

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 24, 2019

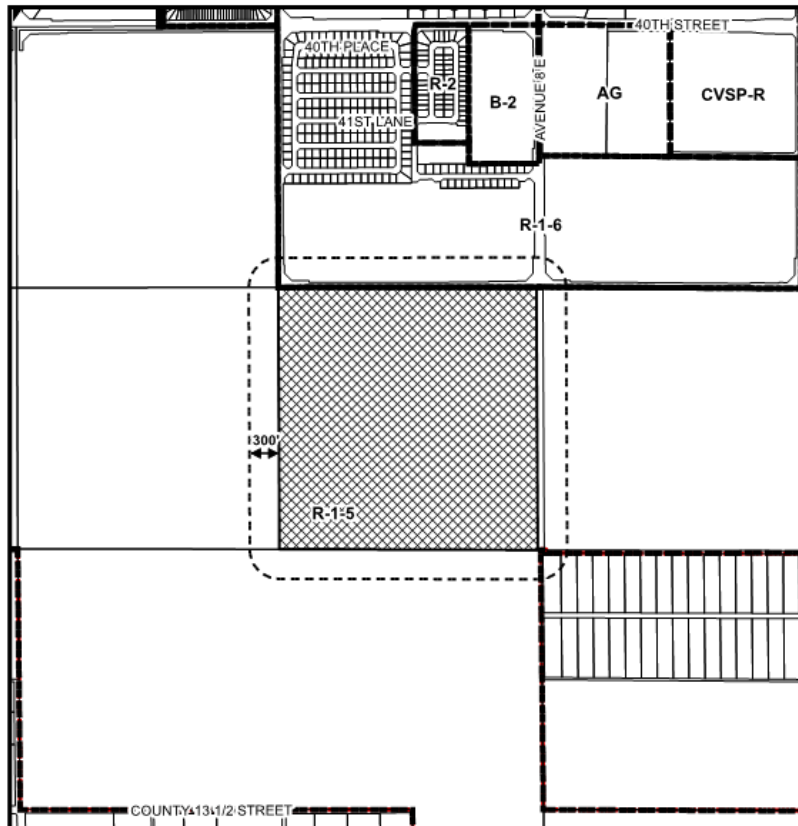
Case Number: SUBD-26025-2019

Project Description/Location:

This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yucca Land Company, LLC, for approval of the final plat for the Desert Sands Subdivision Unit 1, proposed to be divided into 132 residential lots ranging in size from 5,100 square feet to 12,019 square feet. The property is located at the southwest corner of E. 44th Street and S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential/Commercial
North	Low Density Residential (R-1-6)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Agriculture (AG)	Undeveloped	Low Density Residential/Commercial

Location Map



Prior site actions: Annexation: Ordinance #O97-81 (January 2, 1998); General Plan Amendment: Resolution #R2004-89 (December 13, 2014), GP-25035-2019 (in process); Rezone: Ordinance #O2019-04 (March 6, 2019); Subdivision: Desert Sands Unit 1 Preliminary Plat - SUBD-25166-2019 (April 22, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Desert Sands Unit No. 1 subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-26025-2019 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 Desert Sands Unit No. 1 for the property located the southwest corner of E. 44th 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 first phase of the Desert Sands Subdivision.

The subject property consists of approximately 160 acres, with 26.8956 acres currently being subdivided for the Desert Sands Subdivision, Unit No. 1. This subdivision will be developed with frontage along Avenue 7½ E, Avenue 8E, and 44th Street. The applicant is proposing to develop the area with 132 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 5,100 square feet to 12,019 square feet which meets the minimum lot size requirements for the Low Density Single-Family Residential (R-1-5) District. 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 phase of development, as well as any subsequent phase(s), Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID for each phase 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

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

Yes

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

Yes

Public Comments Received: None Received

External Agency Comments: See Attachment F

Neighborhood Meeting Comments: No Meeting Required

Proposed conditions delivered to applicant on: May 22, 2019

Final staff report delivered to applicant on: June 10, 2019

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: May 23, 2019 via e-mail |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. Emailed applicant, awaiting response. |

Attachments

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

Prepared By:
Richard Munguia
Associate Planner



Date: May 22, 2019
Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

Reviewed By:
Alyssa Linville
Assistant Director Community Development



Date: 06/10/19

Approved By:
Laurie L. Lineberry, AICP,
Community Development Director



Date: 6.10.19

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

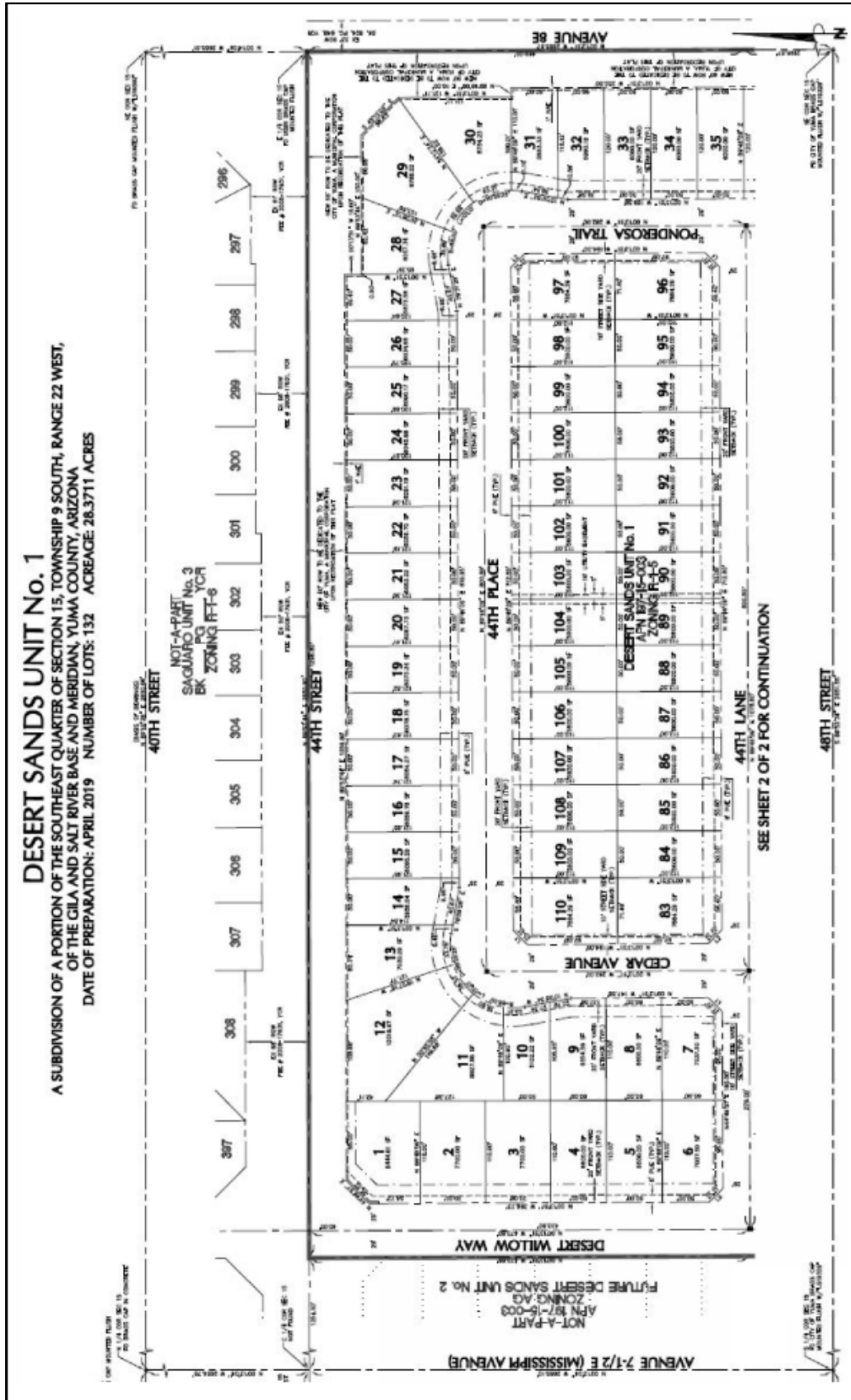
6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 44th Street and Avenue 8E. Such fencing can be removed during the construction 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 Comments: Richard Munguia, Associate Planner, (928) 373-5000 x3070

7. 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.
8. 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



DESERT SANDS UNIT No. 1

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA
DATE OF PREPARATION: APRIL 2019 NUMBER OF LOTS: 132 ACREAGE: 28.3711 ACRES

SEE SHEET 1 OF 2 FOR CONTINUATION

40TH STREET

44TH STREET

SEE SHEET 1 OF 2 FOR CONTINUATION

44TH LANE

45TH STREET

45TH PLACE

AVENUE 7-1/2 E (MISSISSIPPI AVENUE)

AVENUE 8E

AVENUE 9E

AVENUE 10E

AVENUE 11E

AVENUE 12E

AVENUE 13E

AVENUE 14E

AVENUE 15E

AVENUE 16E

AVENUE 17E

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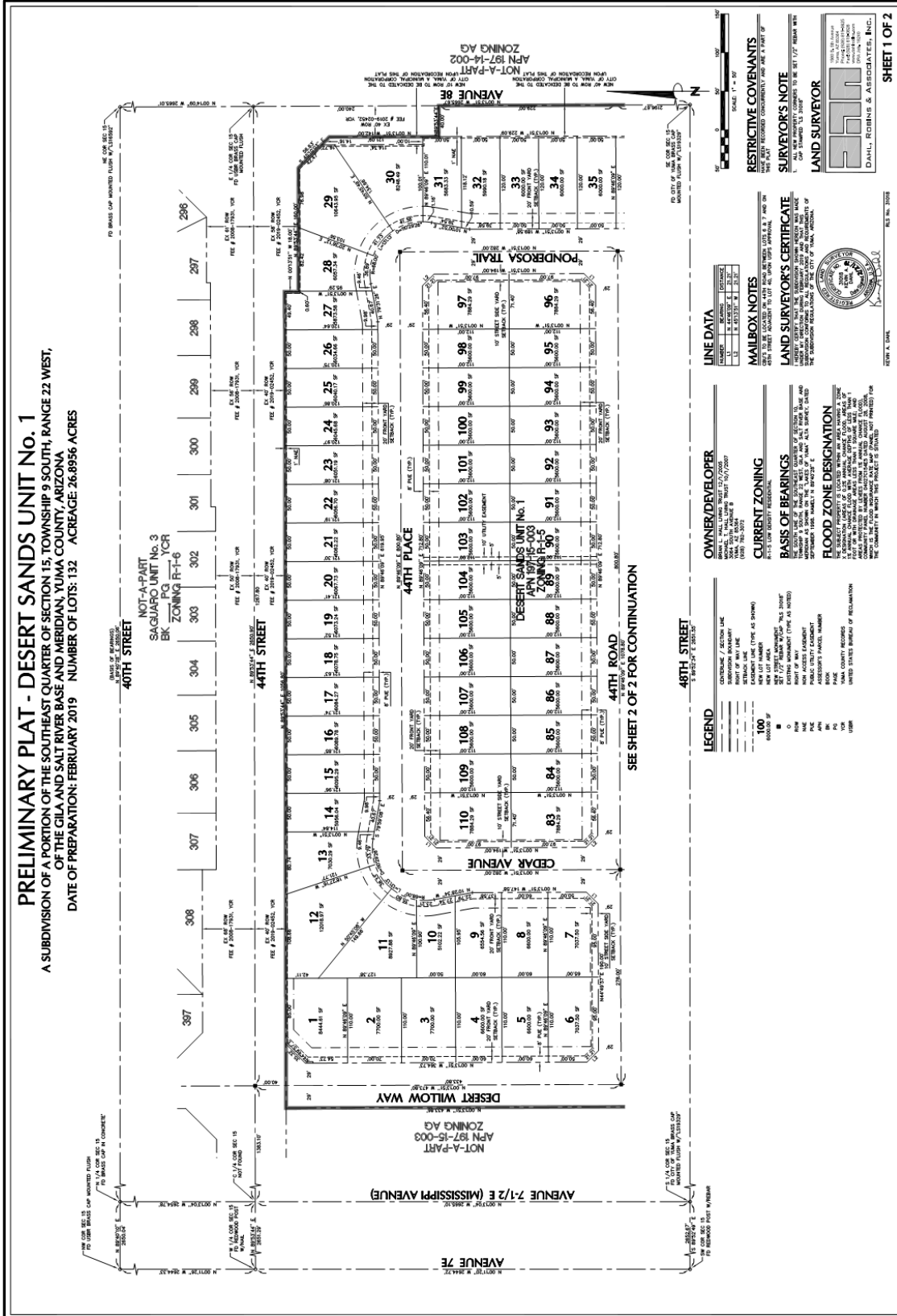
AVENUE 269E

AVENUE 270E

AVENUE 271E

AVENUE 272E

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: 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 and Range Disclosure Statement 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 Conditions: Agustin Cruz, Senior Civil Engineer, (928) 373-5182:

7. Before the warranty deed for the Saguaro right of way gift was recorded, the land had transferred ownership. Therefore, please re-dedicate the affected area by means of this Desert Sands Unit 1 plat.

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

8. An 8 ½" X 11" paper copy of this phase of the 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. 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.
10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
11. With the exception of Condition 2, 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 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
EXTERNAL AGENCY COMMENTS

☐ Condition(s)

☒ No Condition(s)

☒ Comment

Enter conditions here: MCAS Yuma has reviewed this request and offer the following comments: The subject parcel 197-15-007(paperwork states 197-15-003) is located 1 mile from the Northern boundary of the BMGR-W and as such is subject to aviation traffic in and out of the Range and Special Use Airspace. It is requested that a Range Disclosure Statement and Avigation easement 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 and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment

DATE: 20 May 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ COMMENT

☐ NO COMMENT

Enter comments below:

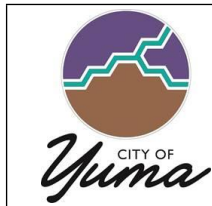
Project occurs within the historic range of the flat-tailed horned lizard (*Phrynosoma mcalli*) which is listed as a species of greatest conservation need (SGCN) in Arizona. The species occurs in Arizona only within the extreme southwest corner of the state west of the Gila Mountains and south of Interstate 8 in sparse creosote-burrsage vegetation and fine-packed sand with sandy substrate above. (Arizona Game and Fish Department. 2010. *Phrynosoma mcalli*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix, AZ. 8 pp.)

DATE: 5/13/19 NAME: Tyler Williford TITLE: Habitat Specialist
AGENCY: Arizona Game and Fish Department
PHONE: (928) 341-4069
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

ATTACHMENT H
AERIAL PHOTO



ATTACHMENT I
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-26025-2019
CASE PLANNER: RICHARD MUNGUIA

I. PROJECT DATA

Project Location:		Located at the southwest corner of E. 44 th Street and S. Avenue 8E												
Parcel Number(s):		197-15-003												
Parcel Size(s):		1,171,572 square feet (a portion of 160 acre parcel)												
Total Acreage:		26.8956 ac												
Proposed Dwelling Units:		132												
Address:		N/A												
Applicant:		Yucca Land Company AZ, LLC												
Applicant's Agent:		Dahl, Robins & Associates, Inc.												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B		Historic		Airport		None	X
Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone			

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential/Commercial
North	Low Density Residential (R-1-6)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Agriculture (AG)	Undeveloped	Low Density Residential/Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Ord. O97-81 (January 2, 1998)
General Plan Amendment	Yes	X	No	Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential/Commercial); GP-25035-2019 (in process; Commercial to Low Density Residential)
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	ZONE-24256-2018 (in process; AG to R-1-5)
Subdivision	Yes	X	No	SUBD-25166-2019 Desert Sands Preliminary Plat (April 22, 2019)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	November 13, 2018
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2019-12990
Land Division Status:	Legal lot of record			
Irrigation District:	N/A			
Adjacent Irrigation Canals & Drains:	N/A			
Water Conversion: (5.83 ac ft/acre)	156.83 Acre Feet a Year			
Water Conversion Agreement Required	Yes		No	X

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms				
Lot Size	Minimum:	5100 sf			Maximum:	12,019 sf		Yes	X	No	
Lot Depth	Minimum:	95.29 ft			Maximum:	149.66 ft		Yes	X	No	
Lot Width/Frontage	Minimum:	50 ft			Maximum:	70 ft		Yes	X	No	
Setbacks	Front:	20 ft	Rear:	10 ft	Side:	5 ft one side & 9 ft on the other side		Yes	X	No	
District Size	26.8956	Acres						Yes	X	No	
Density	4.9	Dwelling units per acre						Yes	X	No	
Issues: None											

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		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							

NOTIFICATION

- Legal Ad Published: The Sun 05/31/19
- 300' Vicinity Mailing: 05/06/19
- 34 Commenting/Reviewing Agencies noticed: 05/09/19
- Site Posted: 06/17/19
- Neighborhood Meeting: N/A
- Hearing Dates: 06/24/19
- Comments Due: 05/20/19

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority		05/13/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users		05/10/19	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.		05/13/19	X		
Yuma Irrigation District	NR				
Arizona Fish and Game		05/13/20			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
Rod Hamilton, Police	NR				
Ron Ramirez, Parks		05/10/19	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire		05/13/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office		05/20/19			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				

Neighborhood Meeting	Comments Available
Not Required	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on May 24, 2019, in person.	

PUBLIC COMMENTS RECEIVED: