



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	July 19, 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: Desert Oasis Subdivision Unit #3

SUMMARY RECOMMENDATION:
Approve the final plat of the Desert Oasis Subdivision Unit #3. The property is located at the southeast corner of Avenue 7E and 37th Street, Yuma, AZ. The applicant is Dahl, Robins, and Associates, Inc., on behalf of Yuma Desert Oasis Development, LLC.

REPORT:
The subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2010. The subject property is currently undeveloped and is intended to be the final phase of the Desert Oasis Subdivision.

On January 9, 2012, the Planning and Zoning Commission approved the Desert Oasis Subdivision Unit #2 and #3 Preliminary Plat, subject to conditions. A Final Plat for Unit #3 was not submitted within the three-year timeframe and the Preliminary Plat expired. Therefore, in order to complete the subdivision process for Unit #3, a new Preliminary and Final Plat were required to be resubmitted. The Preliminary Plat was approved by the Planning and Zoning Commission on September 12th, 2016.

The subject property consists of approximately 22.9 acres with frontage along Avenue 7E and 37th Street. The USBR A-2.6W Lateral Canal runs adjacent to the eastern property line. The applicant is proposing to develop the area with 114 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 5,000 square feet to 12,083 square feet which meets the minimum lot size requirements for the Low Density Single-Family Residential (R-1-5) District. As discussed in further detail in §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of twenty feet;

4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

A neighborhood meeting was held on August 4, 2016 to discuss the proposed project with neighbors in the surrounding area. A majority of the concerns discussed during the meeting were in regards to the following issues: blowing sand from the undeveloped properties surrounding the existing phases of development, the need for a park in the neighborhood, the lack of concern by the construction crew to clean-up following the end of business each day, and the need for landscaping along Avenue 7E.

The developer has stated that they will be constructing block walls within the subject property in an effort to reduce the amount of dust being blown on other properties. An existing storm water retention basin located on the subject property was designed to accept water from all three phases of the subdivision. Larger basins can be accepted by the City of Yuma as Neighborhood Parks if they meet certain development standards, including a minimum size of 3 acres of open level space. The retention basin for this subdivision is 1.63 acres in size and does not meet the minimum size requirement to be a City Neighborhood Park. While the basin cannot be accepted as a park, design elements will be incorporated into the overall design to provide amenities to those residing within the area. The proposed area will include a walking path, shade trees and various aesthetic amenities to further improve the overall visual appeal of the retention basin.

On June 26, 2017, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with Pruitt, Hamersley, and Lund absent) of the final plat for the Desert Oasis Subdivision Unit #3, 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. 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 City of Yuma Transportation Master Plan dated October 2014 has reclassified Avenue 7E to an 80 ft. Collector Street, with 40 ft. minimum half width.
8. The pavement on Avenue 7E needs to extend along the frontage of the subdivision, and end with a Type III barricade at the south end.
9. A 1' non access easement is required along the Avenue 7E frontage except for approved subdivision access locations.
10. A subdivision perimeter wall per City of Yuma construction standard detail 3-310, unless otherwise approved by the City Engineer, is required.
11. 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.
12. 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.
13. The applicant shall state and record in the C.C. & R.'s and on the Final Plat that no lot splits will be allowed.
14. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system. This requirement must be completed prior to the issuance of a Certificate of Occupancy.
15. The owner/developer shall submit a landscaping and irrigation plan that meets City landscaping code requirements for the retention basin, and street parkways adjacent to each phase of the subdivision or as provided in an executed development agreement. Developer shall provide a deposit for the cost of installing landscaping and irrigation on Avenue 7E to be installed by the City when the adjacent parcel on the west side of Avenue 7E is developed.
16. Developer/Owner to enter into a three year landscape maintenance agreement, where the Owner/Developer shall install all code required landscaping, and shall maintain said landscaping per City Park and Recreation standards for a period of three (3) years from final acceptance of the subdivision infrastructure, or the owner/developer shall pay, prior to final plat recordation, an amount equal to the estimated cost of the three (3) years maintenance of all landscaping within the public parkways, open space areas and retention basin. This fee has been estimated at \$11,250.00.
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.

PUBLIC COMMENTS – EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF:

“Chris Hamel – Planning and Zoning Commissioner asked for clarification on Condition of Approval #16.

“Alyssa Linville – Principal Planner explained that staff was requesting the Developer to enter into a three-year landscape maintenance agreement for all landscaping within the public parkways, open space areas, and the retention basin.

“Tyrone Jones – Planning and Zoning Commissioner asked for clarification on what the estimated fee of \$22,501.70 would be used for.

“Linville explained the fee was the estimated landscaping maintenance cost for three years.

“Jones asked who maintained the landscaping after the first three years.

“Linville said the City takes responsibility of the landscaping maintenance after three years without the associated fees.

“Jones asked if the maintenance fee request was the City’s standard.

“Linville said yes or the Developer maintains the landscaping.

“Lukas Abplanalp – Planning and Zoning Commissioner asked if the Developer was requesting to maintain the landscaping.

“Linville said no and stated the Developer was not in agreement with the installation of landscaping along Avenue 7E.

“Rodney Short – Deputy City Attorney explained that staff was requesting the standard landscaping requirement. He added it typically took three years to get a tax base established for each new neighborhood.

“Jones asked for clarification on the process after the Commission makes a recommendation on this request.

“Hamel explained that the Commission’s recommendation would be forwarded to City Council.

“Short added that City Council relies on the Commission’s recommendation.

APPLICANT/APPLICANT’S REPRESENTATIVE:

“Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, stated they were not in agreement with Conditions of Approval. He expressed his concern with the Developer installing landscaping that could not be maintained due the blowing sand on the east mesa. He also expressed his concern with the cost associated with the three-year landscaping maintenance fee. He added that because phases one and two have previously been developed, a credit should be applied towards the fee for those homes.

“Hamel explained the importance of the City’s landscaping standards and without these standards, subdivisions would be developed as dirt lots.

“Dahl said there were different funding mechanisms currently being discussed, but this project was ahead of that process being developed.

“Jones asked for clarification on the credit the applicant was requesting.

“Laurie Lineberry – Director of Community Development explained that landscaping was not installed for phases one and two and a deposit was not made which would have happened in other projects and other phases. She clarified the importance of being consistent and fair with all the Developers in the Community.

“Abplanalp asked if an extension would be beneficial to the Developer.

“Dahl said an extension would not be acceptable.

“Hamel said he understood why the Developer was not in agreement with installing landscaping at this point of the development.

“Dahl stated the Developer did not pay the deposit because there was no landscaping to maintain on phases one and two.

“Lineberry said staff would like to reach an accord with the applicant.

“Lineberry suggested the P&Z hear from Naomi Leeman who had a presentation for the Commission. In the meantime, staff and the applicant will discuss the landscaping conditions.

“Hamel called for the staff presentation.

“Naomi Leeman – Senior Planner, updated the Commission on the Infill Incentive Plan.

“Hamel requested to resume case #SUBD-17917-2017.

“Lineberry said Conditions of Approval #15 and #16 would be amended. She stated that the Developer did not pay the landscaping maintenance fee because landscaping was not installed in phases one and two. She added that the retention basin in this development was delayed until phase three.

“Fred Dammeyer – Planning and Zoning Commissioner asked for clarification on the amended landscaping maintenance fee. **Lineberry** said because phases one and two have been developed the the fee would be cut in half.

“Short said the fee for Condition of Approval #16 would be \$11,250.00.

“Short read the proposed amended Condition of Approval #15: *“The owner/developer shall submit a landscaping and irrigation plan that meets City landscaping code requirements for the retention basin, and street parkways adjacent to each phase of the subdivision or as provided in an executed development agreement. Developer shall provide a deposit for the cost of installing landscaping and irrigation on Avenue 7E to be installed by the City when the adjacent parcel on the west side of Avenue 7E is developed.”*

“Dahl said he was in agreement with the amended Conditions of Approval.

PUBLIC COMMENTS:

None

MOTION:

“Motion by Jones, second by Abplanalp, to APPROVE Case Number SUBD-17917-2017, subject to the Conditions of Approval shown in attachment A, including the amendments to Conditions of Approval #15 and #16.

“Motion carried unanimously (4-0) with Alan Pruitt – Planning and Zoning Commissioner, Kim Hamersley – Planning and Zoning Commissioner, and Thomas Lund – 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 of the Center Pointe Commons 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		7/11/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/10/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		6/29/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		6/29/2017		