

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

Hearing Date: September 24, 2018

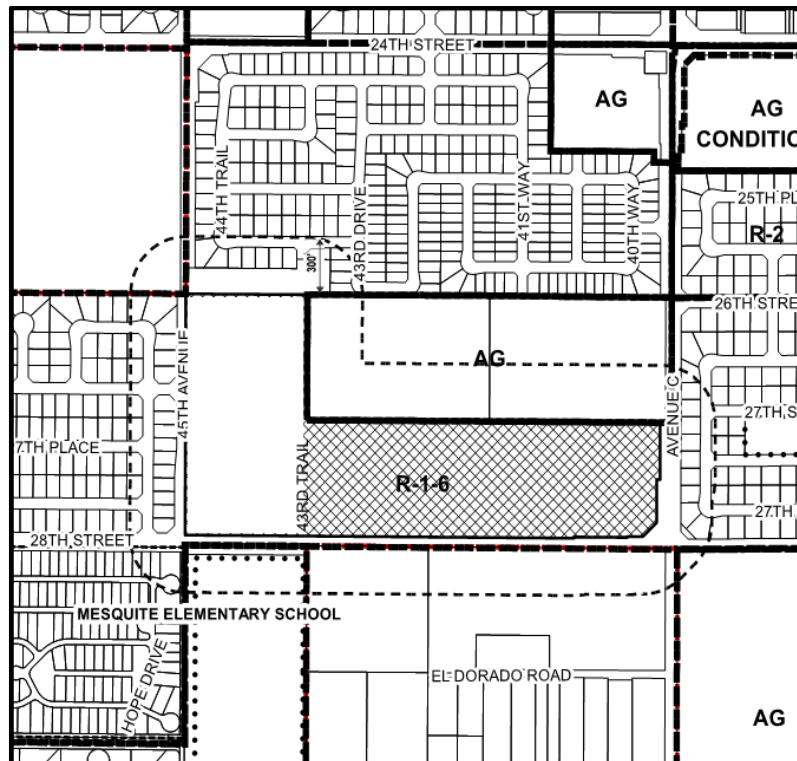
Case Number: SUBD-22789-2018

Project Description/Location:

This is a request by Dahl, Robins and Associates, on behalf of Yuma Valley Land Company LLC, for approval of the final plat for Park West Unit #5 Subdivision. This subdivision contains approximately 26.11 acres and is proposed to be divided into 99 residential lots, ranging in size from approximately 6,150 square feet to 16,619 square feet, for the property located at the northeast corner of 43rd Trail and 28th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Vacant land	Low Density Residential
North	Agriculture (AG)	Vacant land	Low Density Residential
South	Yuma County Zoning: Rural Area-10 Acre/Rural Area-40 Acre (RA-10/RA-40)	Vacant Land	Low Density Residential
East	Low Density Residential (R-1-6)	Parkway Place Subdivision	Low Density Residential
West	Low Density Residential (R-1-6)	Park West Unit #4 Subdivision	Low Density Residential

Location Map



Prior site actions: Pre-Annexation Development Agreement R2012-30; General Plan Amendment: GP-1255-2012; Annexation: O2013-30; Preliminary Plat: SUBD-5709-2014.

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Park West Unit #5 Subdivision subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Final Plat SUBD-22789-2018 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the final plat, the Planning and Zoning Commission is authorizing the design of the Park West Unit #5 Subdivision for the property located at the northeast corner of 43rd Trail and 28th Street, Yuma, AZ., subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The proposed 26.11 acre Park West Unit #5 Subdivision will consist of 99 single-family residential lots of 6,000 square feet or more. Access will be off of 28th Street and via 43rd Trail through Park West Unit #2. This new residential subdivision is in proximity to the existing Falls Ranch, Barkley Ranch, and Parkway Place subdivisions.

The prior recorded phases of this subdivision, Park West Units #1-3, have many homes completed, and a number under construction. Unit #4 was approved by City Council earlier in 2018, but is not yet recorded.

As required in the Park West Preannexation Development Agreement R2012-30, Improvements to 28th Street include: paving out to Avenue C, lighting, and landscaping. The landscaping improvements will be maintained by a Maintenance Improvement District (MID), which needs separate City Council approval.

A Neighborhood Meeting was held on August 15, 2018. Sixty-six notices to surrounding property owners were mailed out. No neighbors attended the meeting.

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 Received.

External Agency Comments: See Attachment E.

Neighborhood Meeting Comments: 08/15/18: No neighbors attended; no comments.

Proposed conditions delivered to applicant on: 08/21/18

Final staff report delivered to applicant on:

09/12/18

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

Condition #6: "Please note that we have an objection to Condition 6 and have requested to have it removed in its entirety."

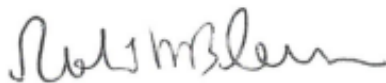
Comments from Staff: Discussion with the applicant included the following points:

- Condition #6 was also used on Park West Unit 4 to clarify landscaping for 28th Street.
- The condition, as used in Unit 4, and the existing Development Agreement tying conditional acceptance of the construction of 28th Street to 18 months or 51% of building permits is all that is needed for finishing 28th Street.
- Including this condition adds additional wording when all parts are currently in place to provide the City with its desired outcome, namely 28th Street.

Attachments

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

Prepared By:
Bob Blevins,
Principal Planner



Date: 9/10/18
Robert.Blevins@yumaaz.gov (928) 373-5189

Reviewed By:
Alyssa Linville,
Principal Planner



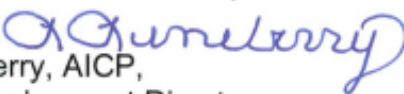
Date: 09/11/18

Approved By:
Dan Symer, AICP,
Assistant Director Community Development



Date: 9-11-18

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



Date: 9-11-18

**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 prior to the recordation of the Final Plat and prior to the issuance of any building permit (including model home permits) for this property.

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.

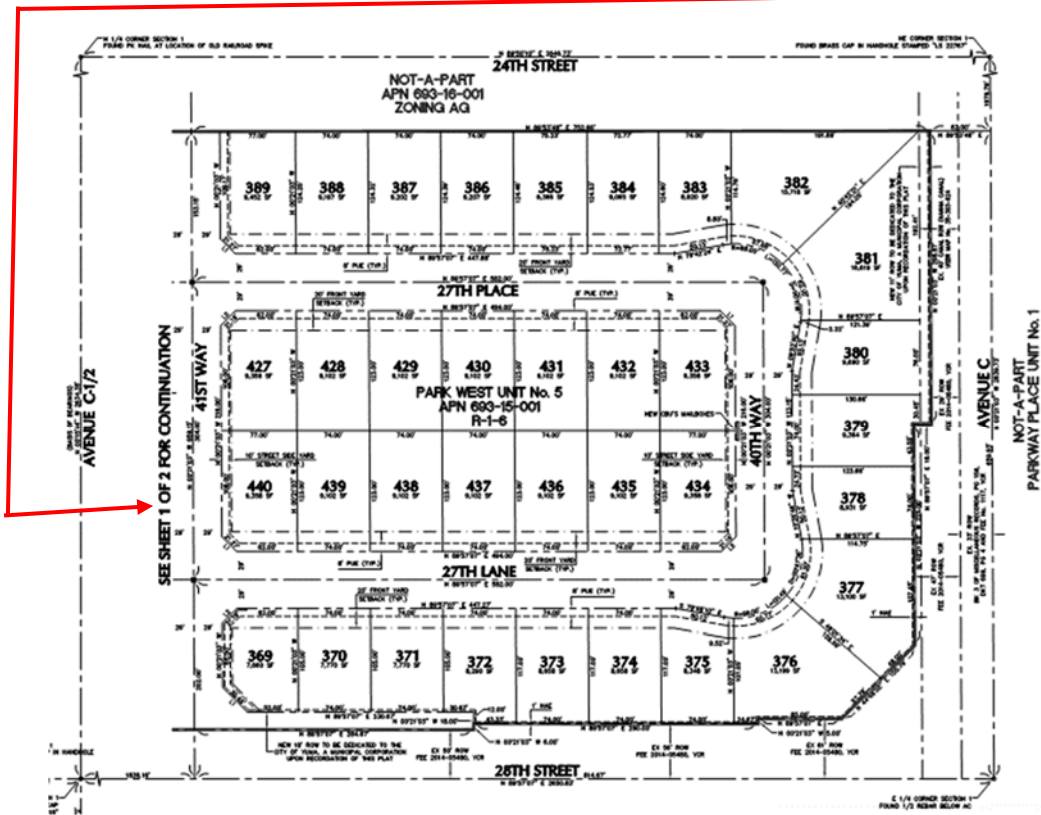
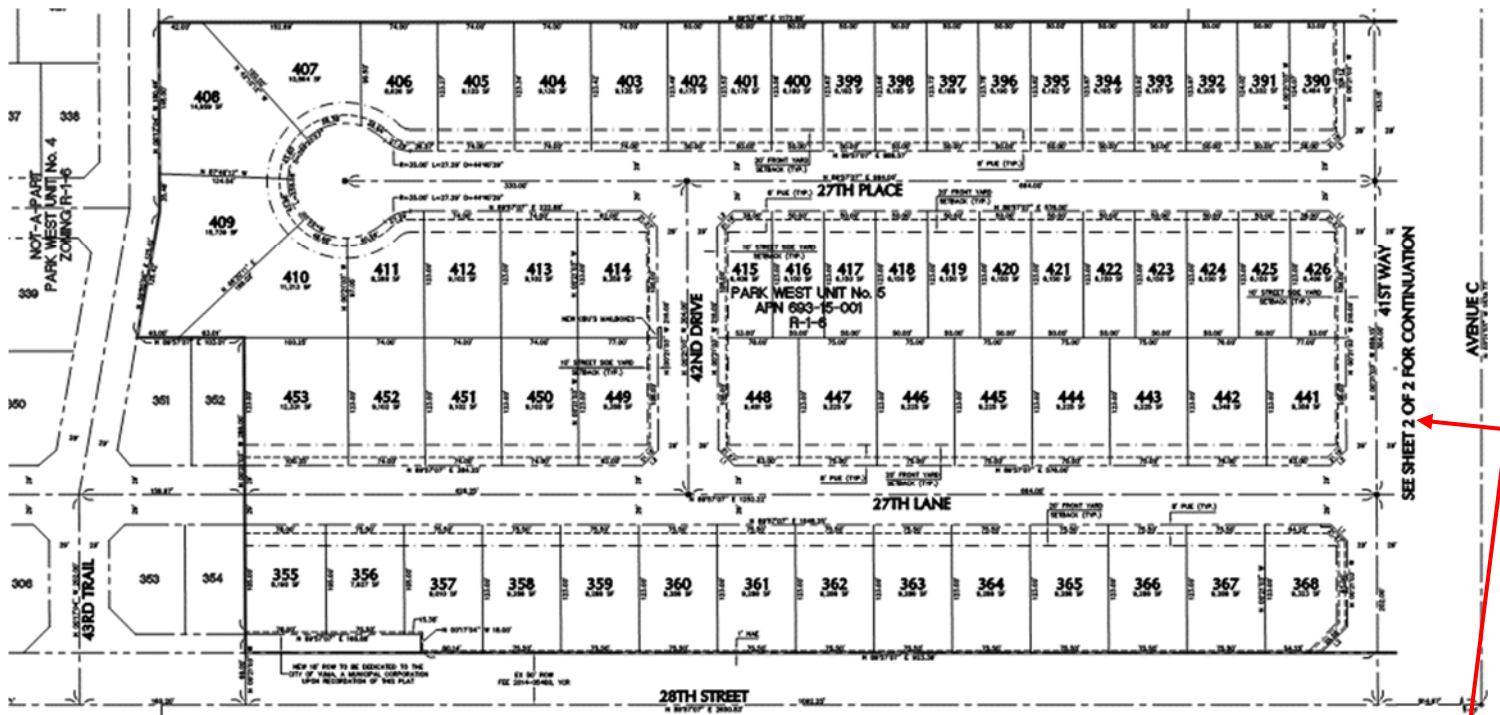
Community Planning Comments: Bob Blevins, Principal Planner, (928) 373-5189:

6. Landscaping shall be installed for the parkway along the north side of 28th Street from 45th Avenue to Avenue C along the south boundaries of Units #4 and #5. It is to be maintained by a Maintenance Improvement District, whose purpose will be to provide irrigation and maintenance of landscaping, drainage, and storm water retention areas. The landscaping is to be installed prior to recordation of the final plat of each Unit; and shall incorporate, but not go beyond, the corner triangles at the 28th Street intersections of 45th Avenue and Avenue C. The 28th Street Improvement Plans will be reviewed for compliance with this condition and with the development agreement (R2012-30) already in place.

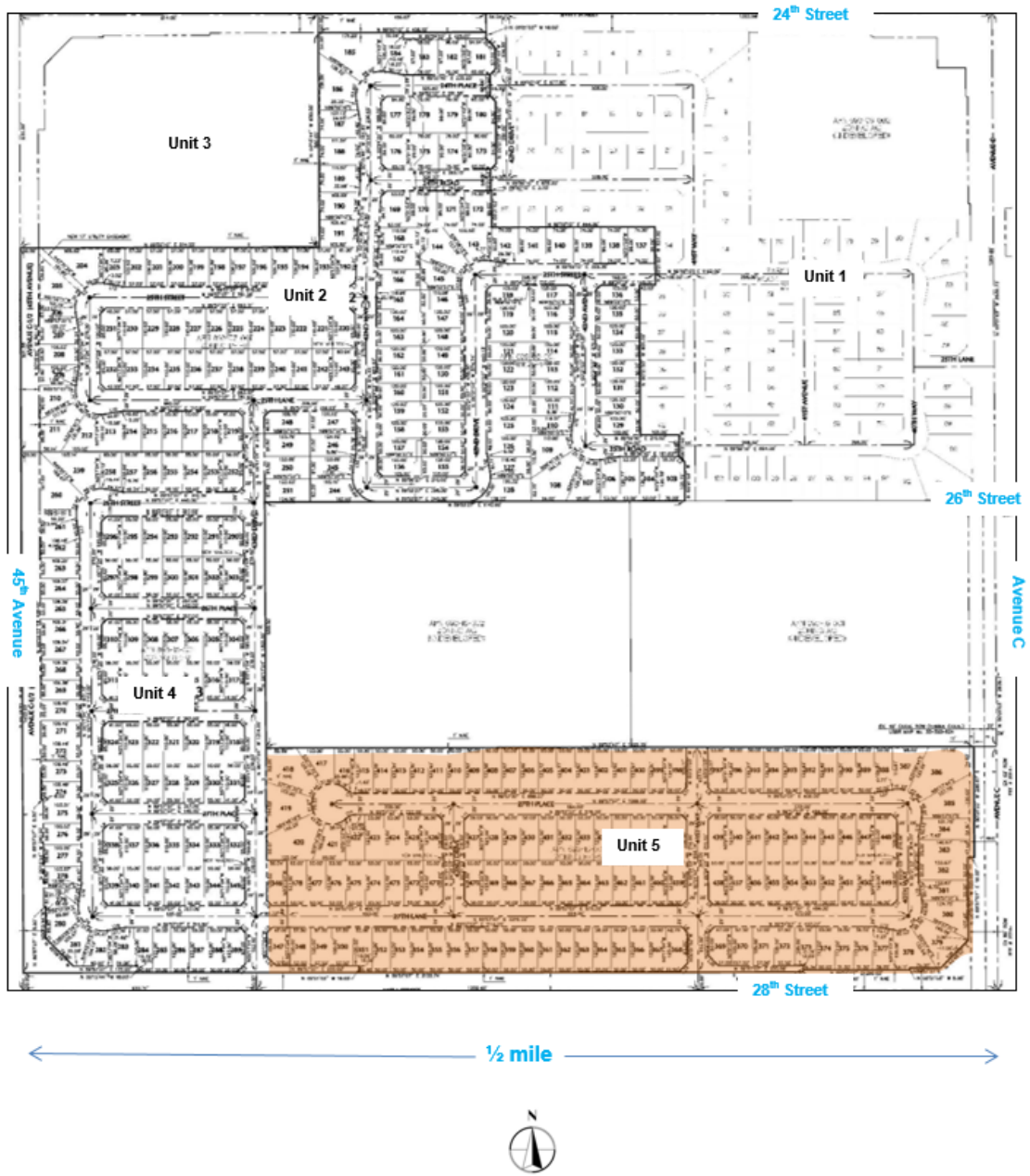
7. The Owner of the property shall agree to sign an application to convert all irrigation use water rights to the City of Yuma domestic use and shall provide to the City of Yuma, prior to the recordation of the final plat, written evidence that the entitlement water associated with this property is converted from irrigation to domestic use by the Yuma County Water Users Association.
8. A time frame for the build out of the subdivision shall be submitted to the Crane School District 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 two years 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



