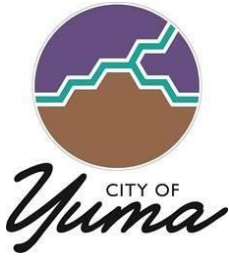


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on November 22, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

 <p>The logo for the City of Yuma features a stylized mountain range in shades of purple and green above a brown base, with the word "Yuma" in a large, cursive font and "CITY OF" in a smaller, sans-serif font above it.</p>	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, November 22, 2021, 4:30 p.m.</p>
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A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

November 8, 2021

B.2 WITHDRAWALS BY APPLICANT

ZONE-35433-2021: *This is a request by Dahl, Robins, and Associates, on behalf of the Palms RV Resort Development, Inc., to rezone approximately 7.8 acres from the General Commercial (B-2) District to the Recreational Vehicle Subdivision (RVS) District, for the property located at the southeast corner of E. 32nd Street and S. Michigan Avenue, Yuma, AZ.*

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 **SUBD-36770-2021:** *This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma Development One, Inc., for approval of the final plat for the Yuma Development One Parcel C Subdivision. This subdivision contains approximately 18.15 acres and is proposed to be divided into 4 commercial lots, ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ*

C.2 **SUBD-36808-2021:** *This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguardo Desert Land Company, LLC, for approval of the final plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 101 residential lots, ranging in size from 3,060 square feet to 9,992 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.*

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
November 8, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, November 8, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel, and Commissioners Lorraine Arney, Joshua Scott, Branden Freeman, Barbara Beam (arrived at 4:37 p.m) and Gregory Counts. Vice-Chairman Fred Dammeyer was absent.

STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Tim Bourcier, Director of Planning and Neighborhood Services; Alyssa Linville, Assistant Director of Planning and Neighborhood Services; Andrew McGarvie, Engineering Manager; Robert Blevins, Principal Planner; and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – October 25, 2021

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Counts second by Arney to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with one absent.

Action Items –

SUBD-36768-2021: *This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma Development One, Inc., for approval of the preliminary plat for the Yuma Development One Parcel C Subdivision. This subdivision contains approximately 18.15 acres and is proposed to be divided into 4 commercial lots, ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Arney, second by Counts to APPROVE SUBD-36768-2021 as presented, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (6-0), with one absent.

ZONE-36619-2021: *This is a request by Dahl, Robins, and Associates on behalf of Smoketree Desert Land, LLC., to rezone a 26.96 acre parcel from Agriculture (AG) to Medium Density Residential/Planned Unit Development (R-2/PUD), for the property located at the northeast corner of S. Avenue 7E and E. 40th Street, Yuma, AZ.*

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**, noting the addition of a new condition, which requires a modified traffic study.

Chairman Hamel motioned to enter into executive session for legal advice. Motion carried unanimously (6-0), with one absent.

Hamel called meeting back into session at 4:58 P.M

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

Williams Katz, 3064 S. Avenue B, Yuma, AZ said that the applicant objected to the requirement of a new traffic study, adding that a new traffic study would result in an obstruction and delay causing actionable damages for the applicant. **Katz** said that the City was obligated to construct 40th Street after the Hall rezone was completed on January 4, 2020. **Katz** also said that per section 9 of a settlement agreement between the City of Yuma and Avenue 6E Development, the City of Yuma could not request a new traffic study. **Katz** asked the Commission to eliminate Condition of Approval #4, because it would violate the settlement agreement between the City of Yuma and Avenue 6E Development.

Commissioner Freeman asked for clarification as to why the condition for a new traffic study was not provided with the original Conditions of Approval. **Director of Planning and Neighborhood Services, Tim Bourcier** stated that because the City would construct 40th Street they would like to get a new traffic study, noting that the old traffic study was done in 2005. **Bourcier** added that the traffic study would be done in-house.

PUBLIC COMMENT

None

Motion by Freeman, second by Beam to APPROVE ZONE-36619-2021 as presented, subject to the Conditions of Approval in Attachment A. Hamel asked Freeman if he was not asking for an updated traffic study. Freeman said that was correct. Motion carried unanimously (6-0), with one absent.

INFORMATION ITEMS

Staff

None

Commission

None

Public

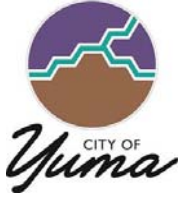
None

ADJOURNMENT

Hamel adjourned the meeting at 5:08 p.m.

Minutes approved this _____ day of _____, 2021

Chairman



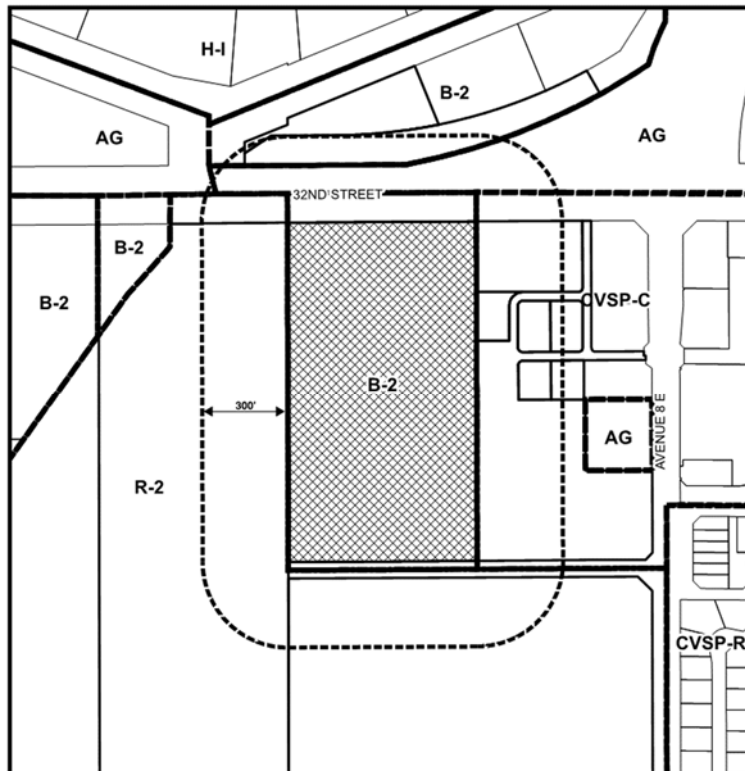
**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: BOB BLEVINS**

Hearing Date: November 22, 2021 **Case Number:** SUBD-36770-2021

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yuma Development One, Inc., for approval of the final plat for the Yuma Development One Parcel C Subdivision. This subdivision contains approximately 18.15 acres and is proposed to be divided into 4 commercial lots, ranging in size from approximately 1.3552 acres to 11.7846 acres, for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	General Commercial / Infill Overlay (B-2/IO)	Vacant	Commercial
North	Agriculture (AG)	Vacant	Commercial
South	Medium Density Residential (R-2)	Vacant	Medium Density Residential
East	Cielo Verde Specific Plan- Commercial (CVSP-C)	Gym/Car Wash/ Apartments	Commercial
West	Medium Density Residential (R-2)	Vacant	Medium Density Residential

Location Map



Prior site actions: Annexation: Ordinance #O99-29 (07/03/99); Z2000-022 (AG to R-2/R-1-6/R-1-12, expired); LS2005-042 Yuma Development One Lot Split (fee# 2006-13163); Z2006-012 (AG to B2/AO, 10/04/06-conditions met); SUBD-36768-2021 (Preliminary Plat, 11/08/21).

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Yuma Development One Parcel C Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-36770-2021 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 Yuma Development One Parcel C Subdivision for the property located near the southwest corner of E. 32nd Street and S. Avenue 8E, Yuma, AZ., 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 applicant states:
“The purpose of this subdivision is to create commercial lots for sale or lease. An internal road with utilities, as shown on the plans, will be constructed upon approval of the subdivision. It is anticipated that Lot 3 will be used for additional parking for the existing gym to the East.”

The property is approximately 18.15 acres and is proposed to be divided into 4 commercial lots. No proposed uses are known at present. The new lots will need access easements sufficient to allow physical access to the nearest public right-of-way. Lot 2 has no frontage on a public right-of-way.

Further specified in §154-08.04, the following are some of the standards required for development in the General Commercial (B-2) District:

1. No maximum lot coverage in the B-2 District;
2. Uses such as fuel stations, convenience stores, or a drive-thru require a Conditional Use Permit;
3. A maximum building height of 75 feet;
4. A minimum front yard setback along the public or private right-of-way of 15 feet;
5. A minimum side yard setback of 0* feet;
6. A minimum rear yard setback of 0* feet.

* Increased to 20 feet when adjacent to a residential zoning district.

The AO District has design standards which include requirements for monument signs, screening of any rooftop equipment, & no uninterrupted large expanse of walls. Developers usually form their own aesthetic standards and sign package to ensure a cohesive theme or appearance of buildings, lighting, landscaping, and signage for future lot owners to follow. No unique standards have been proposed for this commercial subdivision.

All exterior appearance of buildings and properties needs review and approval from the Design and Historic Review Commission at a public hearing.

There was discussion at the predevelopment meeting of the sale or use of two of the lots for the neighboring businesses to the east, which is in the Cielo Verde Specific Plan-Commercial Subdivision (CVSP-C). CVSP-C has its own development standards including permitted uses, dimensional criteria, infrastructure improvement responsibilities, and timelines. Further review of the City Code would need to be done to see if joining additional land to the CVSP-C is achievable.

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

Yes.

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

Yes.

Standard	Subdivision				Conforms			
Lot Size	Minimum:	1.3552 ACRES	Maximum:	11.7846 ACRES	Yes	X	No	
Lot Depth	Minimum:	348.5 FT	Maximum:	775.0 FT	Yes	X	No	
Lot Width/Frontage	Minimum:	169.21 FT	Maximum:	662.34 FT	Yes	X	No	
Setbacks	Front:	15 FT	Rear:	0 FT	Side:	0 FT	Yes	X
District Size	18.15	Acres			Yes	X	No	
Density	N/A	Dwelling units per acre			Yes		No	
Issues: None								

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		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes		No		N/A	X
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	X	No		N/A	
Business or Industrial	Yes	X	No		N/A	
Issues: None						
Lots	Conforms					
Minimum Width	Yes		No		N/A	X
Length and Width Ratio	Yes		No		N/A	X
Fronting on Arterials	Yes	X	No		N/A	
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

Land Use Element:									
Land Use Designation:			Commercial						
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. 32 nd Street- Principal Arterial 4 lane.		50 FT H/W	100 FT H/W					X	
E. 34 th Street- Local Street		29 FT H/W	29 FT H/W						
Bicycle Facilities Master Plan		32 nd Street: Existing Bike Path							
YCAT Transit System		32 nd Street: Gold Route							
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:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X	
Conforms:		Yes	X	No					
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes		No	X				
Renewable Energy Source		Yes		No	X				
Issues:		None							
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	Police	Water		Wastewater	
		<i>Non-residential</i>		Population	Impact	Consumption		Generation	
		Proposed	Per Unit		Officers	GPD	AF	GPD	
		0	0	0	0.00	0	0.0	0	
Fire Facilities Plan:		Existing: Fire Station No. 5			Future: Fire Station No. 7				
Water Facility Plan:		Source:	City	X	Private	Connection	20" PVC @ E 32 nd Street		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	8" PVC @ 34 th Street		
Issues:		None							

Safety Element:										
Flood Plain Designation:		Zone X		Liquefaction Hazard Area:			Yes		No	X
Issues:		None								
Growth Area Element:										
Growth Area:	Araby Rd & Interstate 8		X	Arizona Ave & 16 th St		Avenue B & 32 nd St.				
	North End		Pacific Ave & 8 th St			Estancia		None		
Issues:	None									

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

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

6. 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: 11/04/21

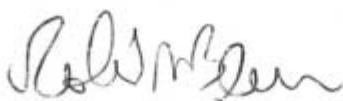
Final staff report delivered to applicant on: 11/08/21

- Applicant agreed with all of the conditions of approval on: 11/04/21
- 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
Final Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Preliminary Plat Conditions	Agency Notifications	Aerial Photo


Prepared By:
Robert M. Blevins
Principal Planner



Date: 11/4/21

Robert.Blevins@yumaaz.gov (928)373-5189

Approved By:
Alyssa Linville,
Assistant Director Community Development



Date: 11/08/2021

**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.

City Attorney Comments: (928) 373-5058:

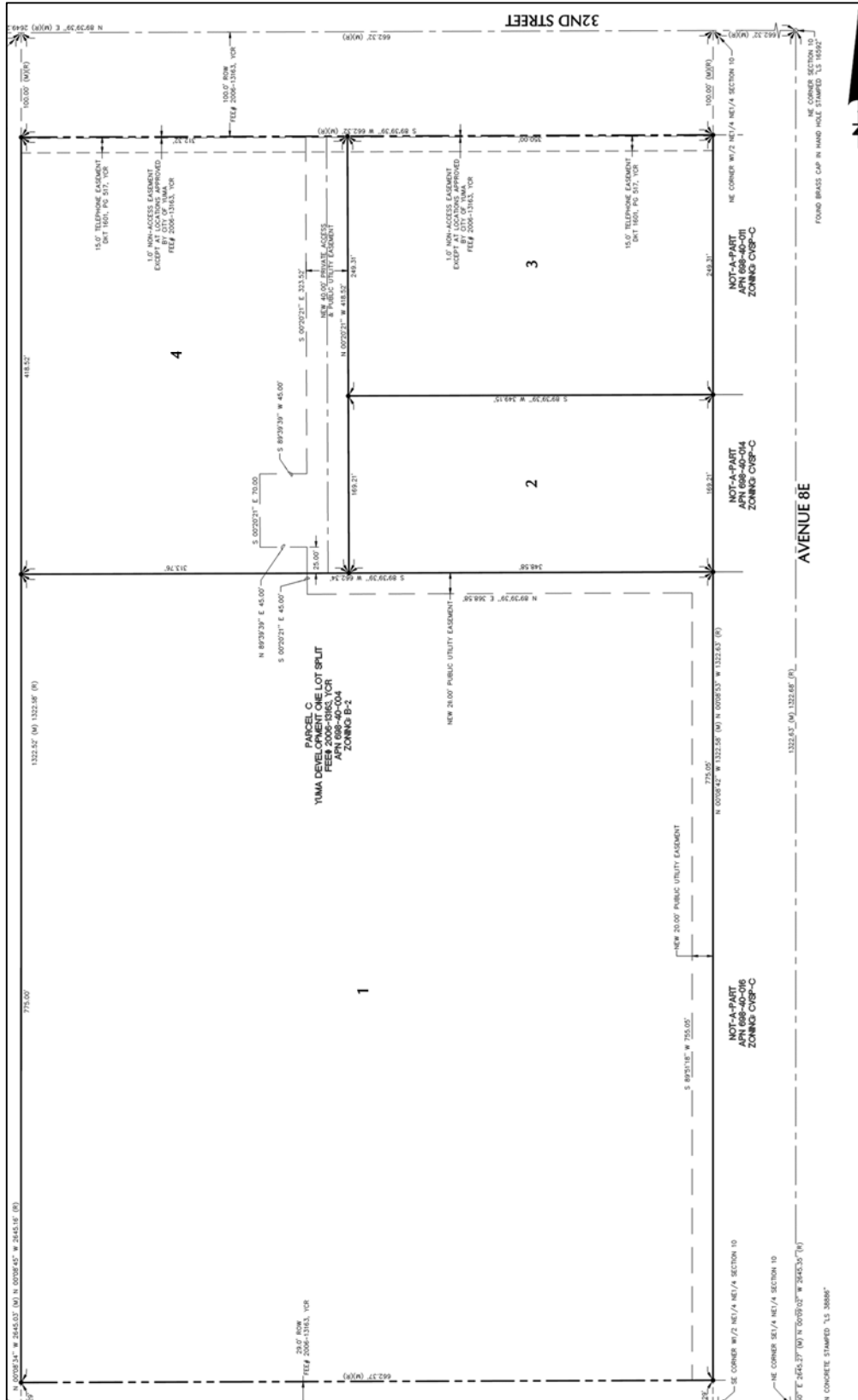
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.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

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

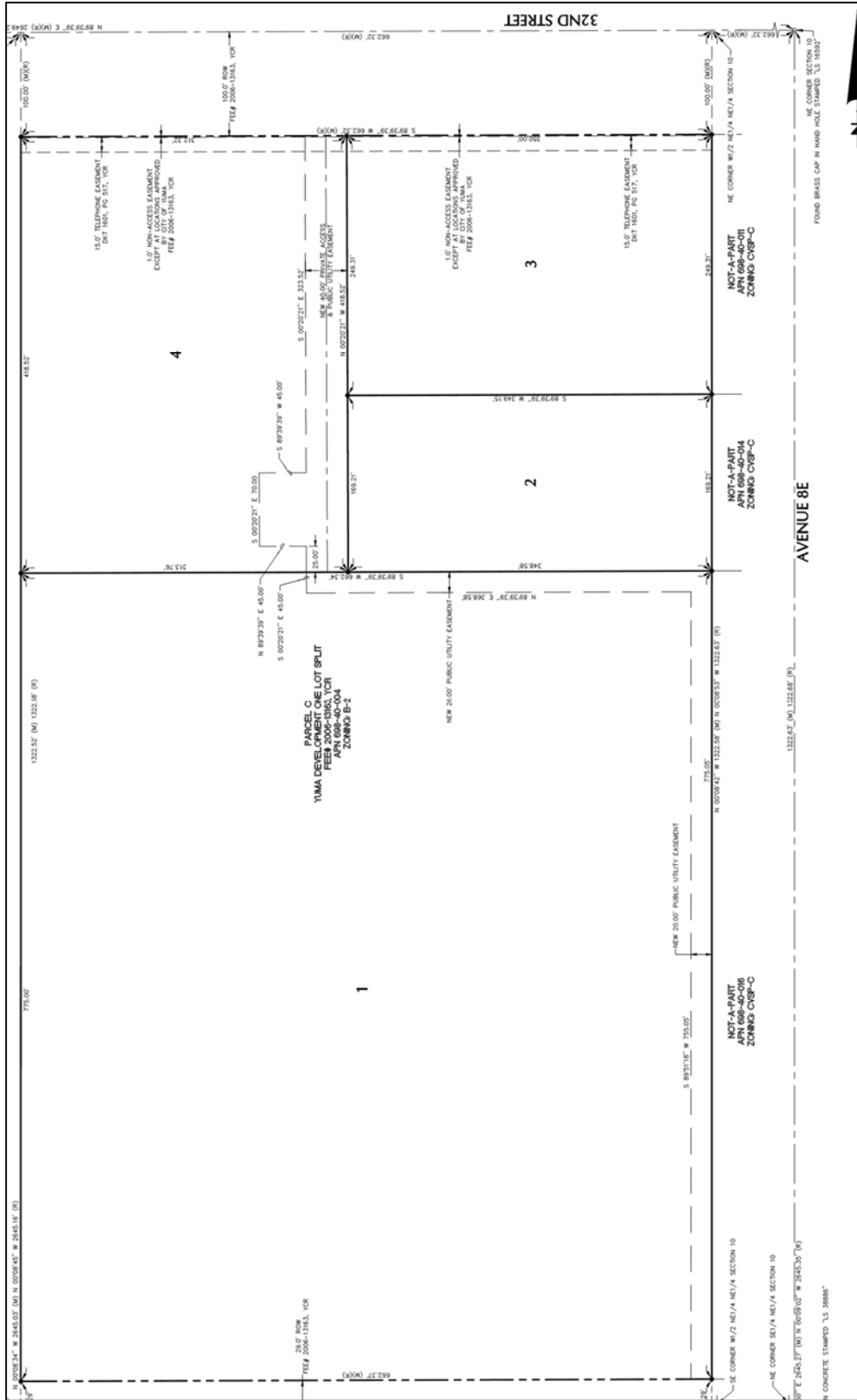
6. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

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
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 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.
6. The Owner/Developer shall design and construct the North half of 34th Street per City of Yuma construction standard 2-030 (Local two lane street) and street lights as appropriate across the frontage of 34th Street when the south lot is partially or fully developed, and/or when the private north-south access road is connected to 34th Street. This condition will be noted on the subdivision plat (Mylar) for the south parcel.
7. Secondary Emergency Fire Department access for Lot 1 must come off of E. 34th Street.
8. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) 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.

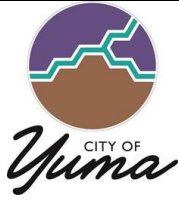
**ATTACHMENT E
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 10/29/21
- **300' Vicinity Mailing:** 10/04/21
- **34 Commenting/Reviewing Agencies noticed:** 10/07/21
- **Hearing Date:** 11/22/21
- **Comments due:** 10/18/21

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/06/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/08/21	X		
Yuma County Planning & Zoning	YES	10/04/21	X		
Yuma County Assessor	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	10/06/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	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	10/06/21	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	10/06/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	10/12/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT F
AERIAL PHOTO





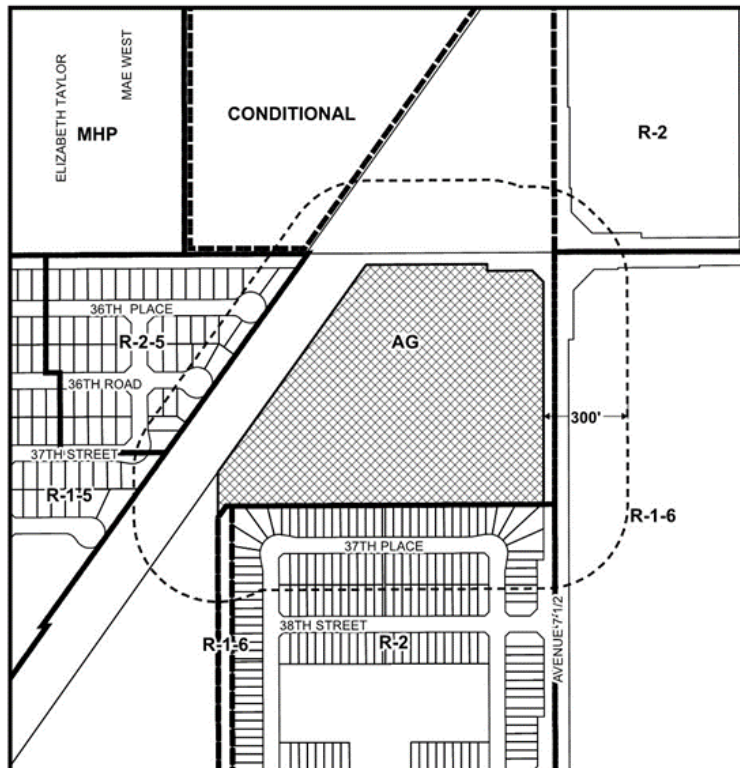
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: November 22, 2021 **Case Number:** SUBD-36808-2021

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguaro Desert Land Company, LLC, for approval of the final plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 101 residential lots, ranging in size from 3,060 square feet to 9,992 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Agriculture (AG)/Conditional Medium Density Residential/Planned Unit Development Overlay (Cond. R-2/PUD)	Undeveloped	Medium Density Residential
North	Agriculture (AG)	Undeveloped	Public/Quasi-Public
South	Medium Density Residential/Planned Unit Development (R-2/PUD)	Desert Sky Unit No. 1	Medium Density Residential
East	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
West	Agriculture (AG)	"A" Canal	Public/Quasi-Public

Location Map



Prior site actions: Annexation: Ord. O97-87 (January 2, 1998); General Plan Amendment: Res. R2004-089 (December 13, 2004/Mixed Use to Public/Quasi-Public), Res. R2017-031 (December 15, 2017/Public Quasi-Public to Medium Density Residential); Rezone: Ord. O2020-018 (September 16, 2020; Agriculture to Medium Density Residential/Planned Unit Development Overlay); Subdivision: Desert Sky Unit No. 2 Preliminary Plat (April 26, 2021)

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Desert Sky Unit No. 2 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-36808-2021 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 Sky Unit No. 2 Subdivision for the property located near the southwest corner of Avenue 7½E and 36th 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: The subject property, located at the southwest corner of Avenue 7 ½E and the 36th Street alignment, is proposed to be developed at the second phase of the Desert Sky townhome development. Currently, the site is undeveloped land. With this second phase, the applicant is proposing to construct 101 units on approximately 18.3 acres. The current zoning for the property is Conditional Medium Density Residential/Planned Unit Development Overlay (R-2/PUD). The Planned Unit Development Overlay (PUD) District allows for certain deviations from typical development standards (increased densities, reduced setbacks, and increased lot coverage), provided however, that the development provides enhanced amenities for the residents.

During the rezoning, the following amenities were agreed upon between the developer and the City:

1. A retention basin featuring picnic tables and barbeque grills;
2. A 10'-wide walking path, connecting this phase of development to the centrally located retention basin located in phase one development; and,
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

The proposed subdivision will need to meet the development standards required of the zoning designation, unless otherwise specified in the approved rezoning application. The following development standards deviate from the typical zoning requirements as a result of the enhanced amenities identified during the PUD process:

1. A decrease in the minimum lot size from 4,500 square feet to 3,000 square feet.
2. A decrease in the minimum lot width from 50' to 30'.

3. Staggered front yard setbacks of 15' and 20' (20' is the standard front yard setback).
4. A reduction in side yard setbacks from 7' on each side to zero feet on each side.
5. An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

A Municipal Improvement District (MID) will be established for the long-term maintenance of the landscaping within the retention basin as well as for any required subdivision landscaping.

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

Yes. The final plat meets dimensional standards and development standards for the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) 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.

Standard	Subdivision						Conforms			
Lot Size	Minimum:	3,060 SF			Maximum:	9,992 SF		Yes	X	No
Lot Depth	Minimum:	101 FT			Maximum:	250 FT		Yes	X	No
Lot Width/Frontage	Minimum:	30 FT			Maximum:	130 FT		Yes	X	No
Setbacks	Front:	15-20 FT	Rear:	10 FT	Side:	0-10 FT		Yes	X	No
District Size	18.3	Acres						Yes	X	No
Density	5.5	Dwelling units per acre						Yes	X	No

Issues:

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	X	No		N/A	
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?

Land Use Element:										
Land Use Designation:				Medium Density Residential						
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			
Avenue 7 ½ E – 2-Lane Collector		40 FT H/W ROW	40 FT H/W ROW							
36 th Street – 2-Lane Collector		40 FT H/W ROW	40 FT H/W ROW							
Bicycle Facilities Master Plan		Required along collector roadways								
YCAT Transit System		None								
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: South Mesa Community Park				
Linear Park:		Existing: None				Future: "A" Canal Linear Park				
Issues:		None								
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:		None								
Public Services Element:										

Population Impacts 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>Multi-Family</i>				GPD	AF	
	Proposed	Per Unit	Officers	GPD			AF
	101	1.7	172	0.32	51,510	57.7	17,170

Fire Facilities Plan:	Existing: Fire Station No. 5			Future: Fire Station No. 7		
Water Facility Plan:	Source:	City	X	Private	Connection	10" PVC Line
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC Line
Issues:	None					

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.
- 5. Does the subdivision comply with the conditions of the preliminary plat?
Yes.
- 6. Is the final plat consistent with the preliminary plat that was approved?
Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment G.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: November 15, 2021

Final staff report delivered to applicant on: November 17, 2021

- Applicant agreed with all of the conditions of approval on: November 17, 2021
- 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	H
Preliminary Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Rezone Conditions	Preliminary Plat Conditions	Agency Notifications	Agency Comments	Aerial Photo

Prepared By:

Alyssa Linville,
Assistant Director
Community Development



Date: November 17, 2021

Alyssa.Linville@yumaaz.gov (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: 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 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:

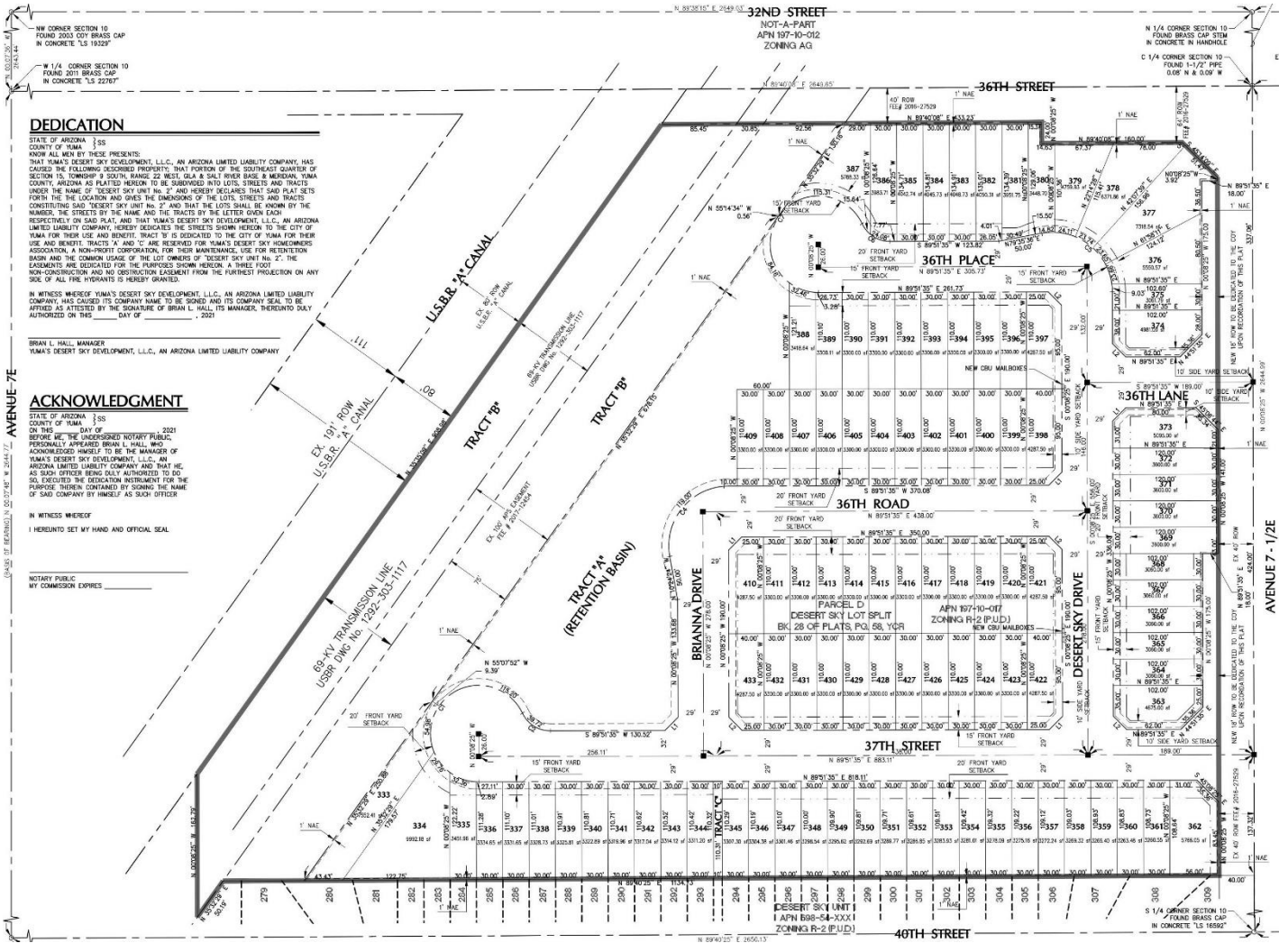
7. Owner/Developer shall dedicate to the City of Yuma a 1-foot non-access easement along the frontages of Avenue 7 ½ E, 36th St, and along the APS easement, except for approved subdivision entrance locations.
8. Owner/developer shall dedicate to the City of Yuma a corner visibility triangle and a 1-foot non-access easement across all corner triangles in conformance with City of Yuma Construction Standard No. 2-096.

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

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. 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. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
12. 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



DEDICATION

STATE OF ARIZONA ss
COUNTY OF YUMA

KNOW ALL MEN BY THESE PRESENTS, THAT YUMA'S DESERT SKY DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED THE FOLLOWING DESCRIBED PROPERTY, THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 22 WEST, 6E & 6A S&E RIVER BASIN & MEDIUM, YUMA COUNTY, ARIZONA AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS, STREETS AND TRACTS UNDER THE NAME OF "DESERT SKY UNIT No. 2" AND HEREBY BECOMES THIS SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND TRACTS CONSTITUTING SAID "DESERT SKY UNIT No. 2" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBERS, THE STREETS BY THE LETTERS GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT YUMA'S DESERT SKY DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY DEDICATES THE STREETS SHOWN HEREON TO THE CITY OF YUMA FOR THEIR USE AND BENEFIT. TRACT B* IS DEDICATED TO THE CITY OF YUMA FOR THEIR USE AND BENEFIT. TRACTS "A" AND "C" ARE RESERVED FOR YUMA'S DESERT SKY HOMECOMERS ASSOCIATION, A NON-PROFIT CORPORATION, FOR THEIR MAINTENANCE, USE FOR RETENTION BASIN AND THE COMMON USES OF THE LOT OWNERS OF "DESERT SKY UNIT No. 2". THE EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN HEREON. A THREE FOOT NON-CONSTRUCTION AND NO OBSTRUCTION EASEMENT FROM THE FURTHEST PROJECTION ON ANY SIDE OF ALL FIRE HYDRANTS IS HEREBY GRANTED.

I, IN WITNESS WHEREOF, YUMA'S DESERT SKY DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS COMPANY NAME TO BE SIGNED AND ITS COMPANY SEAL TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF BRIAN L. HALL, ITS MANAGER, THEREUNTO DULY AUTHORIZED ON THIS _____ DAY OF _____, 2021.

BRIAN L. HALL, MANAGER
YUMA'S DESERT SKY DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

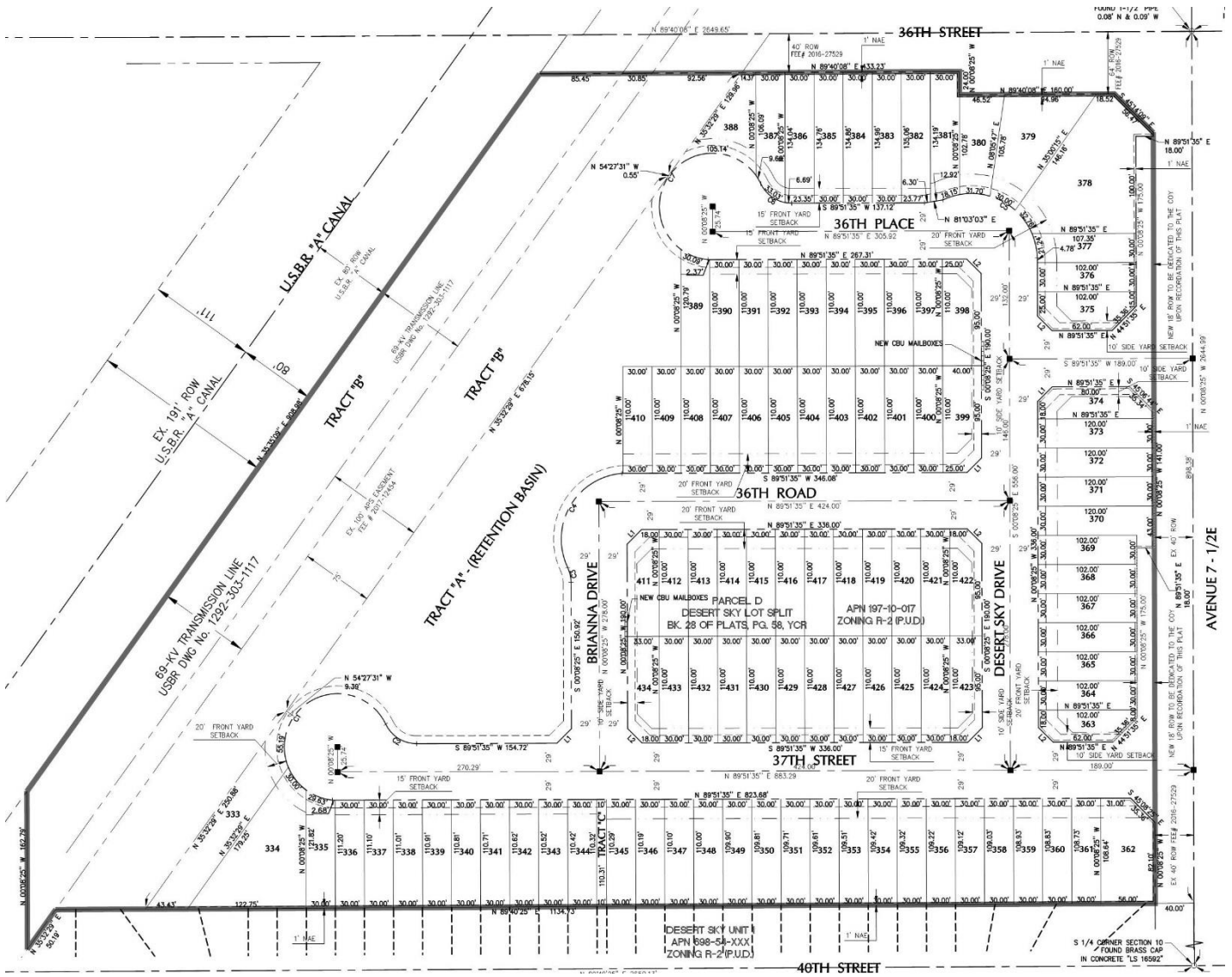
STATE OF ARIZONA ss
COUNTY OF YUMA

ON THIS _____ DAY OF _____, 2021 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED BRIAN L. HALL, WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGER OF YUMA'S DESERT SKY DEVELOPMENT, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY AND THAT HE, AS SUCH OFFICER, IS DULY AUTHORIZED TO DO SO, EXECUTED THE DEDICATION INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED BY SIGNING THE NAME OF SAID COMPANY BY HIMSELF AS SUCH OFFICER.

I, IN WITNESS WHEREOF,
I HEREBY SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

ATTACHMENT C PRELIMINARY PLAT MAP



ATTACHMENT D
REZONE CONDITIONS

1. The conditions listed below 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. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, the required right-of-way to obtain a nominal 80 feet of total right-of-way along 36th Street, 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 40 feet west half-width right-of-way along Avenue 7 ½ E, as required for a collector 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 as specified in City of Yuma Construction Standard 2-050.
9. Owner/developer shall design and build a complete intersection per City of Yuma Standards at 36th Street and Avenue 7 ½ E, in lieu of design & construction of 36th street, west of Avenue 7½ E to the Canal.
10. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Unit No. 1.
 - b. A minimum of two picnic tables and two barbeque grills.
 - c. Lighting along the perimeter of the common area/retention basin, specifically double street lights located along the subdivision roadways. Such lighting shall be designed so as to adequately illuminate the picnic areas.
 - d. Landscape within the 10' interior corridor walking path, which connects the two phases of development, shall include rock similar to the retention basin and shrubs (trees are not

required).

11. Front yard irrigation, grass, and a 15-gallon for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
12. Each of the conditions listed above shall be completed within five (5) 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

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 under the Private Property Rights Protection Act" 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:
 - d. pay to cross the easement to reach any structure on the lot;
 - e. prevent the utilities from providing service to any structure on a lot; or
 - f. 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 Avenue 7 ½E and 36th 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. Owner/Developer shall dedicate to the City of Yuma a 1-foot non-access easement along the frontages of Avenue 7 ½ E, 36th St, and along the APS easement, except for approved subdivision entrance locations.
9. Owner/developer shall dedicate to the City of Yuma a corner visibility triangle and a 1-foot non-access easement across all corner triangles in conformance with City of Yuma Construction Standard No. 2-096.
10. Owner/Developer shall provide a joint driveway agreement for all lots that will share a driveway and/or will not meet the spacing requirements of City of Yuma Construction Standard No. 3-125.
11. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) 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
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (10/29/21)
- **300' Vicinity Mailing:** (10/04/21)
- **34 Commenting/Reviewing Agencies noticed:** (10/07/21)
- **Site Posted on:** (11/15/21)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (11/22/21)
- **Comments due:** (10/18/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/06/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	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	10/06/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	10/07/21		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	YES	10/06/21		X	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	10/06/21			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	10/12/21			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT G
AGENCY COMMENTS**

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s) No Condition(s) Comment

Enter conditions here: MCAS Yuma has reviewed the request for APN 197-10-017 and request the following conditions. The subject parcel is located 2.33 miles from the Barry M. Goldwater Range (BMGR) northern boundary. It is requested that Avigation easement and Range Disclosure Statements be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma / Yuma International Airport Aviation Complex / BMGR-W Range and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment

DATE: 12 Oct 2021 NAME: Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma *A. Martinez*
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

COMMENT NO COMMENT

Enter comments below:

Western Area Power Administration (WAPA) has no objection to the preliminary plat approval of the subject property, provided however, the landowner is requested to contact WAPA, prior to any construction activities. WAPA has a 69-kV circuit, identified as GLA-SON, that runs parallel with the westerly boundary line of the subject property. Any construction activity must be reviewed and concurred with, by WAPA, so as to not disrupt the safe and reliable transmission of electrical services.

DATE: 10/6/21 NAME: Dennis Patane TITLE: Realty Technician IV
AGENCY: Western Area Power Administration-DSW Region
PHONE: 602 605-2713
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s)

No Condition(s)

Comment

Enter conditions here: Secondary fire department access must be provided before vertical construction may begin

DATE: 10/6/21 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov



February 9 , 2021

Ms. Alyssa Linville
Assistant Director DCD, City of Yuma
1 City Plaza, Yuma, AZ 85364

Electronically submitted to: Alyssa.Linville@YumaAZ.gov

RE: SUBD-33593-2021 Desert Sky Unit No.2 Subdivision

Dear Ms. Linville,

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the preliminary plat for the Desert Sky Unit No.2 Subdivision, proposed to be divided into 102 residential lots ranging in size from 2,941 square feet to 9,983 square feet. The property is located at the southwest corner of Avenue 7 ½ E and 36th Street, Yuma, AZ.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities to protect and conserve the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's 10(a)1(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The project site is potential flat-tailed horned lizard (*Phrynosoma mcallii*) habitat, which is a Species of Greatest Conservation Need (SGCN) in Arizona. The species was proposed for listing under the Endangered Species Act (ESA) as Threatened in 1993 and withdrawn in 1997 in part due to a Candidate Conservation Agreement (CCA) and Rangewide Management Strategy (RMS) signed in 1997. To lessen impacts and prevent the listing of flat-tailed horned lizards, the Department recommends the applicant fence the area to be developed and perform removal surveys before any ground-disturbing activities occur. To be effective, the fence should remain in place to prevent flat-tail lizards from re-entering the area until construction is complete. Fencing and removal survey protocols can be found in Appendix 7 of the Flat-Tailed Horned Lizard RMS, revision 2003.

The Department would also like to encourage the City of Yuma to use the Online Environmental Review Tool (<https://ert.azgfd.gov/>) administered by the Department's Heritage Data

azgfd.gov | 928.342.0091

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

**GOVERNOR: DOUGLAS A. DUCEY COMMISSIONERS: CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

SUBD-35293-2021 Desert Sky Unit No.2 Subdivision
February 9, 2021
Page 2

Management System (HDMS). This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI). The Department entered this project as an example (please see the attached HDMS report created).

Thank you for the opportunity to provide input on the Desert Sky Unit No.2 Subdivision preliminary plat. The Department looks forward to working with the City of Yuma and the applicant. For further coordination, please contact Ian Latella at ilatella@azgfd.gov or 928-341-4069.

Sincerely,



Tyler Williford
Habitat Program Manager, Region IV

Attachments: HDMS_report_Desert_Sky_no_2_subdiv_33593-2021.pdf

AGFD # M21-02044245

ATTACHMENT H
AERIAL PHOTO

