



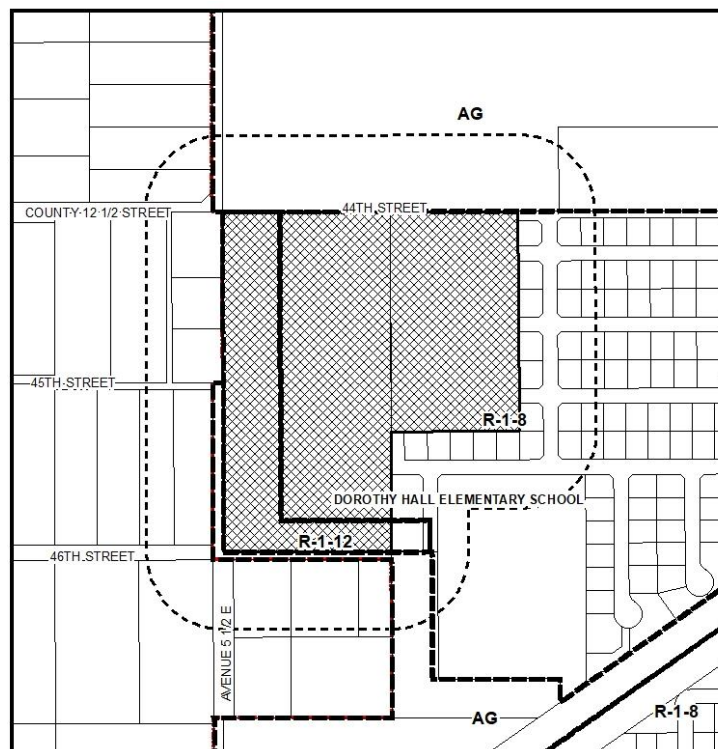
**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: ALYSSA LINVILLE**

Hearing Date: June 14, 2021 **Case Number:** SUBD-34565-2021

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Yuma's Driftwood Development, LLC, for approval of the final plat for the Driftwood Ranch Unit No. 2 Subdivision. This subdivision will contain approximately 30 acres, and is proposed to be divided into 87 residential lots, ranging in size from 8,699 square feet to 24,469 square feet. The property is located at the southeast corner of S. Avenue 5½E and E. 44th Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Residential (R-1-12 and R-1-8)	Undeveloped	Low Density Residential
North	Agriculture	Yuma County Public Works	Public/Quasi Public
South	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
East	Low Density Residential (R-1-8)	Driftwood Ranch Unit No. 1	Low Density Residential
West	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 (January 22, 2018); Annexation: Ord. O2018-012 (April 4, 2018); Rezone: O2018-024 (AG to R-1-12 and R-1-8); Subdivision: Driftwood Ranch Unit No. 1 and 2 Subdivision Preliminary Plat (June 25, 2018)

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Driftwood Ranch Unit No. 2 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-34565-2021 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 Driftwood Ranch Unit No. 2 Subdivision, located at southeast corner of S. Avenue 5½E and E. 44th Street, 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 area is located at the southeast corner of S. Avenue 5½E and E. 44th Street. The subject area has historically been used for agricultural purposes. The 30 acres are bounded by large-lot residential development to the west and south, phase one of the Driftwood Subdivision to the east, and 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. 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. 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.

Following the petition for annexation, the developer submitted a request to rezone the properties as detailed 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.

On June 25, 2018, the Planning and Zoning Commission approved the developer's request for the preliminary plat. The preliminary plat identified 227 single-family lots

and a site for a future elementary school. The school district completed the school development in time for the Fall 2019 school year.

With this request, the developer is requesting approval of the final plat for phase two of development. Phase one of the development included 140 single-family lots as well as the school site. This request, phase two, is designed to provide housing for 87 additional units.

The developer has submitted the petition for a formation of a Municipal Improvement District (MID) which has been established and will provide long-term maintenance for all existing/future subdivision landscaping.

In addition for the need of subdivision landscaping, the developer will be required to install a street tree on each residential lot as required within the zoning code. While the developer will be required to install these street trees, it will be the responsibility of the homeowner to maintain.

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

Yes. The final plat meets the dimensional standards and development standards for the Low Density Residential (R-1-12) and Low Density Residential (R-1-8).

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

Standard	Subdivision						Conforms				
Lot Size	Minimum:	8,699 SF		Maximum:	24,469 SF		Yes	X	No		
Lot Depth	Minimum:	100 FT		Maximum:	168 FT		Yes	X	No		
Lot Width/Frontage	Minimum:	60 FT		Maximum:	213 FT		Yes	X	No		
Setbacks	Front:	20 FT	Rear:	20-50 FT	Side:	7-50 FT	Yes	X	No		
District Size	30	Acres						Yes	X	No	
Density	2.9	Dwelling units per acre						Yes	X	No	
Issues:											
Requirements		Conforms									
General Principles		Yes	X	No		N/A					
Streets		Conforms									
Circulation		Yes	X	No		N/A					
Arterial Streets		Yes		No		N/A	X				
Existing Streets		Yes	X	No		N/A					
Cul-de-sacs		Yes	X	No		N/A					
Half Streets		Yes		No		N/A	X				
Stub Streets		Yes		No		N/A	X				
Intersections		Yes		No		N/A	X				
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	X	No		N/A					

Orientation to Arterials	Yes		No		N/A	X	
Business or Industrial	Yes		No		N/A	X	
Issues: None							
Lots	<u>Conforms</u>						
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: Lots which are zoned Low Density Residential (R-1-12) shall maintain a 50 foot side and/or rear setback as required of the Pre-Annexation Development Agreement (R2017-035).							

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				
Transportation Element:									
<u>FACILITY PLANS</u>									
TRANSPORTATION MASTER PLAN		Planned	Existing	Gateway	Scenic	Hazard	Truck		
44 th Street – Local Street		29 FT H/W ROW	0 FT H/W ROW						
Avenue 5½E – Local Street		29 FT H/W ROW	0 FT H/W ROW						
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:	X	
Conforms:	Yes		No		N/A		
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
<u>Population Impacts</u> 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	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Proposed	Per Unit		Officers	GPD	AF	GPD
	87	2.8	244	0.46	73,080	81.9	24,360
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 th Street); 12" PVC (S. Avenue 6 E)	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 18" PVC (S. Avenue 6 E)	
Issues:	None						
Safety Element:							
Flood Plain Designation:	Flood Zone X		Liquefaction Hazard Area:			Yes	No X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.		
	North End	Pacific Ave & 8 th St	Estancia	None	X		
Issues:	None						

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

Yes. The final plat meets the dimensional standards and development standards for the Low Density Residential (R-1-12) and Low Density Residential (R-1-8). In addition the proposed layout meets the requirements as set forth in the agreed-upon pre-annexation development agreement.

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

Yes. The proposed final plat complies with the conditions of the preliminary plat approval.

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

Yes.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting

No Meeting Required.

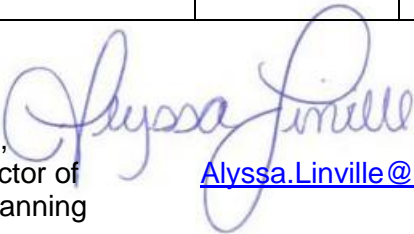
Comments:**Proposed conditions delivered to applicant on:** June 7, 2021**Final staff report delivered to applicant on:** June 8, 2021

- ☐ Applicant agreed with all of the conditions of approval on: (enter date)
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☒ Waiting on response from applicant.

Attachments

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

Prepared By:
Alyssa Linville,
Assistant Director of
Community Planning



Date: June 7, 2021
Alyssa.Linville@yumaaz.gov (928)373-5000, ext. 3037

**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.

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

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 Avenue 5½E and 44th Street. 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.

Fire Department: Kayla Holiman, Fire Marshall, (928)373-4865:

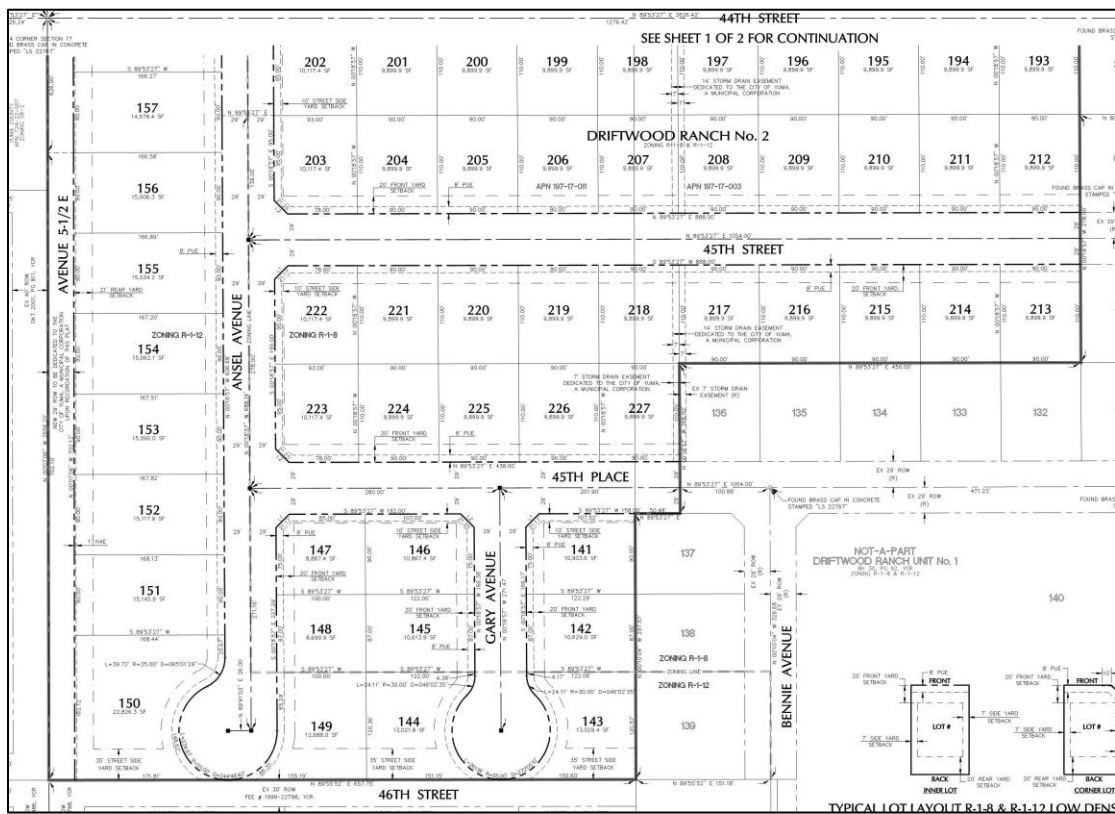
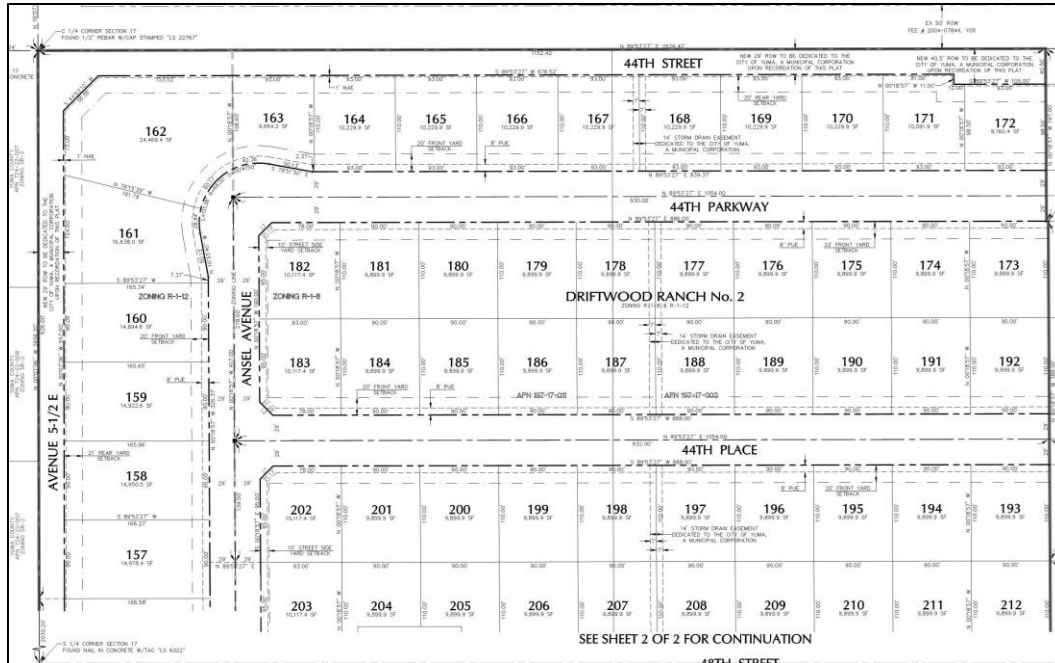
7. Provide and maintain adequate paved primary and secondary fire department access. Hydrant spacing per City Standards.

Community Planning Conditions: Alyssa Linville, Assistant Director, Community Development (928) 373-5000, ext. 3037:

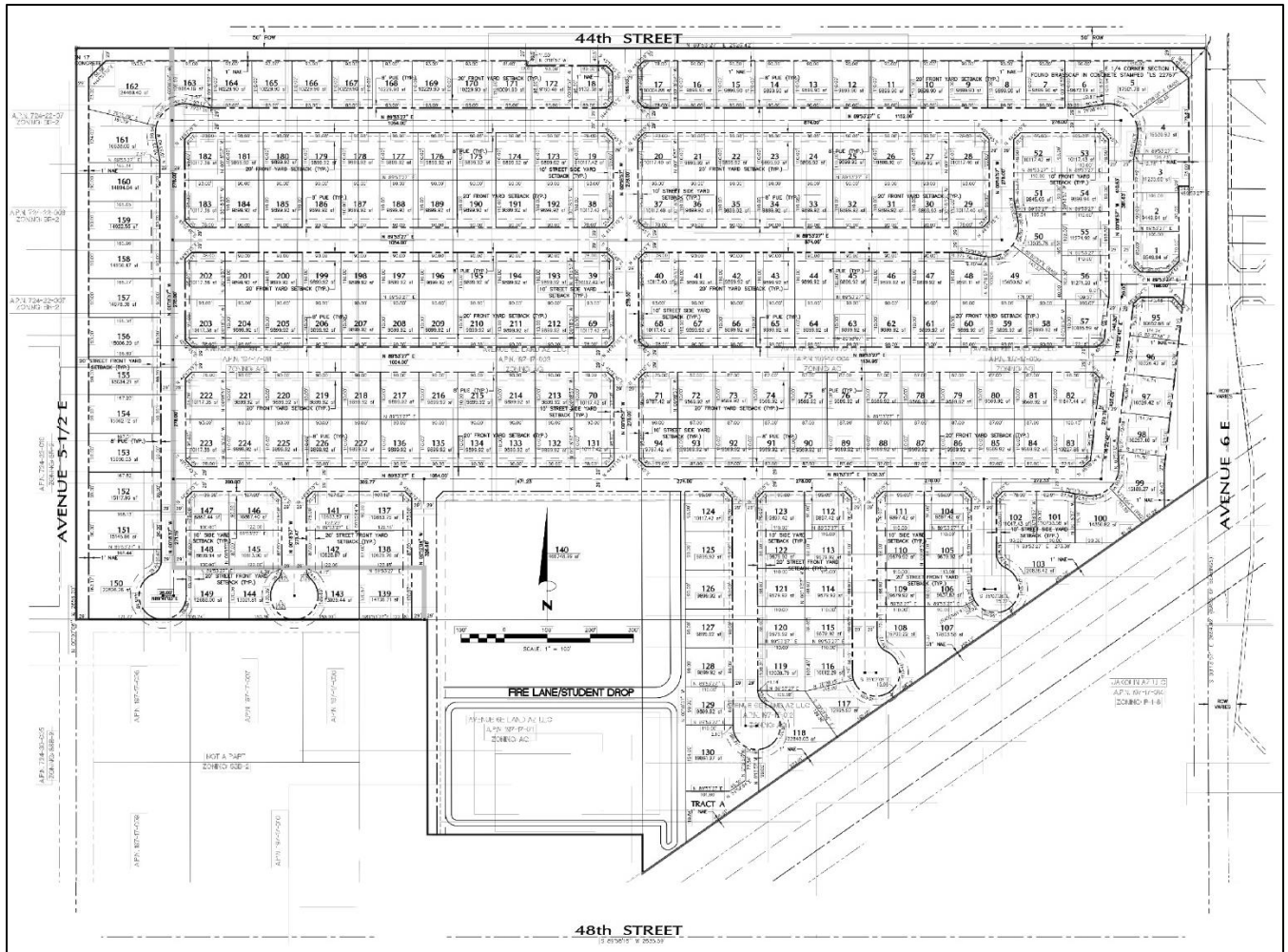
8. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
9. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local 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 following lots within the Driftwood Ranch Unit No. 2 Subdivision are permitted to deviate from typical setback requirements as required of the zoning district: lots 143, 144, 163 and 172. The final plat shall indicate that these lots are subject to possible setback deviations.
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

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.
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.

ATTACHMENT E
PRELIMINARY PLAT 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 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. 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:
 - d. pay to cross the easement to reach any structure on the lot;
 - e. prevent the utilities from providing service to any structure on a lot; or
 - f. 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.
7. All aspects of development shall be in accordance with the approved Pre-Annexation Agreement, Resolution R2017-035 (Fee No. 2018-01671).
8. No setback deviations will be granted within the 50 foot side and/or rear yard setback for those lots which have been specifically identified within the Pre-Annexation Development Agreement.
9. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
10. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) 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.

ATTACHMENT F
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (05/21/2021)
- **300' Vicinity Mailing:** (04/26/2021)
- **34 Commenting/Reviewing Agencies noticed:** (04/29/2021)
- **Site Posted on:** (06/07/2021)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (06/14/2021)
- **Comments due:** (05/10/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	04/29/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	04/29/2021	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	Yes	04/29/2021	X		
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	05/03/2021	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	Yes	04/30/2021	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	04/29/2021		X	
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	04/29/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT G
AERIAL PHOTO

