

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

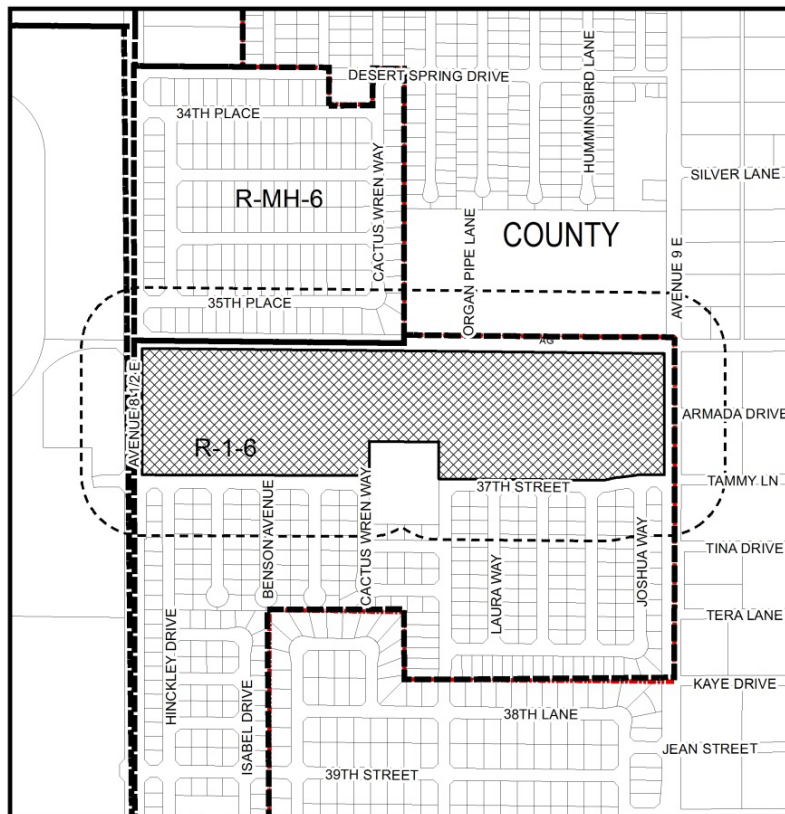
Hearing Date: January 23, 2017

Case Number: SUBD-15710-2016

Project Description/Location: Final Plat for Trail Estates #6 Subdivision. This subdivision will contain approximately 35.33 acres and is proposed to be divided into 170 residential lots, ranging in size from approximately 6,005 square feet to 9,459 square feet. The property is located at the southeast corner of 36th Street and Avenue 8 ½ E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Vacant desert	Low Density Residential
North	Residential-Manufactured Housing (R-MH-6); Yuma County Zoning: Manufactured Home Park (MHP)	Savant Estates/ Country Breeze MHP	Low Density Residential
South	Low Density Residential (R-1-6)	Trail Estates #5	Low Density Residential
East	Yuma County Zoning: Suburban Ranch (SR-2)	Adam's Acres Subdivision	Low Density Residential
West	Cielo Verde Specific Plan (CVSP)	Church	Low Density Residential

Location Map



Prior site actions: Annexation: O2005-011; Subdivision: S2005-019 (Trail Estates Units #5 & 6 Prelim. Plat- Expired), SUBD-14782-2016 (Trail Estates #6 Prelim. Plat).

Staff recommendation: Staff recommends **APPROVAL** of the final plat for Trail Estates Unit #6 Subdivision, subject to the conditions shown in Attachment A, because the request is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

Suggested Motion: Motion to **APPROVE** the final plat for Trail Estates Unit #6 Subdivision, subject to the conditions shown in Attachment A.

Staff Analysis: Trail Estates Unit #6 is proposed to contain 170 single-family residential lots and is a continuation of Trail Estates Unit #5, which is adjacent to the south. Along the north of new Unit #6, 36th Street will be paved from Avenue 8 ½ E to Avenue 9E.

In 2005, a preliminary plat for both Units #5 and 6 was approved. The final plat was approved for only Unit #5 in 2007. The City of Yuma Subdivision Code §153-17(B) allows for a period of up to six years to record a final plat as a phase of an approved preliminary plat. If a final plat is not recorded within that time frame, the preliminary plat for that phase expires. This is why a new preliminary plat and final plat is needed for Trail Estates Unit #6.

