



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	February 15, 2017	<input checked="" type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input type="checkbox"/> Resolution
DIVISION:	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:

Final Plat: Cielo Verde Unit 5

SUMMARY RECOMMENDATION:

Approve the final plat for the Cielo Verde Unit 5 Subdivision. The property is located at the southwest corner of 37th Street and Avenue 8½ E, Yuma, AZ. The applicant is Cielo Verde Development Limited Partnership. (SUBD-16173-2016) (Community Development/Community Planning) (Laurie Lineberry)

REPORT:**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On January 23, 2017 the Planning and Zoning Commission voted to recommend **APPROVAL** of the final plat for the Cielo Verde Unit 5 Subdivision. The property is located at the southwest corner of 37th Street and Avenue 8½ E, Yuma, AZ, subject to the following 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 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.
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. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
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.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by Alan Pruitt – Planning and Zoning Commissioner, second by Kim Hamersley – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-16173-2016. Motion carried unanimously (4-0).

PLANNING COMMISSION STAFF REPORT - ATTACHED

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		2/6/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard Files		2/6/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/25/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Robert M. Blevins		1/25/2017		