

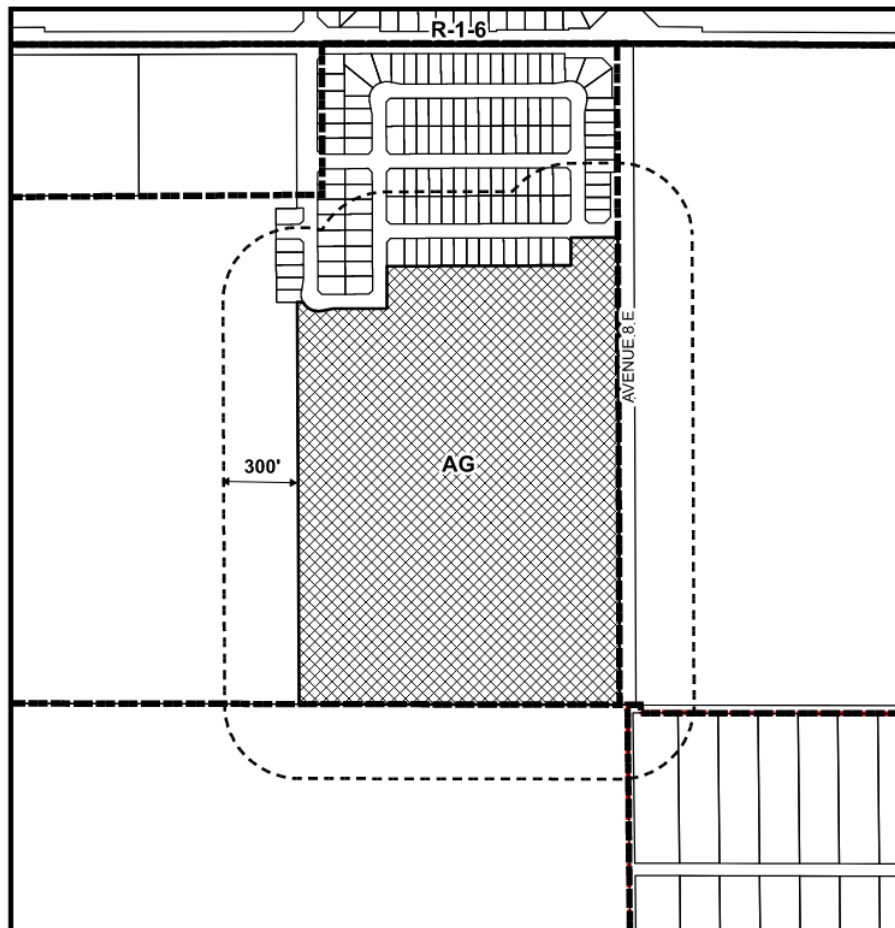
**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE – FINAL SUBDIVISION  
CASE PLANNER: RICHARD MUNGUIA**

**Hearing Date:** June 28, 2021      **Case Number:** SUBD-34769-2021

**Project Description/Location:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for the approval of the final plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 lots, ranging in size from approximately 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45<sup>th</sup> Street and the S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
<b>Site</b>	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
<b>North</b>	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
<b>South</b>	Agriculture (AG)	Undeveloped	Rural Density Residential
<b>East</b>	Agriculture (AG)	Undeveloped	Low Density Residential
<b>West</b>	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential/Commercial); Rezone: Ordinance 2019-014 (March 6, 2019 – AG to R-1-5); Subdivision: Desert Sands Subdivision Unit 3 Preliminary Plat – SUBD-33735-2021 (April 12, 2021).

**Staff Recommendation:** Staff recommends **APPROVAL** of the final plat for the Desert Sands Subdivision Unit 3, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Final Plat SUBD-34769-2021 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 final plat, the Planning and Zoning Commission is authorizing the design of Desert Sands Subdivision Unit 3, for the property located at the southwest corner of E. 45<sup>th</sup> Street and S. Avenue 8E subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

**Staff Analysis:** The subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the third phase of the Desert Sands Subdivision.

The subject property consists of approximately 24.2599 acres. This subdivision will be developed with frontage along Avenue 8 E, and 44<sup>th</sup> Street. The applicant is proposing to develop the area with 122 single-family homes. The applicant is proposing lot sizes to range from 5,078 square feet to 13,338 square feet. As discussed in further detail in §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

**1. Does the subdivision comply with the zoning code and the zoning district development standards?**

Yes.