January 23, 2017 UPDATE:

This case was continued from the November 28, 2016 Planning and Zoning Commission meeting. Further discussion was needed in order to present alternative solutions to ensure the installation and long-term maintenance of landscaping in Trail Estates. The landscaping (and its irrigation) for the previously-approved Trail Estates Unit #5 was never installed; this includes the parkway strips along Avenue 8 ½ E and Avenue 9E and the joint retention basin area shared between Unit #5 and Unit #6.

Since both Unit #5 and #6 are visually and physically intertwined as a neighborhood, a goal is to have the landscaping completed with a cohesive appearance, with maintenance performed at an appropriate level.

The proposed landscaping for Unit #6 is a continuation of the landscaping for Unit #5, and since the retention basin jointly serves both Unit #5 and #6, staff is proposing a new condition in Attachment A to address the several issues involved:

- There is a need to commence and complete the landscaping;
- A landscaping maintenance deposit was accepted by the City of Yuma in 2007 for Unit #5 landscaping;
- A timeline needs to be agreed upon for the installation, and completion of the landscaping; and
- A prior condition needs to be “overwritten” with the new condition.

New Final Plat Condition #8 will help formulate a timeframe and benchmarks for the installation, completion, reimbursement, and long-term maintenance of landscaping for Unit #5, and it will replace Condition #17 in the approved preliminary plat.

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

Yes

2. Does the subdivision comply with the conditions of the preliminary plat approval?

Yes

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

Yes

Public Comments Received: None received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: None Required. Prior Meeting held on 08/09/16.

Proposed conditions delivered to applicant on: January 11, 2017

Final staff report delivered to applicant on: January 11, 2017

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	Trail Estates #5 Conditions	Aerial Photo	Staff Research

Prepared By:

Robert M. Blevins, Principal Planner

Date:

01/17/17

Approved By:

Laurie L. Lineberry, AICP,
Community Development Director

Date:

**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 within thirty (30) 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.

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.

City Engineering Department Conditions: Andrew McGarvie, Engineering Manager, (928) 373-5000, #3044:

