

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

Hearing Date: July 10, 2017

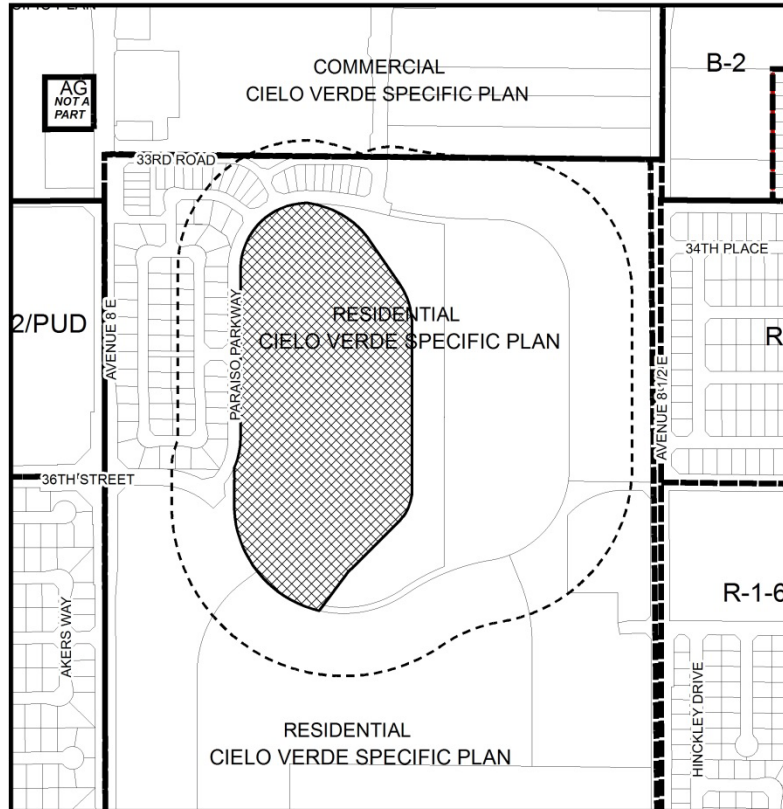
Case Number: SUBD-18144-2017

Project Description/Location:

Approval of the Final Plat for Cielo Verde Unit 3 Subdivision. This subdivision will contain approximately 31.03 acres and is proposed to be divided into 93 residential lots, ranging in size from approximately 8,791 square feet to 18,745 square feet. The property is located at the southeast corner of 35th Street and Paraiso Parkway, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential
North	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde #2 homes	Commercial
South	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential
East	Cielo Verde Specific Plan (CVSP-R)	Retention Basin	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde #1 homes	Low Density Residential

Location Map



Prior site actions: Annexation: 097-075 (12/19/97); Development Agreement: CVSP (R2001-30); Subdivision: SUBD-16469-2016 (prelim. plat).

Staff recommendation: Staff recommends **APPROVAL** of the final plat for the Cielo Verde Unit #3 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 the Cielo Verde Unit #3 Subdivision, subject to the conditions shown in Attachment A.

Staff Analysis: This subdivision will contain 93 lots of 8,791 square feet or more. Access will be off of Paraiso Parkway.

The Cielo Verde Specific Plan (CVSP) also known as “Cielo Verde” was conceived in 2001 through a series of resolutions to provide a 382 acre master planned development with a mix of uses. Market forces slowed development until recently. The commercial portion along 32nd Street (anchored by Walmart) has been successful- offering retail, restaurants, banking, and office space. The completed residential portions consist of the Cielo Verde residential subdivisions (Units 1, 2 & 5), a church, and a recreational vehicle park (Carefree Village Resort).

Development of Cielo Verde is guided by: the Cielo Verde Specific Plan (CVSP) in the Zoning Code Appendix A, and development standards included as Notes on the recorded plat of the overall planned development. In the Zoning Code page 15-459, Appendix A(B)(1), the Project Description states:

“Cielo Verde is a 382 acre mixed-use master planned development, providing a variety of commercial uses and housing types in a pedestrian-oriented, neighborhood-focused community planned primarily for adult living.”

A unique aspect of the CVSP is the description of “Neighborhood Concepts” as found in the Zoning Code page 15-462 Appendix A(D)(2)(a&b):

“A variety of residential housing forms will be created, clustered in discreet neighborhoods of approximately 50 to 100 homes. The co-existence of site built and manufactured homes along with RV units and so-called “Park Models” has already been demonstrated to work effectively, from a market viewpoint, in the Foothills community in east Yuma. In addition, multi-family units including low-density townhomes as well as clustered rental apartment units may be offered in the project, if warranted by market conditions.”

