



# City of Yuma

## Legislation Details (With Text)

**File #:** O2024-017    **Version:** 1    **Name:**  
**Type:** ordinance    **Status:** Passed  
**File created:** 4/8/2024    **In control:** City Council Meeting  
**On agenda:** 5/1/2024    **Final action:** 5/15/2024  
**Title:** Rezoning of Property: Southeast Corner of Avenue 6E and 48th Street

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. P&Z REPORT Rezoning: Southeast corner of Avenue 6E and 48th Street, 2. 2. ORD Rezoning: Southeast corner of Avenue 6E and 48th Street

Date	Ver.	Action By	Action	Result
5/15/2024	1	City Council Meeting	ADOPTED	
5/1/2024	1	City Council Meeting		

<b>DEPARTMENT:</b> Planning & Neighborhood Svc	<b>STRATEGIC OUTCOMES</b> <input checked="" type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible <input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<b>ACTION</b> <input type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input checked="" type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
<b>DIVISION:</b> Community Planning		

**TITLE:**

**Rezoning of Property: Southeast Corner of Avenue 6E and 48<sup>th</sup> Street**

### SUMMARY RECOMMENDATION:

Rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1 -6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street. (Planning and Neighborhood Services/Communtiy Planning) (Alyssa Linville)

### STRATEGIC OUTCOME:

Approval of this rezone supports residential development in the City that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering the City Council's strategic outcomes of Safe and Prosperous, and Respected and Responsible.

### REPORT:

In September of 1996, the City Council and the Yuma County Board of Supervisors adopted the Joint Land Use Plan (JLUP), in consultation with Marine Corps Air Station Yuma (MCAS Yuma). The JLUP represents the combined efforts of the City and County to establish a common guide for land use development, ensuring compatible land use activities within the vicinity of MCAS Yuma and the Barry M. Goldwater Range (BMGR).

The JLUP recommended the establishment of a one-mile buffer along the boundary of the BMGR, intended to limit residential development within the area. This one-mile buffer was established in 2004 through a general

plan amendment, which designated this area as Rural Density Residential. The Rural Density Residential land use designation would allow a residential density no less than one dwelling unit per each two acres of land.

In 2005, the owners of the subject properties petitioned the City to amend the JLUP. On December 12, 2005, the City Council and the Board of Supervisors denied the request for a major general plan amendment to the JLUP, from Rural Density to Low Density (GP2005-12). The following year the property owner(s) submitted the same request for a general plan amendment. This time, the City Council (5-0) and the Board of Supervisors (4-1) approved the request for a major amendment to the JLUP from Rural Density to Low Density Residential.

Since the approval in 2006, the decision to amend the land use designation to low density residential has been upheld by the residents of the City during two separate election cycles. The first occurring on November 6, 2012, with the ratification of the 2012 General Plan, and the second occurring on November 8, 2022, with the ratification of the 2022 General Plan. During both elections, the voters continued to demonstrate their support of the land use designation, with the ability of developing these properties at a rate of 1-4.9 dwelling units per acre.

In addition to the density limitations imposed by the 1996 JLUP, MCAS Yuma has plans to acquire 4,700 acres of developable land on the east Yuma mesa, adjacent to the northern boundary of the BMGR, half of which is located within the City. The loss of this developable land will result in the loss of more than 5,700 potential future homes. While discussions related to the expansion of the range are ongoing, if necessary, the City must identify new opportunities for residential development. This will become a major undertaking in the new Joint Land Use Plan scheduled to begin in 2024.

The subject properties, located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street, are currently undeveloped and measure approximately 77 acres in size. The subject properties, which are located within one mile of the BMGR, have been the subject of several planning applications over the years.

In addition to the land use applications discussed previously, the property owners have sought to rezone the subject properties three times. During these prior attempts at rezoning, the property owners sought to attain approval from MCAS Yuma, without success; without MCAS Yuma approval, the property owners made the decision to withdraw each of the three prior zoning requests before reaching City Council.

With this rezoning application, the property owners are requesting to rezone the properties from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts, in an effort to develop a project featuring graduated densities, with smaller lots at the north end of the project, and larger lots at the south end. As shown in Attachment B, the proposed buildout will have a total of 298 residential lots, ranging in size from 6,000 square feet to 12,000 square feet. This development model is a contrast from the prior rezoning applications which sought to develop an entire Low Density Residential (R-1-6) single-family subdivision, with more than 350 lots.

According to the 1996 JLUP, these properties are located within a one-mile distance of the BMGR. During the drafting of the JLUP, the area of the BMGR adjacent to these properties served as an active training ground for military personnel. Since 1996, however, significant operational changes have occurred within BMGR. The catalyst for these changes was the construction of the Area Service Highway (ASH).

Completed in 2009, the ASH is a 25-mile-long stretch of state highway (State Route 195, also known as the Robert A. Vaughan Expressway), connecting Interstate 8 to San Luis, Arizona. The location of the ASH bisects the northwestern most portion of the BMGR, resulting in more than 1,500 acres of land no longer suitable for military training; this area of the BMGR is often referred to as the orphan parcels. The subject properties, associated with this requested rezoning, are located west of the ASH, adjacent to the orphan parcels. The need for the one-mile buffer within this area of the community is no longer warranted. In fact, MCAS Yuma is currently in the process of converting this once active area of the range into a megawatt solar farm, demonstrating that these orphan parcels are no longer an active component of the BMGR, and that increased

residential densities adjacent to a solar field is an example of compatible development.

The City takes significant strides to protect its largest industries, particularly agriculture and the military. In doing so, the City also faces challenges associated with community growth. Since, the adoption of the JLUP in 1996, the City has made every effort to work alongside MCAS Yuma to ensure that growth within the City does not negatively impact the operations of the military installations. The City will continue to work alongside MCAS Yuma through the drafting of a new Joint Land Use Plan which should create a new east-west BMGR buffer utilizing the ASH highway as the demarcation of no negative impact on the operations of MCAS Yuma and the BMGR.

On March 25, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (3-2, with Greg Counts and John Mahon absent) of the request to rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48<sup>th</sup> Street, subject to the conditions of approval outlined below:

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.
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.
4. Sound attenuation will need to be incorporated into the design of each residence to meet the minimum standards set forth in A.R.S. § 28-8482(B).
5. The Owner/Developer shall dedicate an additional 7 feet right-of-way along Ave 6E frontage such that a 40 foot half width is obtained consistent with a 2-Lane Collector Street.
6. The Owner/Developer shall dedicate an additional 17 feet of right-of-way, such that the City obtains 50 feet of half width right-of-way along 48<sup>th</sup> Street frontage consistent with a Minor Arterial Street.
7. The Owner/Developer shall dedicate additional intersection r-o-w at the southeast corner of Avenue 6E & 48<sup>th</sup> Street to accommodate a north to east turn lane, and corner triangle.
8. With the exception of Condition 4, 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 A.R.S. § 9-462.01.

#### **PUBLIC COMMENTS - EXCERPTS FROM PLANNING AND ZONING COMISSION MEETING MINUTES:**

##### **Questions for Staff:**

**“Chris Hamel - Planning and Zoning Commissioner** thanked **Alyssa Linville - Director of Planning and Neighborhood Services** for a detailed report and mentioned that it provided clarity as to the location of the parcels and surrounding area.

**“Hamel** then asked **Linville** if there was any condition, they can include for any future development of homes to limit the noise.

**“Linville** stated that per condition #4, of the staff report, sound attenuation would need to be incorporated into the design of each residence in accordance with state law, because the property is located within the vicinity of the range.

**Questions for Applicant:**

"Tom Pancrazi, 350 W. 16<sup>th</sup> Street, Yuma, AZ, was available for questions.

"Hamel asked Pancrazi if the potential buyers of the proposed new homes, would be aware of the noise in the area.

"Linville stated that condition #3, required every property owner to sign and record an Avigation Easement, acknowledging potential overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**Public Comments:**

"Mary Finch, Community Liaison Officer, MCAS, noted that the Colonel from the Marine Corps Air Station (MCAS) and the Colonel from Yuma Proving Ground (YPG) submitted letters asking the commission to deny the request. Finch expressed concerns about noise and traffic, noting that MCAS conducts approximately 185,000 air operations per year and mentioned that this request can possibly restrict their airfield in the future.

**Motion:**

"Motion by Joshua Scott - Planning and Zoning Commissioner, second by Chelsea Malouff - Planning and Zoning Commissioner to APPROVE ZONE-42218-2024 as presented.

"Motion carried, (3-2) with Hamel & Lorraine Arney - Planning and Zoning Commissioner voting nay, and two commissioners absent.'

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- ☐ Department
- ☐ City Clerk's Office
- ☐ Document to be recorded
- ☐ Document to be codified

Acting City Administrator:	Date:
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John D. Simonton	04/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 04/23/2024