



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

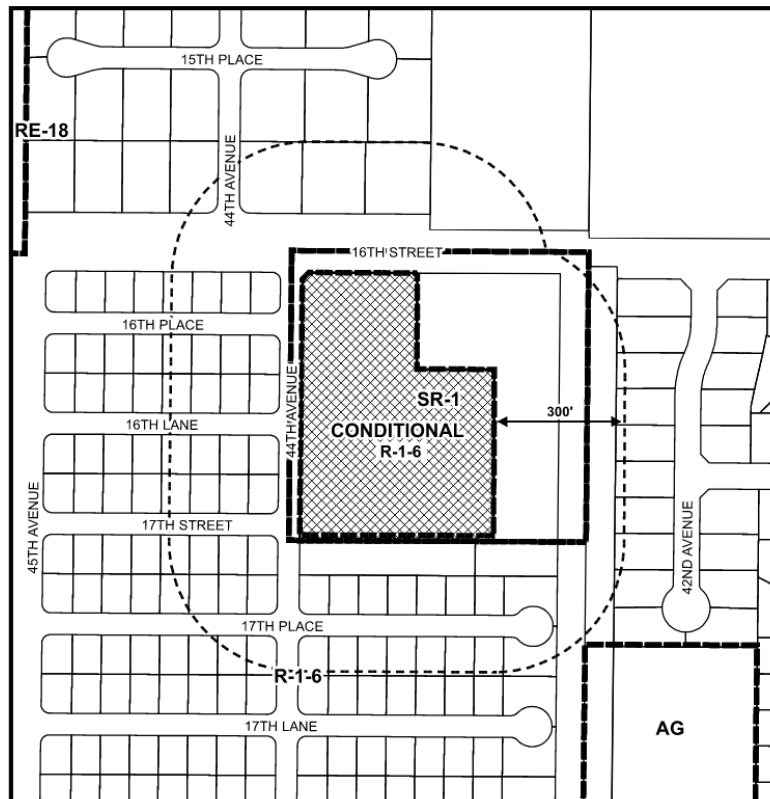
Hearing Date: February 24, 2020

Case Number: SUBD-28737-2019

Project Description/Location: This is a request by Vega and Vega Engineering, on behalf of Proxima Centauri Development, LLC, for approval of the final plat for the Autumn Valley Subdivision, proposed to be divided into 22 residential lots ranging in size from 6,000 square feet to 11,559 square feet. The property is located at the southeast corner of 16th Street and 44th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Conditional Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-6)	Religious Institution; Single Family Residences	Public/Quasi Public; Low Density Residential
South	Low Density Residential (R-1-6)	Single Family Residences	Low Density Residential
East	Suburban Ranch (SR-1)	Religious Institution	Low Density Residential
West	Low Density Residential (R-1-6)	Single Family Residences	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. 1650 (October 10, 1977); Subdivision: Trinity Christian Center Lot Split (May 29, 2019); Autumn Valley Preliminary Plat (December 9, 2019); Rezone: Ordinance O2019-028 (August 7, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Autumn Valley Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-28737-2019 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 the Autumn Valley Subdivision for the property located at the southeast corner of 16th Street and 44th Avenue, Yuma, AZ, 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 in 1977 and split and rezoned to the Low Density Residential (R-1-6) District in 2019. The subject property is currently undeveloped, surrounded by single family homes.

The subject property consists of approximately 5.31 acres. The applicant is proposing to develop the area with 22 single-family dwellings which will meet the land use density requirements of 1.0 to 4.9 dwelling units per acre. The lot sizes will range from 6,000 square feet to 11,559 square feet which meets the minimum lot size requirements for the Low Density Residential (R-1-6) District. The subdivision will be developed with access off of 44th Avenue. No access will be possible off of 16th Street.

Further specified in §154-05.04, the following are some of the development standards required of a development with the Low Density Residential (R-1-6) District:

1. The maximum lot coverage in the Low Density Residential (R-1-6) District shall not exceed 35% of the lot area;
2. A minimum front yard setback of 20 feet;
3. A minimum side yard setback of 7 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

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 conditions of the rezoning?

Yes. The final plat meets dimensional standards and development standards for the Low Density Residential (R-1-6) District.

2. Does the subdivision comply with the conditions of the preliminary plat approval?

Yes. The final plat will comply with the Conditions of Approval for the preliminary plat.

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

Yes. The final plat remains consistent with the approved preliminary plat.

Public Comments Received:

None Received

External Agency Comments:

None Received

Neighborhood Meeting Comments:

No Meeting Required

Proposed conditions delivered to applicant on:

January 10, 2020

Final staff report delivered to applicant on:

January 29, 2020

- ☒ Applicant agreed with all of the conditions of approval on: January 14, 2020.
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-Mailed, awaiting reply.

megalodon

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Final Plat Map	Prelim Plat Map	Rezone Conditions	Prelim Plat Conditions	Aerial Photo	Staff Research

Prepared By:
Richard Munguia
Senior Planner



Date: Jan 17 2020

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 01/21/20

**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: 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 recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) 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.

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:

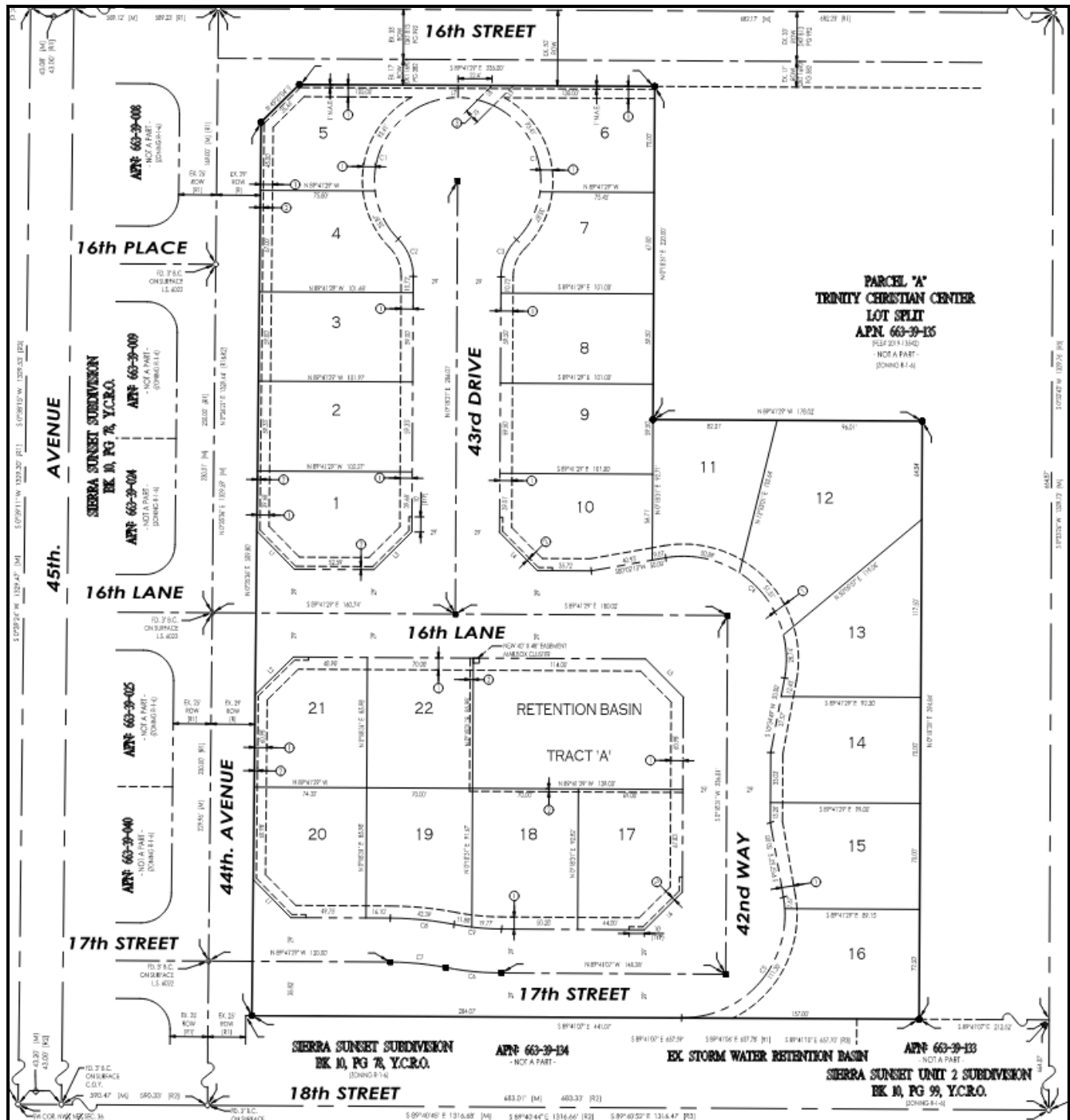
7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 16th Street and 44th Avenue. Such fencing can be removed during the construction 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.

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

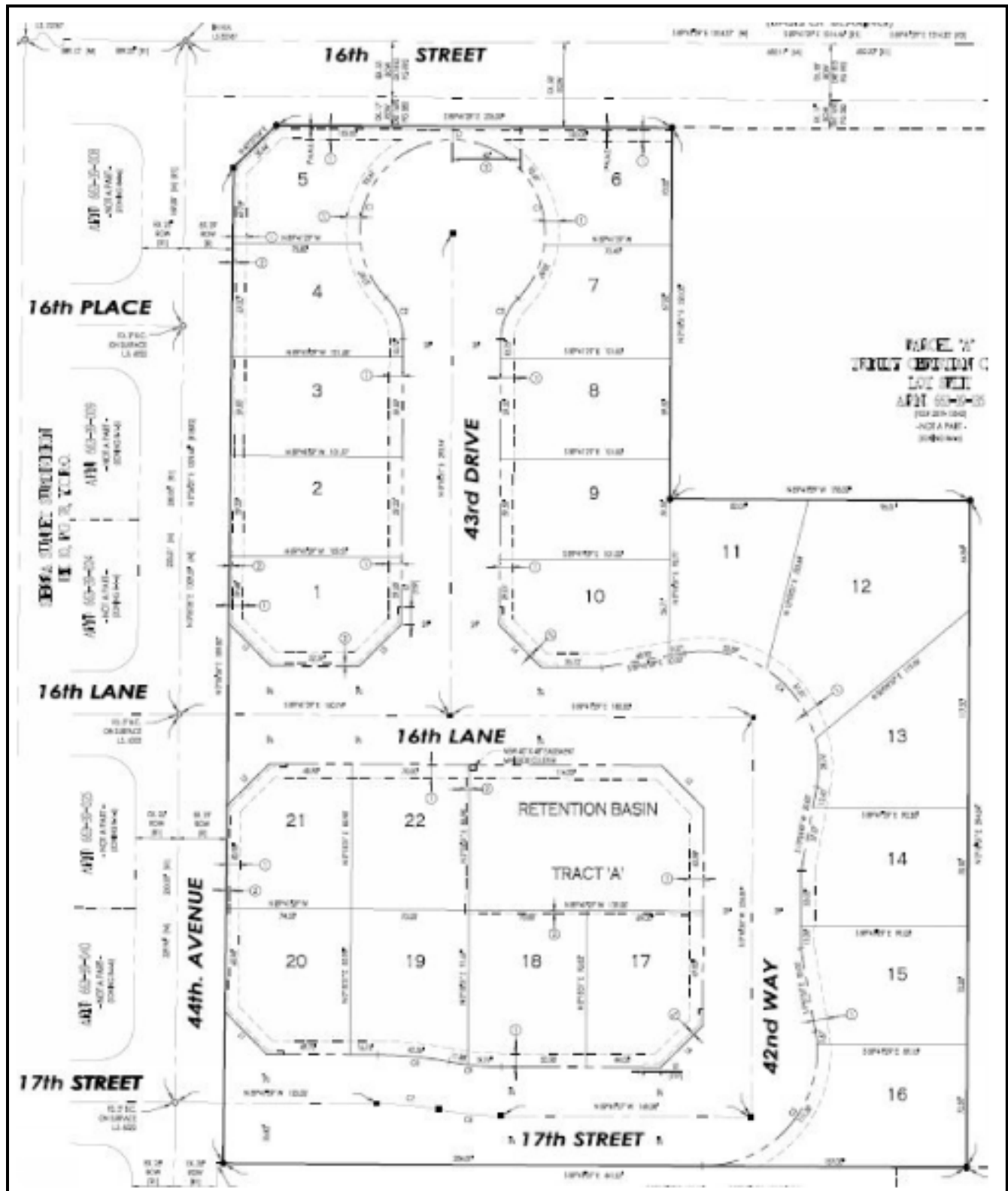
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. A time frame of build-out for the subdivision shall be submitted to the Crane School District to enable the districts to adequately plan for future school facilities.
10. After the final plat has been approved by City Council, the applicant/developer shall have one year 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.

Engineering, Augustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner shall dedicate, by warranty deed or plat, 4 feet of right-of-way along 44th Ave to meet the City of Yuma Standard of 29' half-width for a local street.
5. Owner shall dedicate, by warranty deed or plat, a 25 by 25 corner visibility triangle at the southeast corner of 44th Avenue and 16th Street according to City of Yuma Construction Standard 2-096.
6. Owner shall dedicate, by warranty deed or plat, a one-foot non-access easement along 16th Street frontage and along the 25 by 25 corner triangle.

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

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

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:

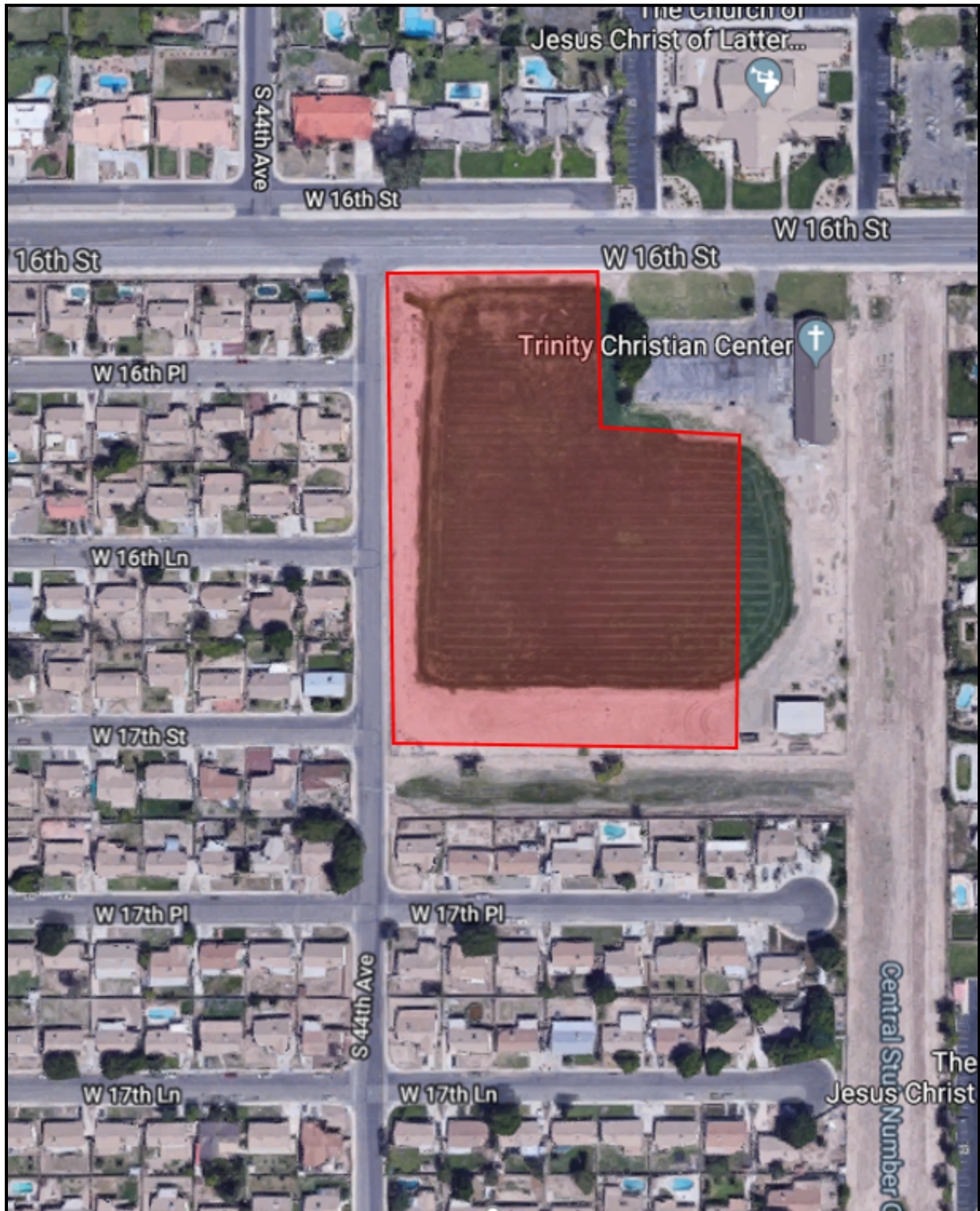
7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 16th Street and 44th Avenue. Such fencing can be removed during the construction 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.

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

8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. 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.

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
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-28737-2019
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

Project Location:		Located at the southeast corner of W. 16 th Street and S. 44 th Avenue									
Parcel Number(s):		663-39-136									
Parcel Size(s):		5.31 acres									
Total Acreage:		5.31 acres									
Proposed Dwelling Units:		22									
Address:		N/A									
Applicant:		Proxima Centauri Development, LLC									
Applicant's Agent:		Vega and Vega Engineering									
Land Use Conformity Matrix:		Conforms: Yes X No									
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X			
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone				
	Existing Zoning	Use(s) on-site			General Plan Designation						
Site	Conditional Low Density Residential (Cond. R-1-6)	Undeveloped			Low Density Residential						
North	Low Density Residential (R-1-6)	Religious Institution; Single Family Residences			Public/Quasi Public; Low Density Residential						
South	Low Density Residential (R-1-6)	Single Family Residences			Low Density Residential						
East	Suburban Ranch (SR-1)	Religious Institution			Low Density Residential						
West	Low Density Residential (R-1-6)	Single Family Residences			Low Density Residential						
Prior Cases or Related Actions:											
Type	Conforms			Cases, Actions or Agreements							
Pre-Annexation Agreement	Yes		No	N/A							
Annexation	Yes	X	No	Ord. 1650 (October 10, 1977)							
General Plan Amendment	Yes		No	N/A							
Development Agreement	Yes		No	N/A							
Rezone	Yes	X	No	Ordinance O2019-028 (August 7, 2019)							
Subdivision	Yes	X	No	Trinity Christian Center Lot Split (May 29, 2019); Autumn Valley Preliminary Plat (December 9, 2019)							
Conditional Use Permit	Yes		No	N/A							
Pre-Development Meeting	Yes	X	No	August 21, 2018							
Design Review Commission	Yes		No	N/A							
Enforcement Actions	Yes		No	N/A							
Avigation Easement Recorded	Yes		No	X							
Land Division Status:		Legal lot of record									
Irrigation District:		Yuma County Water User's Association									
Adjacent Irrigation Canals & Drains:		30.96 acre feet a year									
Water Conversion Agreement Required		Yes	X	No							

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision					Conforms		
Lot Size	Minimum:	6,000 sq ft	Maximum:	11,559 sq ft		Yes	X	No
Lot Depth	Minimum:	75.45 ft	Maximum:	157 ft		Yes	X	No
Lot Width/Frontage	Minimum:	50.28 ft	Maximum:	111.30 ft		Yes	X	No
Setbacks	Front:	20 ft	Rear:	10 ft	Side:	7 ft	Yes	X
District Size	5.31	Acres				Yes	X	No
Density	4.1	Dwelling units per acre				Yes	X	No

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

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	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	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						

NOTIFICATION

- Legal Ad Published: The Sun (01/17/20)
- 300' Vicinity Mailing: (12/23/19)
- 34 Commenting/Reviewing Agencies noticed: (12/26/19)
- Site Posted: (02/03/20)
- Neighborhood Meeting: N/A
- Hearing Dates: (02/24/20)
- Comments Due: (01/06/20)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		01/02/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users		12/27/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor		12/26/19	X		
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.		12/30/19	X		
Yuma Irrigation District	NR				
Arizona Game and Fish		12/27/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration		12/31/19	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire		12/31/19	X		
Randy Crist, Building Safety		12/31/19			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		01/06/20			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on January 8, 2020 via US Mail.	

PUBLIC COMMENTS RECEIVED: NONE

INTERNAL COMMENTS

☐ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: If highly expansive soils are encountered, mitigation measures will be needed to address the conditions.

DATE: 12-31-19 NAME: Alan Kircher TITLE: Depuyu Building
CITY DEPT: DCD/Building Safety Official
PHONE: 928-373-5169
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☐ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: The subject parcel APN 663-39-136 is located near a flight path. MCAS Yuma does not have an objection with the request provided. An avigation disclosure is requested. Thank you for the opportunity to review and comment.

DATE: 6 Jan 2020 NAME: Antonio Martinez TITLE: Community Liaison
CITY DEPT: MCAS Yuma Specialist
PHONE: (928) 269-2941
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov