



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	May 4, 2016	<input checked="" type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input type="checkbox"/> Resolution
DIVISION:	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:
Amended Final Plat: La Tierra Subdivision

SUMMARY RECOMMENDATION:

Approve the amended final plat for the La Tierra Subdivision. The subdivision is located at the southwest corner of Avenue C and the Central Drain. The applicant is Core Engineering Group, PLLC, on behalf of Diez Familia, LLC. (SUBD-13498-2016).

REPORT:

On April 11, 2016, the Planning and Zoning Commission voted to recommend **APPROVAL** of the amended final plat for the La Tierra Subdivision, located at the southwest corner of Avenue C and the Central Drain, 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. 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.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

Richard Sorenson – Planning and Zoning Commissioner, declared a conflict of interest and left the dais at 4:53 p.m. **Sorenson** did not return to the meeting.

Robert Blevins, Principal Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

“Chis Hamel – Planning and Zoning Commissioner asked if the side yard setbacks were the only changes from when this subdivision was originally presented to the Commission. **Blevins** said yes. **Hamel** asked if the multi-family complex would be discussed. **Blevins** said no.

“Laurie Lineberry, Director of Community Development, explained when this property was originally rezoned, The Low Density Single-Family Residential (R-1-5) District was not yet in place. If it had been, this property would have been rezoned to R-1-5, which would allow for the five foot side yard setbacks. The property was rezoned to the Medium Density Residential (R-2) district, which required larger side yard setbacks. **Lineberry** stated staff supported the change of the side yard setbacks on this proposed plat, consistent with R-1-5 zoning.

APPLICANT / APPLICANT’S REPRESENTATIVE

“Kevin Burge, 200 E. 16th Street Suite 150, Yuma, AZ, said the applicant was proposing a higher quality development with larger dwellings.

“Hamel commented that it was nice to see this development move forward.”

PUBLIC COMMENT

“James Essinger, 2257 S. 42nd Avenue, Yuma, AZ, expressed his concern with the view from his home because the new development would be adjacent to his property. He asked for clarification on the proposed townhomes in the La Tierra subdivision. **Lineberry** stated they would be single family homes. **Essinger** asked if the homes would be single story. **Lineberry** said no plans had been submitted. **Kim Hamersley – Planning and Zoning Commissioner**, stated that the proposed townhomes would be to the east, adjacent to Avenue C, and not abutting the homeowner’s property.”

MOTION

“Motion by Lukas Abplanalp – Planning and Zoning Commissioner, second by Hamersley, to APPROVE Case Number SUBD-13498-2016. Motion carried unanimously (4-0).”

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		4/25/2016	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		4/25/2016	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		4/14/2016		
WRITTEN/SUBMITTED BY:		DATE:		
Robert Blevins		4/14/2016		