue 6 E)		
Issues:	None									
<b>Safety Element:</b>										
Flood Plain Designation:	Flood Zone X				Liquefaction Hazard Area:		Yes		No	X
Issues:	None									
<b>Growth Area Element:</b>										
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 <sup>th</sup> St			Avenue B & 32 <sup>nd</sup> St.			
	North End		Pacific Ave & 8 <sup>th</sup> St			Estancia		None	X	
Issues:	None									



## NOTIFICATION

- Legal Ad Published: The Sun (03/16/18)
- 300' Vicinity Mailing: (02/16/18)
- 34 Commenting/Reviewing Agencies noticed: (02/22/18)

- Neighborhood Meeting: (03/01/18)
- Hearing Dates: (04/23/18)
- Comments Due: (03/05/18)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	NR				
Yuma County Planning & Zoning	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.	Yes	02/28/18		X	X
Yuma Mesa Irrigation District	Yes	02/23/18		X	X
Arizona Fish and Game	Yes	02/26/18	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Administration	NR				
US Bureau of Reclamation	Yes	02/22/18		X	X
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	02/26/18	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	02/23/18			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Neighborhood Meeting Comments Available</b>
MARCH 1, 2018 AT 5:00PM	See Staff Report Attachment C
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
April 9, 2018	In Person

**PUBLIC COMMENTS RECEIVED:** NONE RECEIVED.

## INTERNAL AGENCY COMMENTS

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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.

☒ Condition(s)

☐ No Condition(s)

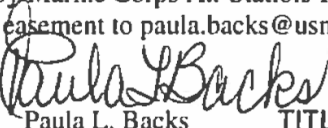
☒ Comment

Enter conditions here: The property is located beneath the only overhead flight pattern and several flight paths. It is requested that an avigation easement be recorded that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Please email a copy of the recorded avigation easement to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE:

2/23/2018

NAME:

  
Paula L. Backs

TITLE:

Community Liaison  
Specialist

CITY DEPT:

MCAS YUMA AZ

PHONE:

(928) 269-2103

RETURN TO:

Alyssa Linville

Alyssa.Linville@YumaAZ.gov