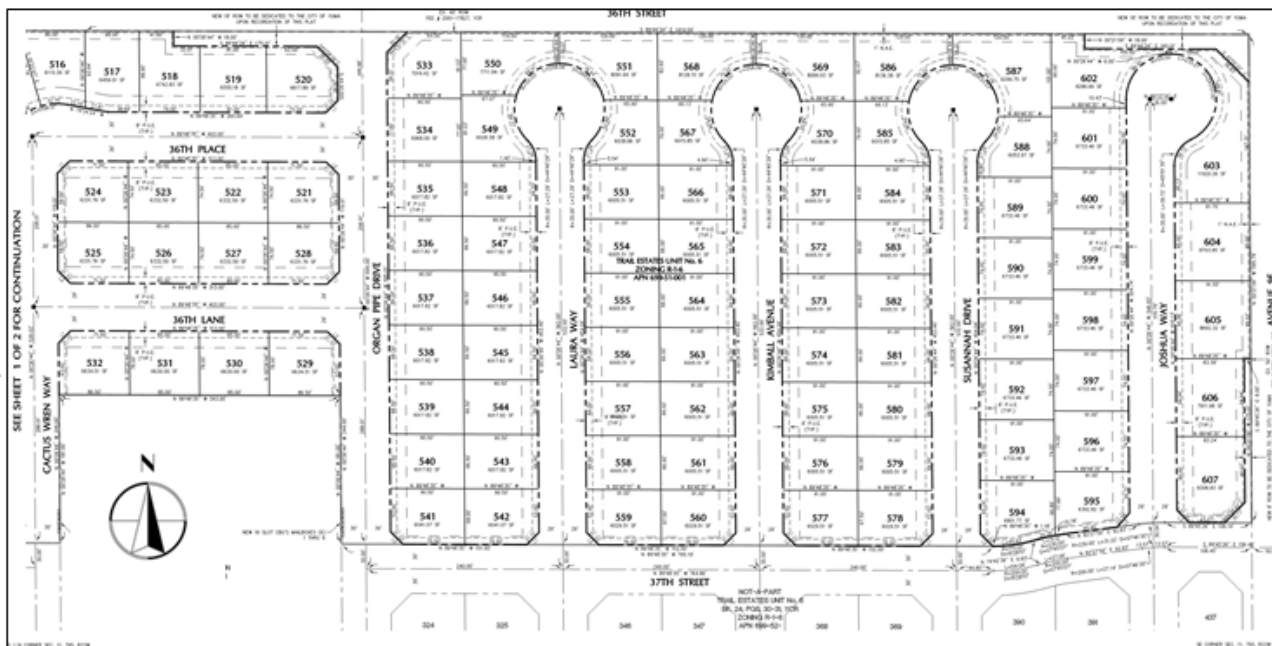
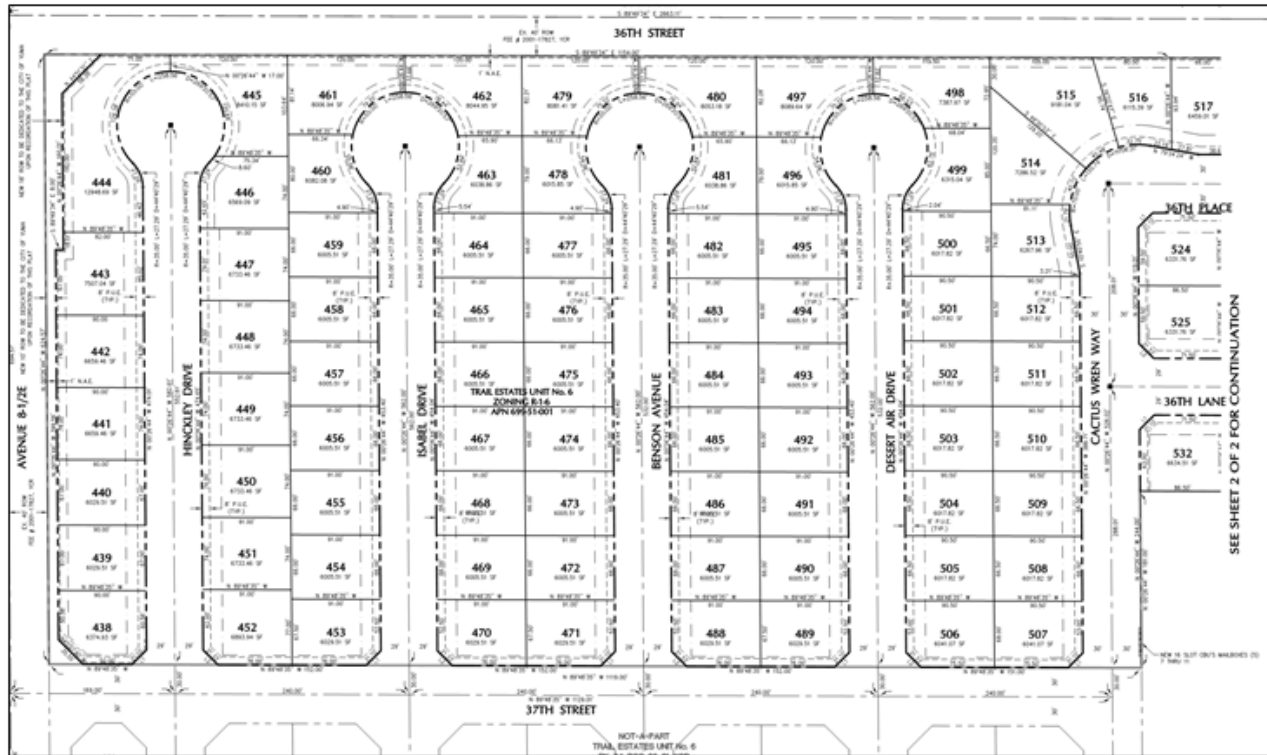
6. The City of Yuma will pay for the initial or normal materials testing required by the City Engineer to guard against unsuitable materials, or defective workmanship. Additional tests, required due to failure of the initial or normal test(s), shall be paid for by the Owner/Developer. The City Engineer will designate the laboratory which will accomplish the additional test(s).
7. The Owner/Developer shall build a CMU block exterior subdivision wall along the Avenue 8E, Avenue 8-1/2E, and 36th street frontages per City of Yuma construction standard 3-310, or as approved in construction plans.

Community Planning Conditions: Bob Blevins, Principal Planner, (928) 373-5189:

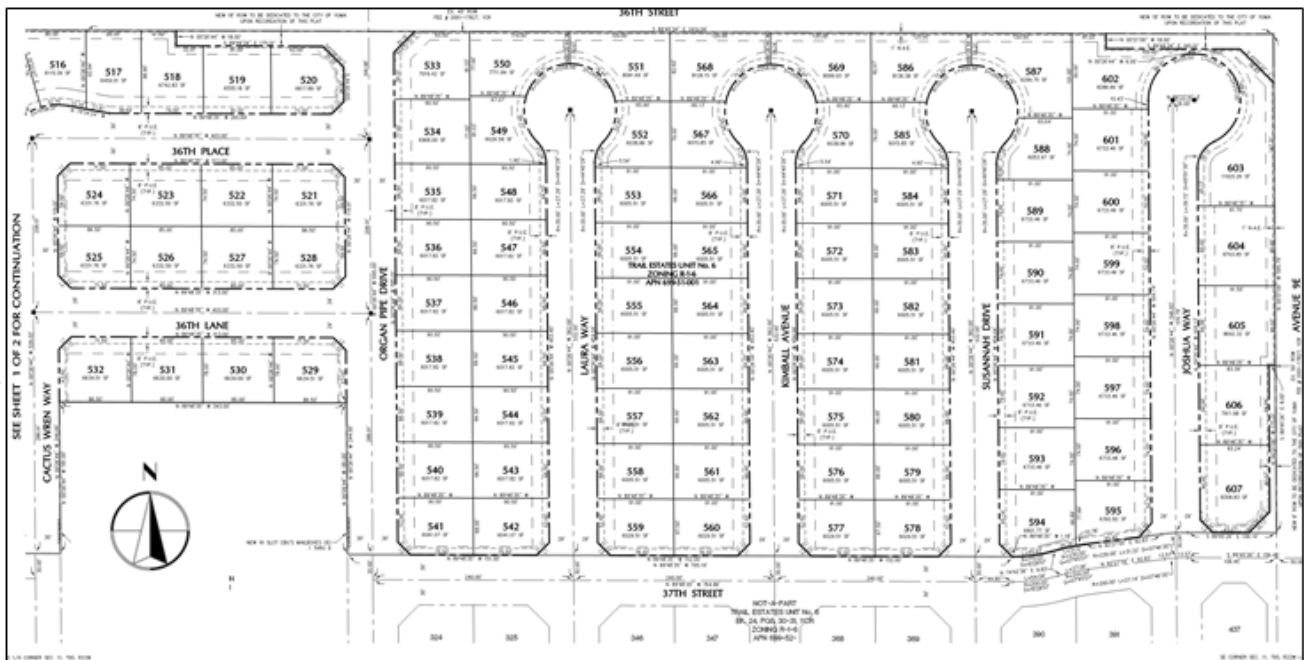
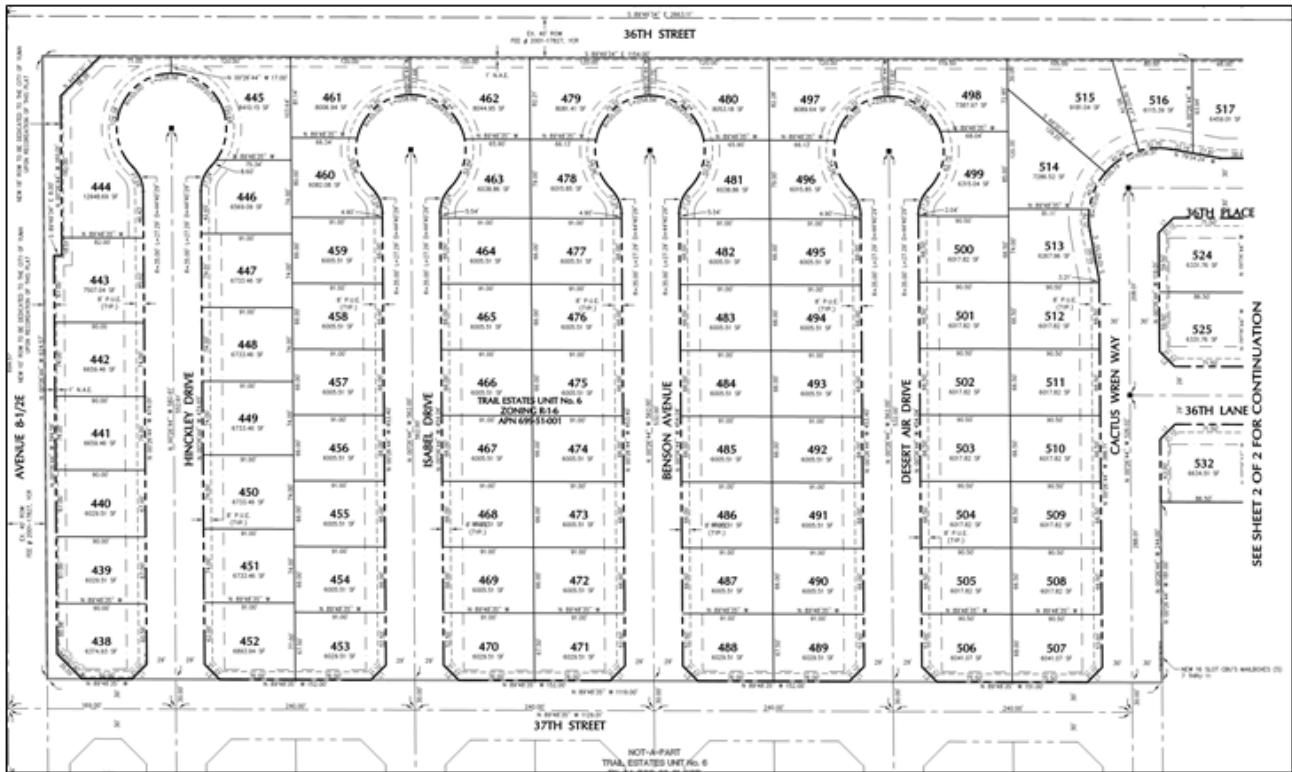
8. The Developer previously paid the three (3) year landscaping maintenance fee to the City of Yuma for Unit #5 and the shared retention basin, but the landscaping was never installed. That payment, minus the amount of the new agreed-upon landscaping maintenance fee for Unit #6 plus the amount recalculated for Unit #5, will be returned to the Developer upon completion of all landscaping as shown in the submitted improvement plans. This condition replaces Condition #17 in the previously-approved SUBD-14782-2016 Preliminary Plat.
9. 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 shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of the subdivision preliminary plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
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 City of Yuma will pay for the initial or normal materials testing required by the City Engineer to guard against unsuitable materials or defective workmanship. Additional tests, required due to failure of the initial or normal test(s), shall be paid for by the owner/developer. The City Engineer will designate the laboratory which will accomplish the additional test(s).
7. The Owner is responsible for constructing those proposed storm water changes, as recommended by the Engineer of Record to Phase No. 5, and they are to be completed as part of Unit No. 6.
8. A 1' non-access easement is required along Avenue 8-1/2E, 36th St., and Avenue 9E, except for approved access locations.
9. The City of Yuma Transportation Master Plan has downgraded Avenue 8-1/2E and Avenue 9E to a nominal 80 foot collector street classification with 40 ft. half width. Although 36th Street is referenced as a local street, City of Yuma Engineering is recommending that 36th Street be a mid-section collector street with 80 ft. of full width right-of-way as shown on the proposed plat. 36th Street is defined as a collector street to the west of this location per the Cielo Verde specific plan, and development agreements.

10. The previous Preliminary & Final Plat (Trail Estates Units No. 5-6) had a serious design flaw in the storm drain system that serves both subdivisions, as witnessed by the damage caused by the storm of September 12, 2011 that washed out a portion of 37th Street. Please provide a short storm water analysis showing that the lots adjoining 37th Street will not be flooded in a 100 year storm event, with the proposed drainage improvements to Trail Estates Unit No. 5, and with the additional storm water from Unit No. 6.
11. The Owner shall dedicate right-turn lane rights-of-way, as needed for deceleration lanes off of Avenues 8-1/2E and 9E and 36th Street. No acceleration lane right-of-ways will be requested at these intersections.
12. All right-of-way dedications to the City of Yuma shall be by plat. An environmental transaction screen for the areas to be dedicated shall be submitted to the Department of Community Development for review and approval prior to recording the final plat.
13. The Owner shall construct and dedicate to the City of Yuma a 10 inch diameter water main in 36th Street from Avenue 8-1/2 E to Avenue 9 E.
14. The Owner shall record a raised median covenant on the property that acknowledges that medians may be constructed within 36th Street, Avenue 8-1/2 E and Avenue 9E adjacent to the property prior to recordation of the final plat.
15. The Owner shall construct the South half width of 36th Street as a collector street per City Construction Standard No. 2-030, Case 3 or as approved by the City, with a total of 24 feet of asphalt pavement from roadway centerline to face of curb, to accommodate two-way traffic.
16. The Applicant shall submit a landscaping and irrigation plan that meets City landscaping code requirements for the street parkways, raised medians and areas adjacent to the subdivision walls. The 3.15 acre "Tract B" retention basin which serves both Unit #5 and #6 shall be completed to City Standards.
17. The Owner shall make a three (3) year landscaping maintenance deposit to the City of Yuma for the landscaping within all parkways, retention basins, and areas adjacent to the subdivision walls prior to recordation of the final plat with the exception of Tract "B" Retention Basin/Rec Area, since it was included in the December 2007 payment for case #S2005-019-01, Trail Estates Subdivision, Unit 5 Landscaping and Maintenance Fees.
18. An 8 ½" X 11" paper copy of this phase of the 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.
19. With the exception of Condition 2, 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 Development Agreement.

ATTACHMENT E
TRAIL ESTATES UNIT #5 CONDITIONS

PRELIMINARY PLAT (S2005-019) APPROVED CONDITIONS

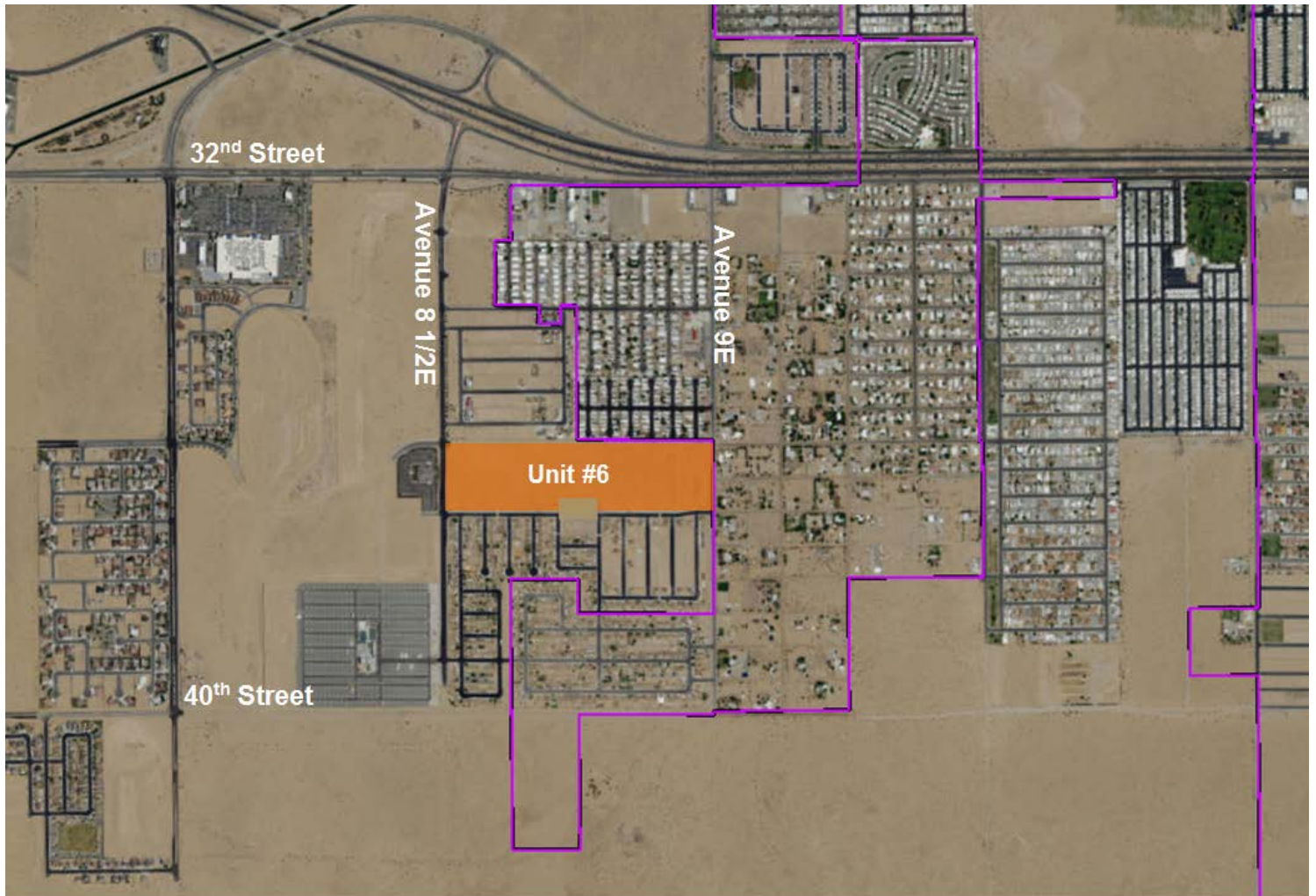
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall record an Avigation Easement on the property acknowledging noise and the over flight of aircraft from the daily operations of the Marine Corps Air Station and the Yuma International Airport prior to the recordation of the final plat.
3. The Owner shall provide landscaping per City standards for street parkways and areas adjacent to subdivision walls, including retention areas. Upon submittal of final plans for each phase, a landscaping and irrigation plan shall be provided for review and approval.
4. The Owner shall construct a six-foot (6') block wall, measured from the high ground side of the wall, on all property lines adjacent to and contiguous with the subdivision boundaries, Said walls shall be sealed with anti-graffiti coating. All areas within the public right-of-way and between the wall and other public facilities shall be landscaped. The design and location of the walls and landscaping shall be included in the improvement plans for the final plat(s) and shall be approved by the City prior to receiving a grading permit.
5. The Owner shall install all new utilities {gas, water, sewer, storm water (if applicable), electricity, telephone, cable television}. Each utility shall service the area with underground facilities.
6. The Owner shall provide a one-foot (1') non-access easement over the entire 36th Street, Avenue 8-1/2 E and Avenue 9 E frontages, with the exception of any access approved by the city prior to recordation of the final plat.
7. The Owner shall record an agriculture disclosure statement for the subject property prior to recordation of the final plat.
8. The Owner shall dedicate all rights-of-ways indicated as necessary by the Major Roadways Plan and the General Plan by plat or warranty deed.
9. The Owner shall dedicate right-turn lane rights-of-way, as needed for future 12 feet wide deceleration lanes off of Avenues 8-1/2 E and 9E and 36th Street.
10. Each right-of-way dedication to the City of Yuma shall be accompanied by an environmental transaction screening. All required deeds and easements shall be submitted to the Department of Community Development for review and approval prior to recording the final plat.
11. The Owner shall construct and dedicate to the City of Yuma a 10 inch diameter water main in 36th Street from Avenue 8-1/2 E to Avenue 9 E.
12. The Owner shall record a raised median covenant on the property that acknowledges that medians may be constructed within 36th Street, Avenue 8-1/2 E and Avenue 9E adjacent to the property prior to recordation of the final plat.

13. The Owner shall construct the South half width of 36th Street and the East half width of Avenue 8-1/2 E as Minor Arterial streets per a modified cross-section City Construction Standard No. 2-020 or as approved by the City.
14. The Owner shall show the 30 feet existing roadway that aligns with Tera Lane East of Avenue 9E as being abandoned prior to the recordation of the final plat.
15. The Owner shall provide a remote paved secondary access to this subdivision from Avenue 8-1/2 E.
16. All City of Yuma construction standards, policies and code shall remain in effect, unless specifically altered by conditions listed above or previous written agreements with the City of Yuma.
17. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

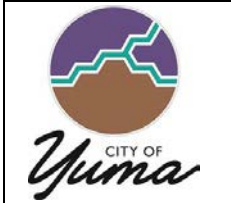
TRAIL ESTATES UNIT #5 (S2005-019-1) FINAL PLAT APPROVED CONDITIONS

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner / Developer shall complete the construction of the east half-width of Avenue 8 1/2E across both Unit 5 and future Unit 6 and connect to the existing paved section of Avenue 8 1/2E at 36th Street prior to the recordation of the final plat of Unit 5.
3. The Owner shall make a three (3) year landscaping maintenance deposit to the City of Yuma for the landscaping within all parkways and areas adjacent to the subdivision walls prior to recordation of the final plat.
4. A time frame for build-out of the subdivision shall be submitted to the Yuma Elementary School District #1 to enable the district to adequately plan for future school facilities.
5. The front yard setback shall be reduced to 15 feet on lot numbers 241, 242, 255-258, 271-274, 287, and 288 to avoid the possibility of future setback variance requests. Homes are to be situated in such a manner that the front elevation of each home is 15 feet from the front lot line. This requirement shall be incorporated into the final plat.
6. The Owner shall conform to the requirements outlined in the conditions of approval for the preliminary plat of this subdivision.
7. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

ATTACHMENT F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-15710-2016

CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:		Southeast corner of 36 th Street and Avenue 8 ½ E												
Parcel Number(s):		699-51-001												
Parcel Size(s):		1,538,974.8												
Total Acreage:		35.33												
Proposed Dwelling Units:		170												
Address:		Not yet assigned												
Applicant:		Trail Estates Development, LLC.												
Applicant's Agent:		Dahl, Robins, and Associates, Inc.												
Land Use Conformity Matrix:		Conforms:		Yes	X	No								
Zoning Overlay:	Public		AO		Auto		B&B		Historic		None	X	Airport	
Noise Contours	65-70		70-75		75+		APZ1		APZ2		Clear Zone			
	Existing Zoning		Use(s) on-site				General Plan Designation							
Site	Low Density Residential (R-1-6)		Vacant desert				Low Density Residential							
North	Residential-Manufactured Housing (R-MH-6); Yuma County Zoning: Manufactured Home Park (MHP)		Savant Estates/ Country Breeze MHP				Low Density Residential							
South	Low Density Residential (R-1-6)		Trail Estates #5				Low Density Residential							
East	Yuma County Zoning: Suburban Ranch (SR-2)		Adam's Acres Subdivision				Low Density Residential							
West	Cielo Verde Specific Plan (CVSP)		Church				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		O2005-011								
General Plan Amendment		Yes		No		N/A								
Development Agreement		Yes		No		N/A								
Rezone		Yes		No		N/A								
Subdivision		Yes		No		S2005-019 (T.E. #5 & 6 Prelim. Plat- Expired); SUBD-14782-2016 (T.E. #6 Prelim. Plat)								
Conditional Use Permit		Yes		No		N/A								
Pre-Development Meeting		Yes		No		Date: 08/23/2004								
Design Review Commission		Yes		No		N/A								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes		No	X	Fee #		If no, add to Conditions of Approval						
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:	6,005.51 SF		Maximum:	12,948.69 SF		Yes	X	No				
Lot Depth	Minimum:	65.64 SF		Maximum:	129.2 SF		Yes	X	No				
Lot Width/Frontage	Minimum:	40.48 FT		Maximum:	233.07 FT		Yes	X	No				
Setbacks	Front:	20 FT		Rear:	10 FT		Side:	7 FT		Yes	X	No	
District Size	35.33		Acres					Yes	X	No			
Density	4.8		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	X	No		N/A		
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	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	X	No		N/A		
Double Frontage		Yes	X	No		N/A		
Side Lot Lines		Yes	X	No		N/A		
Corner Lots		Yes	X	No		N/A		
Building Sites		Yes	X	No		N/A		
Street Frontage		Yes	X	No		N/A		
Issues: None								

NOTIFICATION

- Legal Ad Published: The Sun 11/04/16
- 300' Vicinity Mailing: 10/10/16
- 34 Commenting/Reviewing Agencies noticed: 10/24/16

- Hearing Date: 11/28/16
- Comments due: 10/24/16

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/14/16	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	10/19/16	X		
Yuma County Planning & Zoning	NR				
Arizona Public Service	NR				
Time Warner Cable	YES	10/25/16	X		
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	10/17/16	X		
Yuma Mesa Irrigation District	YES	10/14/16	X		
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/17/16	X		
<i>City of Yuma Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	YES	10/14/16	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	10/17/16	X		
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jonathan Fell, Traffic Engineering	YES	10/14/16	X		
MCAS / C P & L Office	YES	10/14/16	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<i>Neighborhood Meeting</i>	<i>Comments Available</i>
Held on 08/09/16	N/A
<i>Prop. 207 Waiver Given to Applicant on:</i>	<i>Delivery Method:</i>
10/10/16	By U.S. Mail to Dahl, Robins, & Associates.

PUBLIC COMMENTS RECEIVED: NONE