



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

April 18, 2018

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**

Final Plat: Terraces West Subdivision

**SUMMARY RECOMMENDATION:**

Approve the final plat for the Terraces West Subdivision. The property is located west of the Terraces at the View Two Subdivision, Yuma, AZ. (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

The original design for the subdivision, referred to as "The Cove", included residential development almost spanning the entire distance of Avenue 5E to Araby Road. In 1994, under the authority of Yuma County, the preliminary subdivision layout was approved. Upon approval, a portion of the residential subdivision was located within the 65dB noise contour of the Airport Overlay; at that time, residential development was permitted within this noise contour with adequate noise attenuation incorporated into the design of each residence.

In 2001, following annexation into the City of Yuma, the State of Arizona passed Senate Bill 1525 (now found in A.R.S. Title 28), a military protection law. With this new law, single-family residential development was no longer permitted within the 65dB noise contour. An exception to the law was later added, that allowed a landowner to apply for approval if the development project was approved prior to December 31, 2000. In 2012, following years of discussion between the Developer, the Marine Corps Air Station and the City of Yuma, an agreement was reached through a Determination of Compliance permitting the development of 15-20 single-family homes on residentially zoned property within the 65dB noise contour.

The proposed subdivision, measuring approximately 6.67 acres, will be the final phase of residential development within the Terraces Subdivision. The applicant is proposing to develop the final phase of residential development with 15 single-family dwellings which will meet the land use density requirements of 1.0 to 4.9 dwelling units per acre. The lot sizes will range from 10,242 square feet to 40,568 square feet which meets the minimum lot size requirements for the Low Density Residential (R-1-6) District. As discussed in further detail in §154-05.04 of the City Code, the following are a few

of the development standards required for development within the Low Density Residential (R-1-6) District:

1. The minimum lot size for the district shall be 6,000 square feet;
2. The minimum lot width shall be fifty feet;
3. The maximum lot coverage shall be 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage;
4. A minimum front yard setback of twenty feet;
5. A minimum side yard setback of seven feet;
6. A minimum street side setback of ten feet;
7. A minimum rear yard setback of ten feet; and
8. A minimum of two paved parking spaces shall be provided for each single-family dwelling.

A neighborhood meeting was held on October 5, 2016, during the preliminary plat phase, to discuss the proposed development with neighbors in the surrounding area. A majority of the concerns discussed during the meeting were in regards to the following issues: loss of westerly view along Twilight Avenue, proposed access along View Parkway, intended elevations and square footages of the new residential dwellings, any development plans for Tract A, and the potential for increased traffic with the new development.

The preliminary plat identified a tract of land, referred to as Tract A, which was intended to be owned and maintained by the Developer. However, the Developer has made the determination to incorporate the formerly referred Tract A into several of the privately owned lots. A majority of this land is occupied by a natural gas utility easement; such easement may limit the type of development which could occur in the future.

On March 26, 2018, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with Hamel absent) of the final plat for the Terraces West Subdivision, 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 prior to the recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) for this property.
3. Upon development of each newly established parcel, the property owner shall record an Avigation Easement that recognizes the house has been built in the 65dB noise contour and that noise from aviation activities performed at the Marine Corps Air Station and the Barry M. Goldwater Range may impact residents.
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.

~~7. Cul-de-sacs cannot exceed 600' per COY Engineering Standard 3-080~~

7. Owner/Developer shall construct an engineered secondary fire access roadway in accordance with a local, state, or nationally recognized standard for roadway construction that is designed to support the imposed loads of fire apparatus and provided with an all-weather driving surface; using permeable (i.e., ABC) or non-permeable materials.
8. Owner/Developer shall be required to maintain the secondary fire access roadway for one-year following acceptance of the subdivision.
9. Owner/Developer shall provide a four (4) year maintenance fee to the City of Yuma totaling \$10,500 for maintenance of the secondary fire access roadway for the four (4) years after the one-year maintenance period expires.
10. The remaining parcel will be developed to include adequate paved secondary fire access for the Terraces subdivisions and new development on the remaining parcel alike, in accordance to COY engineering standards.
11. If the remaining parcel is developed during the four (4) year maintenance time frame, Owner/Developer shall be entitled to a pro-rata refund of the remaining year(s) maintenance fees.
- ~~8-~~ 12. Owner shall dedicate a 20 feet wide temporary emergency access easement to the City of Yuma from the West side of View Parkway to the east edge of Avenue 5E right-of-way. The temporary easement will need to stay in place until one of the following conditions is met.
  - a). A full street is designed, constructed, and dedicated for public access to Avenue 5E, and or
  - b). Other alternative means of emergency access for this subdivision "Terraces West", and "Terraces Two at the View" subdivision is mutually approved by the developer and City of Yuma, designed, constructed by the developer, and easements or dedications recorded.
- ~~9-~~ 13. A time frame of build-out for the subdivision shall be submitted to the Yuma High School District to enable the districts to adequately plan for future school facilities.
- ~~10-~~ 14. 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 – EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

##### **QUESTIONS FOR STAFF:**

**"Tyrone Jones – Planning and Zoning Commissioner** asked for clarification on the amended Conditions of Approval that were provided to the Commission on the yellow sheet.

**"Alyssa Linville – Principal Planner** explained staff was requesting to replace Condition 7 with the five amended Conditions that were provided. She added Conditions 1 through 6 and 8 through 10 would still apply.

**"Rodney Short – Deputy City Attorney** added that the proposed amended Conditions would supersede Conditions 8a and 8b.

**"Jones** asked if the applicant was in agreement with the amended Conditions of Approval.

**"Linville** said yes.

**"Kayla Holiman – Fire Marshall,** thanked the applicant for working with the Fire Department and addressing access concerns for this development. The amended Conditions of Approval met the intent of the fire code for minimum fire and life safety provisions.

**"Holiman** added the amended Conditions would increase the life safety of the entire subdivision.

**“Jones** asked if developers were required to pave secondary fire access roadways.

**“Holiman** explained the Fire Code did not currently require secondary fire access roadways to be paved. She added secondary fire access roadways must be constructed to support the imposed loads of fire apparatus and must be maintained.

**“Gregory Counts – Planning and Zoning Commissioner** asked for clarification on the secondary fire access roadway route.

**“Holiman** explained that fire apparatus would have access through 24<sup>th</sup> Street and South Avenue 5E and the roadway would extend to the west side of the proposed subdivision.

**“Jones** asked for clarification on why staff was requesting the developer to pave the secondary fire access roadway.

**“Holiman** explained that staff was not requesting the developer to pave the roadway and added the developer may use permeable (i.e., ABC) or non-permeable materials.

**“Jones** asked for clarification on Condition 10.

**“Holiman** explained the parcel to the west of this development cannot be utilized for residential purposes and was not a part of this subdivision.

**“Short** informed the Commission that on Attachment F in the Staff Report was an aerial view of the subdivision and the proposed secondary fire access roadway.

**APPLICANT/APPLICANT’S REPRESENTATIVE:**

**“Craig Colvin, 6105 E. Alyssa Lane, Yuma, AZ,** said the applicant was in agreement with the proposed Conditions of Approval. He said this property was purchased in 2006 by Elliott Homes and added that the applicant has been working with staff for many years to develop this property.

**MOTION:**

**“Motion by Counts, second by Ott to APPROVE Case Number SUBD-20465-2017.**

**“Motion carried unanimously (4-0) with Chris Hamel – Planning and Zoning Commissioner absent.’**

**PLANNING COMMISSION STAFF REPORT – ATTACHED**

The City Council’s approval of this motion accepts the Planning and Zoning Commission’s recommendation and approves the final plat for the Terraces West Subdivision as submitted, including the conditions of approval set forth in the final plat, the preliminary plat and the applicable rezone.

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		4/10/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		4/9/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		3/30/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		3/30/2018		