

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

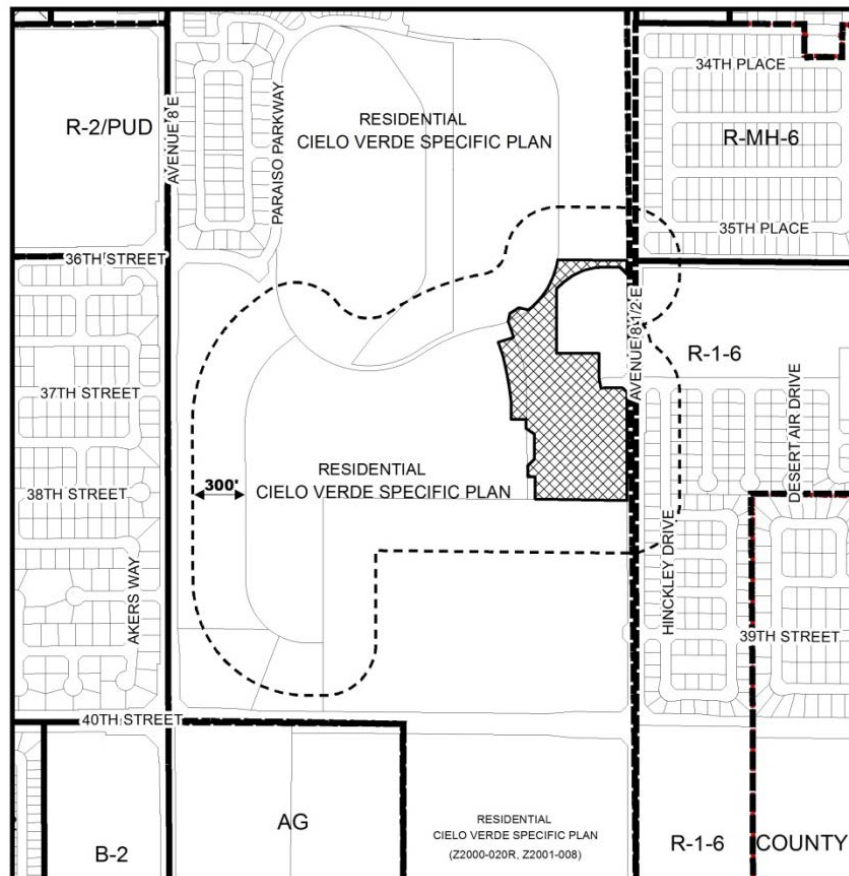
Hearing Date: January 23, 2017

Case Number: SUBD-16173-2016

Project Description/Location: The Final Plat for Cielo Verde Unit 5 Subdivision. This subdivision will contain approximately 15.81 acres and is proposed to be divided into 47 residential lots, ranging in size from approximately 8,093 square feet to 21,689 square feet. The property is located at the southwest corner of 37th Street and Avenue 8 ½ E, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential
North	Cielo Verde Specific Plan (CVSP-R)	Church	Low Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Carefree RV Resort	Low Density Residential
East	Low Density Residential (R-1-6)	Trail Estates #5	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential

Location Map



Prior site actions: Annexation: 097-075 (12/19/97); Development Agreement: CVSP (R2001-30); Subdivision: SUBD-15356-2016 (Cielo 5 prelim. plat).

Staff recommendation: Staff recommends **APPROVAL** of the final plat for the Cielo Verde Unit #5 Subdivision, subject to the conditions shown in Attachment A, because the request is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

Suggested Motion: Motion to **APPROVE** the final plat for the Cielo Verde Unit #5 Subdivision, subject to the conditions shown in Attachment A.

Staff Analysis: This subdivision will contain 47 lots of 8,093 square feet or more. Access will be off of Avenue 8 1/2E via both 36th Street and 37th Street.

The Cielo Verde Specific Plan (CVSP) also known as “Cielo Verde” was conceived in 2001 through a series of resolutions to provide a 382 acre master planned development with a mix of uses. Market forces slowed development until recently. The commercial portion along 32nd Street (anchored by Walmart) has been successful- offering retail, restaurants, banking, and office space. The completed residential portions consist of the initial Cielo Verde residential subdivisions (Units 1 & 2), a church, and a recreational vehicle park (Carefree Village Resort).

Development of Cielo Verde is guided by: the Cielo Verde Specific Plan (CVSP) in the Zoning Code Appendix A, and development standards included as Notes on the recorded plat of the overall planned development. The Cielo Verde Residential District has development standards that include: 6,000 square foot minimum lot sizes and 50 foot minimum lot widths.

1. Does the subdivision comply with the conditions of the rezoning?

N/A This development meets CVSP Development Standards.

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: None Received

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: December 20, 2016

Final staff report delivered to applicant on: January 2, 2017

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: December 20, 2016 |
| <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
Conditions of Approval	Final Plat Map	Prelim. Plat Map	Prelim. Plat Conditions	Aerial Photo	Staff Research

Project Planner: Robert M. Blevins 373 -5189 Robert.Blevins@yumaaz.gov

Reviewed By:

Robert M. Blevins, Principal Planner

Date:

12/21/16

Approved By:

Laurie L. Lineberry, AICP,
Community Development Director

Date:

12-21-16

**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:

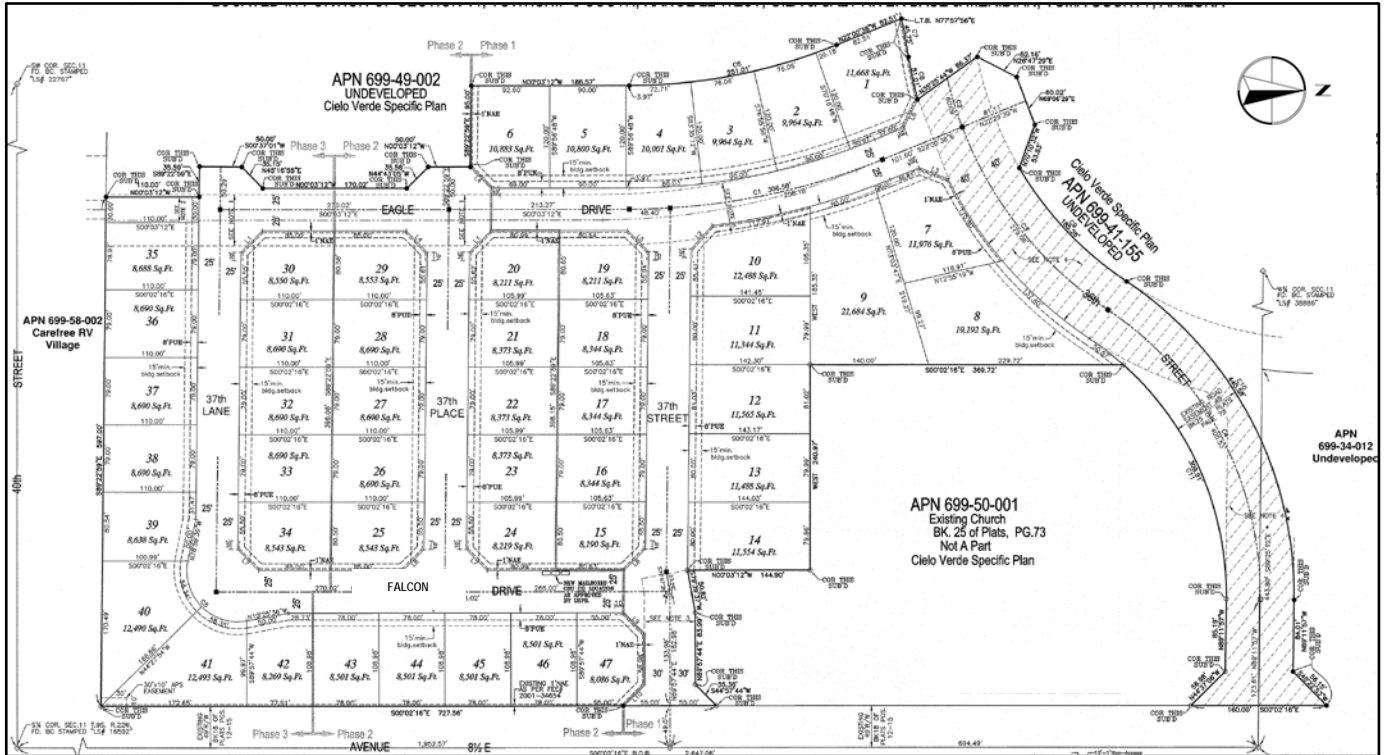
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
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 Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