The Cielo Verde Residential District has development standards that include: 6,000 square foot minimum lot sizes and 50 foot minimum lot widths. There are several distinctive provisions in the CVSP, including:

Zoning Code page 15-468 Appendix A(H)(2)(a)5.: “More than one dwelling unit may reside on a lot, as long as the lot size includes the combined minimum square footage for each dwelling type. For example, if a recreation[al] vehicle (1,800 square feet) and a site built residence

(6,000 square feet) are on one lot, that lot will have to be a minimum of 7,800 square feet.”

Zoning Code page 15-469 Appendix A(H)(2)(c)1.b.: “Minimum setbacks. Front yard setback. Site built or multi-family. Twenty feet, site built single-family homes may be constructed with a 15-foot front yard setback, but shall maintain an increased rear yard setback as shown in division (H)(2)(c)3. Below. Front entry garages shall maintain a minimum 20-foot front yard setback.”

A condition of approval for the preliminary plat will limit the type and number of dwellings in Cielo Verde Unit #3. After the site built home is established, only recreational vehicles can be hooked-up to utilities as the guest quarters. No mobile, manufactured, or park model homes.

Condition #9 from preliminary plat case SUBD-16469-2017 is being restated in this final plat report to include Tract E in addition to Tracts A through D.

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

Yes It is consistent with the Cielo Verde Specific Plan.

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: Meeting held during preliminary plat review with no negative comments.

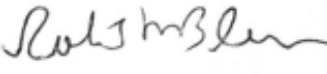
Proposed conditions delivered to applicant on: June 6, 2017

Final staff report delivered to applicant on: June 21, 2017

- Applicant agreed with all of the conditions of approval on: June 14, 2017
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	F
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	Aerial Photo	Staff Research

Prepared By: 
Robert M. Blevins, Principal Planner

Date: 6/21/17

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 6/22/17

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 6-21-17

**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 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 Owner/Developer shall form an Improvement District to maintain the landscaping in Tracts A through E.

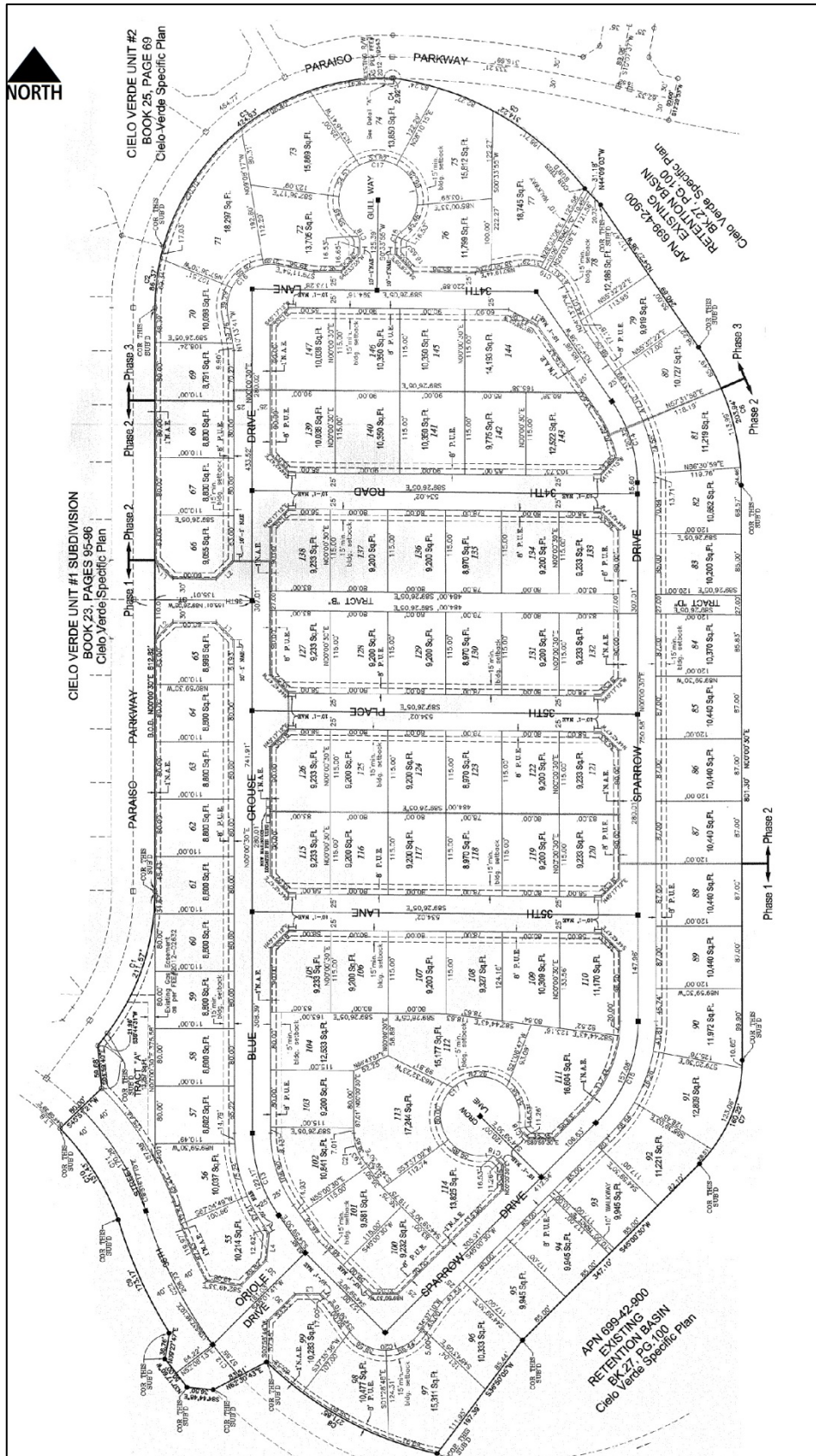
Community Planning Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the district to adequately plan for future school facilities.

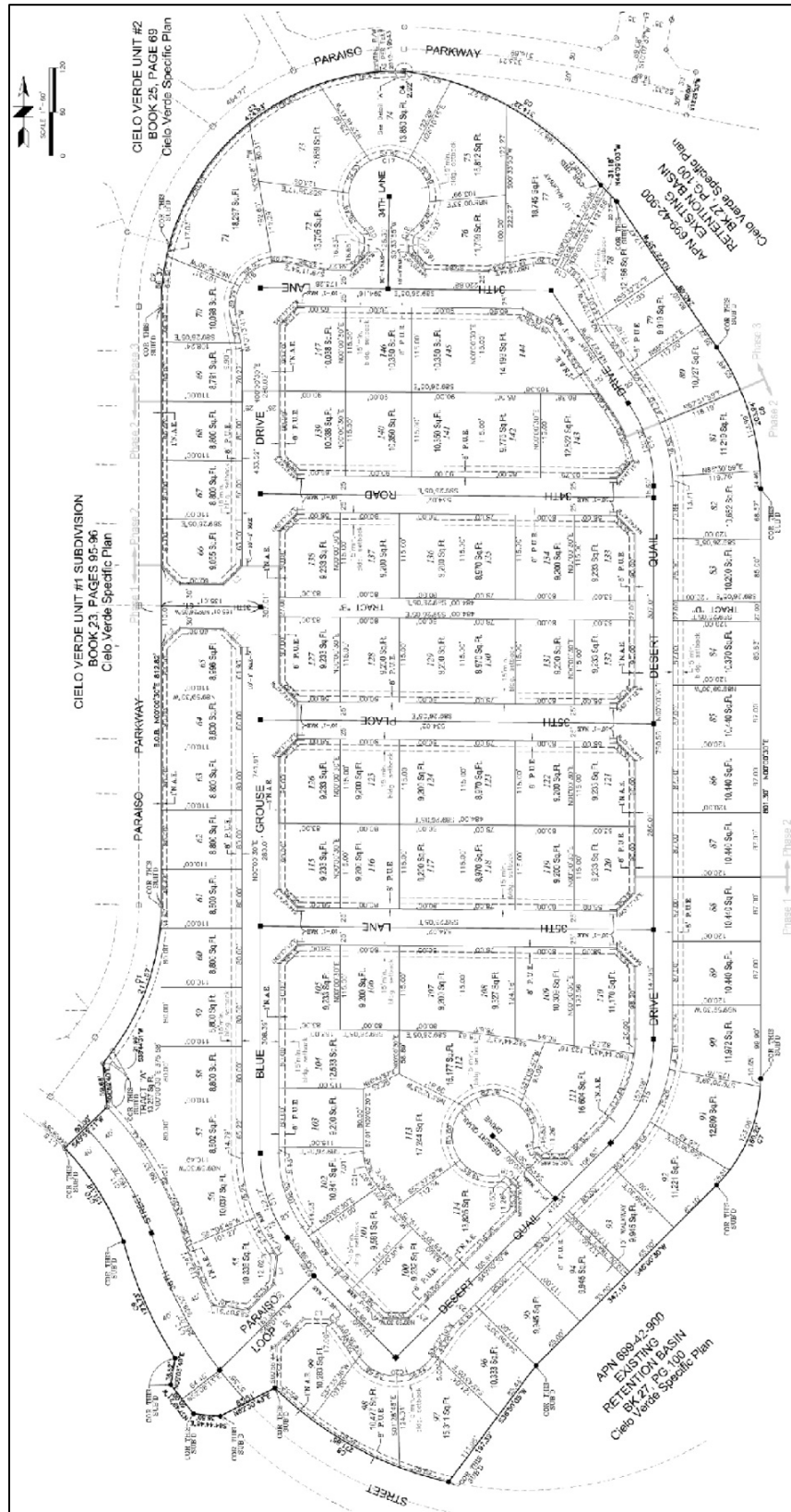
8. An 8 ½" X 11" paper copy of this phase of the subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior 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.
9. 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 B FINAL PLAT MAP



