

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

Hearing Date: June 26, 2017

Case Number: SUBD-17955-2017

Project Description/Location:

Final plat for the Desert Sky Unit No. 1 Subdivision. This subdivision will contain 44.87 acres and is proposed to be divided into 332 lots, ranging in size from approx. 3,099 square feet to 8,411 square feet. The property is located at the northwest corner of Avenue $7\frac{1}{2}$ E and 40^{th} Street, Yuma, AZ.

Location Map



SUBD-17955-2017 June 26, 2017 Page 1 of 20 **Prior site actions**: Annexation: O97-81 (01/21/98); Dev. Agree: R99-40 (7/21/99), amended by R2001-42 (06/06/01), repealed by R2001-76 (11/07/01), & R2016-027; Rezone Upon Annexation: Z97-26 (expired); O2001-10 (01/17/01- expired); Z2005-007 (withdrawn); and ZONE-3919-2013 (with 02/01/17 City Council Statutory Compliance); Subdivision: SUBD-5311-2014 (expired); LOTS-15850-2016; SUBD-16781-2017 (prelim. plat).

<u>Staff recommendation</u>: Staff recommends **APPROVAL** of the final plat for the Desert Sky Unit No.1 Subdivision, subject to the conditions shown in Attachment A.

- <u>Suggested Motion</u>: Motion to **APPROVE** the final plat of the Desert Sky Unit No.1 Subdivision, subject to the conditions shown in Attachment A, because the request, with conditions, is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.
- **Staff Analysis:** For Desert Sky, ZONE-3919-2013 established the R-1-6/PUD and R-2/PUD zoning along with floor plans, elevations, and variations in: setbacks, lot coverage, residential density, lot width, and lot size. The PUD was established with O2014-02, which included the following developer requirements (conditions) to install the amenities according the following timeframes:

The development of this subdivision is guided by Zoning Code § 154-14.07, the Planned Unit Development (PUD) Overlay. The PUD is:

"Intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning regulations. PUDs are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces."

The trade-off is that the community gets a quality development with enhanced amenities and the developer can get a greater number of dwelling units (higher density) than allowed by the residential zoning districts without a PUD. In order to encourage exceptional design, § 154-14.07(C)(5) allows for:

"Variations in type of dwelling unit, yard, setback, lot size, height, circulation facilities, and off-street parking requirements, which are consistent with the spirit and intent of this section."

- a. Grass lawn and landscaping in the retention basin shall be installed prior to final inspection for any unit.
- b. Within one (1) year of recording the final plat the following amenities will be installed:
 - (1) Crushed stone walking path around the retention basin with permanent distance signs every ¼ mile.
 - (2) Lighting along the perimeter of the retention basin, specifically double street lights located on the east, west and south side of the retention basin (total of three) and one interior light located in approximate center on north side of retention basin.

- (3) Two picnic tables and three barbeque grills in the retention basin.
- c. Combination playground (similar to Saguaro or Las Casitas) or additional basin amenities not to exceed a cost of \$20,000 shall be installed within three years after recording the final plat or after 33% of the units (110 units) have been constructed, whichever occurs first. The developer will supply available information on the types of households and number of children in the subdivision and the Department of Community Development shall in good faith determine if there is a need for playground equipment or if some other amenity would be more beneficial to the occupants and direct developer as to which should be constructed.
- d. Landscape within the 10' middle easements (neither trees nor barbeque grills are required) shall be installed along each street after 50% of the units (12 units) on that street are constructed or within one year after final inspection of the first unit on that street, whichever occurs first.
- e. The walking path and landscaping along the 50' west strip shall be completed in two phases. The existing canal shall be buried at the first available "water out date" (when there is no water in the canal) after 50% (166 units) of the units have been constructed or three (3) years from the date of recording the final plat, whichever occurs first, and the landscaping completed before four (4) years from the date of recording the final plat or 75% (249 units) units have been constructed, whichever occurs first. The developer may revisit this issue with the Department of Community Development after fully investigating alternative designs, cost and feasibility to include incorporation of the canal in the landscaping (use of grating above canal), minimizing the cost of burying the canal and possible relocation of the canal.
- f. The developer shall install appropriate barricades and fencing on the west wall openings to block access to the canal from the subdivision pending the burial of the canal.
- g. Front yard irrigation, grass, and a 15-gallon tree for each unit shall be installed prior to the final inspection for each unit and prior to each new owner taking control of the property."

These development requirements from the PUD rezoning case which are specific to Desert Sky were placed in a Development Agreement (R2016-027) due to:

"Several of the conditions relate to the construction of amenities for the project. Additionally, the zoning would not vest until 75% of the townhomes were constructed. To vest zoning, permit construction, and record a subdivision plat prior to the completion of all conditions, particularly, construction of amenities required through the PUD, it is necessary to remove certain conditions from O2014-02 and place the construction of amenities in development agreement (R2016-027) as covenants that run with the land."

The conditions from the preliminary plat case SUBD-16781-2017 in Attachment G (floor plans, elevations, dimensional standards) are included again in this final plat report as a reminder of the development specifications for this PUD.

- 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

External Agency Comments:NoneNeighborhood Meeting Comments:NoneProposed conditions delivered to applicant on:June 5, 2017Final staff report delivered to applicant on:June 20, 2017

X Applicant did not agree with the following condition of approval: Condition #6:

"The owner/developer does not agree to condition no. 6, landscaping on the offsite streets will not last because of the blowing sand.

Additionally (paraphrasing): There was an understanding with the former City Engineer to design but not build 40th Street.

Staff Response: The upcoming Landscaping Plan revisions (with a City Council adoption goal of August 2, 2017) encourages street trees with less emphasis on shrubs/groundcover. The new guidelines would anticipate one tree per 35 linear feet with 4 shrubs per tree; shrubs to be clustered.

Attachments

A	В	C	D	E	F	G	Н	
Conditions of Approval	Final Plat Map	Elevations	Floor Plans	Massing Plan	Prelim Plat Map	Prelim Plat Conditions	Aerial Photo	Staff Research

1mBl.

Prepared By: Bob Blevins, Principal Planner

000 Reviewed By: JUDOC Alyssa Linville, Principal Planner

6/19/17 Date:

Date: 001917

Approved By: Yourid Of Junibury Laurie L. Lineberry, AICP, Community Development Director Date: 6.19.17

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 rightof-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 Comments: Bob Blevins, Principal Planner), (928) 373-5189:

6. Landscaping shall be installed for the parkway adjacent to the subdivision along the north side of 40th Street and the west side of Avenue 7 ½ E, and will be maintained by a Maintenance Improvement District, whose purpose will be to provide irrigation and maintenance of landscaping, drainage, and storm water retention areas adjacent to and along north side of 40th Street and the west side of Avenue 7 ½ E within the new District, and both the installation and the formation of the District shall be completed prior to the recordation of the final plat; or

To meet the obligations of City Zoning Code Section 154-14.07 (the required homeowner's association) the Developer can incorporate the maintenance of the areas along the north side of 40^{th} Street and the west side of Avenue 7 ½ E into the required homeowner's association as an alternative to the formation of a Maintenance Improvement District; or

Provided that City Council approves the formation of a Maintenance Improvement District, the Maintenance Improvement District could incorporate the maintenance duties of the homeowner's association in a manner consistent with Arizona Revised Statutes as a replacement or alternative to the perpetual maintenance duties of the homeowner's association.

- 7. The Developer shall execute any required petitions and other documentation necessary for the formation of the Maintenance Improvement District. Prior to the conveyance or other transfer of any portion of the property to a third party, Developer shall, at Developer's cost, provide the City the necessary surveys, engineering work, and dedication of the required maintenance easements to the City. Any such District shall include the entirety of the property within its boundaries and extend to the centerline of 40th Street and Avenue 7 ½ E. The requirements of this Condition are to be completed prior to recordation of the final plat.
- 8. A time frame for the build out of the subdivision shall be submitted to the Yuma Elementary School District One to enable the district to adequately plan for future school facilities.
- 9. 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.
- 10. The Owner/Developer shall meet all conditions of approval for the preliminary plat of this subdivision.
- 11. 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.

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



ATTACHMENT C ELEVATIONS









ATTACHMENT D FLOOR PLANS





ATTACHMENT E MASSING PLAN





ATTACHMENT F PRELIMINARY PLAT MAP



ATTACHMENT G 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 rightof-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 floor plans (1280, 1236, 1316, and 1386) approved for this PUD are shown in Attachment D.
- 7. The elevations (1280, 1236, 1316, and 1386) approved for this PUD are shown in Attachment C.
- 8. The massing plans (showing how groups of homes are to be placed on the lots) approved for this PUD are shown in Attachment E.
- 9. As agreed upon in ZONE-3919-2013, the following dimensional and numeric standards are confirmed and will be shown on the plat:
 - a) An increase in the number of 4,500 square foot lots from 72 to 332. This is an increase of the maximum number of "small lots" required in §154-07.01(C)(4)(a).
 - b) A decrease in the minimum lot size from 4,500 square feet to 3,000 square feet.
 - c) A decrease in the minimum lot width from 50 feet to 30 feet.
 - d) Staggered front yard setbacks of 15 feet and 20 feet, where 20 feet is the minimum standard, with the exception of lots 278 and 279 which will have a 10 foot minimum front yard setback in order to accommodate a future utility easement in their rear yards.

- e) A reduction in the side yard setback from 7 feet to zero feet on each side.
- f) An increase in the maximum lot coverage from 35% to 70% (in order to allow for future patios and sheds).
- 10. 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 Pre-development Agreement.





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STAFF RESEARCH – FINAL PLAT

Case #: SUBD-17955-2017 PHASE #: 1 Case Planner: Bob Blevins

I. PROJEC	CT DATA																	
Project L	Project Location:						Northwest corner of 40 th Street and Avenue 7½ E											
Parcel N	lumber(s):	:				197-10-011 & 012												
Parcel Size(s):						1,954,537.2 square feet												
Total Ac	reage:					4	44.87											
Propose	d Dwelling	g Units:					332											
Address	:					Not yet assigned												
Applican						Smoketree Desert Land Company, LLC.												
Applican	t's Agent:					Dahl, Robins & Associates, Inc.												
Land Us	e Conforn	nity Matrix:				Conf	orms:		es	Х	No)						
Zoning C	Overlay:	Public		AO		Auto		B&B		Hist	oric		No	ne	Х	Airport		
Nois	se Contou	rs 65-70)	70	-75		75+		APZ	Z1		APZ	2		Cle	ar Zone		
		Existi	ng Z	Zoning	g			l	Jse((s) c	on-si	ite		Gen	eral	Plan Des	sigr	nation
Site	Low Density Residential / Planr Development (R-1-6/PUD)) &			Und	leve	lope	d	1	Medi	um I	Density R	esi	dential
	Medium Density Residential / Planned Unit Development (R-2/PUD)								,									
North	h Agriculture (AG)							Undeveloped						Public-Quasi Public				
South	outh Agriculture (AG)							Undeveloped					Low Density Residential					
East	•					,						Low Density Residential						
West	Vest Agriculture (AG) & Low Density Residential (F					-1-5)			Undeveloped & Desert Oasis Unit #3					Low Density Residential				
Prior Ca		lated Action				/												
Туре				(Con	forms Cases, Actions or Agreements												
Pre-Anr	nexation A	greement		Yes		No		N/A										
Annexa	nnexation Yes X				Х	No		O97-81 (01/21/98).										
Genera	l Plan Am	endment		Yes	Х	No		GP1997-004; GP2004-08; & GP-2347-2012.										
Develop	Development Agreement Yes X					No		R99-40 (7/21/99), amended by R2001-42 (06/06/01) repealed by R2001-76 (11/07/01); & R2016-027.										
Rezone Yes X				x	No		(01/ [,] ZON	Upon Annexation; Z97-26 (expired); O2001-10 (01/17/01- expired); Z2005-007 (withdrawn); and ZONE-3919-2013 (with 02/01/17 City Council Statutory Compliance).										
Subdivi	Subdivision Yes X				Х	No		SUB	SUBD-5311-2014 (expired); LOTS-15850-2016; SUBD-16781-2017 (prelim. plat).							6;		
Conditio	onal Use F	Permit		Yes		No		N/A										
Pre-Dev	velopment	t Meeting		Yes	Х	No		Date	e: 10	/08/	/12							
Design	Review C	ommission	١	Yes		No		N/A										
Enforce	ement Acti	ons		Yes		No		N/A					_					
Avigatic	Avigation Easement Recorded Yes X					No		Fee	# 20	14-(0169	4						

Land Division Status:	Parcels are legal lots of record.							
Irrigation District:	Yuma Mesa Irrigation and Drainage District							
Adjacent Irrigation Canals & Drains:	'A' Canal							
Water Conversion Agreement Required	Yes No X							

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision Conforms									
Lot Size	Minimum:	3,099.1 SF		Maximum:	8,411.	1 SF	Yes	Х	No	
Lot Depth	Minimum:	100.58 FT		Maximum:	184.55	5 FT	Yes	Х	No	
Lot Width/Frontage	Minimum:	30 FT		Maximum:	Maximum: 40 FT			Х	No	
Setbacks	Front: 15	5/20 FT F	Rear	: 10 FT	Side:	0 FT	Yes	Х	No	
District Size	44.87	Acres					Yes	Х	No	
Density	7.4	Dwelling units per acre Yes X No								

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms						
General Principles	Yes	Х	No		N/A		
Streets			Conf	orms			
Circulation	Yes	Х	No		N/A		
Arterial Streets	Yes	Х	No		N/A		
Existing Streets	Yes	Х	No		N/A		
Cul-de-sacs	Yes		No		N/A	Х	
Half Streets	Yes	Х	No		N/A		
Stub Streets	Yes	Х	No		N/A		
Intersections	Yes	Х	No		N/A		
Easements	Yes	Х	No		N/A		
Dimensional Standards	Yes	Х	No		N/A		
Issues: None							
Blocks	Conforms						
Length	Yes	Х	No		N/A		
Irregular Shape	Yes		No		N/A	Х	
Orientation to Arterials	Yes	Х	No		N/A		
Business or Industrial	Yes		No		N/A	Х	
Issues: None							
Lots			Confe	orms			
Minimum Width	Yes	Х	No		N/A		
Length and Width Ratio	Yes	Х	No		N/A		
Fronting on Arterials	Yes		No		N/A	Х	
Double Frontage	Yes		No		N/A	Х	
Side Lot Lines	Yes	Х	No		N/A		
Corner Lots	Yes	Х	No		N/A		
Building Sites	Yes	Х	No		N/A		
Street Frontage	Yes	Х	No		N/A		
Issues: None							

NOTIFICATION

- 0
- 0
- Legal Ad Published: The Sun (06/02/17) 300' Vicinity Mailing: (05/08/17) 34 Commenting/Reviewing Agencies noticed: (05/11/17) 0
- Hearing Date: (06/26/17) 0 **Comments due: (05/22/17)** 0

External List (Comments)	Response	Date	"No	Written	Comments
	Received	Received	Comment"	Comments	Attached
Yuma County Airport Authority	YES	05/11/17	Х		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	05/15/17	Х		
Yuma County Planning & Zoning	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	05/15/17	Х		
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	NR				
City of Yuma Internal List	Response	Date	"No	Written	Comments
(Conditions)	Received	Received	Conditions"	Conditions	Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	YES	05/16/17	Х		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	05/12/17	Х		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	05/12/17	Х		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
Was held February 15, 2017	N/A
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
05/04/17	by U.S. Mail to Dahl, Robins

PUBLIC COMMENTS RECEIVED: