

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

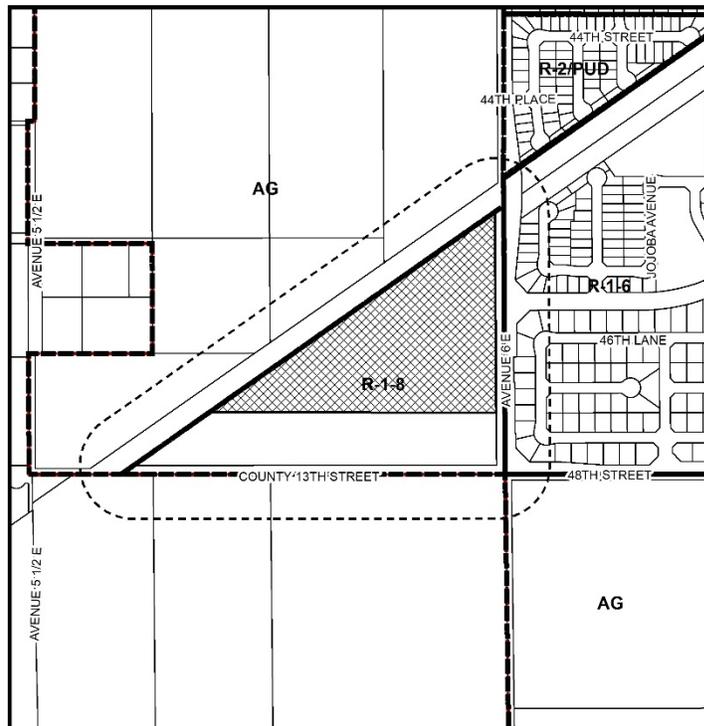
Hearing Date: March 25, 2019

Case Number: SUBD-24804-2019

Project Description/Location: This is a request by Dahl, Robins and Associates, on behalf of Jakolin, LLC, for approval of the final plat for Villa Serena Subdivision, Unit 1. This phase of the subdivision contains approximately 21.3 acres and is proposed to be divided into 47 residential lots, ranging in size from approximately 9,120 square feet to 23,731 square feet. The property is located near the northwest corner of S. Avenue 6E and E. 48th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-8)	Citrus	Low Density Residential
North	Low Density Residential (R-1-12 and R-1-8)	Driftwood Ranch Subdivision	Low Density Residential
South	Low Density Residential (R-1-8)	Citrus, Future Villa Serena Unit 2	Low Density Residential
East	Low Density Residential (R-1-6)	Ocotillo Subdivision	Low Density Residential & Public-Quasi Public
West	Low Density Residential (R-1-12 and R-1-8)	Driftwood Ranch Subdivision	Low Density Residential

Location Map



Prior site actions: Annexation: A2008-05; Plan Amendment: GP2008-004; Subdivision: S2008-008 & S2008-008-01 (expired), SUBD-23288-2018 Villa Serena Preliminary Plat.

Staff Recommendation: Staff recommends **APPROVAL** of the final plat for the Villa Serena Subdivision, Unit 1, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** the final plat for SUBD-24804-2019 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 acknowledging the street and lot layout of Villa Serena Subdivision, Unit 1, which includes 47 lots ranging in size from 9,120 square feet to 23,731 square feet for the property located near the northwest corner of S. Avenue 6E and E. 48th Street, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The proposed Villa Serena Subdivision, Unit 1 will consist of 47 single-family residential lots. Access will be via S. Avenue 6E. This new residential subdivision is in proximity to the existing Ocotillo 4B Subdivision and has the "A" Canal as its north boundary.

A subdivision with a similar layout was previously approved (S2008-008-01) and that version of the Villa Serena Subdivision expired. The prior final plat was never recorded.

The street landscaping improvements will be maintained by a Maintenance Improvement District (MID), which needs separate City Council approval.

- 1. **Does the subdivision comply with the conditions of the rezoning?**
Yes. This phase of the final plat meets the R-1-8 development standards.
- 2. **Does the subdivision comply with the conditions of the preliminary plat approval?**
Yes. The design of this phase of the final plat incorporates the preliminary plat conditions.
- 3. **Is the final plat consistent with the preliminary plat that was approved?**
Yes. The access and street layouts are consistent with the approved preliminary plat.

Public Comments Received: None Received.
External Agency Comments: See Attachment E.
Neighborhood Meeting Comments: See Attachment F.

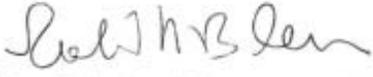
Proposed conditions delivered to applicant on: February 26, 2019

Final staff report delivered to applicant on: March 11, 2019

- Applicant agreed with all of the conditions of approval on: March 5, 2019
- 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

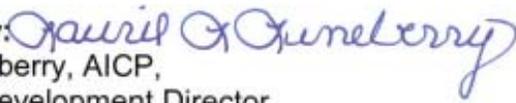
A	B	C	D	E	F	G	H
Conditions of Approval	Final Plat Map	Prelim Plat Map	Prelim Plat Conditions	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo	Staff Research

Prepared By: 
 Robert M. Blevins, Principal Planner (928) 373-5189

Date: 3/7/19
 Robert.Blevins@yumaaz.gov

Reviewed By: 
 Alyssa Linville, Principal Planner

Date: 03/07/19

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

Date: 3-7-19

**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.

City Engineering Department Conditions: Andrew McGarvie, Engineering Manager, (928) 373-5000, #3044:

6. The Owner/Developer shall retain the secondary access easement across Lot 47 in Villa Serena Unit No. 1 until such time as a permanent, fully constructed and approved public secondary access point is provided to S. Avenue 6E via E. 48th Street.

City Fire Department Conditions: Kayla Franklin, Fire Marshal, (928) 373-4865:

7. Adequate secondary Fire Department access must be shown on the final plat. This access must remain in place until a permanent secondary fire department access is approved and installed.

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

8. A time frame of build-out for the subdivision shall be submitted to the Yuma School District 1, 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. 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 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's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Range Disclosure Statement on the property acknowledging that the property owner and subsequent development owners will encounter aircraft operations and slow-moving vehicles, will experience ordnance detonations, and vibrations and high energy electronic emitters which may disturb radio and television reception.
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. Owner/Developer shall obtain a non-revocable license in the name of the City of Yuma or a Maintenance Improvement District for the use of the WAPA right-of-way for any retention/walking path, and street encroachment prior to the recordation of a final plat to the City of Yuma. If no permit can be obtained from WAPA, then the plat will be revised with new storm water retention locations outside of the WAPA right-of-way.
8. Owner/Developer shall incorporate any WAPA improvements/requirements into the Final Plat, if a non-revocable license for the use of WAPA right-of-way is approved.
9. Owner/Developer will set up a Maintenance Improvement District to maintain the landscaping along the E. 48th Street frontage, the S. Avenue 6E frontage, and the basin and walking areas if a non-revocable WAPA license is granted. It is acknowledged that the maintenance district will be maintaining additional landscaping along the S. Avenue 6E frontage until buildout along S. Avenue 6E occurs in the future.
10. Owner/Developer shall landscape the S. Avenue 6E frontage from the property line to the edge of the 8 foot shoulder. This would be a combination of landscaping having areas of gravel where visibility and safety on S. Avenue 6E would be affected.

11. The City of Yuma is open to reducing the right-of-way on E. 48th Street from the 50 feet (minor arterial street) dedication to 40 feet nominal (Collector Street) as classified in the City of Yuma Master Transportation Plan. The City will retain the existing right-of-way on S. Avenue 6E.
12. The Owner/Developer shall provide a Raised Median Disclosure at the time the final plat is recorded.
13. The Owner/Developer shall dedicate any additional right-of-way necessary for the bridge/box culvert crossing of the "A" Canal on the north side of E. 48th Street, at the time the final plat is recorded.
14. Landscaping and the Resolution Ordering the Maintenance Improvement District to be completed prior to the recordation of the final plat.
15. No lot can be split to create additional lots on the plat.
16. 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
EXTERNAL AGENCY COMMENTS

COMMENT NO COMMENT

Enter comments below:

Citrus groves are valuable roosting habitat for birds such as mourning, white-winged, and Eurasian collared dove which are identified as species of economic importance by the Arizona Game and Fish Department.

DATE: 2/15/19 NAME: Tyler Williford TITLE: Habitat Specialist
AGENCY: Arizona Game and Fish Department
PHONE: (928) 341-4069

COMMENT NO COMMENT

Enter comments below:

Subject property is bordered on the south by two properties zoned Rural Area-10 acre minimum in agriculture. So agricultural activities to be expected in that area, not limited to dust and pesticides.

DATE: 2/12/19 NAME: Javier Barraza TITLE: Senior Planner
AGENCY: Yuma County DDS, Planning & Zoning
PHONE: (928) 817-5150

COMMENT NO COMMENT

Enter comments below:

WAPA is requiring that our access road be retained to allow for maintenance of our Structure that is located between the retention basins being constructed. We are currently working with Dahl, Robins & Assoc to resolve the issue.

DATE: 3/5/19 NAME: Dennis Patane TITLE: Lands & Realty Specialist
AGENCY: The Building People, contractor for WAPA
PHONE: 602 605-2713

ATTACHMENT F
NEIGHBORHOOD MEETING COMMENTS

Date Held: 09/18/18

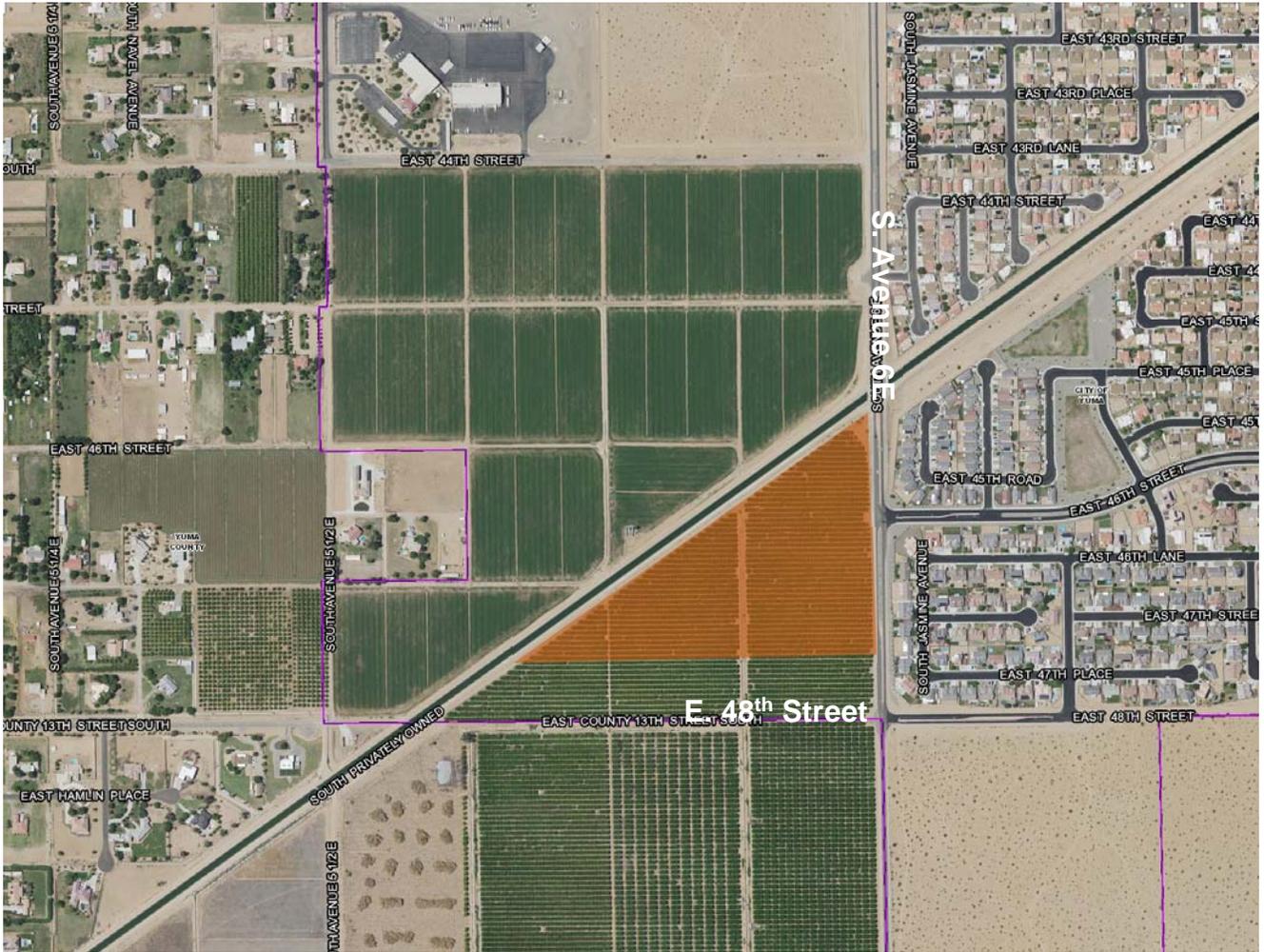
Location: At the property (Northeast corner of S. Avenue 6E and E. 48th Street.

Attendees: Applicant: Sean Kerley of Jakolin, LLC; Agent: Dave Bickel of Dahl, Robins; and Bob Blevins, City of Yuma, and two neighbors.

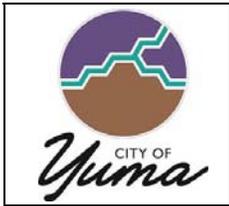
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- **DISCUSSED HOW 48TH STREET WOULD BE DEVELOPED AND DECELERATION LANES INTO SUBDIVISION.**
- **40TH AND 48TH STREET WILL NOT ACCESS STATE ROUTE 195.**
- **NEW SCHOOL SOON TO BE UNDER CONSTRUCTION ON NORTH SIDE OF CANAL.**
- **HOUSES WILL BE LIKE KERLEY RANCH- BLOCK CONSTRUCTION.**
- **THERE PRESENTLY IS MUCH SAND BLOWING, WILL NEED TO WORK TO BLOCK IT.**

ATTACHMENT G
AERIAL PHOTO



**ATTACHMENT H
STAFF RESEARCH**



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-24804-2019 PHASE #: 1
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:		Northwest corner of S. Avenue 6E and E. 48 th Street.											
Parcel Number(s):		197-17-004											
Parcel Size(s):		927,828 square feet											
Total Acreage:		21.3											
Proposed Dwelling Units:		47											
Address:		Not yet assigned.											
Applicant:		Dahl, Robins, and Associates.											
Applicant's Agent:		Jakolin, LLC.											
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-1-8)			Citrus				Low Density Residential					
North	Low Density Residential (R-1-12 and R-1-8)			Driftwood Ranch Subdivision				Low Density Residential					
South	Low Density Residential (R-1-8)			Citrus, Future Villa Serena Unit 2				Low Density Residential					
East	Low Density Residential (R-1-6)			Ocotillo Subdivision				Low Density Residential & Public-Quasi Public					
West	Low Density Residential (R-1-12 and R-1-8)			Driftwood Ranch 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		No	N/A								
Annexation		Yes		No	A2008-05 (Effective 12-18-08)								
General Plan Amendment		Yes		No	GP2008-004								
Development Agreement		Yes		No	N/A								
Rezone		Yes		No	N/A								
Subdivision		Yes		No	S2008-008 & S2008-008-01 (Expired), SUBD-23288-2018 (Villa Serena Preliminary Plat),								
Conditional Use Permit		Yes		No	N/A								
Pre-Development Meeting		Yes		No	PDM-23075-2018 (08/08/18).								
Design Review Commission		Yes		No	N/A								
Enforcement Actions		Yes		No	N/A								
Avigation Easement Recorded		Yes		No	Fee# 2011-16827								
Land Division Status:		Parcel is a legal lot of record.											
Irrigation District:		Yuma Mesa Irrigation and Drainage District.											
Adjacent Irrigation Canals & Drains:		"A" Canal											
Water Conversion Agreement Required		Yes		No	X								

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms		
	Lot Size	Minimum:	9,120 SF	Maximum:	23,731.21 SF	Yes	X	No	
Lot Depth	Minimum:	114.0 FT	Maximum:	245.59 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	71.73 FT	Maximum:	230.00 FT	Yes	X	No		
Setbacks	Front:	20 FT	Rear:	20 FT	Side:	7 FT	Yes	X	No
District Size	21.3	Acres				Yes	X	No	
Density	2.2	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	X	No		N/A	
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	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	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 03/01/19
- 300' Vicinity Mailing: 02/04/19
- 34 Commenting/Reviewing Agencies noticed: 02/07/19

- Hearing Dates: 03/25/19
- Comments Due: 02/18/19

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	02/08/19	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	02/08/19	X		
Yuma County Planning & Zoning	YES	02/12/19		X	
Arizona Public Service	NR				
Yuma County Assessor	YES	02/04/19	X		
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	02/11/19	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	02/15/19		X	
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03/05/19		X	
<i>City of Yuma Internal List (Conditions)</i>	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	02/12/09		X	
Alan Kircher, Building Safety	YES	02/12/19	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	02/21/19		X	
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
Held 09/18/18	See Staff Report Attachment F.
Prop. 207 Waiver	
Given to Applicant on 01/30/19 by U.S. Mail.	

PUBLIC COMMENTS RECEIVED: NONE