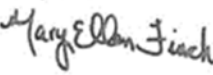
ATTACHMENT D
PRELIMINARY PLAT CONDITIONS

1. The conditions 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. Landscaping shall be installed for the parkway along the north side of 28th Street from 45th Avenue to Avenue C along the south boundaries of Units #4 and #5. It is to be maintained by a Maintenance Improvement District, whose purpose will be to provide irrigation and maintenance of landscaping, drainage, and storm water retention areas. The landscaping is to be installed prior to recordation of the final plat of each Unit; and shall incorporate, but not go beyond, the corner triangles at the 28th Street intersections of 45th Avenue and Avenue C. The 28th Street Improvement Plans will be reviewed for compliance with this condition and with the development agreement (R2012-30) already in place.
7. To meet the obligations of the pre-annexation development agreement for this property per Resolution R2012-30, fee # 2013-08606, the Developer shall execute any required petitions and other documentation necessary for the formation of a Maintenance Improvement District. Prior to the conveyance or other transfer of any portion of the property to a third party, the Developer shall, at Developer's cost, provide the City the necessary surveys, engineering work, and dedication of the required maintenance easements to the City. The District shall include the entirety of the property within its boundaries and include property to the centerline along the north side of 28th Street and the west side of Avenue C (to the north boundary of Park West Unit 5- formerly Unit 4 as shown on the preliminary plat). The requirements of this Condition are to be completed prior to recordation of the final plat.

8. The Owner of the property shall agree to sign an application to convert all irrigation use water rights to the City of Yuma domestic use and shall provide to the City of Yuma, prior to the recordation of the final plat, written evidence that the entitlement water associated with this property is converted from irrigation to domestic use by the Yuma County Water Users Association.
9. A time frame for the build out of the subdivision shall be submitted to the Crane School District to enable the district to adequately plan for future school facilities.
10. 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.
11. The Owner/Developer shall meet all conditions of approval for the preliminary plat of this subdivision.
12. 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.

ATTACHMENT E
EXTERNAL AGENCY COMMENTS

<input checked="" type="checkbox"/> COMMENT	<input type="checkbox"/> NO COMMENT				
<i>Enter comments below:</i>					
<ul style="list-style-type: none">- A water conversion needs to be processed accordingly. Affected YCWUA Serials are S-1061-3 & -6. A water conversion form is attached.- The NE corner of the subdivision needs to clearly define the private property lines and the new COY ROW. The new subdivision boundary needs to be right next to the property lots (379 – 382).- Provide a complete set of plans in PDF and CAD format for YCWUA approval process accordingly.					
DATE:	8/16/18	NAME:	Omar Peñuñuri	TITLE:	Sr. Engineering Technician, Lands & ROW
AGENCY:	YCWUA				
PHONE:	928-627-8827				

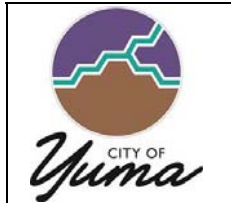
<input checked="" type="checkbox"/> Condition(s)	<input type="checkbox"/> No Condition(s)	<input checked="" type="checkbox"/> Comment			
<p>Enter conditions here: The subject property is located beneath an Approach/Departure flight path. It is requested that an avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment</p>					
DATE:	22 Aug 2018	NAME:	Mary Ellen Finch	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Robert Blevins Robert.Blevins@YumaAZ.gov				

Please note that Avigation Easement Fee #2013-12945 was recorded 05/02/2013.

ATTACHMENT F
AERIAL PHOTO



ATTACHMENT G
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-22789-2018 PHASE #: 5
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:		Northeast corner of 43 rd Trail and 28 th Street.												
Parcel Number(s):		693-15-001												
Parcel Size(s):		6,150 sq. ft. to 16,619 sq. ft.												
Total Acreage:		26.11												
Proposed Dwelling Units:		99												
Address:		Not yet assigned												
Applicant:		Yuma Valley Land Co, LLC												
Applicant's Agent:		Dahl, Robins and Associates												
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	Low Density Residential (R-1-6)			Vacant land				Low Density Residential						
North	Agriculture (AG)			Vacant land				Low Density Residential						
South	Yuma County Zoning: Rural Area-10 Acre/Rural Area-40 Acre (RA-10/RA-40)			Vacant Land				Low Density Residential						
East	Low Density Residential (R-1-6)			Parkway Place Subdivision				Low Density Residential						
West	Low Density Residential (R-1-6)			Park West Unit #4 Subdivision				Low Density Residential						
Prior Cases or Related Actions:														
<u>Type</u>		<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement		Yes	X	No		R2012-30								
Annexation		Yes	X	No		O2013-30								
General Plan Amendment		Yes	X	No		GP-1255-2012								
Development Agreement		Yes		No		N/A								
Rezone		Yes	X	No		Upon Annexation (to R-1-6)								
Subdivision		Yes	X	No		SUBD-5709-2014								
Conditional Use Permit		Yes		No		N/A								
Pre-Development Meeting		Yes	X	No		Date: January 10, 2012								
Design Review Commission		Yes		No		N/A								
Enforcement Actions		Yes		No		N/A								
Avigation Easement Recorded		Yes	X	No		Fee #	2013-12945							
Land Division Status:		Parcel is a legal lot of record.												
Irrigation District:		Yuma County Water User's Association												
Adjacent Irrigation Canals & Drains:		Lawler Lateral												
Water Conversion Agreement Required		Yes	X	No										

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms			
Lot Size	Minimum:	6,150 SF		Maximum:	16,619 SF		Yes	X	No	
Lot Depth	Minimum:	97.05 FT		Maximum:	194.05 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	50.0 FT		Maximum:	75.5 FT		Yes	X	No	
Setbacks	Front:	20 FT.		Rear:	10 FT.		Side:	7 FT.		
District Size	26.11		Acres				Yes	X	No	
Density	3.79		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	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes	X	No		N/A	
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		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
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	X	No		N/A	
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

- Legal Ad Published: The Sun 08/31/18
- 300' Vicinity Mailing: 08/06/18
- 34 Commenting/Reviewing Agencies noticed: 08/09/18
- Site Posted: 08/08/18
- Neighborhood Meeting Date: 08/15/18
- Hearing Date: 09/24/17
- Comments due: 08/20/18

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	08/10/18	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	08/16/18		X	X
Yuma County Planning & Zoning	YES	08/14/18	X		
Arizona Public Service	NR				
Spectrum Cable	NR				
Southwest Gas	NR				
Century Link	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	08/09/18	X		
Yuma Mesa Irrigation District	YES	08/10/18	X		
Arizona Fish and Game	YES	08/13/18	X		
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	YES	08/10/18	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	08/13/18	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	08/22/18		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
08/15/18 @ 5 P.M. East End Of 28 th Street Past Mesquite School.	None, no one in attendance.
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
August 22, 2017	by U.S. Mail to Dahl, Robins.

PUBLIC COMMENTS RECEIVED: NONE