

**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:** April 8, 2019

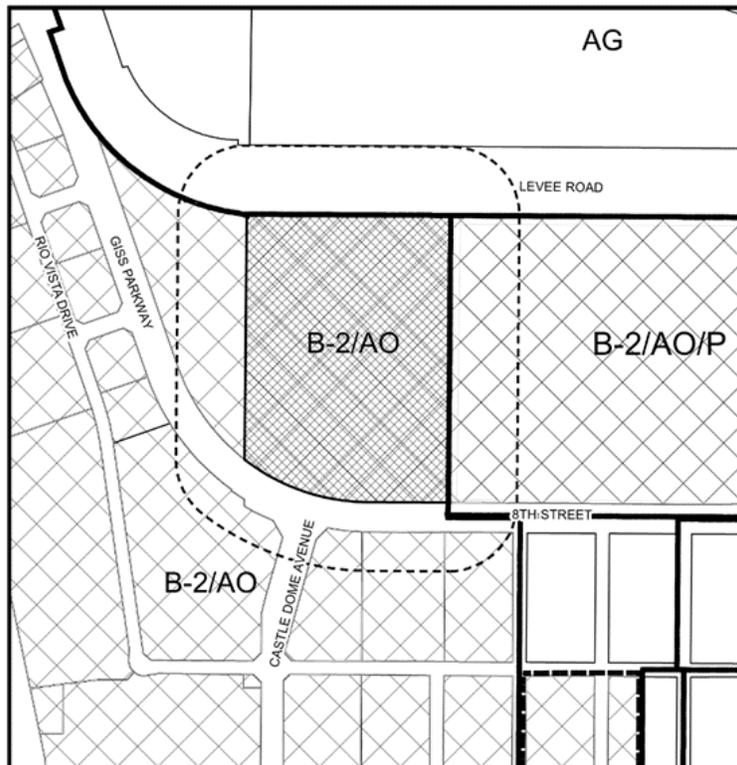
**Case Number:** SUBD-24366-2018

**Project Description/Location:**

This is a request by Dahl, Robins and Associates, on behalf of The Nelson Family Trust, 4/13/95 and Kerry & Gail Schimpf Trust, 11/19/03, for approval of the final plat for The Fields at Castle Dome Subdivision. This commercial subdivision will contain 25 acres and is proposed to create seven lots ranging size from 1.22 acres to 8 acres. The property is located north of the intersection of E. 8<sup>th</sup> Street and S. Castle Dome Avenue, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	High Density Residential
<b>North</b>	Agriculture (AG)	Levee Road	Resort/Recreation/Open Space
<b>South</b>	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Business Park
<b>East</b>	General Commercial/Aesthetic Overlay (B-2/AO)	Pacific Avenue Athletic Complex	Resort/Recreation/Open Space
<b>West</b>	General Commercial/Aesthetic Overlay (B-2/AO)	Undeveloped	Resort/Recreation/Open Space

**Location Map**



**Prior site actions:** Pre-Annexation Agreement: Res. R2005-72 (September 2, 2005); Annexation: Ord. O2005-92 (November 19, 2005); General Plan Amendment: Res. R2013-41 (November 20, 2013; Resort Recreation/Open Space to High Density Residential); Rezone: Ord. O2007-08 (Agriculture to General Commercial/Aesthetic Overlay); Subdivision: Peach Lot Split (Fee No. 2008-00698), The Fields at Castle Dome Preliminary Plat (October 22, 2018)

**Staff Recommendation:** Staff recommends **APPROVAL** of the final plat for the Fields at Castle Dome Subdivision, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Final Plat SUBD-24366-2018 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 Fields at Castle Dome Subdivision for the property located north of the intersection of E. 8<sup>th</sup> Street and S. Castle Dome Avenue, 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 north of the intersection of E. 8<sup>th</sup> Street and S. Castle Dome Avenue, directly west of the Pacific Avenue Athletic Complex. The proposed subdivision will subdivide the parcel into seven lots intended for the development of retail, hospitality and residential accommodations. The site is currently zoned General Commercial (B-2) with the Aesthetic Overlay (AO); however, the general plan designation is High Density Residential which will allow residential development through a rezone to the High Density Residential (R-3) District.

While the subdivision proposal clearly indicates future sites for development, the developer is still seeking potential development opportunities. Therefore, the layout currently proposed may be modified later once such development opportunities have been formalized. If these modifications are necessary and the final plat has already been recorded, such modifications can typically be completed through an administrative lot tie/lot split review, which will not require an additional public hearing.

The proposed subdivision will feature a new public cul-de-sac to be utilized for internal access, as well as a retention basin designed to retain all street storm water run-off generated within the development. It should be noted that all development within the subdivision will require the review and approval of the Design and Historic Review Commission as the properties are subject to the requirements outlined within the Aesthetic Overlay (AO).

**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?**

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

Yes.

**Public Comments Received:** None Received.

**External Agency Comments:** See Attachment E

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** January 7, 2019

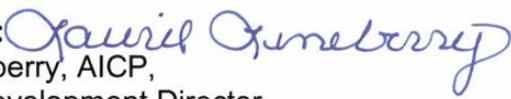
**Final staff report delivered to applicant on:** January 16, 2019

- Applicant agreed with all of the conditions of approval on: January 10, 2019
- 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.

**Attachments**

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

**Prepared By:**   
 Alyssa Linville,  
 Principal Planner [Alyssa.Linville@YumAZ.gov](mailto:Alyssa.Linville@YumAZ.gov) **Date:** 03/28/19  
 (928)373-5000, ext. 3037

**Approved By:**   
 Laurie L. Lineberry, AICP,  
 Community Development Director **Date:** 3-28-19

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

7. The Owner / Developer shall enter into a development agreement with the City of Yuma for payment in lieu of construction for preliminary plat conditions 7 through 12, relating to intersection improvements at Castle Dome, Giss Parkway, and 8<sup>th</sup> St. An alternative method to satisfy preliminary plat condition 13 concerning improvements to Pacific Avenue & 8<sup>th</sup> Street intersection will also be included in this development agreement. The development agreement needs to be approved by the City of Yuma Council, signed, and recorded prior to the first building permit being issued in the subdivision.

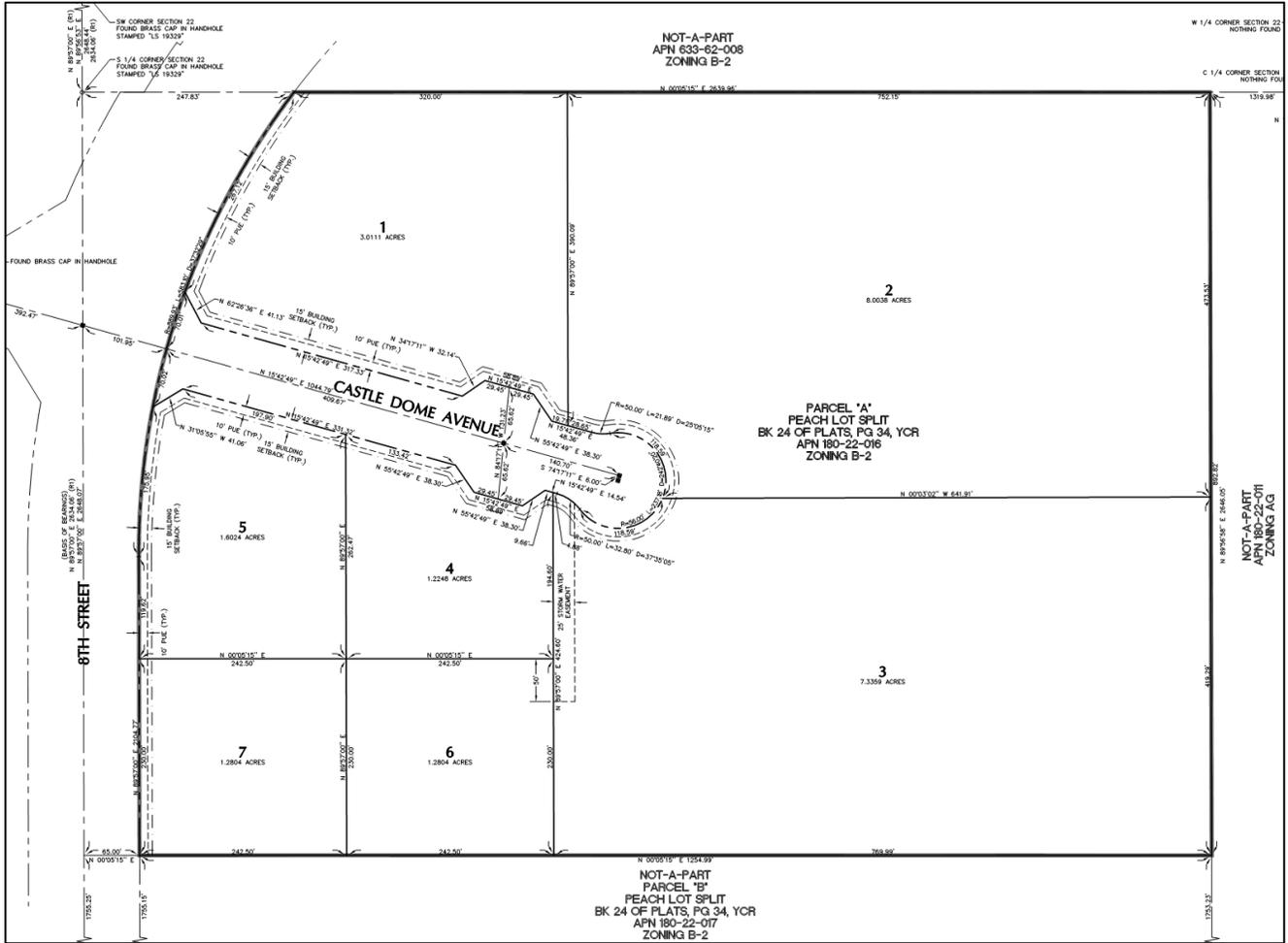
**Community Planning Comments: Alyssa Linville, Principal Planner, (928) 373-5000, ext. 3037:**

8. 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 C PRELIMINARY PLAT MAP



**ATTACHMENT D**  
**PRELIMINARY PLAT CONDITIONS**

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: Andrew McGarvie, Engineering Manager (928) 373-5000, ext. 3044:**

7. Owner/Developer shall design and construct per City standards an extension of the existing median on 8<sup>th</sup> Street lying east of the site, an extending a distance of 50 feet past any future access locations on 8<sup>th</sup> St, east of the existing 8<sup>th</sup> St., Castle Dome, and Giss Parkway intersection.
8. Owner/Developer shall design and construct a new raised median type driveway (pork chop style) that eliminates left in access and left out access and provides only Right in & Right out access for the driveway located on the West side of the project. The Engineer of Record needs

to provide design documentation for review to the City Traffic Engineer documenting the thought process behind the raised median driveway design to accomplish the goals listed above.

9. Owner/Developer shall design and construct per City construction standards new dedicated turn lanes required for the development on the north side of the Castle Dome, 8<sup>th</sup> Street, Giss Parkway intersection. Directions:: Westbound to northbound, and eastbound to northbound. This is at the signalized intersection to provide turning movement and vehicle stacking capacity for northbound movements into your facility.
10. Owner/Developer shall design and construct per City constructions standards a Northbound through lane at the Castle dome, 8<sup>th</sup> Street, Giss Parkway intersection to provide access into the development, plus dedicated left and right turn lanes to maintain existing traffic movements at the intersection.
11. Owner/Developer shall design and construct per City construction standards a South bound traffic signal including pole, arm, signal head and indications, video detection camera, and reposition the other poles as needed to accommodate the Castle dome, 8<sup>th</sup> Street, Giss Parkway intersection modifications. Only three legs of the intersection exist today. Adding the connecting north leg driveway/road requires additional infrastructure.
12. Owner/Developer shall design and construct street lights as needed to meet City construction standards along the property frontage along the north side of 8<sup>th</sup> St. Some street lights do exist, however the Engineer of Record needs to provide an evaluation if City Standard spacing requirements are being met.
13. Owner/Developer shall provide a new proposal to account for an anticipated future increase in 8th St & Pacific Avenue traffic flow. The proposal provided in the traffic study is not acceptable to the City Traffic Engineer as stated in the June 21, 2018 letter (7th bullet down). Owner/Developer may satisfy this Condition, prior to submittal of the Final plat, through a City Council approved Development Agreement setting forth the improvements to existing infrastructure necessary to accommodate the increased traffic flow attributed to this development. The Development Agreement will capture the anticipated future improvements described in the 11th bullet of the June 21, 2018 letter.

**Community Planning Conditions: Alyssa Linville, Principal Planner, (928) 373-5000, ext. 3037:**

14. 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 E**  
**EXTERNAL AGENCY COMMENTS**

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COMMENT       NO COMMENT

*Enter comments below:*

The Department recommends utilizing the Online Environmental Review Tool (<https://azhgis2.esri.com>) to obtain baseline information on Special Status Species, Arizona's Species of Greatest Conservation Need, and Species of Economic and Recreation Importance as well as project specific recommendations.

DATE:                    12/21/18      NAME: Tyler Williford      TITLE:    Habitat Specialist

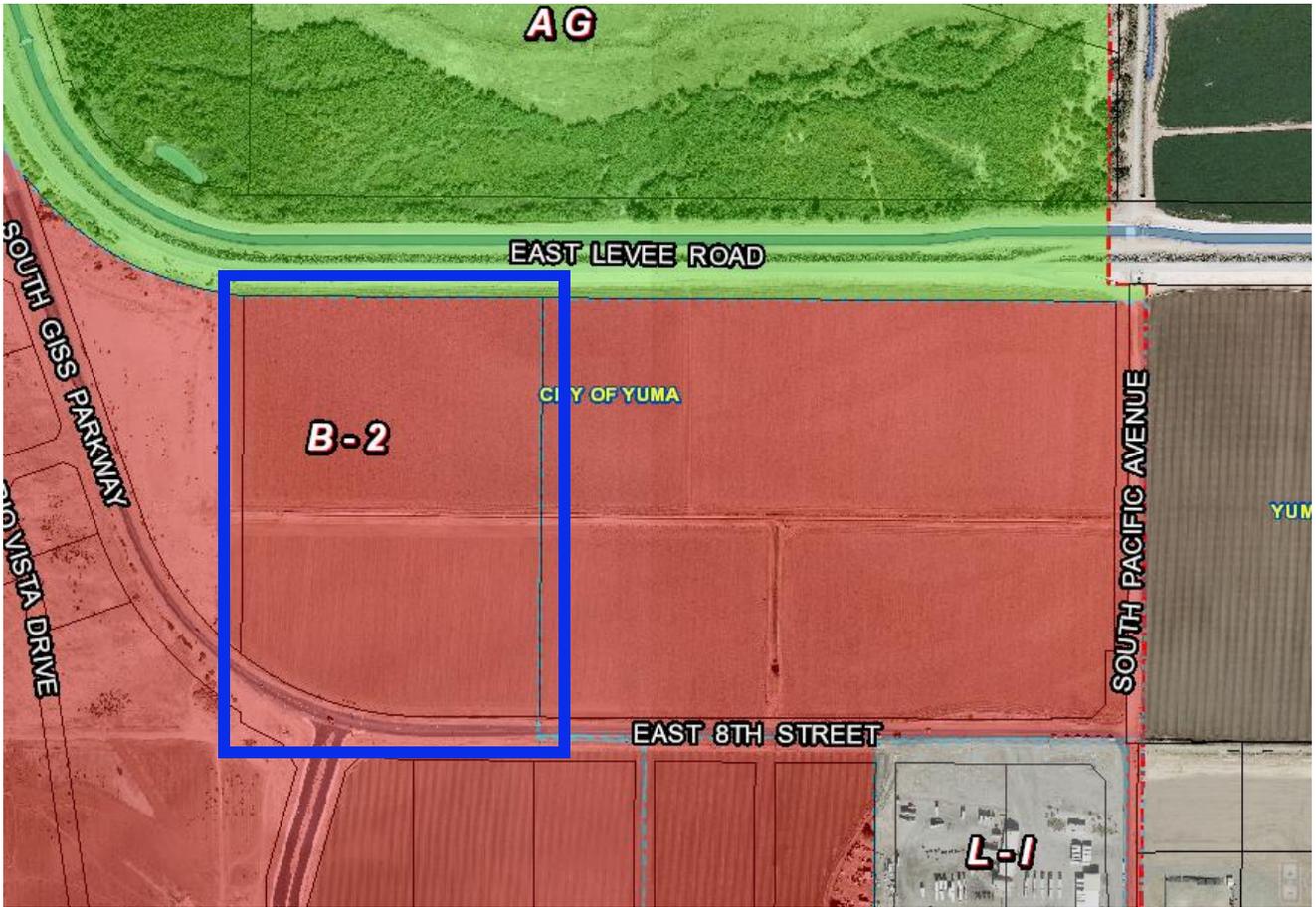
AGENCY:                Arizona Game and Fish Department

PHONE:                 (928) 341-4069

RETURN TO:            Alyssa Linville  
                              Alyssa.Linville@YumaAZ.gov

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ATTACHMENT F  
AERIAL PHOTO



**ATTACHMENT G**  
**STAFF RESEARCH**



**STAFF RESEARCH – FINAL PLAT**

**CASE #: SUBD-24366-2018**  
**CASE PLANNER: ALYSSA LINVILLE**

**I. PROJECT DATA**

Project Location:		North of the intersection of E. 8 <sup>th</sup> Street and S. Castle Dome Avenue													
Parcel Number(s):		180-22-016													
Parcel Size(s):		1,088,987 square feet													
Total Acreage:		25 acres													
Proposed Dwelling Units:		None													
Address:		N/A													
Applicant:		The Nelson Family Trust, 4/13/95 and Kerry & Gail Schimpf Trust, 11/19/03													
Applicant's Agent:		Dahl, Robins, and Associates													
Land Use Conformity Matrix:		Conforms:		Yes		No		X							
Zoning Overlay:	Public		AO	X	Auto		B&B		Historic		None		Airport		
Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone				
	<b>Existing Zoning</b>				<b>Use(s) on-site</b>				<b>General Plan Designation</b>						
<b>Site</b>	General Commercial/Aesthetic Overlay (B-2/AO)				Undeveloped				High Density Residential						
<b>North</b>	Agriculture (AG)				Levee Road				Resort/Recreation/Open Space						
<b>South</b>	General Commercial/Aesthetic Overlay (B-2/AO)				Undeveloped				Business Park						
<b>East</b>	General Commercial/Aesthetic Overlay (B-2/AO)				Pacific Avenue Athletic Complex				Resort/Recreation/Open Space						
<b>West</b>	General Commercial/Aesthetic Overlay (B-2/AO)				Undeveloped				Resort/Recreation/Open Space						
Prior Cases or Related Actions:															
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>											
Pre-Annexation Agreement	Yes	X	No	Res. R2005-72 (September 2, 2005)											
Annexation	Yes	X	No	Ord. O2005-92 (November 19, 2005)											
General Plan Amendment	Yes	X	No	Res. R2013-41 (November 20, 2013; Resort Recreation/Open Space to High Density Residential)											
Development Agreement	Yes		No	N/A											
Rezone	Yes	X	No	Ord. O2007-08 (Agriculture to General Commercial/Aesthetic Overlay)											
Subdivision	Yes	X	No	Peach Lot Split (Fee No. 2008-00698)											
Conditional Use Permit	Yes		No	N/A											
Pre-Development Meeting	Yes	X	No	Date: January 25, 2018											
Design Review Commission	Yes		No	N/A											
Enforcement Actions	Yes		No	N/A											
Avigation Easement Recorded	Yes		No	X	Fee #										
Land Division Status:		Legal lot of record													
Irrigation District:		Yuma Irrigation and Drainage District (YIDD)													
Adjacent Irrigation Canals & Drains:		Main Outlet Drain													

Water Conversion Agreement Required	Yes	No	X
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## II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision				Conforms				
Lot Size	Minimum:	1.22 ACRES	Maximum:	8 ACRES	Yes	X	No		
Lot Depth	Minimum:	194 FT	Maximum:	769 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	156 FT	Maximum:	446 FT	Yes	X	No		
Setbacks	Front:	15 FT	Rear:	0 FT	Side:	0 FT	Yes	X	No
District Size	25	Acres				Yes		No	
Density	N/A	Dwelling units per acre				Yes		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		No		N/A	X
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes	X	No		N/A	
Issues: None						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
Double Frontage	Yes	X	No		N/A	
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 (01/04/19)
- 300' Vicinity Mailing: (12/10/18)
- 34 Commenting/Reviewing Agencies noticed: (12/13/18)
- Site Posted: (01/21/19)
- Neighborhood Meeting: (N/A)
- Hearing Dates: (04/08/19)
- Comments Due: (12/21/18)

<i>External List (Comments)</i>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	Yes	12/14/18	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	12/14/18	X		
Yuma County Planning & Zoning	Yes	12/14/18	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.	Yes	12/17/18	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	12/21/18		X	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				
<i>City of Yuma Internal List (Conditions)</i>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	Yes	03/21/19		X	
Kayla Holiman, Fire	Yes	12/17/18			X
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	12/17/18	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
NONE REQUIRED	See Staff Report Attachment
<b>Prop. 207 Waiver</b>	
Given to Applicant on in person on January 28, 2019	

**PUBLIC COMMENTS RECEIVED:** NONE RECEIVED

**INTERNAL COMMENTS RECEIVED**

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Condition(s)

No Condition(s)

Comment

Enter conditions here: Cul de sac exceeds 600'- Primary and secondary fire department access must be shown to all parcels

DATE: 12/17/18      NAME: Kayla Holiman      TITLE: Fire Marshal  
CITY DEPT: Fire  
PHONE: 928-373-4865  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

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