



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: RICHARD MUNGUIA

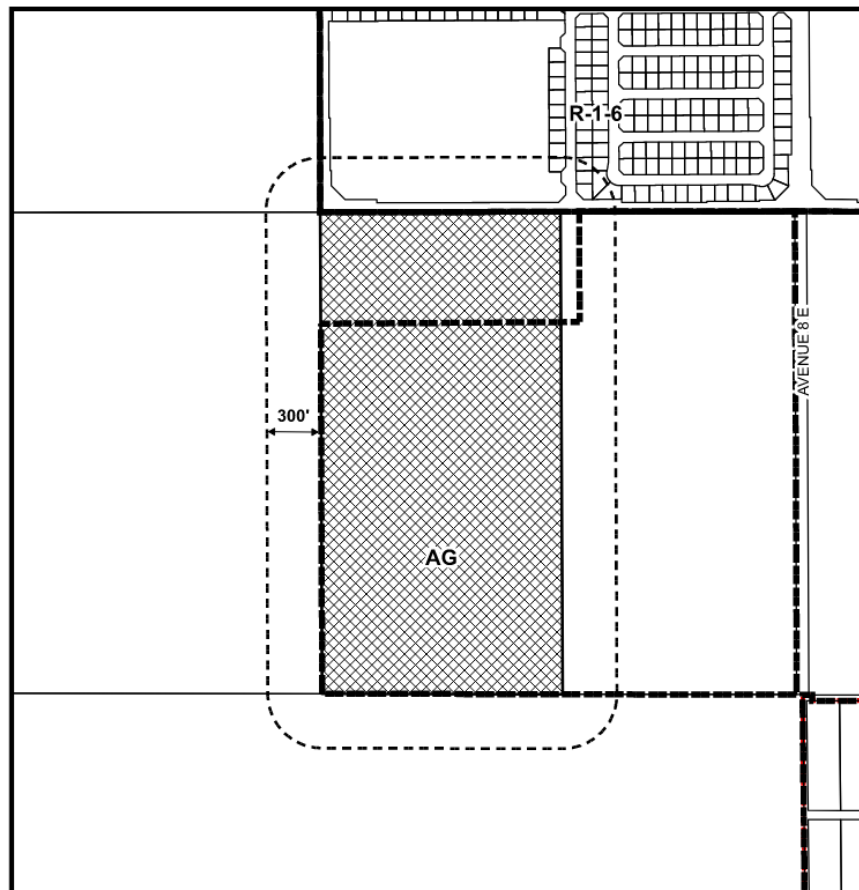
Hearing Date: July 27, 2020

Case Number: SUBD-30610-2020

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 2, proposed to be divided into 97 residential lots ranging in size from 5,095 square feet to 14,138 square feet. The property is located at the southwest corner of E. 44th Street and S. Avenue 7 ½E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Medium Density Single-Family Residential (R-2-5)	Future Single-Family Subdivision	Mixed Use
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: O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014 – Suburban Density Residential to Low Density Residential/Commercial), GP-25035-2019 (July 17, 2019 – Low Density Residential to Mixed Use); Rezone: Ordinance 2020-002 (February 5, 2020 – AG to R-2/R-2-5); Subdivision: SUBD-29644-2020 (April 27, 2002 – Desert Sands Preliminary Plat).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Desert Sands Subdivision Unit 2, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-30610-2020 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 2 for the property located at the southwest corner of E 44th Street and S. Avenue 7 ½ 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 subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Medium Density Single-Family Residential (R-2-5) District in 2020. The subject property is currently undeveloped and is intended to be the second phase of the Desert Sands Subdivision.

The subject property consists of approximately 160 acres, with 20.9527 acres currently being subdivided for the Desert Sands Subdivision, Unit No. 2. This subdivision will be developed with frontage along Avenue 7½ E and 44th Street. The applicant is proposing to develop the area with 97 single-family dwellings which will meet the land use density requirements of 5-12.9 dwelling units per acre. The lot sizes will range from 5,095 square feet to 14,138 square feet which meets the minimum lot size requirements for the Medium Density Single-Family Residential (R-2-5) District. As discussed in further detail in §154-07.02, the following are some of the main development standards required of development within the Medium Density Single-Family Residential (R-2-5) District:

1. The maximum density in the Medium Density Single-Family Residential (R-2-5) 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 Medium Density Single-Family Residential (R-2-5) District shall be 45% of the lot area;
3. A minimum front yard setback of fifteen feet, with a range of staggered front yard setbacks between 15 and 20 feet, with a maximum of 50% of the lots at 15 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, except for a detached garage;
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 each lot in the Medium Density Single-Family Residential (R-2-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Standard	Subdivision						Conforms			
Lot Size	Minimum:	5,095			Maximum:	14,138	Yes	X	No	
Lot Depth	Minimum:	95'			Maximum:	164.58	Yes	X	No	
Lot Width/Frontage	Minimum:	50'			Maximum:	67'	Yes	X	No	
Setbacks	Front:	20'	Rear:	10'	Side:	5' one side & 9' on the other side	Yes	X	No	
District Size	20.95	Acres					Yes	X	No	
Density	5-12.9	Dwelling units per acre					Yes	X	No	
Issues: None										

Yes The Final Plat meets dimensional standards and development standards for the Medium Density Single-Family Residential (R-2-5) District.

2. Does the subdivision comply with the subdivision code requirements?

Yes The Final Plat will comply with the criteria set forth in the City of Yuma Subdivision Code.

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						

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Yes. The subdivision complies with all of the elements, plans, and policies of the General Plan.

Land Use Element:	
Land Use Designation:	Mixed Use
Issues:	None

Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:	Yes		No	X					
Transportation Element:									
FACILITY PLANS									
TRANSPORTATION MASTER PLAN	Planned	Existing	Gateway	Scenic	Hazard	Truck			
E. 44 th Street – Local Street	29 FT H/W ROW	0 FT H/W ROW							
S. Avenue 7 ½ E – Local Street	29 FT H/W ROW	0 FT H/W ROW							
Bicycle Facilities Master Plan	E. 48 th Street and S. Avenue 8E: Proposed Bike Lanes								
YCAT Transit System	N/A								
Issues:	None								
Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Saguaro Park				Future: Saguaro Park				
Community Park:	Existing: None				Future: None				
Linear Park:	Existing: None				Future: A Canal Linear Park				
Issues:	Minimal access to nearby facilities.								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	None								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes		No		N/A				
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources	Yes		No	X					
Renewable Energy Source	Yes		No	X					
Issues:									
Public Services Element:									
<u>Population Impacts</u> Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation		
	<i>Single Family</i>								
	Proposed	Per Unit		Officers	GPD	AF	GPD		
	97	2.8	272	0.51	81,480	91.3	27,160		
Fire Facilities Plan:	Existing: Fire Station No. 5				Future: Fire Station No. 7				
Water Facility Plan:	Source:	City	X	Private		Connection			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private			
Issues:	Water and sewer lines will need to be extended to provide services for the future development.								
Safety Element:									
Flood Plain Designation:	Flood Zone X		Liquefaction Hazard Area:			Yes		No	X
Issues:	None								
Growth Area Element:									
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.				
	North End		Pacific Ave & 8 th St		Estancia		None	X	
Issues:	None								

4. Does the subdivision comply with the conditions of the rezoning?

Yes The subdivision will comply with all of the conditions of the rezoning.

5. Does the subdivision comply with the conditions of the preliminary plat?

Yes. The subdivision complies with all of the conditions of the preliminary plat.

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

Yes. The final plat is consistent with the approved preliminary plat.

Public Comments Received:

None Received.

External Agency Comments:

See Attachment G.

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on:

July 2, 2020

Final staff report delivered to applicant on:

July 10, 2020

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: July 2, 2020
<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.

Attachments

A	B	C	D	E	F	G	H
Final Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Rezone Conditions	Preliminary Plat Conditions	Agency Notifications	Agency Comments	Aerial Photo

Prepared By:
Richard Munguia
Senior Planner



Date: 7/15/20

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville,
Assistant Director Community Development



Date: 07/10/2020

**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: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

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 Range Disclosure Statement and 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 Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

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 44th Street and Avenue 7 ½ E. 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.

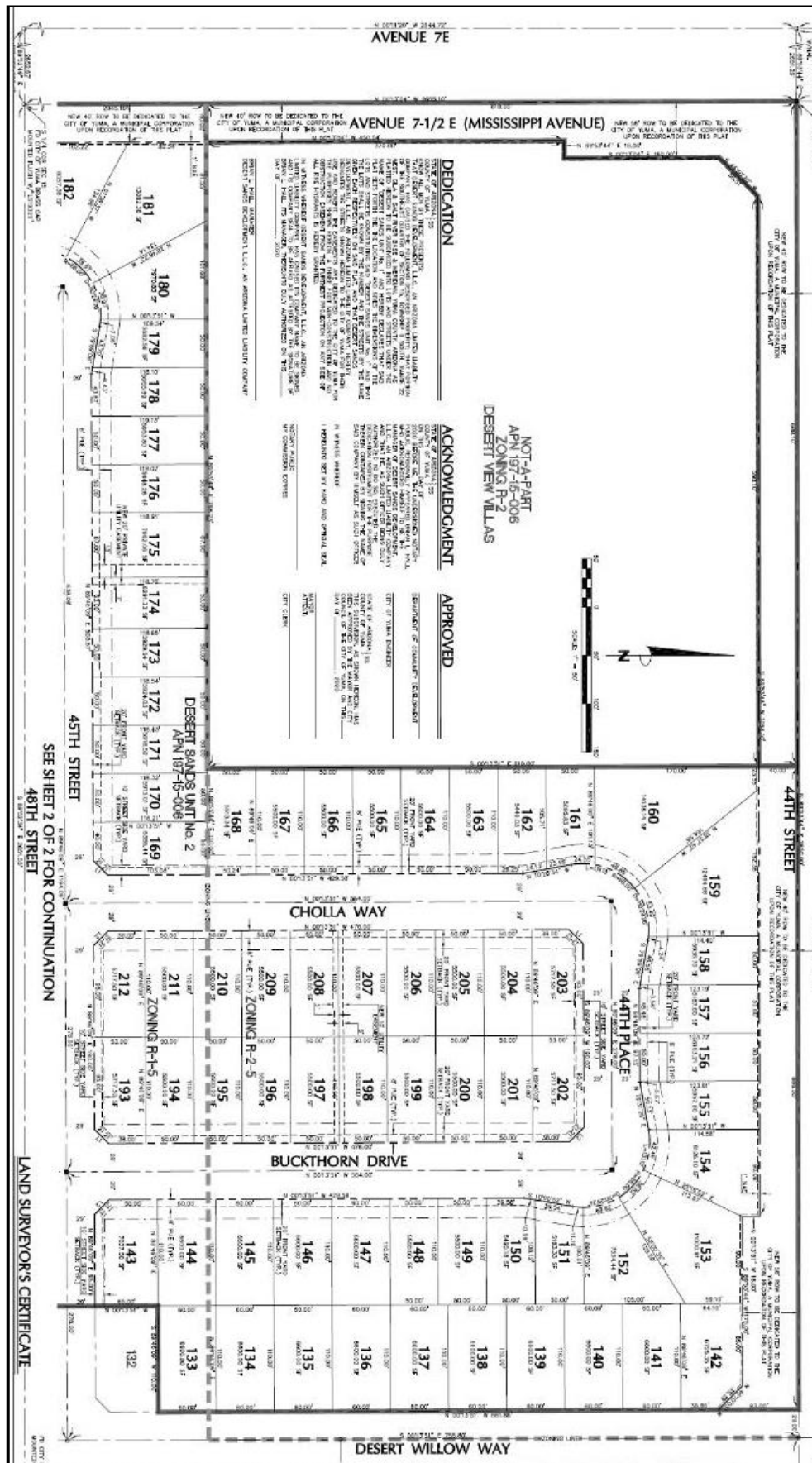
Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070:

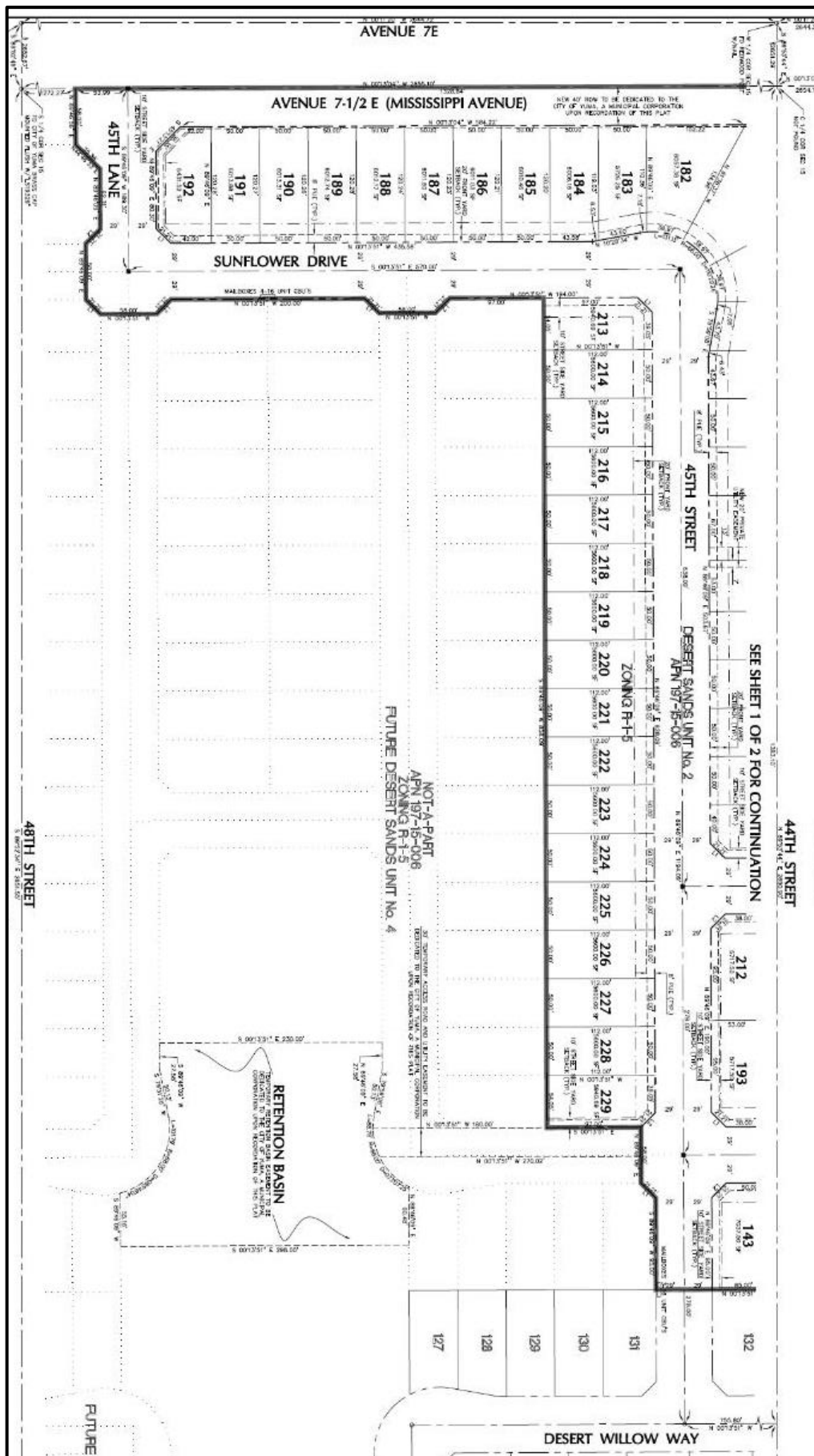
8. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.

9. 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.
10. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
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.

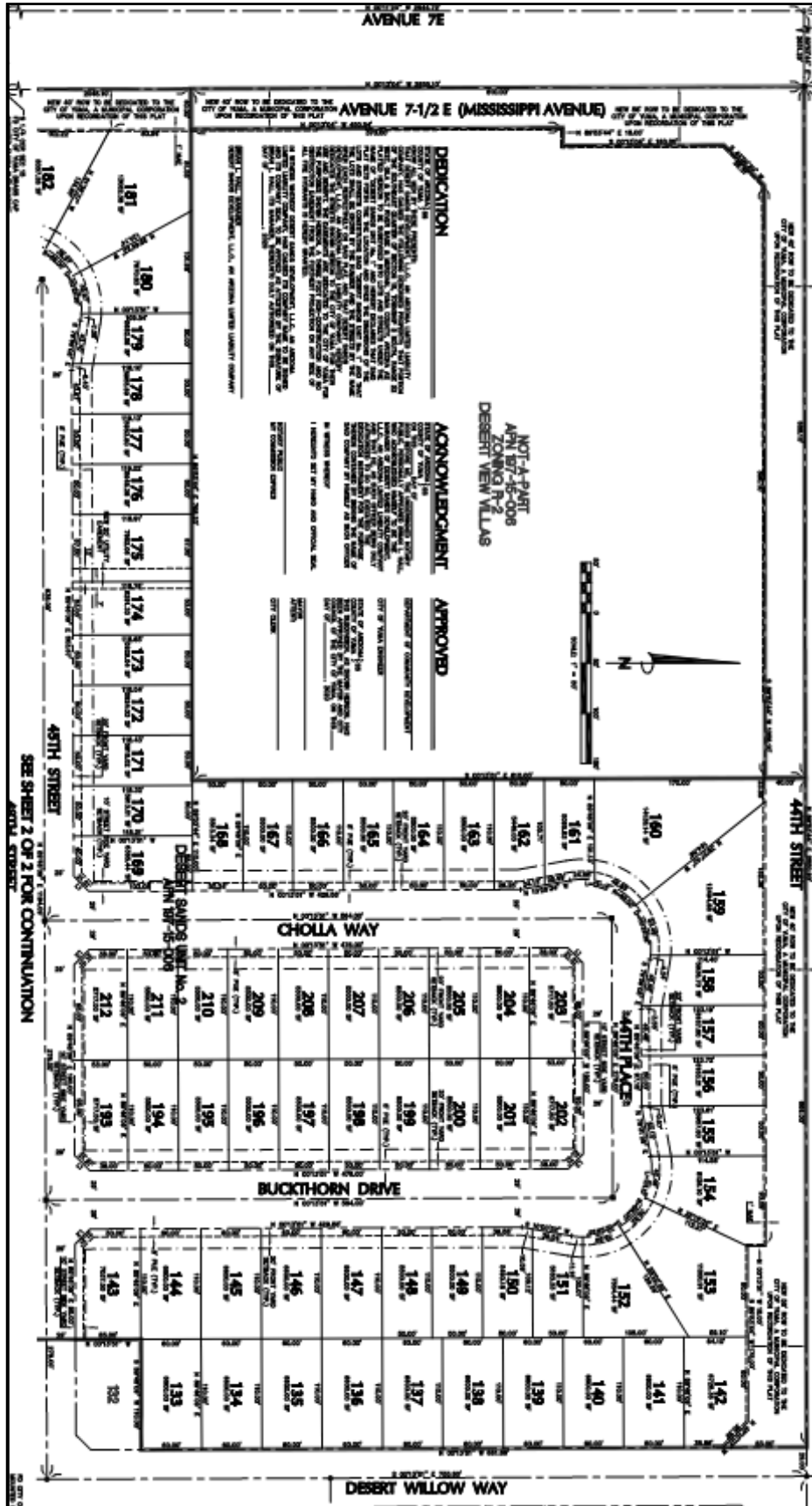
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

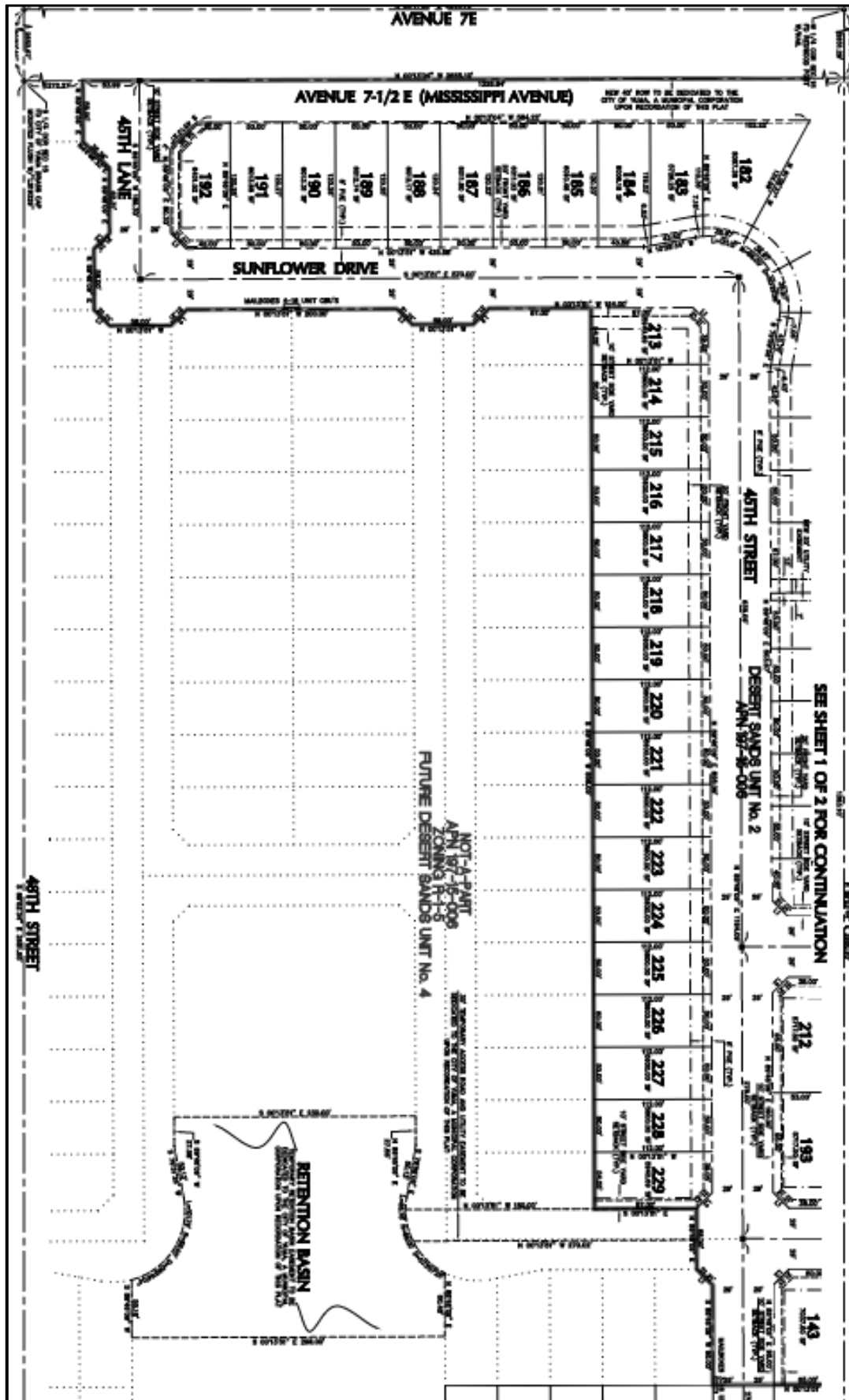
ATTACHMENT B
FINAL PLAT MAP





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 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.

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

4. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7 ½ E, Avenue 8E, and 44th St, as required for collector streets as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
5. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 50 feet half-width right-of-way along 48th Street, as required for a minor arterial street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
6. Owner/developer shall dedicate to the City of Yuma, via plat, all required corner visibility triangles in all major and local street intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. Owner/developer shall dedicate to the City of Yuma, via plat, a one-foot non-access easement to the City of Yuma along all collector and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
8. Owner/developer shall dedicate to the City of Yuma, via plat, additional right-of-way for turn lanes as required for collector streets and minor arterial streets as specified in City of Yuma Construction Standard 2-050.
9. Owner/developer shall design and construct bicycle lanes on the collector and arterial streets within the development, similar to City of Yuma Construction Standard 2-020, with signage consistent with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).
10. Per ADOT Southwest District, owner/develop shall perform a Traffic Impact Analysis (TIA) assessing the potential impacts on the intersection of State Route 195 and County 14th Street from the proposed new development. In addition, direct access to SR 195 from the development will not be permitted.

Community Planning, Richard Munguia, Senior Planner, (928) 373-5000 x3070

11. 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: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

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 Range Disclosure Statement and 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 Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

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 44th Street and Avenue 7½ E. 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.

Fire Department Comments: Kayla Franklin, Fire Marshal (928)373-4865:

8. Desert Willow Way must be paved.

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

9. 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 F
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** 06/29/20
- **300' Vicinity Mailing:** 06/08/20
- **34 Commenting/Reviewing Agencies noticed:** 06/11/20
- **Site Posted on:** 07/20/20
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 07/27/20
- **Comments due:** 06/22/20

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	06/11/2020			
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	06/15/2020	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	Yes	06/11/2020		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	06/11/2020	X		
Yuma Irrigation District	NR				
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	Yes	06/16/2020	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	06/16/2020	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	06/18/2020		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				


ATTACHMENT G
AGENCY COMMENTS

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the request for approval of the final plat for the Desert Sands Subdivision Unit 2. The parcel is located near a flight path and approximately one (1) mile away from the Barry M. Goldwater Range (BMGR) boundary. Please file an Avigation Easement and Range Disclosure to recognize noise, interference and vibrations due to MCAS Yuma aviation activities, as well as the proximity to the range. Thank you for the opportunity to review and comment.

DATE:	18 June 2020	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Richard Munguia				
	Richard.Munguia@YumaAZ.gov				

ATTACHMENT H
AERIAL PHOTO

