



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	August 2, 2017	<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:
Final Plat: Park West Unit #4 Subdivision

SUMMARY RECOMMENDATION:
Approve the final plat for Park West Unit #4 Subdivision. The property is located at the northeast corner of 45th Avenue and 28th Street. The applicant is Dahl, Robins and Associates, on behalf of Park West Yuma Development LLC & Yuma Valley Land Company LLC. (SUBD-17860-2017) (Community Development/Community Planning) (Laurie Lineberry)

REPORT:
Planning and Zoning Commission Recommendation:
On July 10, 2017 the Planning and Zoning Commission voted to recommend APPROVAL (5-0) with Hamersley absent, of the request to approve the final plat for Park West Unit #4 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. 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.

Public Comments – Excerpt from Planning and Zoning Commission Minutes:

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

QUESTIONS FOR STAFF

“Chris Hamel – Chairman, Planning and Zoning Commission asked for clarification on the proposed development of 28th Street. **Blevins** explained 28th Street would pass Mesquite school and expand to Avenue C. **Hamel** asked if 28th Street would have lighting once it has been developed. **Andrew McGarvie, Engineering Manager** said yes.

“Hamel asked for clarification on why sidewalks were not being proposed on 45th Avenue with this development. **McGarvie** stated there were issues with 28th Street and 45th Avenue. He explained that the development of 28th Street was required with Barkley Ranch Avenue and was proposed to expand to Avenue C rather than Avenue D. The Owner of the property at the time was not in agreement with selling the property to develop 28th Street. He explained when Mesquite School was under development, 28th Street should have been developed, but the school was unable to use State Funds outside of the school project. **McGarvie** explained that typically the Developer was responsible for one lane of pavement around the entire development. The Pre-Annexation Development Agreement stipulated where the money should be spent and based on the Agreement, the Developer was not responsible for developing 45th Avenue. **McGarvie** stated that Engineering has recommended developing a Capital Improvement Program (CIP) project to develop 45th Avenue in the future.

“Tyrone Jones – Planning and Zoning Commissioner asked who the Developer was for this proposed development. **McGarvie** said Halls Construction. **Jones** asked for clarification on why the Developer was not responsible for developing 28th Street. **McGarvie** stated Barkley Ranch did not develop 28th Street and put that construction essentially one step behind in each subsequent development.

“Jones asked if the City was responsible for developing 45th Avenue. **McGarvie** said yes. **Jones** asked when this proposal would be presented in the CIP. **McGarvie** said the CIP was revised every year and presented in June. **Rodney Short – Deputy City Attorney** explained the CIP was a legislative function by the Mayor and City Council and stated 45th Avenue and 28th Street would be CIP projects in the future.

APPLICANT / APPLICANT'S REPRESENTATIVE

“Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, said they were in agreement with the Conditions of Approval. He added 28th Street was currently under design and the proposed development would be a two-lane road with lighting and landscaping.

PUBLIC COMMENT

“Bill Mowczko, 4558 W. 27th Street, Yuma, AZ, stated he was a resident of Barkley Ranch. He was requesting the Developer to remove the drop-off hazard on 45th Avenue from 28th Street to 26th Street. He was also requesting the Developer to provide beautification along the residential block wall that currently paralleled 45th Avenue. **Mowczko** provided photos to the Commission and spoke extensively about the importance of landscaping and the perceived hazard of the drop-off. He stated the Developer has not made an effort to beautify 45th Avenue and added that the installation of landscaping would reduce the opportunity of graffiti. **Mowczko** said the Pre-Annexation Agreement (R2012-30) that authorized this development stated that the property annexation would be in the best interest of the health, safety, and welfare of the City and its Citizens and added that the concerns from the Public needed to be addressed.

“Bobbi McDermott, 1423 W. 17th Street, Yuma, AZ, asked if the subdivision adjacent to the north of this proposed development was owned by the same developer. **Hamel** said yes. **McDermott** said the photos provided by Bill Mowczko reveal that the soil had high shrink-swell capacity and stated that development on this soil caused issues with pipelines and infrastructures. She explained the high shrink-swell soil damages the foundation of homes and added that the soil assessments were not included in the Staff Report. She expressed her concern with Air Quality and Particulate Matter (PM 10) issues that could occur if 45th Avenue was not paved to 24th Street.

“Jones asked if the soil conditions affected the surrounding developments. **McDermott** said roads deteriorate rapidly because of this type of soil in the Valley.

“Claudia Baker, 1307 E. 24th Place, Yuma, AZ, said she was speaking on behalf of her mother, Johnnie Mae Warnick and stated her mother owned the farmland to the west of Park West. **Baker** agreed with the concerns that have been addressed by the Public. **Baker** expressed her concern with the traffic issues that would occur on 45th Avenue once this proposal has been developed. She added there were not enough access points to the Park West development.

“Hamel asked if a barrier would be installed on 45th Avenue to eliminate traffic issues that have been addressed by the public. **Dahl** said the end of 45th Avenue currently had a barricade and was City property. **McGarvie** stated the barricade was installed on 45th Avenue when Barkley Ranch was developed.

“Fred Dammeyer – Planning and Zoning Commissioner asked for clarification on where the proposed wall (that would be installed along 45th Avenue where the drop-off was located) would be. **Dahl** deferred to the photo provided by Bill Mowczko and stated the wall would be approximately 50’ to the east of the asphalt.

“Lukas Abplanalp– Planning and Zoning Commissioner asked if the soil concerns have been addressed. **Dahl** explained soils were considered in all developments and construction techniques were taken to mitigate soil issues. He added homes have been constructed in the Valley for many years and said City staff inspected the foundation of the homes. **Laurie Lineberry, Director of Community Development,** stated Staff did inspect the soil and explained that the Building Official has required the Developer to provide soil samples from the homes during construction of the prior phases of Park West.

“Hamel asked if Staff could propose a temporary fix for the concerns that have been addressed by the Public. **McGarvie** said there were temporary solutions for the drop-off hazard on 45th Avenue. He said the City could paint a white stripe on the pavement to show there was a paved shoulder, or install a small wall to provide a barrier. **McGarvie** stated these issues should be all addressed as one CIP. **Hamel** said he understood the concerns from the public with the drop-off because of the amount of cars parking along 45th Avenue.

“Hamel asked for clarification on why the Developer was not responsible for installing landscaping along 45th Avenue. **Short** explained that the improvements to 45th Avenue were installed on 24th Street by the Developer. He added that once 28th Street has been developed the Developer would be responsible for 28th Street Improvements. He recommended the Public contact State legislatures to address adequate funding for roadways.

“McDermott asked for clarification on the Capital Improvement Plan (CIP). **Short** explained that the Capital Improvement Program (CIP) was the City’s financial plan for the improvement of municipal infrastructure and the plan identified and addressed infrastructure needs.

“Hamel stated the Developer has done their due diligence and agreements have been made. The agreements cannot be amended at this point of the development.

“Jones said he understood the concerns of the residents but because of the agreements that have been made, the Commission did not have the ability to amend the requirements of this proposal. **Abplanalp** agreed with Chairman Hamel and Commissioner Jones.”

MOTION

“Motion by Abplanalp, second by Pruitt, to APPROVE Case Number SUBD-18144-2017, subject to the Conditions of Approval in Attachment A, Motion carried unanimously (5-0).”

Planning Commission Staff Report – Attached

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		7/24/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/24/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		7/12/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Robert M. Blevins		7/12/2017		