



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

March 17, 2021

**DEPARTMENT:**

Community  
Development

**DIVISION**

Community Planning

**STRATEGIC OUTCOMES**

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

**ACTION**

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**

Final Plat: AHDC Magnolia Avenue Phase Two Subdivision

**SUMMARY RECOMMENDATION:**

Approve the final plat of the Arizona Housing Development Corporation (AHDC) Magnolia Avenue Phase Two Subdivision. The property is located at the northeast corner of Magnolia Avenue and 5th Street. (Community Development/Community Planning) (Randall Crist)

**STRATEGIC OUTCOME:**

The proposed subdivision configuration is a responsible use of existing infrastructure within the community, allowing for prosperous redevelopment to occur within the Infill Overlay District, which furthers the City Council's strategic outcomes as it relates to Respected and Responsible and Safe and Prosperous.

**REPORT:**

Historically, the properties served as a grove for citrus production. However, in recent years the properties were cleared, remaining vacant and undeveloped. In 2018, the vacant properties were split into five parcels; one lot was split into two parcels and the other lot was split into three parcels. In 2020, three of the properties were developed with a single-family residence. The property owner is now proposing to create a sixth lot.

The proposed subdivision will meet the intent and development standards outlined within the High Density Residential (R-3) District through the utilization of development incentives offered within the Infill Overlay (IO) District. One of the primary development incentives that will be utilized with this subdivision is the request to reduce the minimum lot size requirement from 6,000 square feet to 5,649 square feet. In addition, the following are some of the standards that will be required for development within the proposed subdivision:

1. The maximum lot coverage in the High Density Residential/Infill Overlay (R-3/IO) District shall be 60% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of five feet;

4. A minimum street side setback of ten feet;
5. A minimum rear yard setback of ten feet;
6. A maximum building height of 40 feet; and
7. A requirement for each lot to provide two off-street parking spaces, appropriately located.

Neighbors within 300' were notified of the proposed development, none of which voiced any thoughts or concerns about the proposed development.

On February 22, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the final plat for the AHDC Magnolia Avenue Phase Two Subdivision, subject to the following conditions:

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 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.
6. 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 Magnolia Avenue. 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.
7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
8. 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.
9. 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.

**PUBLIC COMMENTS – EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF:**

**None**

**APPLICANT/APPLICANT'S REPRESENTATIVE:**

**"Vianey Vega, 1846 S. 8<sup>th</sup> Ave Yuma, AZ** commented that he was in agreement with all the conditions and was available for questions.

**PUBLIC COMMENTS:**

**None**

**MOTION:**

**"Motion by Gregory Counts – Planning and Zoning Commissioner, second by Lorraine Arney – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-33187-2021, subject to the conditions of approval shown in Attachment A.**

**"Motion carried unanimously (6-0)."**

**PLANNING COMMISSION STAFF REPORT – ATTACHED**

The City Council's approval of this motion accepts the Planning and Zoning Commission's recommendation and approves the final plat of the AHDC Magnolia Avenue Phase Two Subdivision as submitted, including the conditions of approval set forth in the final plat and preliminary plat.

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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		03/10/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		03/9/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Alyssa Linville		02/26/2021		
WRITTEN/SUBMITTED BY:		DATE:		