

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: February 24, 2020

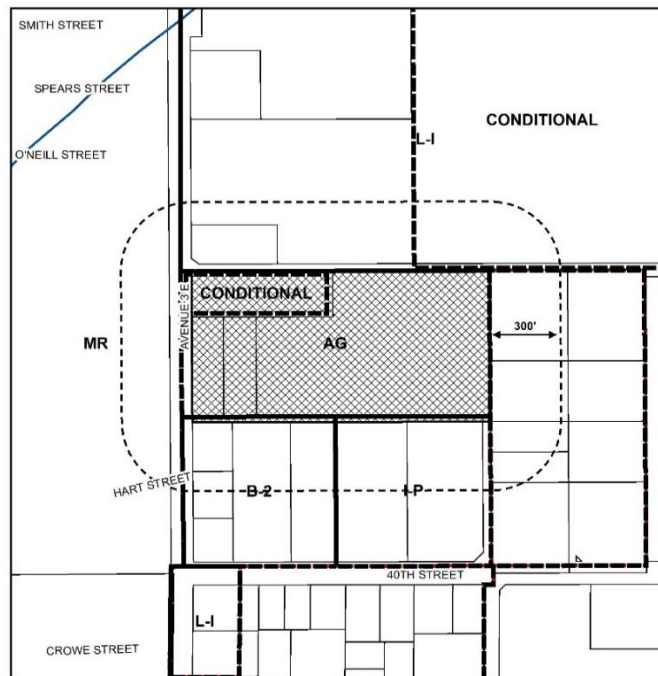
Case Number: SUBD-28854-2019

Project Description/Location:

This is a request by Dahl, Robins & Associates, Inc., on behalf of Christopher George Merzotis Trust, for approval of the final plat for the Spirit Park Subdivision. This subdivision will contain approximately 19.31 acres, and is proposed to be divided into 13 industrial lots, ranging in size from 44,907 square feet to 116,023 square feet. The property is located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Conditional Light Industrial/Airport Overlay (Cond. L-I/AD)	Undeveloped	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Sam Day Auto Sales/ Undeveloped	Industrial
South	General Commercial/Airport Overlay (B-2/AD); Industrial Park/Airport Overlay (I-P/AD)	Various Commercial/ Industrial Uses	Commercial/Industrial
East	Yuma County	Undeveloped	Industrial
West	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

Location Map



Prior site actions: Annexation: Ord. 2015 (July 3, 1981); Rezone: Ord. O2019-037 (November 20, 2019; AG to L-I); Subdivision: SUBD-27953-2019 (Preliminary Plat)

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

Suggested Motion: Move to **APPROVE** Final Plat SUBD-28854-2019 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 Spirit Park Subdivision for the property located at Southeast corner of 38th Street and Avenue 3 E, 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 rezone request contains four parcels located at the southeast corner of Avenue 3E and the 38th street alignment. Historically, a majority of the area was used for the housing of equine and accessory equestrian facilities. In its entirety, the subject area is approximately 19.31 acres in size. The intent of this rezone is to allow the development of an industrial subdivision. The proposed subdivision will subdivide the parcels into 13 lots intended for the development of various industrial uses. The site, which was recently rezoned to the Light Industrial (L-I) District, will allow for industrial uses such as assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair.

The site, which was recently rezoned to the Light Industrial (L-I) District, will allow for industrial uses such as assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair. The principal purposes of the Light Industrial (L-I) Zoning District are to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor; dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development.

While there are a variety of uses permitted within the proposed Light Industrial (L-I) District, there may be limitations on specific uses as the property is located within the 70/75 dB noise contour of the Airport Overlay (AD) District. The Airport Overlay (AD) District will also require additional sound attenuation to be incorporated into the design and construction of all new buildings.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma's Zoning Code. These development requirements include paved parking, access, setbacks, height limitations, landscaping, and lighting.

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 No meeting required.
Comments:

Proposed conditions delivered to applicant on: January 27, 2020

Final staff report delivered to applicant on: January 29, 2020

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on:
<input checked="" type="checkbox"/>	Applicant did not agree with the following conditions of approval: Applicant is not in agreement with the need to provide sidewalks within the industrial subdivision.
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	H	I
Conditions of Approval	Final Plat Map	Prelim Plat Map	Rezone Conditions (if any)	Prelim Plat Conditions	Aerial Photo	Staff Research

Prepared By: 
Alyssa Linville,
Assistant Director DCD

Alyssa.Linville@YumaAz.gov

Date: 01/28/2020
(928)373-5000, ext. 3037

**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: Jay Simonton, 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:

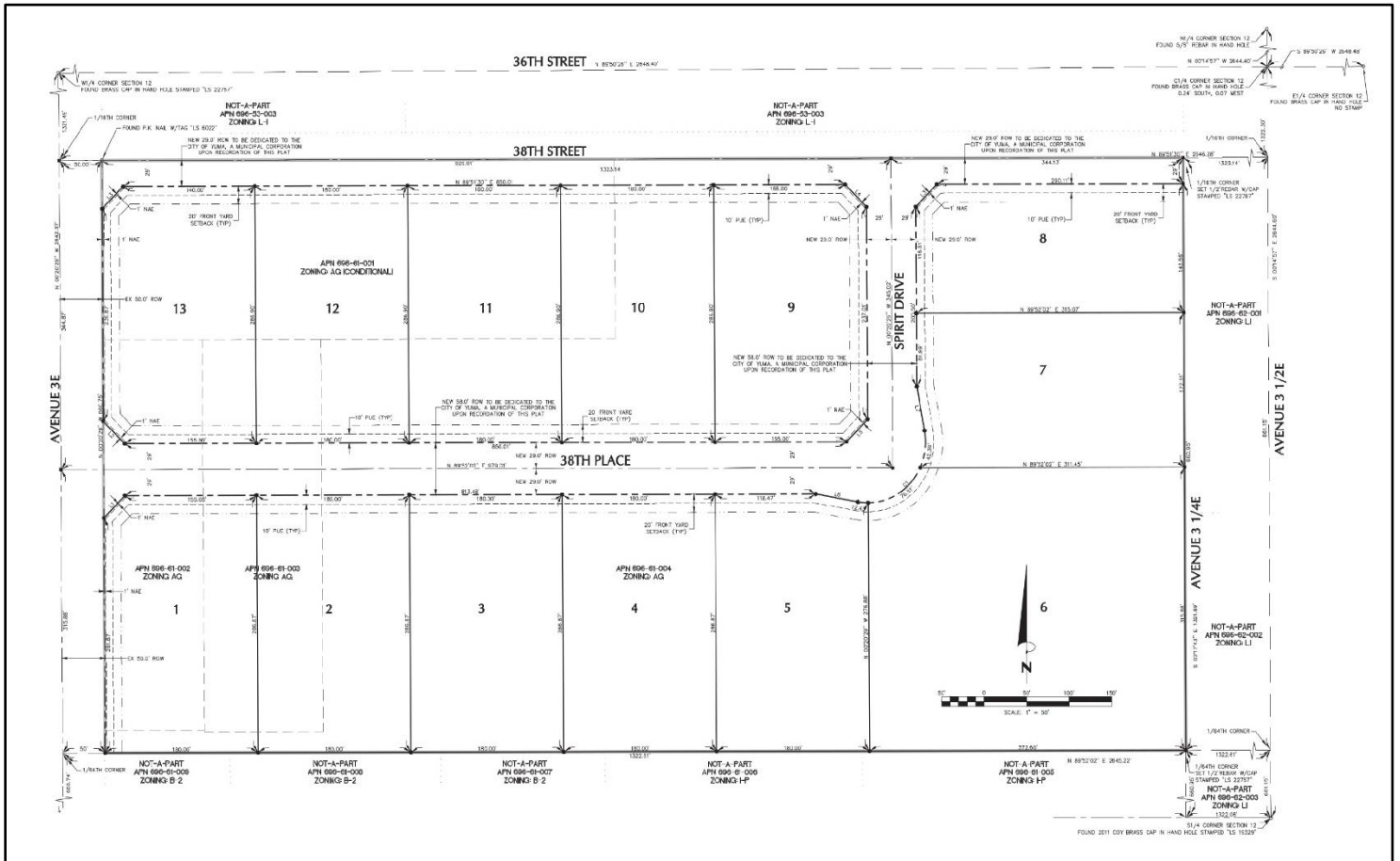
4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
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.

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

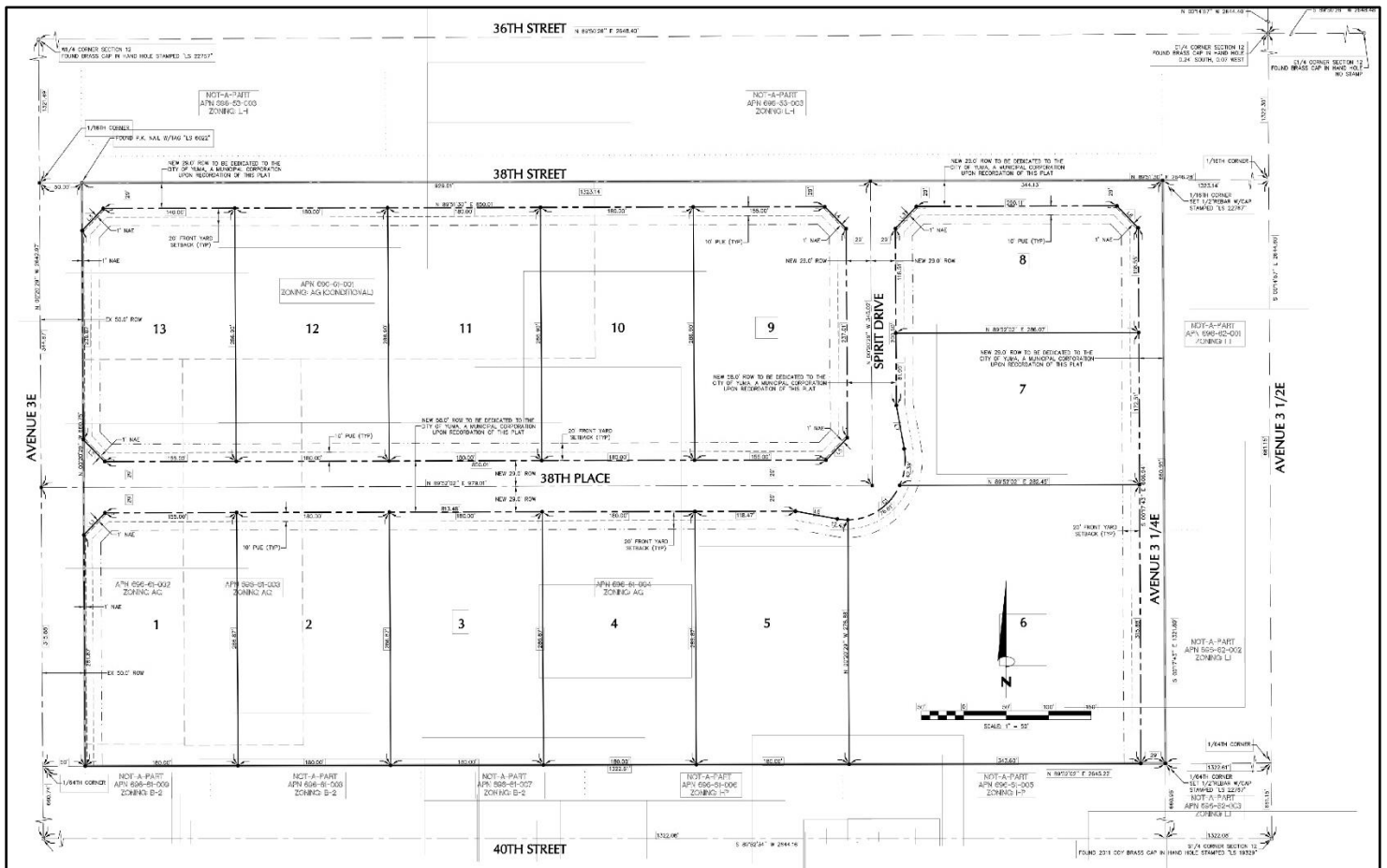
7. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

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.

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ATTACHMENT C PRELIMINARY PLAT MAP



ATTACHMENT D
REZONE CONDITIONS

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

4. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38th Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.
6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.

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.

ATTACHMENT E
PRELIMINARY PLAT CONDITIONS

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

8. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
9. 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.
10. 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:

11. 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.
12. 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.
13. 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.

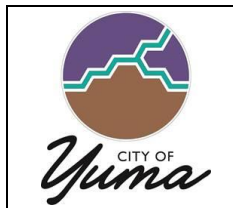
**Community Planning Conditions: Alyssa Linville, Assistant Director Community Development,
(928) 373-5000, ext. 3037**

4. 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
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-28854-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:				South East corner of 38 th Street and Avenue 3 E												
Parcel Number(s):				696-61-001, 696-61-002, 696-61-003, 696-61-004												
Parcel Size(s):				841,143 square feet												
Total Acreage:				19.31 acres												
Proposed Dwelling Units:				none												
Address:				3899 S. Avenue 3 E												
Applicant:				Christopher George Merziotis Trust												
Applicant's Agent:				Dahl, Robins & Associates, Inc.												
Land Use Conformity Matrix:				Conforms:		Yes	x	No								
Zoning Overlay:		Public		AO		Auto		B&B		Historic		Infill		None		
Airport	X	Noise Contours	65-70		70-75	X	75+		APZ1		APZ2		Clear Zone			

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Conditional Light Industrial/Airport Overlay (Cond. L-I/AD)	Undeveloped	Industrial
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East	Yuma County	Undeveloped	Industrial
West	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

Prior Cases or Related Actions:				
<u>Type</u>	<u>Conforms</u>			
	Yes		No	
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Ord. 2015 (July 3, 1981)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Ord. O2019-037 (November 20, 2019)
Subdivision	Yes	X	No	SUBD-27953-2019 (Preliminary Plat)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	November 20, 2018
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	
Land Division Status:	Legal lots of record			
Irrigation District:	Yuma Mesa Irrigation and 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:	44,907 SF	Maximum:	116,023 SF	Yes	X	No			
Lot Depth	Minimum:	286.87 FT	Maximum:	315.07 FT	Yes	X	No			
Lot Width/Frontage	Minimum:	76.61 FT	Maximum:	180 FT	Yes	X	No			
Setbacks	Front:	20 FT	Rear:	20 FT	Side:	0 FT	Yes	X	No	
District Size	19.31	Acres				Yes	X	No		
Density		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		No		N/A	X	
Cul-de-sacs	Yes		No		N/A	X	
Half Streets	Yes	X	No		N/A		
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		No		N/A	X	
Business or Industrial	Yes	X	No		N/A		
Issues: None							
Lots	Conforms						
Minimum Width	Yes		No		N/A	X	
Length and Width Ratio	Yes	X	No		N/A		
Fronting on Arterials	Yes		No		N/A	X	
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** (01/17/20)
- **300' Vicinity Mailing:** (12/23/19)
- **34 Commenting/Reviewing Agencies noticed:** (12/26/19)
- **Site Posted:** (02/03/20)
- **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	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	12/27/2019	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	Yes	12/20/2019	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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	12/31/2019	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	Yes	12/31/2019	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required	None received
Prop. 207 Waiver	
Given to Applicant on February 10, 2020 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED