



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

Hearing Date: December 9, 2019

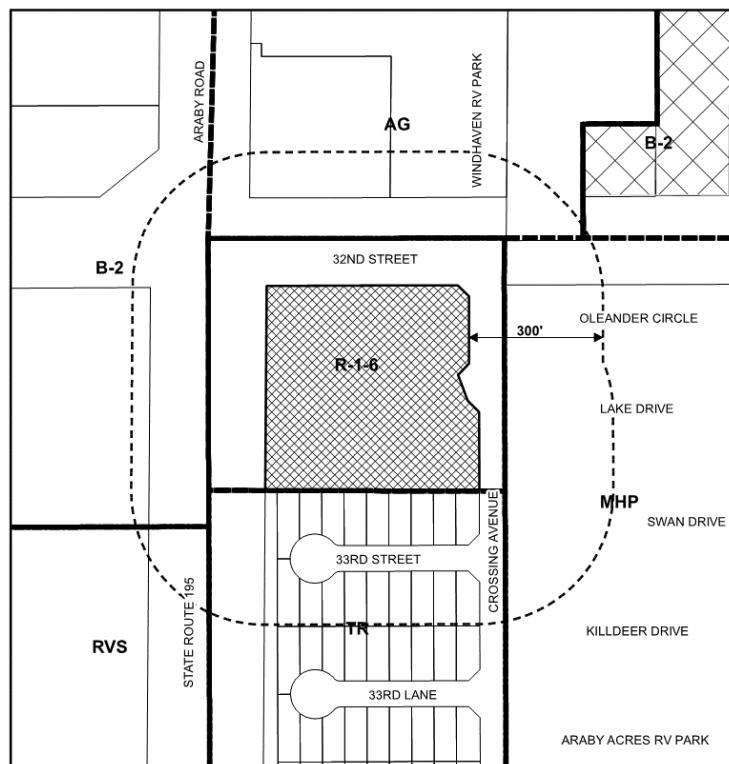
Case Number: SUBD-27862-2019

Project Description/Location:

This is a request by Colvin Engineering, Inc., on behalf of Elliot Construction, Inc., for approval of the final plat for The Araby North Subdivision. This subdivision contains approximately 4.87 acres and is proposed to be divided into 15 residential lots, ranging in size from approximately 10,678 square feet to 12,949 square feet, for the property located at the southeast corner of S. Araby Road and E. 32nd Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Vacant	Low Density Residential
North	Agriculture (AG)	Circle K Convenience and Fuel	Commercial
South	Transitional (TR)	Araby Crossing Subdivision	Mixed Use
East	Manufactured Home Park (MHP)	Araby Acres RV Park	Commercial
West	General Commercial (B-2)	Agriculture	Commercial

Location Map



Prior site actions: Annexation: O99-29 (Effective 07/03/1999); General Plan Amendment: GP-22376-2018 (Resolution # R2018-41); Rezoning: Z1999-018 (AG to B-2) (Ord # O99-70); Subdivision: S2007-008, S2007-008-1 (Araby Crossing Subdivision), SUBD-26672-2019 (Araby North Prelim. Plat).

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

Suggested Motion: Move to **APPROVE** Final Plat SUBD-27862-2019 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 Araby North Subdivision, for the property located at the southeast corner of S. Araby Road and E. 32nd 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 Araby North Subdivision is proposed for the vacant southeast corner of Araby Road and E. 32 Street. Previously considered the commercial lot of the Araby Crossing Subdivision, the developer decided to change the zoning back to residential and construct 15 homes on one cul-de-sac. Access will be via Crossing Avenue only.

The adjacent property to the south is the completed portion of Araby Crossing with single-family homes. The new lots proposed are larger than the built-upon lots. At the neighborhood meeting, the existing residents were not opposed to the new development.

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

Yes. The final plat meets R-1-6 development standards.

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

Yes. It is in conformance with the preliminary plat conditions.

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

Yes. The only adjustment was to the numbering of the lots.

Public Comments Received None Received.

External Agency Comments: See Attachment F.

Neighborhood Meeting Comments: See Attachment G.

Proposed conditions delivered to applicant on: October 31, 2019

Final staff report delivered to applicant on: November 13, 2019

Applicant agreed with all of the conditions of approval on: October 31, 2019

Attachments

A	B	C	D	E	F	G	H	I
Conditions of Approval	Final Plat Map	Prelim Plat Map	Rezone Conditions	Prelim Plat Conditions	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Prepared By:

Robert M. Blevins, Principal Planner (928) 373-5189

Date:

Robert.Blevins@yumaaz.gov

Approved By:
Alyssa Linville,
Assistant Director Community Development**Date:** 11.26.19
Approved By:
Laurie L. Lineberry, AICP,
Community Development Director**Date:** 11.26.19

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.