**2. Does the subdivision comply with the subdivision code requirements?**

Standard	Subdivision						Conforms				
Lot Size	Minimum:	5,078 sq ft			Maximum:	13,338 sq ft		Yes	X	No	
Lot Depth	Minimum:	102 ft			Maximum:	139.18 ft		Yes	X	No	
Lot Width/Frontage	Minimum:	50 ft			Maximum:	60 ft		Yes	X	No	
Setbacks	Front:	20'	Rear:	10'	Side:	5' on one side 9' on the other		Yes	X	No	
District Size	24.25	Acres						Yes	X	No	
Density	5.0	Dwelling units per acre						Yes	X	No	
Issues: None											

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes		No		N/A	X
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X
Issues: None						

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

**3. Does the subdivision comply with the elements, plans and policies of the General Plan?**

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

<b>Transportation Element:</b>														
<b>FACILITY PLANS</b>														
TRANSPORTATION MASTER PLAN			<b>Planned</b>		<b>Existing</b>		<b>Gateway</b>		<b>Scenic</b>		<b>Hazard</b>		<b>Truck</b>	
Avenue 7 ½E			40 FT H/W ROW		50 FT H/W ROW									
40 <sup>th</sup> Street			40 FT H/W ROW		50 FT H/W ROW									
Bicycle Facilities Master Plan			E. 32 <sup>nd</sup> Street: Existing Bike Path											
YCAT Transit System			N/A											
Issues:			None											
<b>Parks, Recreation and Open Space Element:</b>														
Parks and Recreation Facility Plan														
Neighborhood Park:		Existing: Saguaro Park						Future: Saguaro Park						
Community Park:		Existing: None						Future: South Mesa						
Linear Park:		Existing: None						Future: A Canal Linear Park						
Issues:		Minimal access to nearby facilities.												
<b>Housing Element:</b>														
Special Need Household:		N/A												
Issues:		None												
<b>Redevelopment Element:</b>														
Planned Redevelopment Area:		N/A												
Adopted Redevelopment Plan:		North End:				Carver Park:				None:		X		
Conforms:		Yes				No				N/A				
<b>Conservation, Energy &amp; Environmental Element:</b>														
Impact on Air or Water Resources		Yes				No		X						
Renewable Energy Source		Yes				No		X						
Issues:		None												
<b>Public Services Element:</b>														
Population Impacts Population projection per 2013-2017 American Community Survey 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			<b>Dwellings &amp; Type</b>		<b>Projected Population</b>		<b>Police Impact</b>		<b>Water Consumption</b>		<b>Wastewater Generation</b>			
			<i>Single Family</i>											
			Proposed	Per Unit			Officers		GPD	AF	GPD			
			122	2.8	342		0.64		102,480	114.8	34,160			
Fire Facilities Plan:		Existing: Fire Station No. 5						Future: Fire Station No. 7						
Water Facility Plan:		Source:	City	X	Private		Connection		20" PVC @ E. 45 <sup>th</sup> Street					
Sewer Facility Plan:		Treatment:	City	X	Septic		Private		12" PVC @ E. 45 <sup>th</sup> Street					
Issues:		Water and sewer lines will need to be extended to provide services for the future development.												
<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												

4. Does the subdivision comply with the conditions of the rezoning?

Yes.

5. Does the subdivision comply with the conditions of the preliminary plat?

Yes.

6. Is the final plat consistent with the preliminary plat that was approved?

Yes.

**Public Comments Received:**

None Received.

**External Agency Comments:**

See Attachment G.

**Neighborhood Meeting Comments:**

No Meeting Required.

**Proposed conditions delivered to applicant on:**

June 3, 2021

**Final staff report delivered to applicant on:**

June 14, 2021

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on: (enter date)
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input checked="" type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply.

**Attachments**

A	B	C	D	E	F	G	H
Final Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Rezone Conditions	Preliminary Plat Conditions	Agency Notifications	Agency Comments	Aerial Photo

**Prepared By:**  
Richard Munguia  
Senior Planner



**Date:** June 9, 2021

[Richard.Munguia@YumaAZ.gov](mailto:Richard.Munguia@YumaAZ.gov) (928)373-5000, x3070

**Approved By:**  
Alyssa Linville,  
Assistant Director Community Development



**Date:** 06/16/2021

**ATTACHMENT A  
FINAL PLAT  
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:**

1. The conditions 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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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.

