



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

April 21, 2021

DEPARTMENT:

Community Development

DIVISION

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☒ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Final Plat: Terra Bella Unit No. 2 Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat of Terra Bella Unit No. 2 Subdivision. The property is located at at the southwest corner of Avenue 5½ E and the 36th Street alignment. (Community Development / Community Planning) (Randy Crist)

STRATEGIC OUTCOME:

The approval of this final plat will facilitate the new development of single-family homes, a project that will be responsibly constructed, meeting all codes and requirements for the City. This subdivision assists in furthering the City Council's vision and strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

The subject property was annexed into the City of Yuma on August 7, 1995 and rezoned from Agriculture (AG) to Low Density Residential (R-1-6) in 2005 (Z2005-014). Then in 2008 the property was rezoned to Low Density Residential (R-1-8) to better reflect actual property use in the area. The property is currently undeveloped and is intended to be the second phase of the Terra Bella Subdivision.

The proposed final plat for Terra Bella No. 2 will consist of 25 homes, on 6.916 acres of land. Access to this phase of development will come from local streets: Bella Notte Drive, 37th Place, and Bella Vista Drive. The proposed 25 homes will meet the land use density requirements of 1-4.9 units per acre.

The lot sizes will range from 9,120 square feet to 12,328.6 square feet, which meets the minimum lot size requirements for the Low Density Residential (R-1-8) District. As discussed in further detail in Yuma City Code §154-05.04, the following are some of the development standards required of development within the Low Density Residential (R-1-8) District:

1. The minimum lot size for R-1-8 is 8,000 square feet.

2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage
3. A minimum front yard setback of 20 feet, a minimum side yard setback of 7 feet, a street side setback of 10 feet, and a minimum rear yard setback of 20 feet.

The Terra Bella Subdivision is surrounded by: Country Roads RV Village to the north, Tillman Estates 2 & 3 to the west, Terra Bella Unit 1 to the south, and Kerley Ranch Unit No. 2 to the east.

With this development, staff will require a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID must be established prior to the issuance of any residential building permits.

At the Planning and Zoning Commission meeting, held on February 8, 2021, three members of the public, who were neighboring property owners to the subject property, attended. These property owners expressed frustration about a lack of green space and a potential increase in traffic. Based on this input, the Commission requested that the original traffic study from the first phase of Terra Bella be provided, or a new one be completed. Upon research, the applicant was able to locate a copy of the original traffic study (see Attachment D and E of the P&Z staff report). The 2005 traffic study was for a proposed second phase that would contain 112 lots; the newly proposed Units 2, 3, 4, and 5 combined will contain 105 lots.

On March 22, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (4-1) of the final plat for Terra Bella Unit No. 2 Subdivision, subject to the following 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 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 construct the adjoining east half of Avenue 5½E to City construction standard 2-020 with the development of Phase 2 of this subdivision.~~
- ~~7. The owner/developer may delay the construction of the east half of Avenue 5½E for a period not to exceed 3 years or until constructed with the next adjoining subdivision phase and accepted by City of Yuma, whichever condition is reached first, with the posting of an appropriate developer assurance acceptable to the City of Yuma to cover the construction cost of the Avenue 5½E infrastructure prior to the recordation of the final plat for phase 2.—~~
6. The Owner/developer shall record a covenant on the remaining undeveloped property north of this proposed subdivision stating that no building permits will be issued until the east half of Avenue 5 ½

E is dedicated and built to current City of Yuma Construction Standard No. 2-020 and until all infrastructure adjoining Terra Bella Unit No. 2 Subdivision is accepted by the City of Yuma.

7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Ave 51/2 E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.
8. A time frame of build-out for the subdivision shall be submitted to the school district to enable the districts to adequately plan for future school facilities.
9. An 8 ½" X 11" paper copy of this 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 establish a Municipal Improvement District (MID) prior to the recording of a final plat.
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.

PUBLIC COMMENTS – EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF:

“Hamel – Planning and Zoning Commissioner expressed concern about the turning lanes going into the Subdivision.

“Andrew McGarvie – Engineering Manger deferred to the applicant’s Design Engineer

APPLICANT/APPLICANT’S REPRESENTATIVE:

“Kevin Dahl, 1560 S. 5th Avenue, Yuma AZ, 85364 said the street was striped with a turning lane, but it did not need to be.

“Hamel recommended removing the turning lane if the City wasn’t already planning to do so.

PUBLIC COMMENTS:

“Patrick Van Dyn Hoven, 5614 E. 38th Place Yuma AZ, 85365, was concerned about the Traffic Study and entrances into the subdivision.

“Miguel Lopez, 5600 E. 38th Place Yuma AZ, 85365, was also concerned about the Traffic Study and entrances into the subdivision.

“Albert Wharton, 5629 E. 38th Place Yuma, AZ 85365, was concerned about the Traffic Study and the canal being covered and turned into 36th Street. **Wharton** also asked for an anticipated date in which the construction of the road was expected to be done.

“Dahl stated that the Traffic study was conducted in 2005 and that it was still valid, adding that the developer had met all the requirements of the Subdivision code.

“Hamel commented that he would have liked to have seen an entrance coming off of 5½ E in the design of the Subdivision.

“Joshua Scott – Planning and Zoning Commissioner noted that he also would have liked to have seen an entrance on 5½ E. Scott continued by saying that even though the Traffic Study was done in 2005 it was still valid.

“Chad Brown – Associate Planner noted that an update to Engineering Conditions had been made, where Engineering combined two conditions into one. The new condition is what was presented on the “Yellow Sheet” given to each Commissioner at the start of the meeting.

MOTION:

“Motion Scott, second by Barbara Beam – Planning and Zoning Commissioner, to APPROVE SUBD-33034-2020 subject to the Conditions of Approval in Attachment A, with the modification to Conditions 6 and 7, combining them to now read “The Owner/developer shall record a covenant on the remaining undeveloped property north of this proposed subdivision stating that no building permits will be issued until the east half of Avenue 5 ½ E is dedicated and built to current City of Yuma Construction Standard No. 2-020 and until all infrastructure adjoining Terra Bella Unit No. 2 Subdivision is accepted by the City of Yuma.

“Motion carried (4-1).’

PLANNING COMMISSION STAFF REPORT – ATTACHED

The City Council’s approval of this motion accepts the Planning and Zoning Commission’s recommendation and approves the final plat of the Terra Bella Unit No. 2 Subdivision as submitted, including the conditions of approval set forth in the final plat and preliminary plat.

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.			
ADDITIONAL INFORMATION	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="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		4/14/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		4/13/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		04/07/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Chad Brown		04/01/2021	