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 E. 32nd Street and the Area Service Highway (I-195). 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.

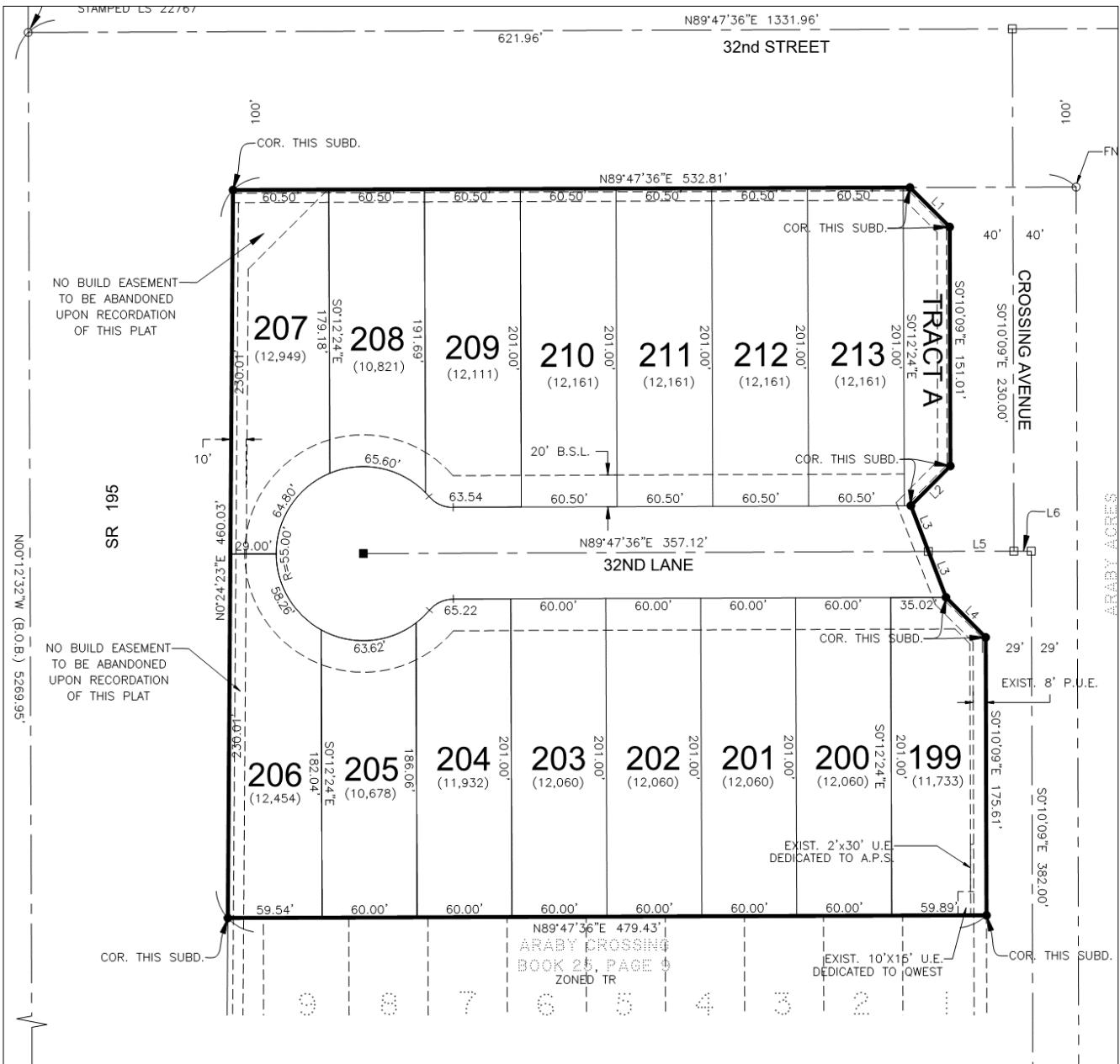
Community Planning Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.

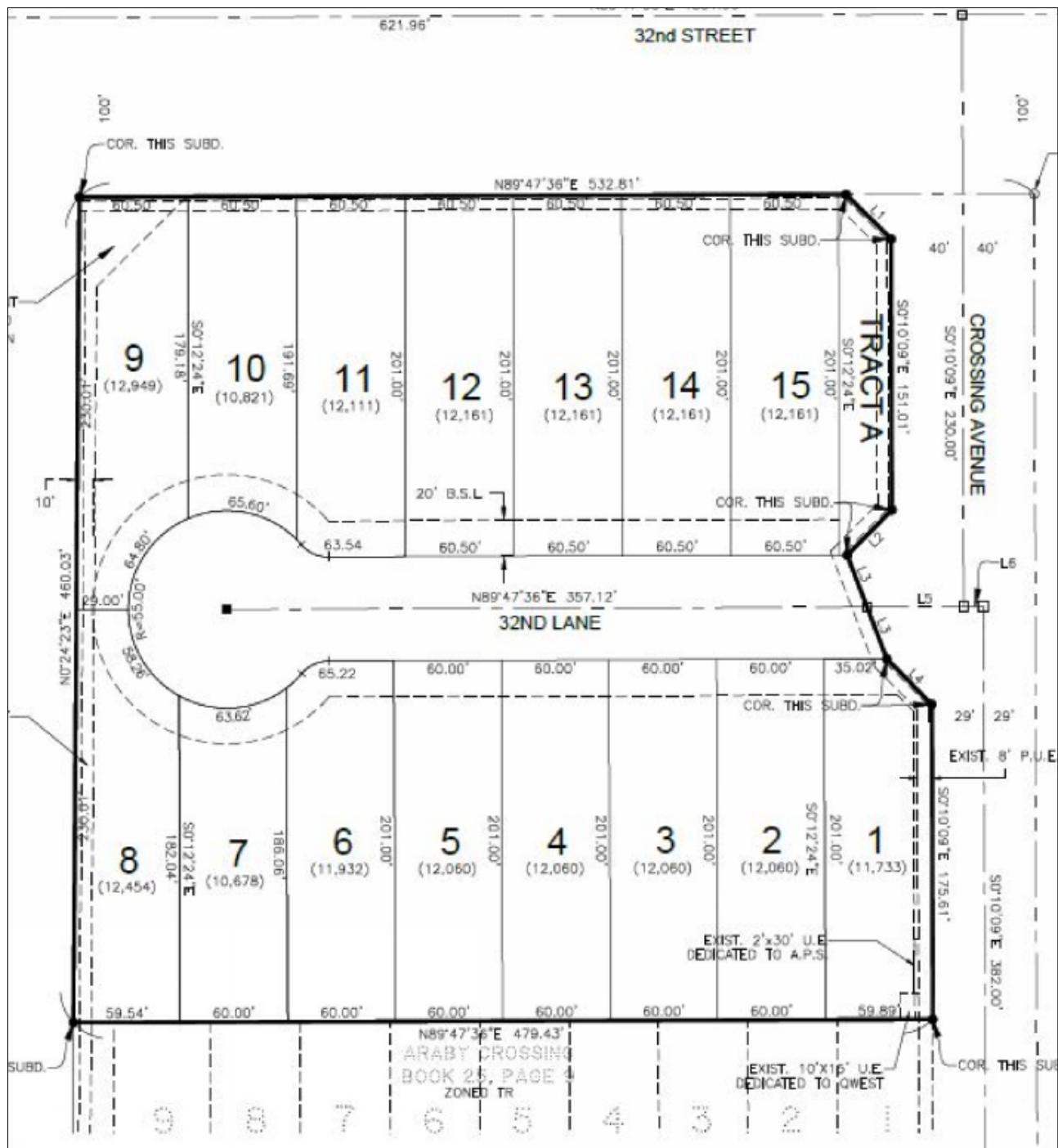
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall 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
ZONE-24682-2019**

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. 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 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 Araby Road and E. 32nd 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.
7. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.
8. An 8 1/2" 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. The applicant shall state and record on the Final Plat that no lot splits will be allowed resulting in the creation of additional lots.
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
EXTERNAL AGENCY COMMENT**

COMMENT NO COMMENT

Enter comments below:

Direct access to State Route 195 from the development will not be permitted as this is a controlled-access highway.

DATE: 10/16/19 NAME: Isabell Garcia TITLE: Development Coordinator
AGENCY: ADOT Southwest District
PHONE: (928) 317-2159

ATTACHMENT G
NEIGHBORHOOD MEETING COMMENTS

Date Held: 7/26/18

Location: SWC E. 32nd Street and Crossing Avenue

Attendees: Michael Gonzales, and Pedro Lugo – Property Owners;
Bob Blevins – Staff; and
Roberta Cooper, Santiago Pantoga, Samantha Schmidgall, Clayton Buchan – Elliot Homes
Representatives.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

A MAJORITY OF THE ATTENDEES VOICED THE FOLLOWING CONCERNS/COMMENTS:

- Neighbor: Will you use entire property for homes? Elliot Homes: Yes.
- Elliot Homes: These will be deeper lots (200 feet).
- Elliot Homes: New homes will buffer noise and sand from reaching existing homes.
- Elliot Homes: Not much prospects for commercial development so changing to residential.
- Elliot Homes: Homes are better than having commercial trucks unloading.
- Neighbor: Would you be affecting my utilities? Elliot Homes: No.
- Elliot Homes: Starting construction in 2019.
- Elliot Homes: We would repair walls if touched/damaged.
- Neighbor: I like it.

ATTACHMENT H
AERIAL PHOTO



ATTACHMENT I
STAFF RESEARCH

**STAFF RESEARCH – FINAL PLAT****CASE #: SUBD-27862-2019****CASE PLANNER: BOB BLEVINS****I. PROJECT DATA**

Project Location:		The southeast corner of S. Araby Road and E. 32nd Street.										
Parcel Number(s):		698-35-199										
Parcel Size(s):		212,137.2 sq. ft.										
Total Acreage:		4.87										
Proposed Dwelling Units:		15										
Address:		Not yet assigned.										
Applicant:		Elliot Construction, Inc.										
Applicant's Agent:		Craig Colvin, Colvin Engineering, Inc.										
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	Low Density Residential (R-1-6)			Vacant			Low Density Residential					
North	Agriculture (AG)			Circle K Convenience and Fuel			Commercial					
South	Transitional (TR)			Araby Crossing Subdivision			Mixed Use					
East	Manufactured Home Park (MHP)			Araby Acres RV Park			Commercial					
West	General Commercial (B-2)			Agriculture			Commercial					

Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements									
Pre-Annexation Agreement	Yes		No	N/A									
Annexation	Yes	X	No	#O99-29 (07-03-1999)									
General Plan Amendment	Yes	X	No	GP-22376-2018 (Resolution # R2018-041)									
Development Agreement	Yes		No	N/A									
Rezone	Yes	X	No	Z1999-018 (AG to B-2) (Ord # O99-70); ZONE-24682-2019 (B-2 to R-1-6)(Ord # O2019-18).									
Subdivision	Yes	X	No	S2007-008, S2007-008-1 (Araby Crossing Subd.)									
Conditional Use Permit	Yes		No	N/A									
Pre-Development Meeting	Yes	X	No	Date: 05/01/18 (PDM-21939-2018)									
Design Review Commission	Yes		No	N/A									
Enforcement Actions	Yes		No	N/A									
Avigation Easement Recorded	Yes	X	No	Fee # 2008-21707									
Land Division Status:	Parcel is a legal lot of record.												
Irrigation District:	Yuma Mesa Irrigation and Drainage District.												
Adjacent Irrigation Canals & Drains:	None												
Water Conversion Agreement Required	Yes		No	X									

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision					Conforms			
Lot Size	Minimum:	10,687 SF	Maximum:	12,949 SF		Yes	X	No	
Lot Depth	Minimum:	179.18 FT	Maximum:	230.01 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	54.7 FT	Maximum:	96.48 FT		Yes	X	No	
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No
District Size	4.87	Acres				Yes	X	No	
Density	3.0	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		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	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	X	No		N/A	
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** 11/01/19
- **300' Vicinity Mailing:** 10/07/19
- **34 Commenting/Reviewing Agencies noticed:** 10/10/19
- **Hearing Dates:** 12/09/19
- **Comments Due:** 10/21/19

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/15/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	10/11/19	X		
Yuma County Planning & Zoning	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.	YES	10/16/19		X	
Yuma Mesa Irrigation District	YES	10/11/19	X		
Arizona Game and Fish	YES	10/11/19	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	11/14/19	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 Franklin, Fire	YES	10/11/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	10/11/19	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
Previously held: 07/26/18.	See Attachment G
Prop. 207 Waiver	
Given to Applicant on 09/27/19 by U.S. Mail.	

PUBLIC COMMENTS RECEIVED: NONE

EXTERNAL AGENCY COMMENT: SEE ATTACHMENT F