**City Attorney Comments: (928) 373-5058:**

4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
  - a. pay to cross the easement to reach any structure on the lot;
  - b. prevent the utilities from providing service to any structure on a lot; or
  - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

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

7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

**Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070**

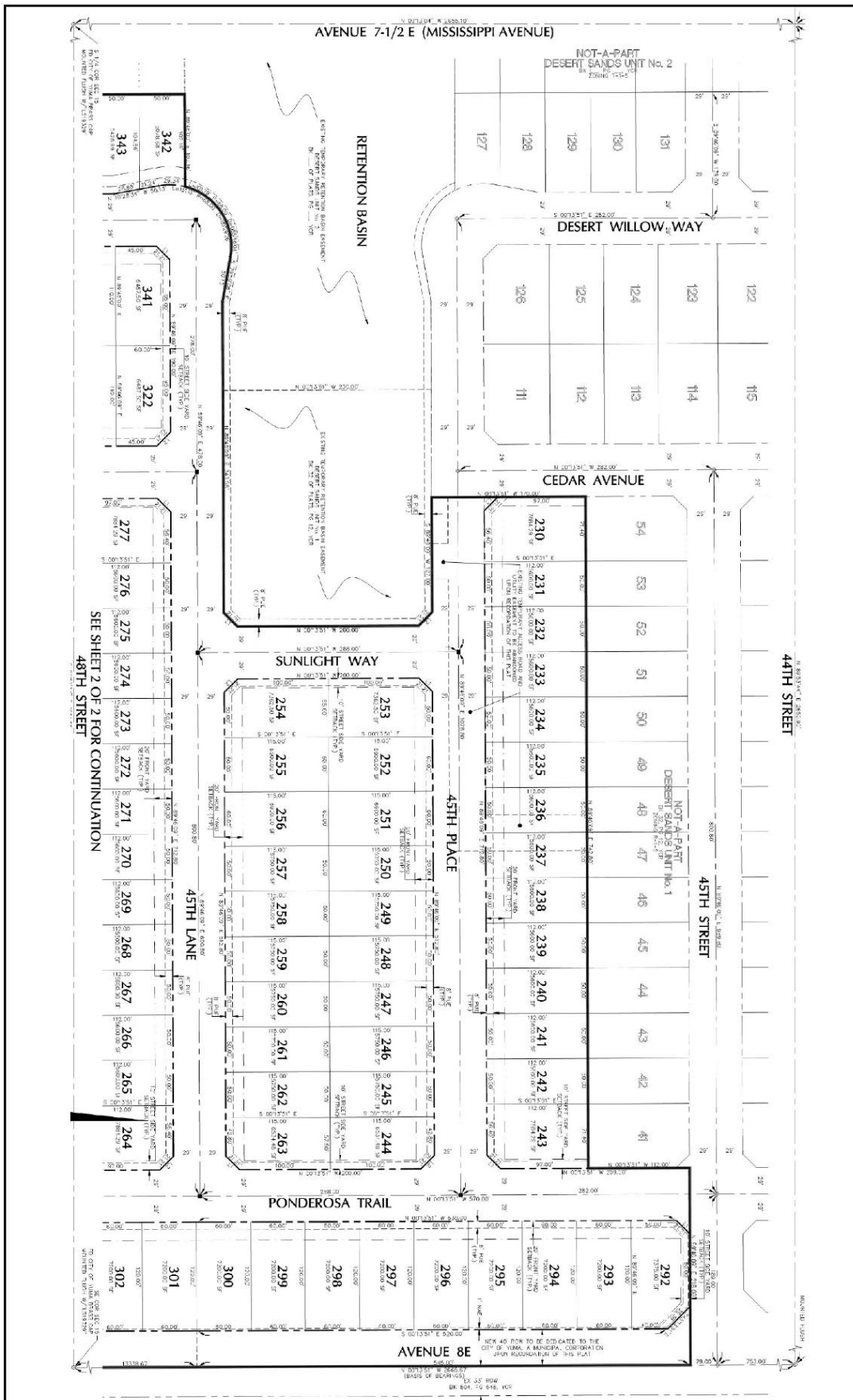
8. A time frame of build-out for the subdivision shall be submitted to the Yuma High School District to enable the districts to adequately plan for future school facilities.
9. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of

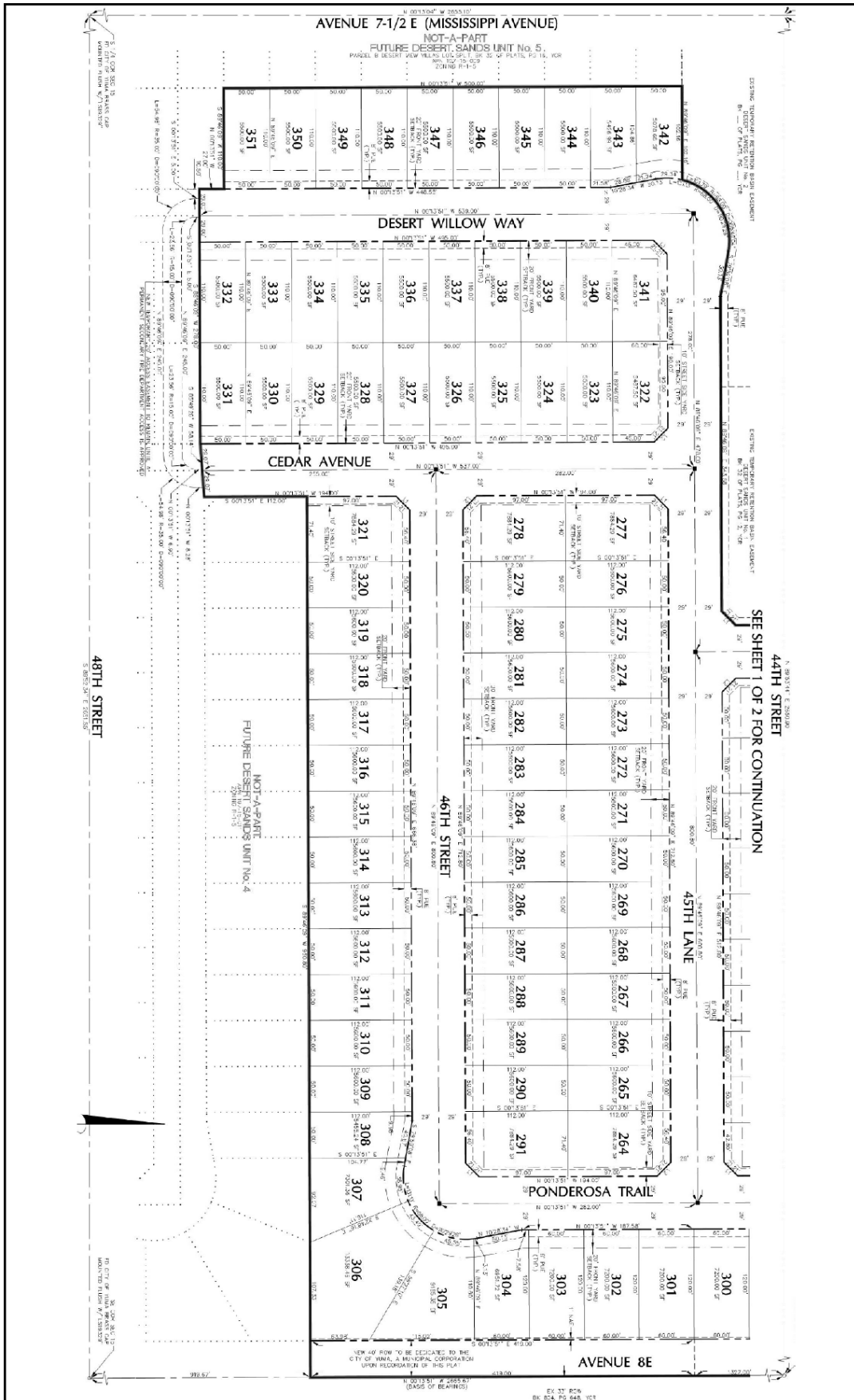
any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.

10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
11. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

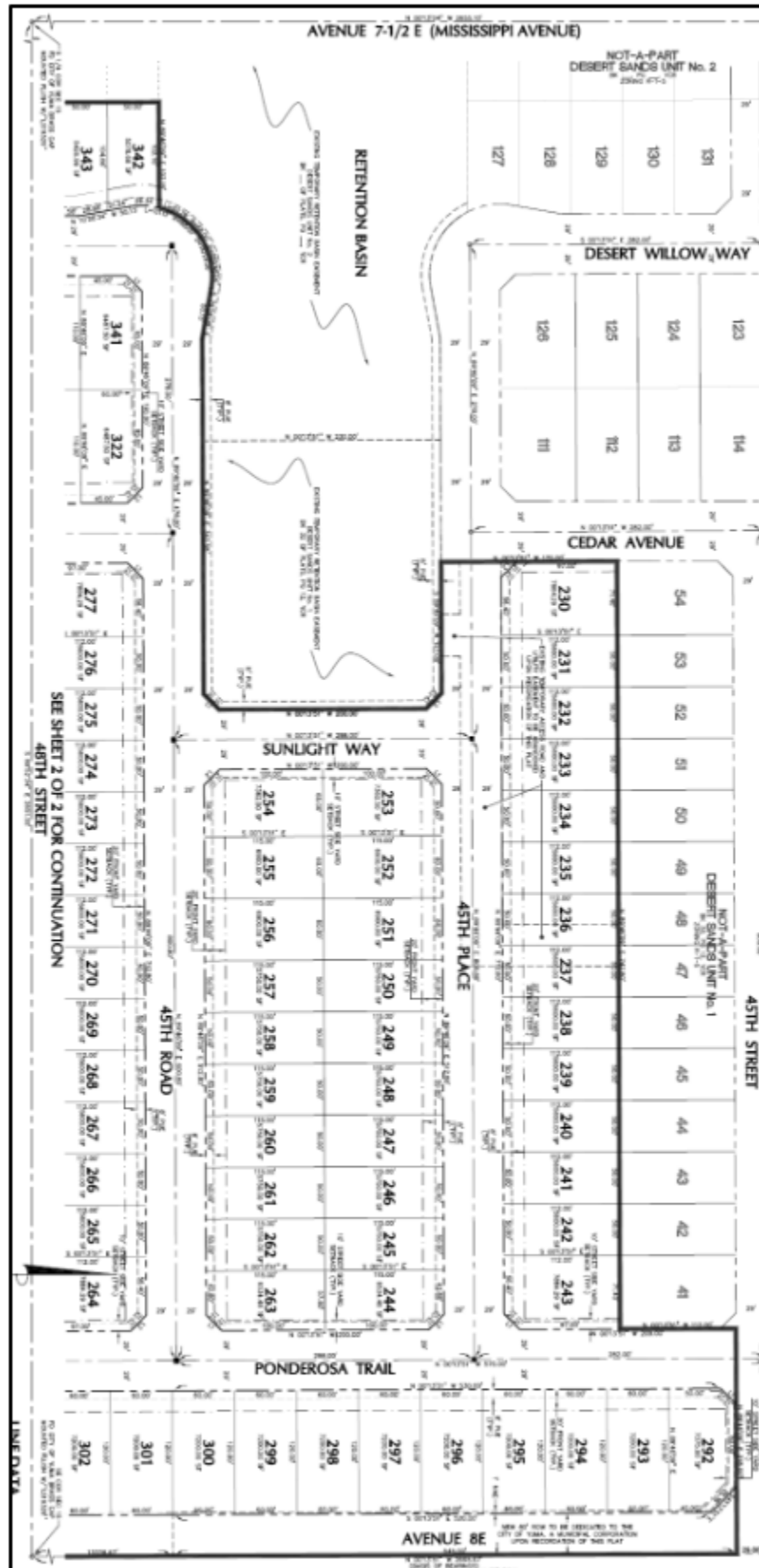
**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

# ATTACHMENT B FINAL PLAT MAP





# ATTACHMENT C PRELIMINARY PLAT MAP





**ATTACHMENT D  
REZONE CONDITIONS**

**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. 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 E  
PRELIMINARY PLAT CONDITIONS**

**ATTACHMENT A  
PRELIMINARY PLAT  
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:**

1. The conditions 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 request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

**City Attorney Comments: (928) 373-5058:**

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
  - a. pay to cross the easement to reach any structure on the lot;
  - b. prevent the utilities from providing service to any structure on a lot; or
  - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

**Engineering Comments: Agustin Cruz, Senior Civil Engineer (928) 373-5182:**

6. The owner/developer and subsequent property owners shall not construct any gate or provide access locations crossing the 1 foot non-access easement (1' NAE) as listed in this subdivision plat.

**Fire Department Comments: Kayla Franklin, Fire Marshal, (928) 373-4865:**

7. Please submit revised drawing connecting Desert Willow Way and Cedar Avenue.

**Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070:**

8. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

**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 F**  
**AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 06/04/2021
- **300' Vicinity Mailing:** 05/10/2021
- **34 Commenting/Reviewing Agencies noticed:** 05/13/2021
- **Site Posted on:** 06/21/2021
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 06/28/2021
- **Comments due:** 05/24/2021

<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	X	05/17/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
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	NR				
Crane School District #13	NR				
A.D.O.T.	X	05/11/2021	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	05/1/2021	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>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	05/18/2021	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	05/20/2021		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				


**ATTACHMENT G**  
**AGENCY COMMENTS**

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the request for APN 197-15-011 and we offer the following conditions. The subject parcel is located approximately 1 mile from the northern boundary of the Barry M. Goldwater Range-West (BMGR-W) and as such is subject to the requirements of the BMGR Buffer Zone. It is requested that Avigation easement and Range Disclosure Statements be recorded that recognizes 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/BMGR-W Range and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	20 May 2021	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Alyssa Linville				
	Alyssa.Linville@YumaAZ.gov				

ATTACHMENT H  
AERIAL PHOTO

