

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

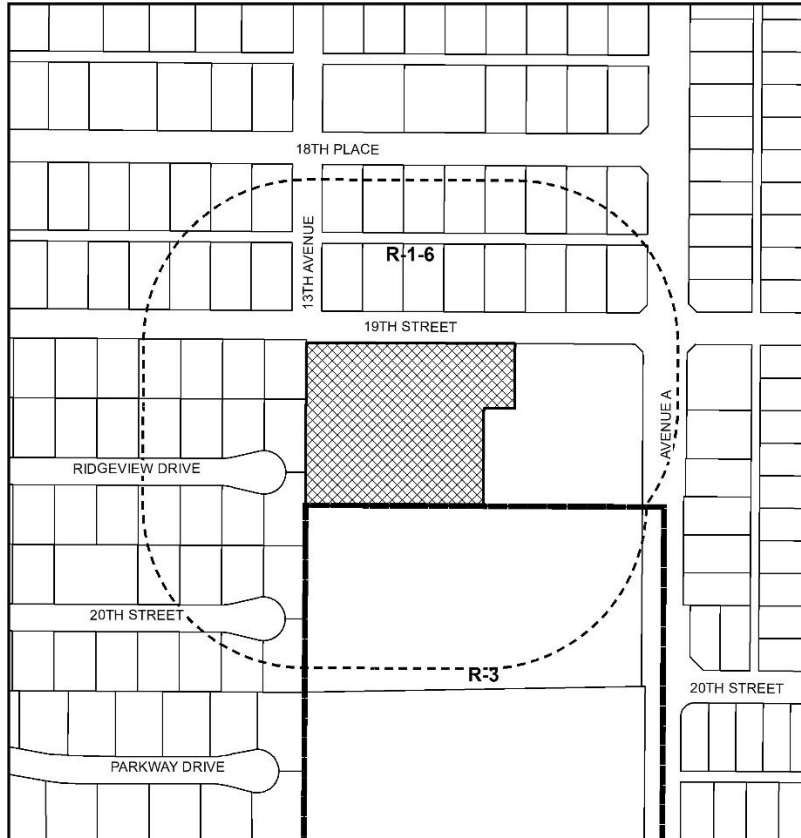
Case Number: SUBD-27629-2019

Project Description/Location:

This is a request by Dahl, Robins and Associates, on behalf of the First Church of the Nazarene of Yuma, for approval of the final plat for The Village on 19th Subdivision. This subdivision contains approximately 2.41 acres and is proposed to be divided into 12 residential lots, ranging in size from approximately 6,247.5 square feet to 9,734.6 square feet, for the property located at the southeast corner of S. 13th Avenue and W. 19th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Vacant Land	High Density Residential
North	Low Density Residential (R-1-6)	Single-family homes	Low Density Residential
South	High Density Residential (R-3)	Apartments	High Density Residential
East	Low Density Residential (R-1-6)	Church of Nazarene	High Density Residential
West	Low Density Residential (R-1-6)	Single-family homes	Low Density Residential

Location Map



Prior site actions: Annexation: #787 (Effective 12/31/1959); Subdivision: LOTS-26383-2019 (recorded fee # 2019-20243), SUBD-27629-2019 (The Village on 19th Prelim. Plat); Conditional Use Permit: BA-12-63 (10/21/1963) For construction of a church.

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for The Village on 19th Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-27629-2019 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 The Village on 19th Subdivision, for the property located at the southeast corner of S. 13th Avenue and W. 19th 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: With a recent update to the name: “The Village on 19th”, this final plat is proposed for the long-vacant western portion of the First Church of the Nazarene property on 19th Street west of Avenue A. The church recently split off 2.41 acres for a 12 lot subdivision. The church has owned the property, with low density residential zoning, since the early 1960’s. The existing church property will remain intact and an improved storm water retention basin will be developed to handle runoff from the church parking lot and the new subdivision.

All land adjacent to this infill subdivision is developed. There are two-story apartments and homes to the south and west, with one-story homes along 19th Street.

Sixteen neighbors attended the neighborhood meeting at the site. Neighbors were concerned the new subdivision would create extra traffic on 19th Street; a street described as already overloaded with vehicles moving too fast. Also it was suggested to add more street lights to help make the street safer, and additional stop signs are needed to slow down the traffic flow. Over many years, 19th Street has become a “short cut” between residential areas to the west and Avenue A.

Questions arose about who the developer was, the price range, and quality of the new homes. Some objected to high walls along the side and rear yards of the new homes, and more lots should front 19th Street to solve this. Discussion included speculation whether property taxes would go up for existing properties.

After the neighborhood meeting, the applicant revised the preliminary plat, reorienting lots 9 and 10 to have their frontage (and homes) on 19th Street, addressing some of the neighbor concerns raised at the neighborhood meeting. This eliminates some of the possibilities of high side and rear yard walls, with the benefit of two more driveways on 19th Street to better fit in with the established homes on the block.

The City of Yuma Traffic Engineer was also apprised of these concerns and is studying the flow of vehicles during the summer and winter, and at busy times of day along 19th Street.

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 name of the subdivision, now "The Village on 19th".

Public Comments Received: None Received.

External Agency Comments: None.

Neighborhood Meeting Comments: See Attachment E.

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: November 6, 2019

Attachments

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

Prepared By:

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

Date:

11/26/19
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:

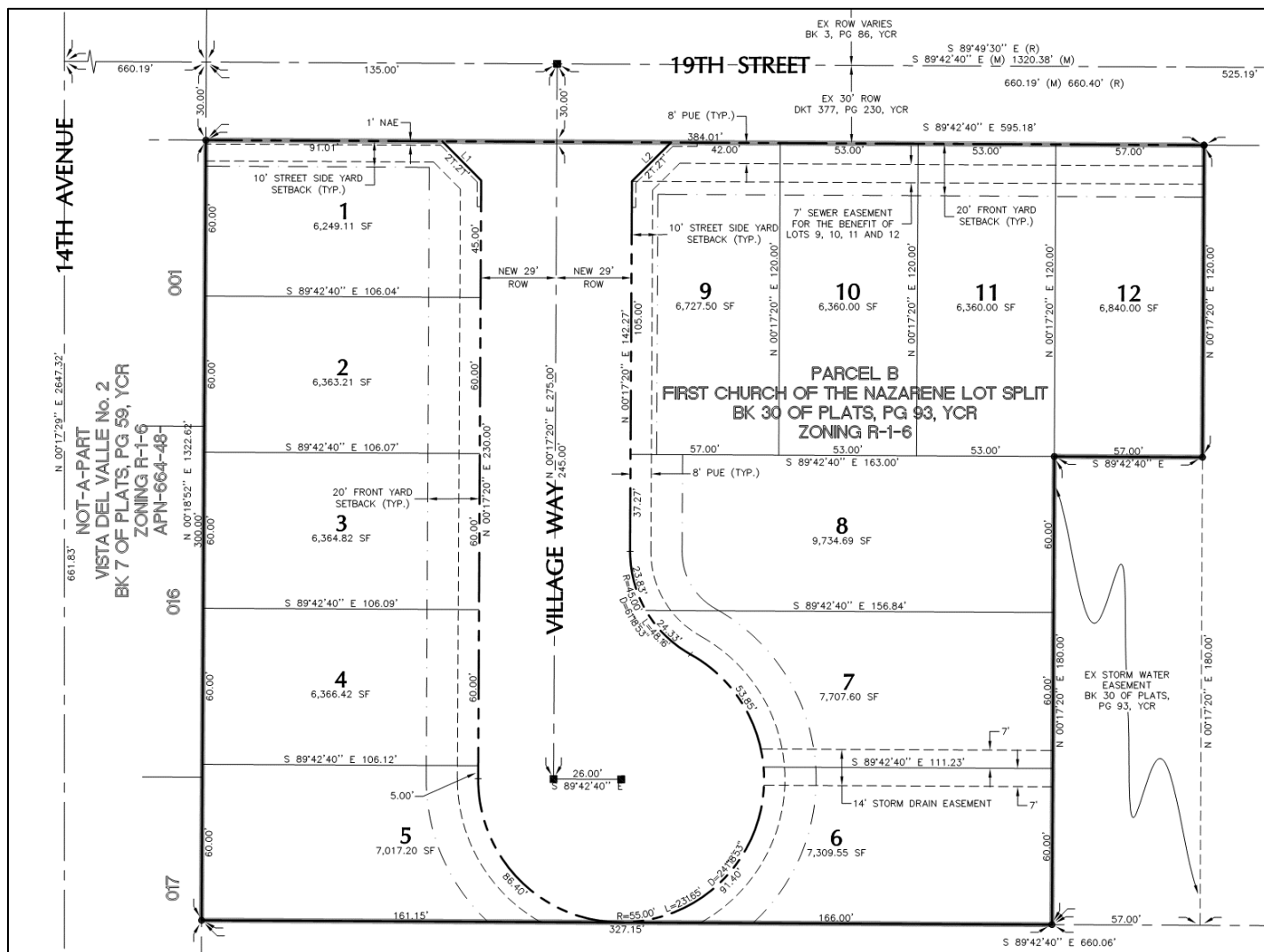
6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 19th Street and Village Way. Such fencing can be removed during the construction 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:

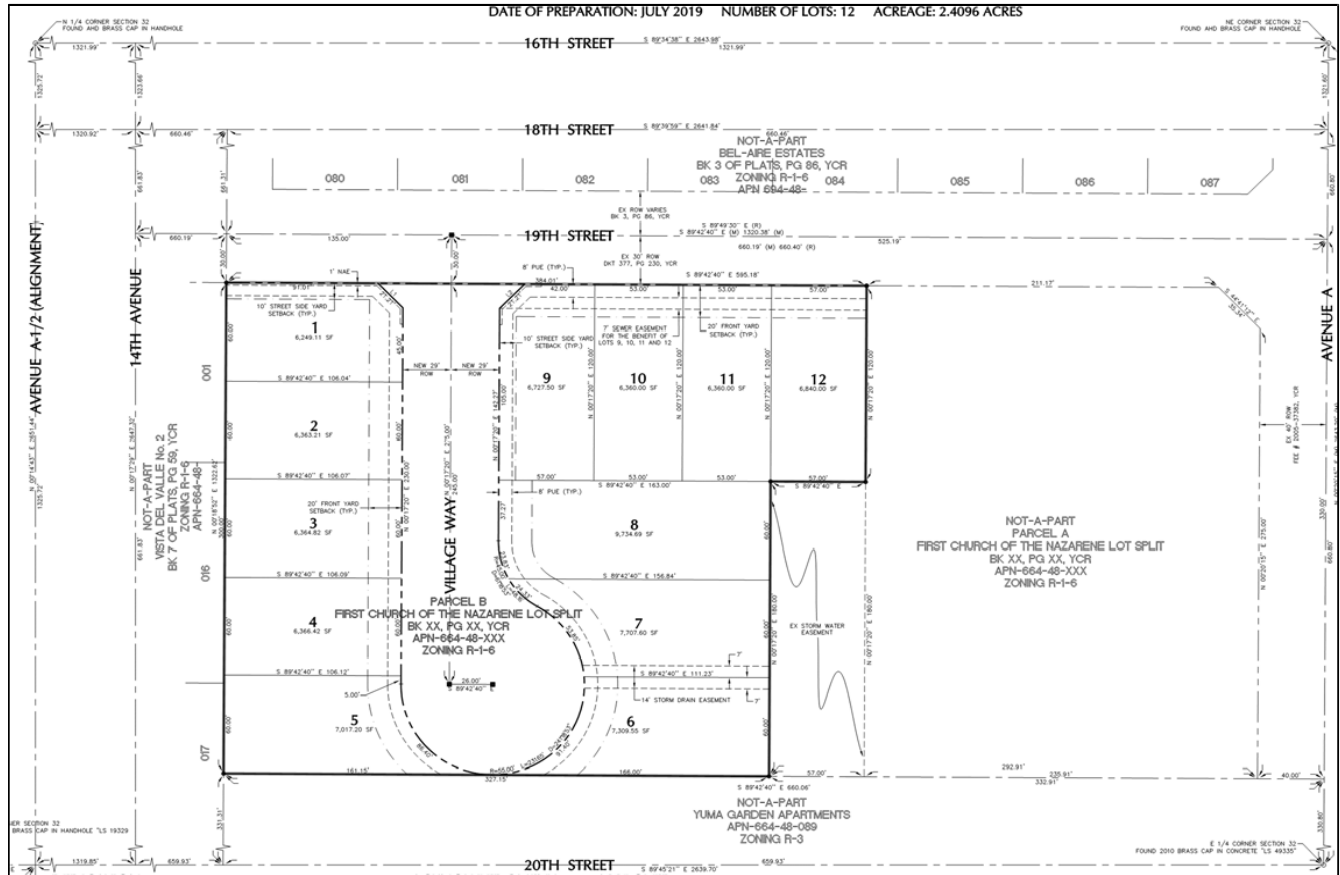
7. All exterior fencing must be of masonry construction to match the requirement for brown block walls as stated in the CC&Rs.
8. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.

9. The retention area used by the subdivision must be enclosed by a six-foot high wall of CMU block masonry construction to match the other exterior subdivision walls and a security gate. An alternative to the wall is to establish a Municipal Improvement District (MID) prior to the recordation of the final plat with all retention areas landscaped to City Code.
10. An 8 ½" 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.
11. 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 C PRELIMINARY PLAT MAP



ATTACHMENT D
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 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.
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.
7. 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 19th 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.
8. 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 E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 07/10/19

Location: 1900 S. Avenue A

Attendees: Vianey Vega and Jerry Lococo, Agents, Bob Blevins, City Staff, and 16 neighbors in attendance.

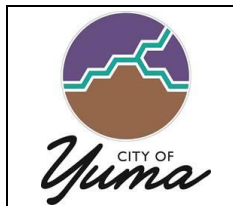
SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **WHAT IS THE PRICE? *LOW TO MID \$200,000S FOR 1,400 TO 1,600 SQUARE FOOT HOMES.***
- **TIME FRAME FOR DEVELOPMENT? *3 TO 5 MONTHS; MIGHT BUILD SPEC. HOME OR MORE.***
- **CONCERNS ABOUT TRAFFIC, *19TH STREET IS A LOCAL STREET.***
- **OUR EXISTING PROPERTY TAXES WILL GO UP BECAUSE OF THE NEW HOMES.**
- **I DON'T OBJECT TO NICE, NEW HOMES. *ZONING IS R-1-6 AND THIS DENSITY IS ALLOWED.***
- **GLAD IT IS NOT AN APARTMENT COMPLEX; AT LEAST IT'S NOT CONDOS.**
- **THOUGHT CHURCH WOULD NEVER SELL IT? *WE FINANCIALLY CANNOT KEEP IT.***
- **CHURCH HAS SUFFICIENT PARKING.**
- **CAN THEY CHANGE AND ACCESS OFF OF AVE. A? *ACCESS ROAD WOULD BE TOO NARROW.***
- **ARE YOU GOING TO DEVELOP A PARK? *NO.***
- **WHAT IS THE NAME OF THE DEVELOPER? *RAM COMPANY.***
- **HOW FAR ARE THE NEW HOMES FROM THE STREET? *20 FEET.***
- **DON'T LIKE LOTS 1, 9, AND 10 HAVING HIGH WALLS ON SIDE AND REAR YARDS.**
- **CAN YOU GET MORE LOTS FRONTING ON 19TH STREET? *SEWER LINE CONNECTION ISSUES.***
- **WILL IT HAVE OFF-STREET PARKING? *YES, 2 SPACES.***
- **GUEST PARKING? *NO.***
- **19TH STREET IS A RACEWAY. CITY SHOULD PUT IN SPEED BUMPS AND STOP SIGNS.**
- **IT NEEDS A TRAFFIC STUDY.**
- **DOES CHURCH NEED TO FINISH SIDEWALK. *NO, ON CHURCH LOT IT WILL REMAIN ASPHALT.***
- **IS IT GOING TO HAVE STREETLIGHTS? *YES.***
- **THE RETENTION BASIN WILL BE 3-4 FT. DEEP WITH GRAVEL.**

ATTACHMENT F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-27629-2019
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:		The southeast corner of S. 13 th Avenue and W. 19 th Street.													
Parcel Number(s):		664-48-118													
Parcel Size(s):		104,979.6 square feet.													
Total Acreage:		2.41													
Proposed Dwelling Units:		12													
Address:		Not yet assigned.													
Applicant:		First Church of the Nazarene of Yuma													
Applicant's Agent:		Dahl, Robins and Associates													
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 Land				High Density Residential						
North	Low Density Residential (R-1-6)				Single-family homes				Low Density Residential						
South	High Density Residential (R-3)				Apartments				High Density Residential						
East	Low Density Residential (R-1-6)				Church of Nazarene				High Density Residential						
West	Low Density Residential (R-1-6)				Single-family homes				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		#787 (Effective 12/31/1959)									
General Plan Amendment		Yes		No		N/A									
Development Agreement		Yes		No		N/A									
Rezone		Yes		No		N/A									
Subdivision		Yes	X	No		LOTS-26383-2019; SUBD-26548-2019 (Prelim. Plat)									
Conditional Use Permit		Yes	X	No		BA-12-63 (10/21/1963) For construction of a church.									
Pre-Development Meeting		Yes	X	No		PDM-25163-2019 (02/28/2019)									
Design Review Commission		Yes		No		N/A									
Enforcement Actions		Yes		No		N/A									
Avigation Easement Recorded		Yes	X	No		Fee # 2019-20242									
Land Division Status:		Parcel is a legal lot of record.													
Irrigation District:		None													
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:	6,249.11 SF		Maximum:	9,734.6 SF		Yes	X	No	
Lot Depth	Minimum:	106.04 FT		Maximum:	166 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	53 FT		Maximum:	91.4 FT		Yes	X	No	
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No	
District Size	2.41	Acres					Yes	X	No	
Density	4.97	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

	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/10/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	10/10/19	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.	YES	10/16/19	X		
Yuma Irrigation District	NR				
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 Holiman, Fire	YES		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
07/10/19	See Staff Report SUBD-26548-2019, Attachment C
Prop. 207 Waiver	
Sent to Applicant on 09/10/19 by U.S. Mail.	

PUBLIC COMMENTS RECEIVED: NONE