



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

May 18, 2016

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Final Plat: Ellington Subdivision

**SUMMARY RECOMMENDATION:**

Approve the final plat of the Ellington Subdivision. The property is located north of 12th Street between Avenue D to the west and county residences on Yavapai Lane to the east. The applicant is Dahl, Robins and Associates, on behalf of Ellington Land AZ, LLC. (SUBD-13207-2016).

**REPORT:**

On April 25, 2016, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Underhill and Hamersley absent) of the final plat for the Ellington 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 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 will accept the 50 foot East half right-of-way for Avenue D located between this development and 8<sup>th</sup> Street if dedicated to the City of Yuma by Warranty deed from the property owner.
8. An 8 ½" X 11" paper copy of each 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. The Applicant/Developer shall comply with all of the Conditions of the Preliminary Plat Case #SUBD-12444-2015.
10. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

**QUESTIONS FOR STAFF:**

None

**APPLICANT/APPLICANT'S REPRESENTATIVE:**

**"Kevin Dahl - Dahl Robins and Associates**, 1560 S. 5<sup>th</sup> Avenue, Yuma, AZ, was available for questions.

**"Chris Hamel - Chairman of Planning and Zoning Commission**, asked if there was a retention basin on the Plat. **Dahl** said yes.

**"David Koopmann – Planning and Zoning Commissioner**, said he was glad to see this development move forward, after numerous public hearings on this site over the years.

**PUBLIC COMMENTS:**

No one spoke in favor or against the request to approve the Final Plat for the Ellington Subdivision.

**MOTION:**

"Motion by Koopmann, second by Sorenson, to APPROVE Case Number SUBD-13207-2016. Motion carried unanimously (5-0).'

**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 Ellington Subdivision as submitted, including the conditions of approval set forth in the final plat, the preliminary plat and the 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		5/10/2016	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files for Steven W. Moore		5/10/2016	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		5/5/2016		
WRITTEN/SUBMITTED BY:		DATE:		
Bobette Bauermann		4/27/2016		