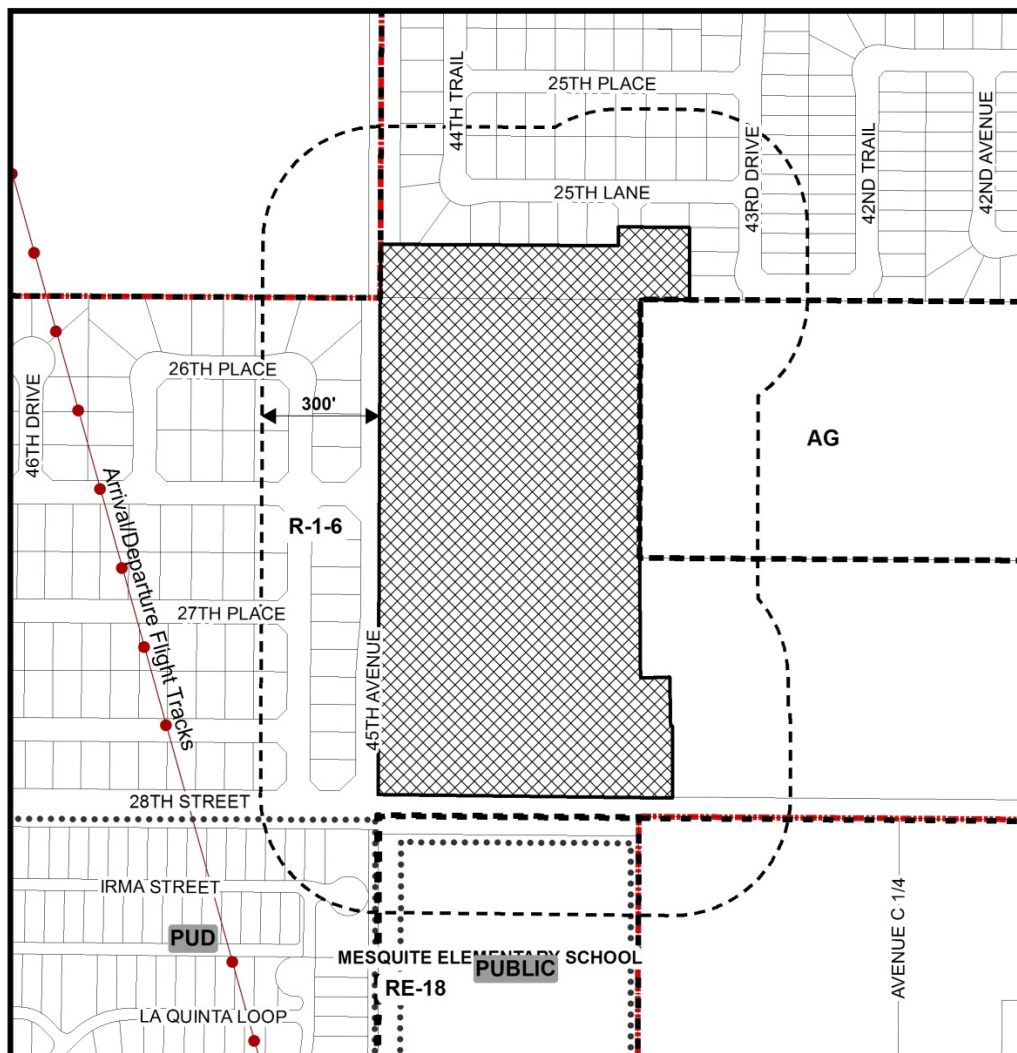


STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – FINAL SUBDIVISION

Hearing Date: July 10, 2017. This case was continued from the June 26, 2017 P&Z Hearing. **Case Number:** SUBD-17860-2017

Project Description/Location: Final plat for Park West Unit #4 Subdivision. This subdivision will contain approximately 22.45 acres and is proposed to be divided into 83 residential lots, ranging in size from approximately 6,005 square feet to 10,555 square feet. The property is located at the northeast corner of 45th Avenue and 28th Street, Yuma, AZ.

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 #4 Subdivision, subject to the conditions shown in Attachment A.

Suggested Motion: Motion to **APPROVE** the final plat of the Park West Unit #4 Subdivision, subject to the conditions shown in Attachment A, because the request, with conditions, is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

Staff Analysis: The proposed 22.45 acre Park West Unit #4 Subdivision will consist of 83 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 a number of homes under construction.

Improvements to 28th Street including paving out to Avenue C, as required in the Park West Preannexation Development Agreement (R2012-30); including 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 May 17, 2017 (see Attachment F). Twelve neighbors were in attendance. Concerns were: not completing 45th Avenue; and the construction of 28th Street including sidewalks, walls, and landscaping.

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:

Name:	Bill Mowczko			Contact Information: 928-782-2108						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
"How will you deal with huge elevation drop-off along 45 th ? Need street connection between Park West and 45 th , sidewalks on Ave C, 24 th & 28 th because of serious safety hazard for children."										

External Agency Comments:

See Attachment E

Neighborhood Meeting Comments:

See Attachment F

Proposed conditions delivered to applicant on: June 5, 2017

Final staff report delivered to applicant on: July 6, 2017

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: July 6, 2017
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	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	G	H
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Prepared By: 
Bob Blevins, Principal Planner

Date: 7/6/17

Reviewed By: 
Alyssa Linville, Principal Planner

Date: 07/06/17

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

Date: 7-6-17

**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:

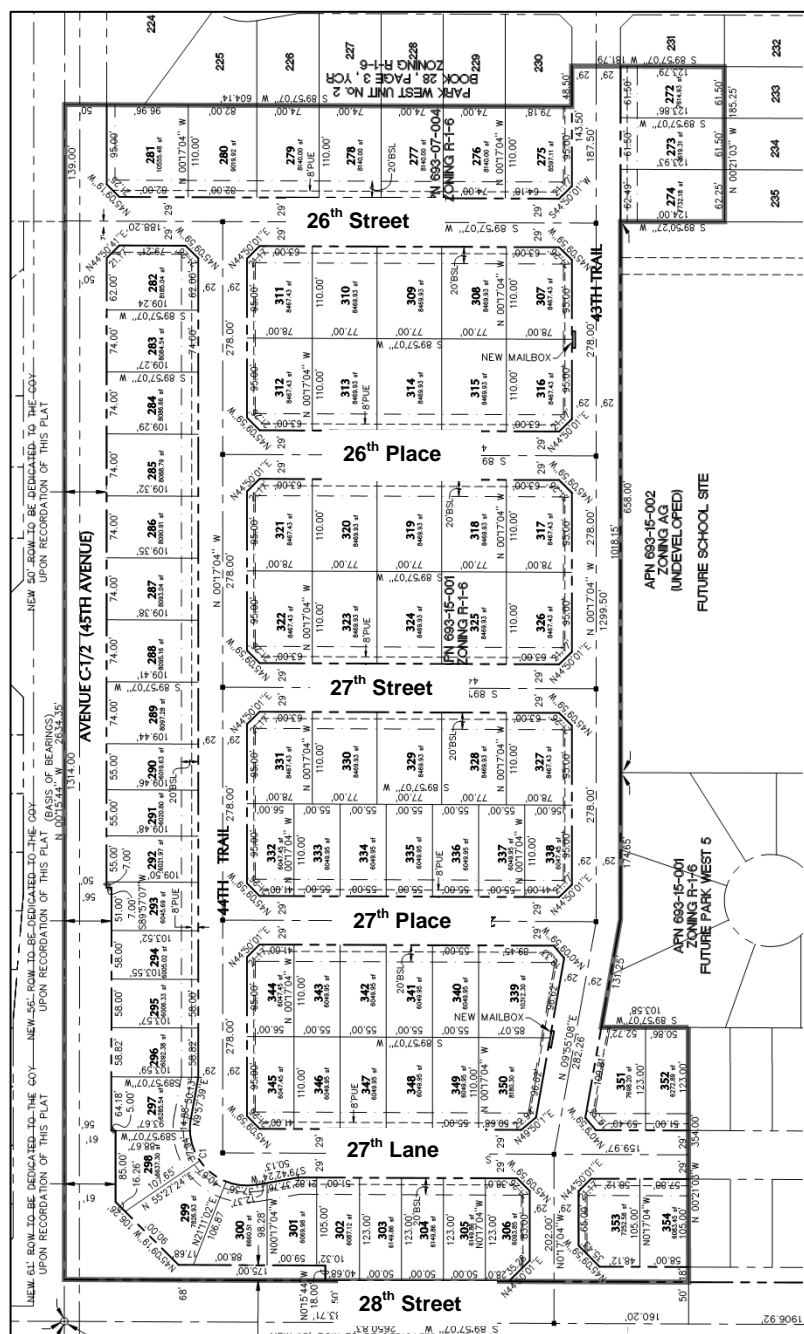
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
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.

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

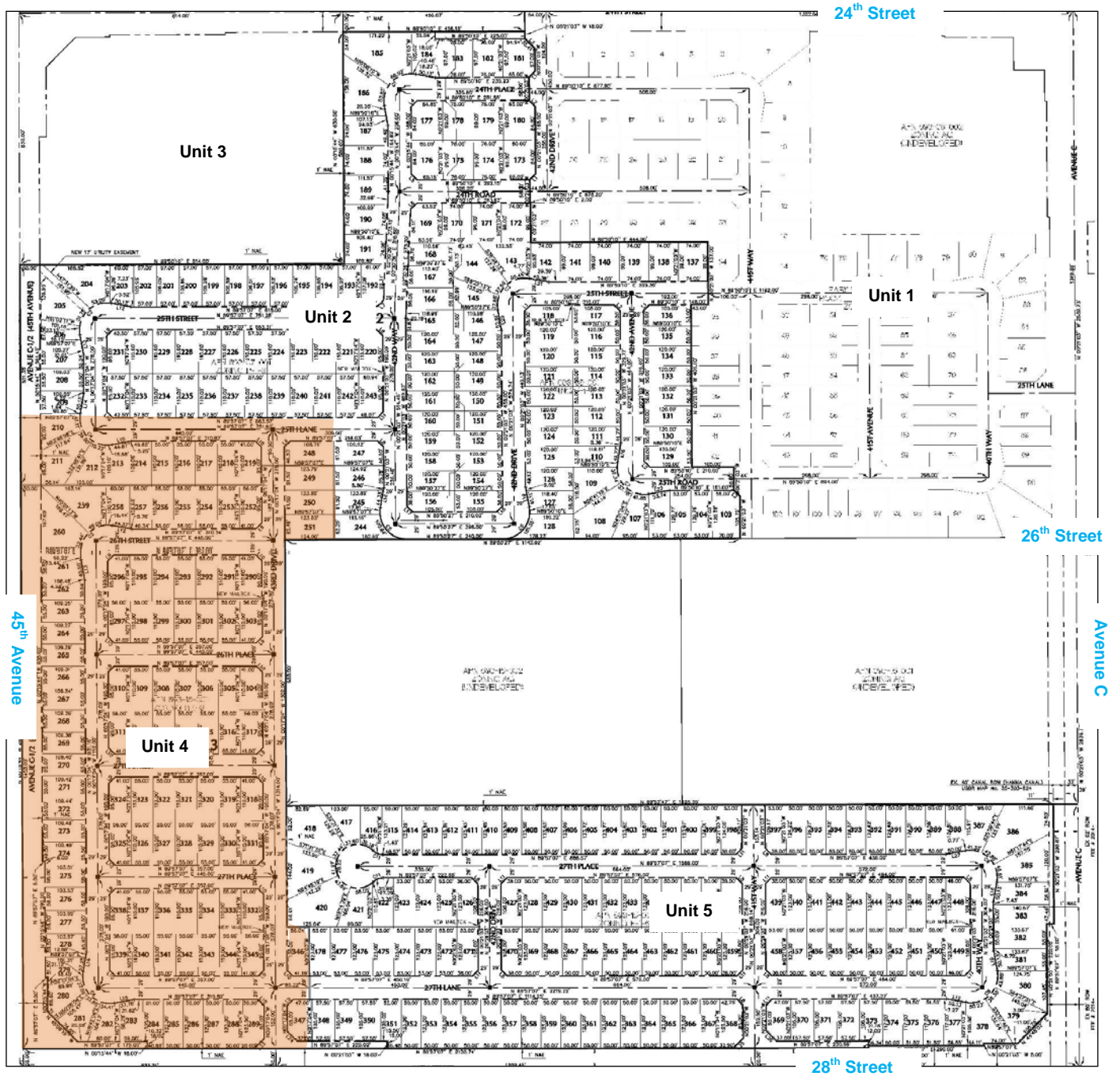
6. Landscaping shall be installed for the parkway along the north side of 28th Street from 45th Avenue to Avenue C along the south boundaries of Units #4 and #5. It is to be maintained by a Maintenance Improvement District, whose purpose will be to provide irrigation and maintenance of landscaping, drainage, 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. 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.

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 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 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 Owner/Developer shall provide a Title Report and supporting documentation for the property contained within the proposed preliminary subdivision, at the time that full design plans are submitted for the first phase of this preliminary plat to the City of Yuma for review.
7. The Owner/Developer shall meet the obligations of the pre-annexation development agreement for this property per resolution R2012-30, recorded at fee # 2013-08606, Yuma County Records.
8. The Owner/Developer shall provide one street stub out (minimum) from the subdivision to the future 45th Avenue, preferably one located near the subdivision north-south mid-point.
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. Show group mailbox location(s) on the plat at the actual locations they will be constructed. The Developer shall coordinate mail delivery receptacles with the United States Postal Service.
11. The Applicant shall submit a landscaping and irrigation plan that meets City landscaping code requirements for the street parkways, raised medians and areas adjacent to the subdivision walls.
12. With the exception of Condition 2, the Owner shall submit a final plat within two (2) years of Preliminary Plat approval. Should a Final Plat not be submitted within two (2) years 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
EXTERNAL AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

Enter comments below:

- A water conversion needs to be processed accordingly. Affected YCWUA Serials are S-1061-1 & S-1061-2. A water conversion form is attached.

- Provide a complete set of plans in PDF and CAD format for YCWUA approval process accordingly.

DATE: 5/17/17 NAME: Omar Peñuñuri TITLE: Sr. Eng. Tech, Lands & ROW

AGENCY:
 YCWUA

PHONE: 928-627-8824

ATTACHMENT F
NEIGHBORHOOD MEETING COMMENTS

Date Held: 05-17-17 **Location:** East end of 28th Street past Mesquite School.

Attendees:

Applicant's Agent: Dave Bickel of Dahl, Robins, and Associates.

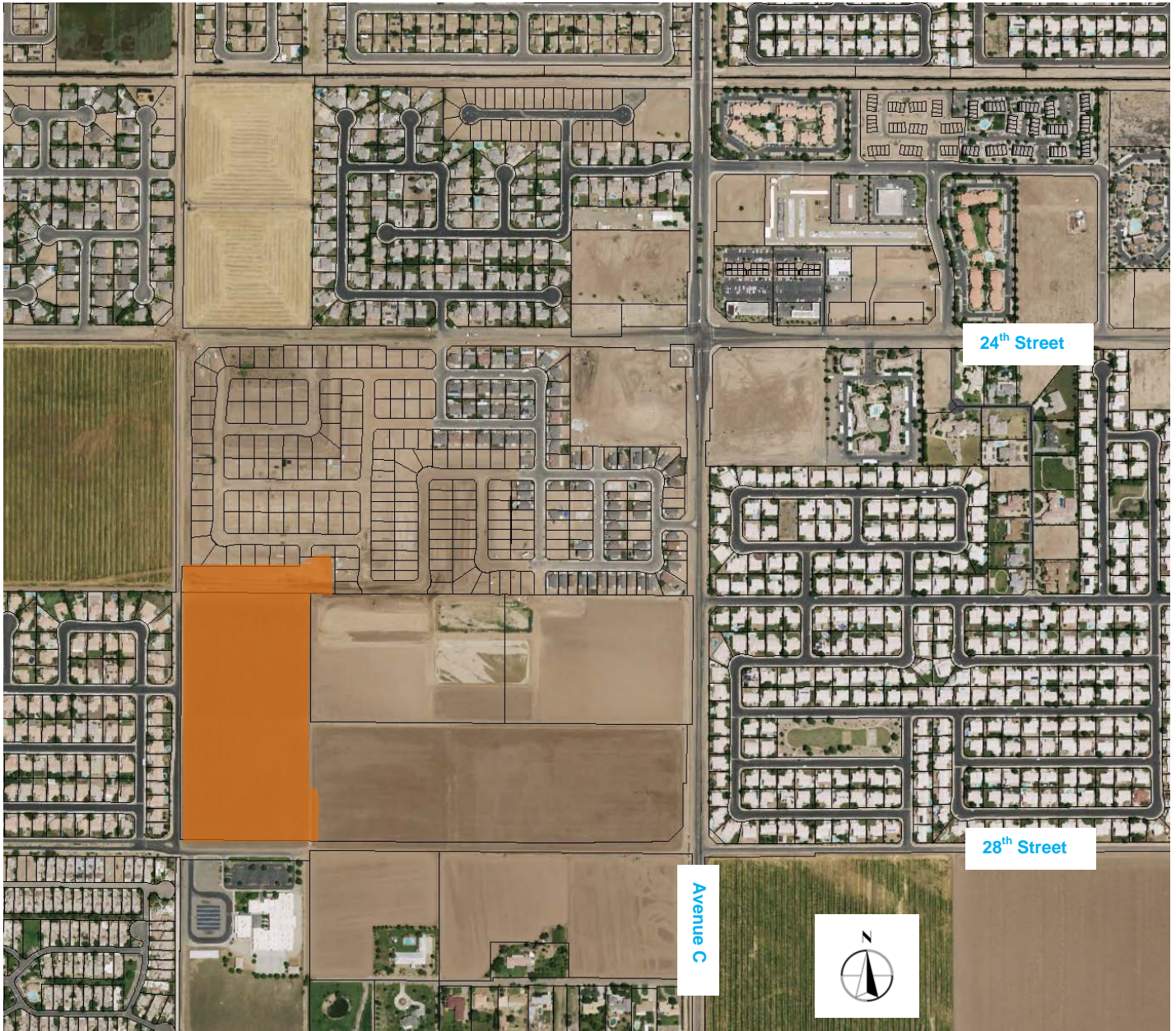
Staff: Bob Blevins

Twelve neighbors were in attendance.

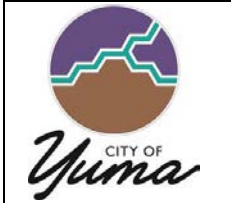
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **NEIGHBOR: NEEDS BIKE LANE(S) ON 28TH STREET; CITY HAS COME A LONG WAY ON BIKE PATHS.**
- **AGENT: 28TH STREET WILL BE NORTH ½ STREET IMPROVED WITH CURBS, GUTTERS, SIDEWALK, STREET LIGHTS. WILL REMOVE PORK CHOP AT 45TH AVE. LANDSCAPED STRIP 8 FT. WIDE.**
- **NEIGHBOR: PARENTS, BUSES BACKED UP.**
- **NEIGHBOR: NOTHING HAS BEEN DONE TO ALLEVIATE SOIL/DUST.**
- **NEIGHBOR: HOW WILL YOU HANDLE THE TRANSITION IN ELEVATIONS. THE DROP-OFF IS A HAZARD. SAFETY CONCERNS FOR CHILDREN AT 45TH AVENUE.**
- **NEIGHBOR: WILL THERE BE LANDSCAPING? WILL BE A MUD PUDDLE.**
- **NEIGHBOR: NO IMPROVEMENT TO 45TH AVENUE. NEED TO MATCH THE GRADE OF 45TH AVENUE THEN TRANSITION TO THE WALL. FENCES NEED TO BE AT STREET LEVEL SO WON'T BE A 12 FT. WALL. WHY NOT FILL THAT AREA AND COMPROMISE SO IT WON'T BE THREE FOOT BELOW.**
- **NEIGHBOR: UGLY WALL AND NO LANDSCAPING. 45TH AVENUE PRESENTING SOMETHING UGLY. 45TH AVENUE SHOULD BE CONSISTENT WITH WHAT WILL BE ON 28TH STREET. DON'T WANT WALL ON 45TH AVENUE.**
- **NEIGHBOR: YOU THROW YOURSELF INTO THE COMMUNITY AND ARE NOT CONSISTENT WITH THE CITY.**
- **NEIGHBOR: BUFFER ZONES AND LANDSCAPING- DID IT BEFORE BUT CAN'T DO IT HERE?**
- **NEIGHBOR: GLAD THAT 28TH STREET IS GOING THROUGH. 28TH STREET IS WEIRDLY-WRITTEN IN DEVELOPMENT AGREEMENT.**
- **NEIGHBOR: WILL THERE BE A SIDEWALK FROM 45TH TO AVENUE C AND TURN BOTH WAYS AT AVENUE C? AGENT: YES**
- **NEIGHBOR: HOW SOON WILL CONSTRUCTION BEGIN? AGENT: A FEW WEEKS- GRADING.**
- **NEIGHBOR: SIZE OF HOMES? AGENT: 12-2500 SQ. FT. NEIGHBOR: IN BARKLEY RANCH THEY ARE 1500 MINIMUM.**
- **NEIGHBOR: IN THE BIKE PLAN IT SHOWS A BIKE PATH.**
- **NEIGHBOR: WE ARE NOT VERY HAPPY THAT THE DEVELOPMENT AGREEMENT IS SETTLED. WHY HAVE THIS MEETING? WHEN THE AGREEMENT WAS MADE, SOME THINGS WERE NOT CONSTRUCTED AS REQUIRED.**
- **NEIGHBOR: WHAT IS THE NEXT STEP? AGENT: P&Z MEETING, THEN CITY COUNCIL.**
- **NEIGHBOR: WHY AREN'T WE THINKING AHEAD WITH MULTI-USE PATHS AND SIDEWALKS FOR KIDS.**
- **NEIGHBOR: WALLS WILL BE A TARGET FOR HIGH SCHOOL KIDS. SHOULD BE 35-40 MPH LIMIT IF WALL THERE. NEED TO SLOW DOWN TRAFFIC 25-35 MPH. WITH A WALL THEY WILL GO FASTER.**
- **AGENT: THE SCHOOL AND SUBDIVISIONS WILL BE USING LAND FOR RETENTION- FOOTBALL FIELD.**
- **NEIGHBOR: LANDSCAPING? AGENT: DESERT LANDSCAPING.**
- **NEIGHBOR: CAN MESQUITE SCHOOL HANDLE MORE KIDS?**
- **NEIGHBOR: SHOULD BUILD SUBDIVISION AND SCHOOL AT THE SAME TIME.**
- **NEIGHBOR: SHOULD EXPAND MESQUITE SCHOOL AND SELL OTHER LAND.**
- **ENDED 5:50 PM**

ATTACHMENT G
AERIAL PHOTO



ATTACHMENT H
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-17860-2017 PHASE #: 4
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:				Northeast corner of 45 th Avenue and 28 th Street.											
Parcel Number(s):				693-07-004 & 693-15-001											
Parcel Size(s):				6,005 sq. ft. to 10,555 sq. ft.											
Total Acreage:				22.45											
Proposed Dwelling Units:				83											
Address:				Not yet assigned											
Applicant:				Park West Yuma Development, LLC & 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	Low Density Residential (R-1-6)	Park West 2 Subdivision	Low Density Residential
South	Residential Estate/Public Overlay (RE-18/P)	Crane Middle School	Low Density Residential
East	Agriculture (AG)	Vacant land	Low Density Residential
West	Low Density Residential (R-1-6)	Barkley Ranch 6 & 7 Subdivision	Low Density Residential

Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
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:	6,005 SF	Maximum:	10,555 SF	Yes	X	No		
Lot Depth	Minimum:	93.67 FT	Maximum:	124.0 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	50.0 FT	Maximum:	96.96 FT	Yes	X	No		
Setbacks	Front:	20 FT.	Rear:	10 FT.	Side:	7 FT.	Yes	X	No
District Size	22.45	Acres				Yes	X	No	
Density	3.69	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		No		N/A	X	
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 (06/02/17)
- 300' Vicinity Mailing: (05/08/17)
- Site Posted on: (05/10/17)
- 34 Commenting/Reviewing Agencies noticed: (05/11/17)
- Neighborhood Meeting Date: (05/17/17)
- Hearing Date: (06/26/17)
- Comments due: (05/22/17)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	05/11/17	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	05/12/17	X		
Yuma County Water Users	YES	05/17/17		X	X
Yuma County Planning & Zoning	YES	05/18/17	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	05/11/17	X		
Yuma Irrigation District	NR				
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	YES	05/16/17	X		
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	05/12/17	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	05/12/17	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
May 17, 2017- 5 P.M. East End Of 28 th Street Past Mesquite School.	See Staff Report Attachment F
Prop. 207 Waiver Given to Applicant on:	Delivery Method:
May 4, 2017	by U.S. Mail to Dahl, Robins

PUBLIC COMMENTS RECEIVED:

Name:	Bill Mowczko	Contact Information:	928-782-2108
Method of Contact:	Phone	X	FAX
	Email		Letter
			Other
"How will you deal with huge elevation drop-off along 45 th ? Need street connection between Park West and 45 th , sidewalks on Ave C, 24 th & 28 th because of serious safety hazard for children."			