

**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:** March 26, 2018

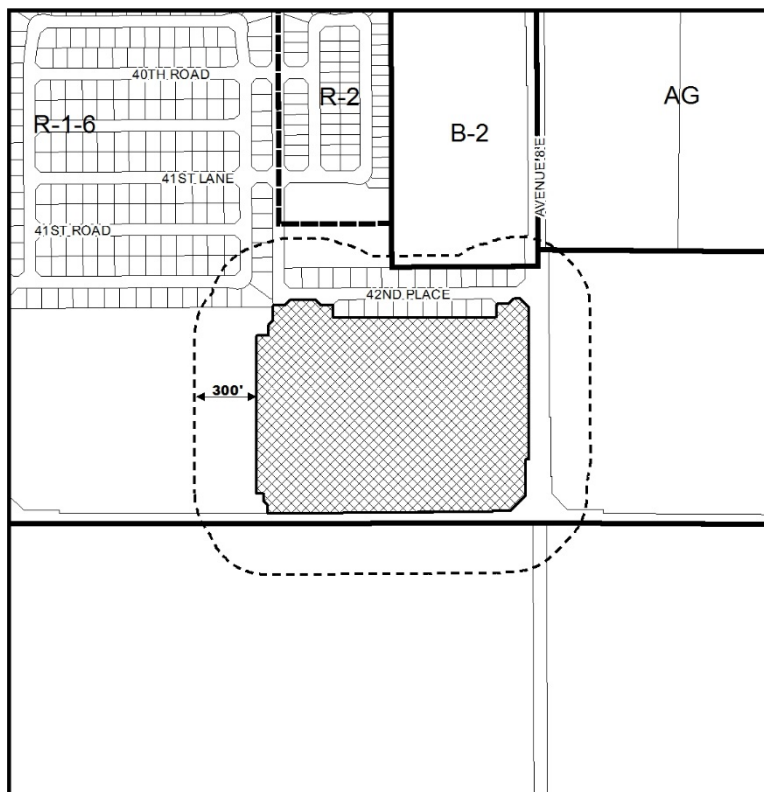
**Case Number:** SUBD-20973-2018

**Project Description/Location:**

This is a request by Dahl, Robins & Associates, on behalf of Saguaro Desert Development, LLC, for approval of the final plat for Saguaro Unit No. 3 Subdivision. This subdivision will contain approximately 29.3 acres and is proposed to be divided into 136 residential lots, ranging in size from approximately 6,234 square feet to 9,923 square feet, for the property located at the northwest corner of S. Avenue 8E and E. 44<sup>th</sup> Street, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
<b>North</b>	Low Density Residential (R-1-6)	Single-Family Residential (Saguaro Units No. 1 and 2)	Low Density Residential
<b>South</b>	Agriculture (AG)	Undeveloped	Commercial/Low Density Residential
<b>East</b>	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2004); Rezone: Ord. O2007-56 (November 7, 2007; Expired); Statutory Compliance Hearing (July 2, 2008); Subdivision: LS2008-02 (June 20, 2008); S2008-005 (Preliminary Plat; Expired); SUBD-3879-2013 (Preliminary Plat; August 26, 2013)

**Staff recommendation:** Staff recommends **APPROVAL** of the final plat for the Saguaro Unit No. 3 Subdivision, subject to the conditions shown in Attachment A, because the request is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

**Suggested Motion:** Motion to **APPROVE** the final plat for the Saguaro Unit No. 3 Subdivision, subject to the conditions shown in Attachment A.

**Staff Analysis:** The subject property was annexed into the City of Yuma on January 2, 1998. Since the annexation, the property has been subject to a general plan amendment, rezone, and preliminary subdivision review with the intention of developing the site for single-family development. This final plat request is the third phase of the Saguaro Subdivision and will consist of 136 residential lots.

The subject property consists of approximately 29 acres with frontage along S. Avenue 8E and E. 44<sup>th</sup> Street. This phase of development is slated to feature residential lots ranging in size from 6,234 square feet 9,923 square feet. 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 phase of development, as well as the fourth phase, Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID for each phase, three and four, will need to be established prior to the issuance of any residential building permits. The developer has been permitted to delay the installation of subdivision landscaping for phases one and two until the recording of the fourth phase; at which time a three year landscaping maintenance deposit will be assessed for the phases of one and two.

**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:** None Received.

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

**Proposed conditions delivered to applicant on:** February 27, 2018

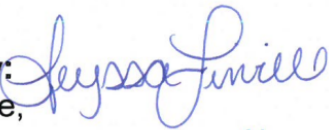
**Final staff report delivered to applicant on:** March 12, 2018

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on: (enter date)
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input checked="" type="checkbox"/>	Conditions have been provided, however, the applicant has requested a follow-up meeting to discuss conditions 6, 7 and 8. Staff has worked with the applicant and has been able to address concerns regarding conditions 6 and 8. Condition 6 has been removed from the request due to a lack of notice to the developers; but it should be noted that in the future the City will be implementing this as standard language based on the Americans with Disability Act requirements. In regards to condition 8 (now condition 7), an edit has been made to require the establishment of the Improvement District prior to the recording of the final plat. The applicant is still not in agreement with condition 7 (now condition 6).

#### Attachments

A	B	C	D	E	F	G
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	Subdivision Photo(s)	Aerial Photo	Staff Research

**Prepared By:**  
Alyssa Linville,  
Principal Planner



[Alyssa.Linville@YumaAz.gov](mailto:Alyssa.Linville@YumaAz.gov)

**Date:** 03/05/18

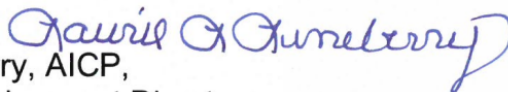
(928)373-5000, ext. 3037

**Approved By:**  
Dan Symer, AICP,  
Assistant Director Community Development



**Date:** 03/05/18

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



**Date:** 3-5-18

**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.

**Development Engineering: Andrew McGarvie, Development Engineering Manager, (928) 373-5000, x3044:**

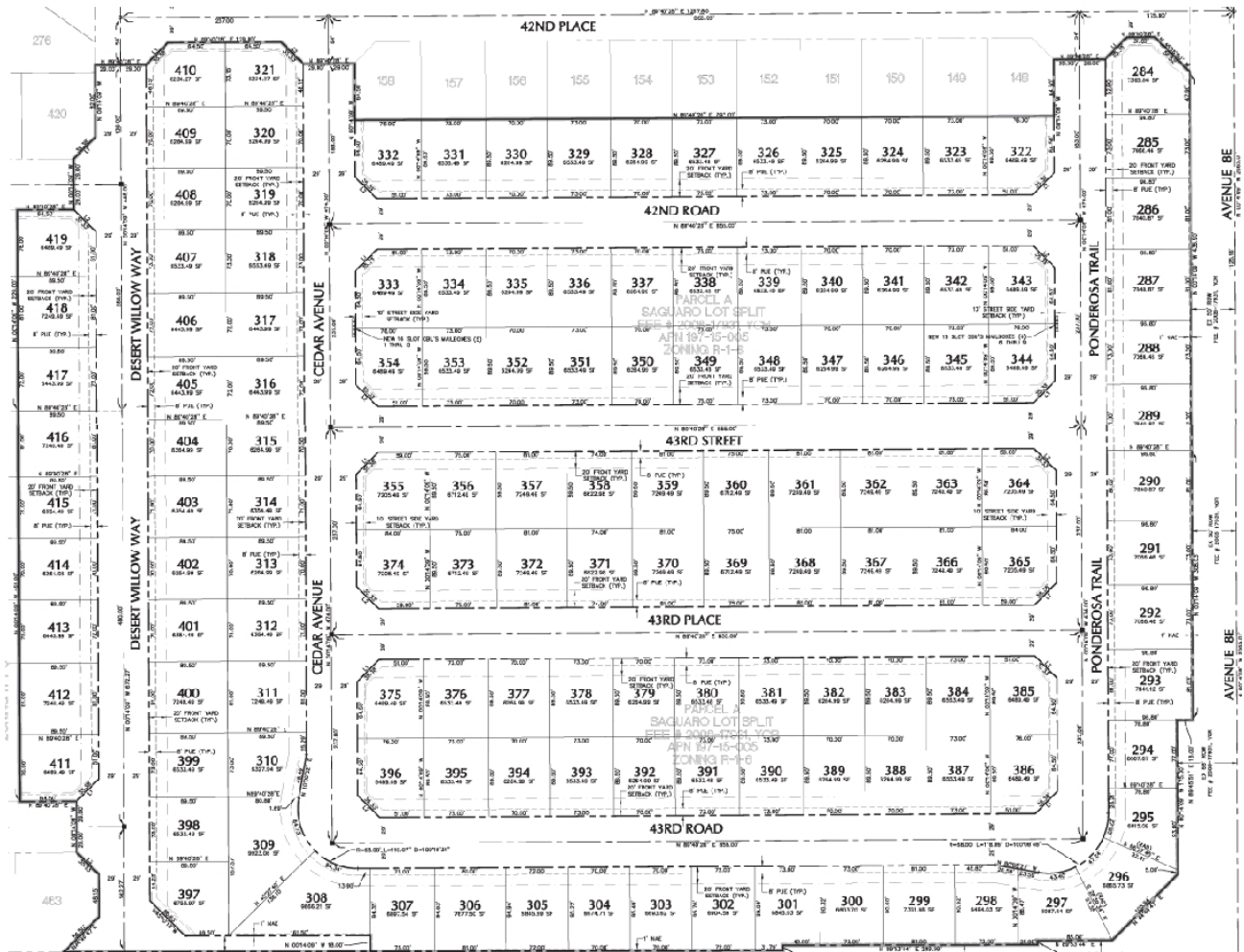
- ~~6. Owner/Developer shall construct all subdivision infrastructure including sidewalks prior to conditional and/or final acceptance of the subdivision infrastructure by the City of Yuma.~~
6. Owner/Developer shall maintain a minimum of 10% of the subdivision infrastructure construction cost as assurance through the one-year subdivision warranty period.

**Community Planning Comments: Alyssa Linville, Principal Planner, (928) 373-5000, x3037:**

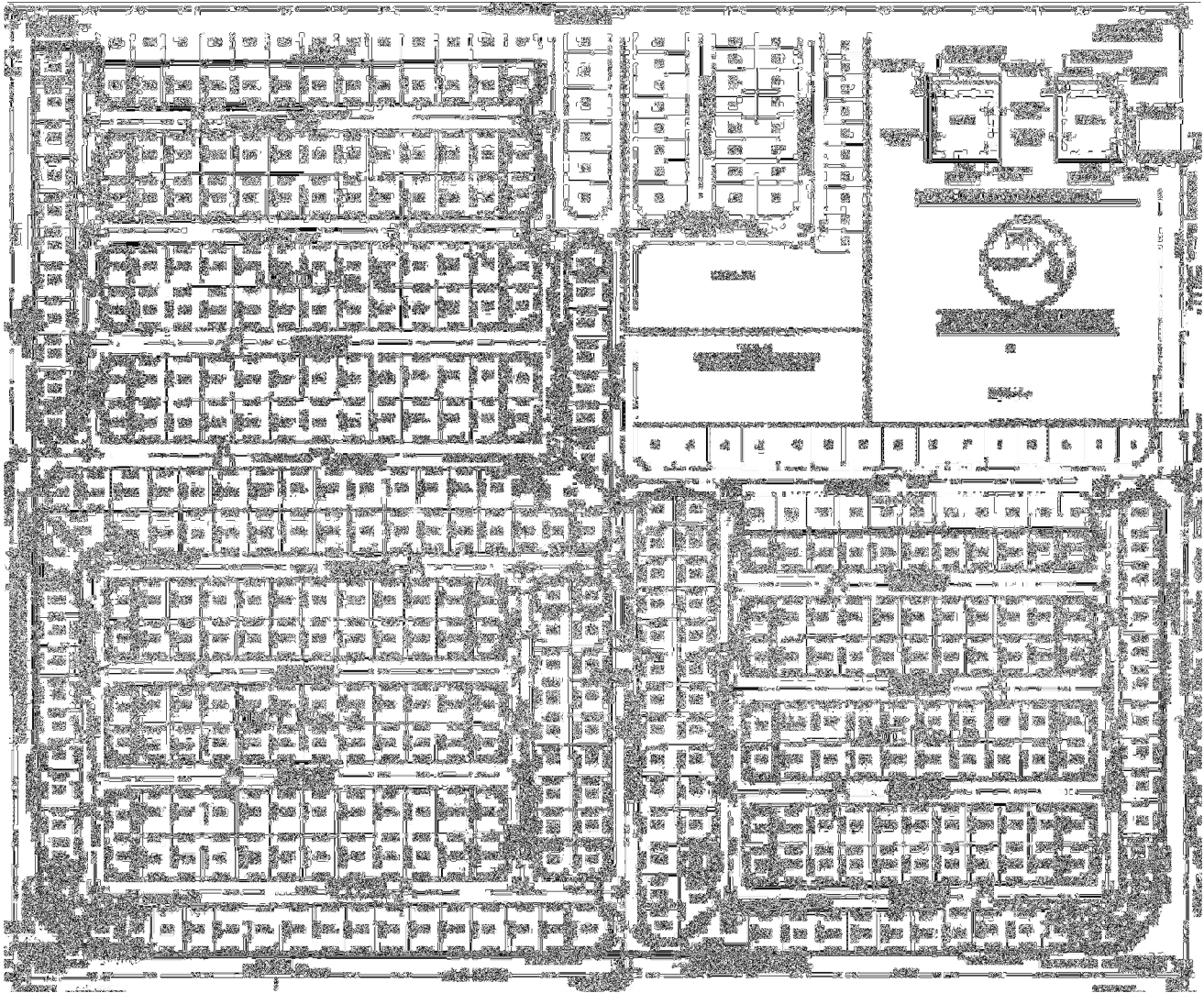
7. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of the final plat.
8. The Owner/Developer shall comply with all of the conditions of approval for the Saguaro Preliminary Plat Subdivision Case (SUBD-3879-2013).
9. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
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**  
**PRELIMINARY PLAT CONDITIONS**

**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 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 within thirty (30) calendar days of the effective date of approval of the subdivision preliminary 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.

**City Attorney Comments: (928) 373-5050:**

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.

**City Engineering: Paul Brooberg, Principal Engineer (928) 373-4500:**

6. Unless otherwise approved by Public Works -City Engineering Division, all right-of-way dedications shall conform to the City's Major Roadways Plan - 2005, as amended, Figure 3. With the dedications of right-of-way, the Owner shall provide the City with an environmental transaction screening document, to verify that the rights-of-way being dedicated are free of contamination.
7. The sanitary sewer collection system and partial sanitary sewer interceptor system designed and constructed for this proposed subdivision shall flow all subdivision waste to Avenue 8E (collection) and, then, North along Avenue 8E (interceptor) to the existing 40<sup>th</sup> Street interceptor line.

**City Engineering: Andrew McGarvie, Assistant City Engineer (928) 373-5000 #3044.**

8. The developer/owner will construct two lanes plus center median such that it can be used for the full width design on Avenue 8E, Avenue 7 1/2E, 40th Street, and 44th Street, unless otherwise approved by the City Engineer.



9. Developer/Owner shall provide a 1' non-access easement across the property frontages adjacent to a collector street or larger on the final plat, unless approved by the City Engineer.

**Streets: Mark Stewart, Street Maintenance Supervisor, (928) 373-4639:**

10. The Owner shall implement use of a Silt Fence & subdivision walls for control of sand and dust in the construction area.
11. The owner shall match the existing landscape on Avenue 8E, with no trees in the Medians and use D/G as ground cover due to blowing sand. (Continued until the Forth Phase; trees are now permitted within the median)
12. Use Type 3 barricade at the west end of 42nd Place - if Avenue 7 ½ E (Mississippi Avenue) is not built at this time, and also at the south end of Desert Willow Way - if 44th Street is not built at this time. If built at this time then use City of Yuma Standards. The Owner shall install the bare minimum landscape in the right of ways and medians due to the high volume of blowing sand and dust in the area.

**Fire: Kent Thompson, Fire Marshall, (928) 373-4865:**

13. A minimum of 2 points of access must be provided and maintained for all phases of construction.

**Community Planning Conditions: Bobette Bauermann, Principal Planner, (928) 373-5000 #3038:**

14. A time frame of build out for the subdivision shall be submitted to the Yuma School District to enable the district to adequately plan for future school facilities.
15. The developer/applicant shall coordinate mail delivery receptacles with the United States Postal Service.
16. The developer/applicant shall submit a landscaping and irrigation plan that meets City landscaping code requirements for the street parkways, raised medians and areas adjacent to the subdivision walls.
17. The developer/applicant shall establish an Maintenance District for the basin, roadway landscaping maintenance and street lights, **OR** prior to recordation of each final plat, a three (3) year landscaping maintenance deposit shall be provided to the City for the landscaping within the raised medians, street parkways and areas adjacent to the subdivision block wall that the City of Yuma is to maintain.
18. With the exception of Condition 2, the owner shall submit a final plat within three (3) years of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) years 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.

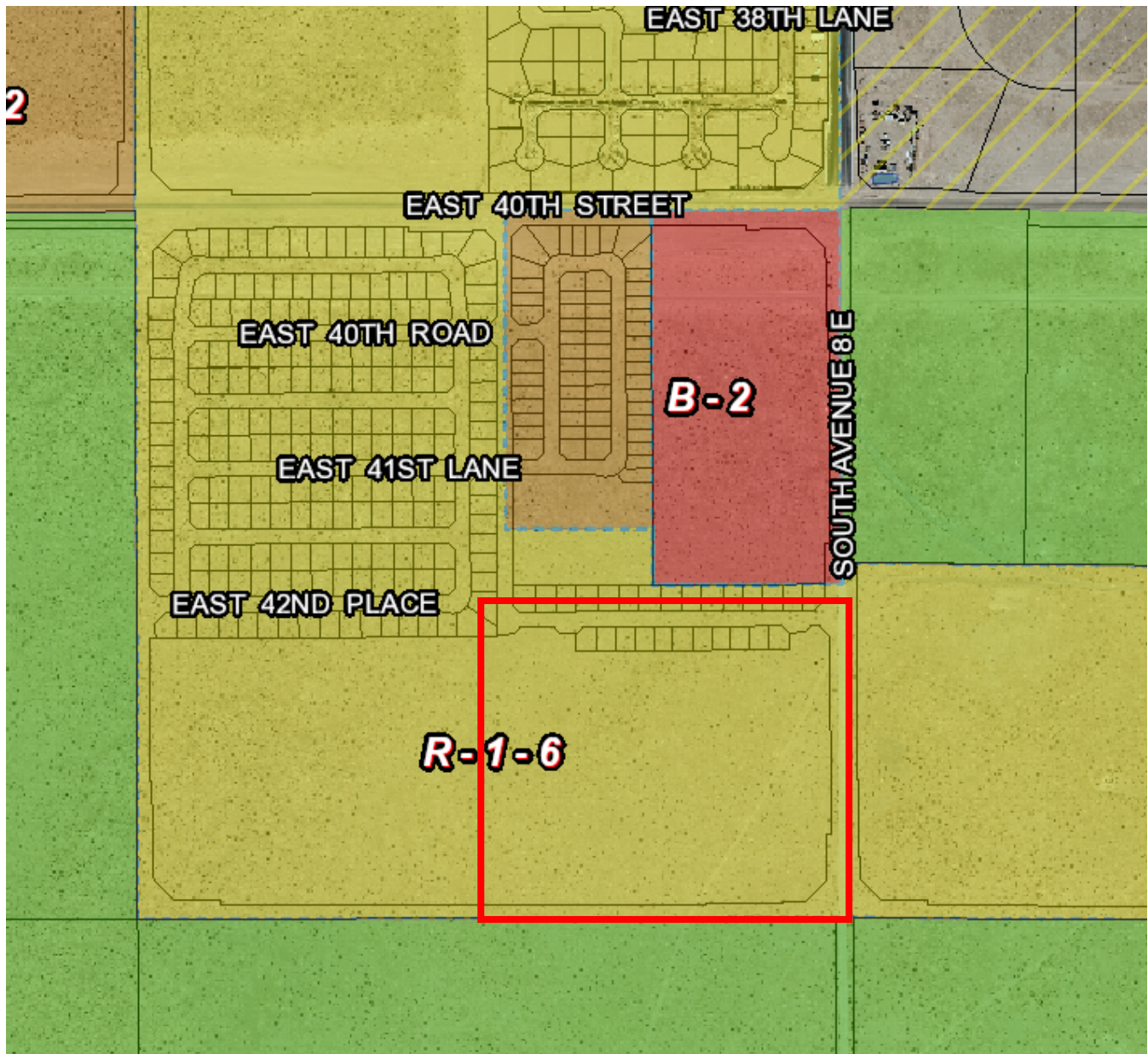
**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

**ATTACHMENT E**  
**SUBDIVISION PHOTOS**

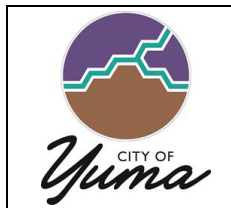




ATTACHMENT F  
AERIAL PHOTO



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



## STAFF RESEARCH – FINAL PLAT

**CASE #: SUBD-20973-2018 PHASE #: 3**  
**CASE PLANNER: ALYSSA LINVILLE**

### I. PROJECT DATA

Project Location:		Northwest corner of S. Avenue 8E and E. 44 <sup>th</sup> Street												
Parcel Number(s):		197-15-005												
Parcel Size(s):		1,278,050.4 square feet												
Total Acreage:		29.3 acres												
Proposed Dwelling Units:		136												
Address:		N/A												
Applicant:		Saguaro Desert Development, LLC												
Applicant's Agent:		Dahl, Robins & Associates, Inc.												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B		Historic		None	X	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>	Low Density Residential (R-1-6)		Undeveloped				Low Density Residential							
<b>North</b>	Low Density Residential (R-1-6)		Single-Family Residential (Saguaro Units No. 1 and 2)				Low Density Residential							
<b>South</b>	Agriculture (AG)		Undeveloped				Commercial/Low Density Residential							
<b>East</b>	Low Density Residential (R-1-6)		Undeveloped				Low Density Residential							
<b>West</b>	Low Density Residential (R-1-6)		Undeveloped				Low Density Residential							
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
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, 2004)								
Development Agreement		Yes		No		N/A								
Rezone		Yes	X	No		Ord. O2007-56 (November 7, 2007; Expired); Statutory Compliance Hearing (July 2, 2008)								
Subdivision		Yes	X	No		LS2008-02 (June 20, 2008); S2008-005 (Preliminary Plat; Expired); SUBD-3879-2013 (Preliminary Plat; August 26, 2013)								
Conditional Use Permit		Yes		No		N/A								
Pre-Development Meeting		Yes	X	No		Date: October 18, 2012								
Design Review Commission		Yes		No		N/A								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes	X	No		Fee #		2008-17054						
Land Division Status:		Legal lot of record												
Irrigation District:		Yuma Mesa Irrigation & Drainage District (YMIDD)												
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:	6,234.27 SF	Maximum:	9,923.06 SF		Yes	X	No	
Lot Depth	Minimum:	78.8 FT	Maximum:	138.1 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	50 FT	Maximum:	81 FT		Yes	X	No	
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No
District Size	29.34	Acres				Yes	X	No	
Density	4.6	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	X	No		N/A		
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		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 (03/02/18)
- 300' Vicinity Mailing: (02/05/18)
- 34 Commenting/Reviewing Agencies noticed: (02/08/18)
- Site Posted: (N/A)
- Neighborhood Meeting: (N/A)
- Hearing Dates: (03/26/18)
- Comments Due: (02/16/18)

<b>External List (Comments)</b>	<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	02/12/18	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	NR				
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	02/08/18	X		
Yuma Mesa Irrigation District	Yes	02/08/18	X		
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
<b>City of Yuma Internal List (Conditions)</b>	<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	02/27/18		X	
Kayla Holiman, Fire	Yes	02/15/18	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	02/09/18	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Neighborhood Meeting Comments Available</b>
NONE REQUIRED	N/A
<b>Prop. 207 Waiver Given to Applicant on:</b>	<b>Delivery Method:</b>
March 26, 2018	In Person

**PUBLIC COMMENTS RECEIVED:** NONE RECEIVED