ATTACHMENT C PRELIMINARY PLAT MAP



ATTACHMENT D
PRELIMINARY PLAT CONDITIONS

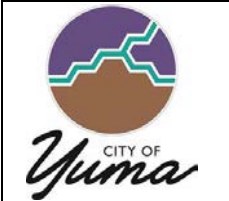
1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within 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 Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
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. 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).
8. The Owner/Developer shall build a CMU block exterior subdivision wall along the 36th Street frontage per City of Yuma construction standard 3-310, or as approved in the construction plans.
9. The Owner/Developer shall form an Improvement District to maintain the landscaping in Tracts A through D.

10. No lot can be split to create lots less than the size and shape of the existing lots on the Cielo Verde Unit #3 plat.
11. No lot can have more than one single family site-built home.
12. After the site built home is established, only recreational vehicles can be hooked-up to utilities as the guest quarters. No mobile, manufactured, or park model homes.
13. 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.

ATTACHMENT E
AERIAL PHOTO



**ATTACHMENT F
STAFF RESEARCH**



STAFF RESEARCH – FINAL PLAT

**CASE #: 18144-2017 CIELO VERDE PHASE #: 3
CASE PLANNER: BOB BLEVINS**

I. PROJECT DATA

Project Location:		Southeast corner of 35 th Street and Paraiso Parkway											
Parcel Number(s):		699-41-155											
Parcel Size(s):		1,395,588.3 SF											
Total Acreage:		31.03											
Proposed Dwelling Units:		93											
Address:		Not yet assigned											
Applicant:		The Jacobson Companies											
Applicant's Agent:		None											
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	Cielo Verde Specific Plan (CVSP-R)			Vacant desert			Low Density Residential						
North	Cielo Verde Specific Plan (CVSP-R)			Cielo Verde #2 homes			Commercial						
South	Cielo Verde Specific Plan (CVSP-R)			Vacant desert			Low Density Residential						
East	Cielo Verde Specific Plan (CVSP-R)			Retention Basin			Low Density Residential						
West	Cielo Verde Specific Plan (CVSP-R)			Cielo Verde #1 homes			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	O97-075 (12/19/97)									
General Plan Amendment	Yes		No	N/A									
Development Agreement	Yes	X	No	Cielo Verde Specific Plan (R2001-30)									
Rezone	Yes		No	N/A									
Subdivision	Yes	X	No	SUBD-16469-2017 (preliminary plat)									
Conditional Use Permit	Yes		No	N/A									
Pre-Development Meeting	Yes	X	No	12/06/16									
Design Review Commission	Yes		No	N/A									
Enforcement Actions	Yes		No	N/A									
Avigation Easement Recorded	Yes	X	No	Fee #		2001-34657							
Land Division Status:	Parcels are legal lots of record.												
Irrigation District:	Yuma Mesa Irrigation and Drainage District												
Adjacent Irrigation Canals & Drains:	None												
Water Conversion Agreement Required	Yes		No	X									

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision					Conforms			
	Minimum:		Maximum:			Yes	X	No	
Lot Size	Minimum:	8,791 SF	Maximum:	18,745 SF		Yes	X	No	
Lot Depth	Minimum:	93.09 FT	Maximum:	222.27 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	71.2 FT	Maximum:	229.72 FT		Yes	X	No	
Setbacks	Front:	15 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No
District Size	31.03	Acres				Yes	X	No	
Density	2.99	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		No		N/A	X	
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		No		N/A	X	
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

- o Legal Ad Published: The Sun (06/16/17)
- o 300' Vicinity Mailing: (05/22/17)
- o 34 Commenting/Reviewing Agencies noticed: (05/25/17)

- o Hearing Date: (07/10/17)
- o Comments due: (06/05/17)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	05/26/17	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	05/26/17	X		
Yuma County Water Users	YES	05/30/17	X		
Yuma County Planning & Zoning	YES	05/30/17	X		
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	06/07/17	X		
Yuma Mesa Irrigation District	YES	05/30/17	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	NR				
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	05/26/17	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	06/01/17	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
None Required- previously held 01/10/17	N/A
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
06/14/17	by U.S. Mail to Jacobson Companies

PUBLIC COMMENTS RECEIVED: NONE