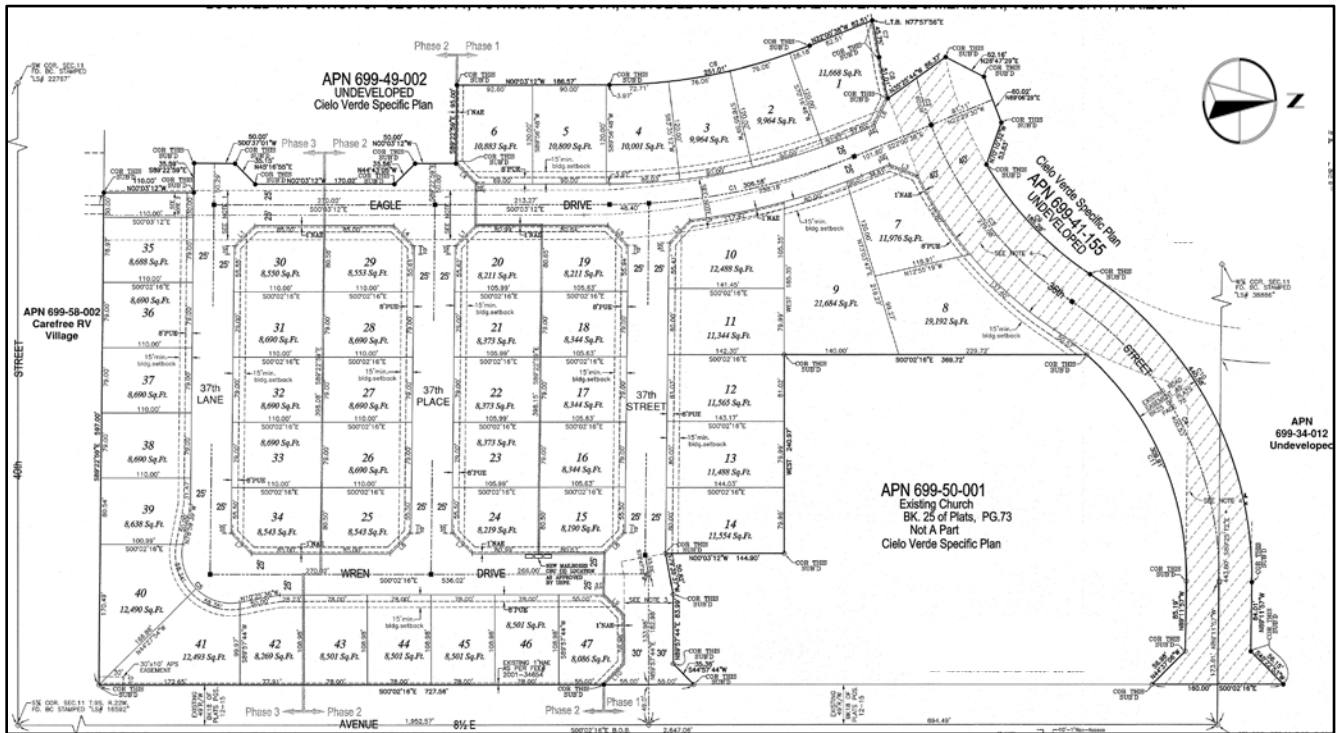
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the districts to adequately plan for future school facilities.
7. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

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 B FINAL PLAT MAP



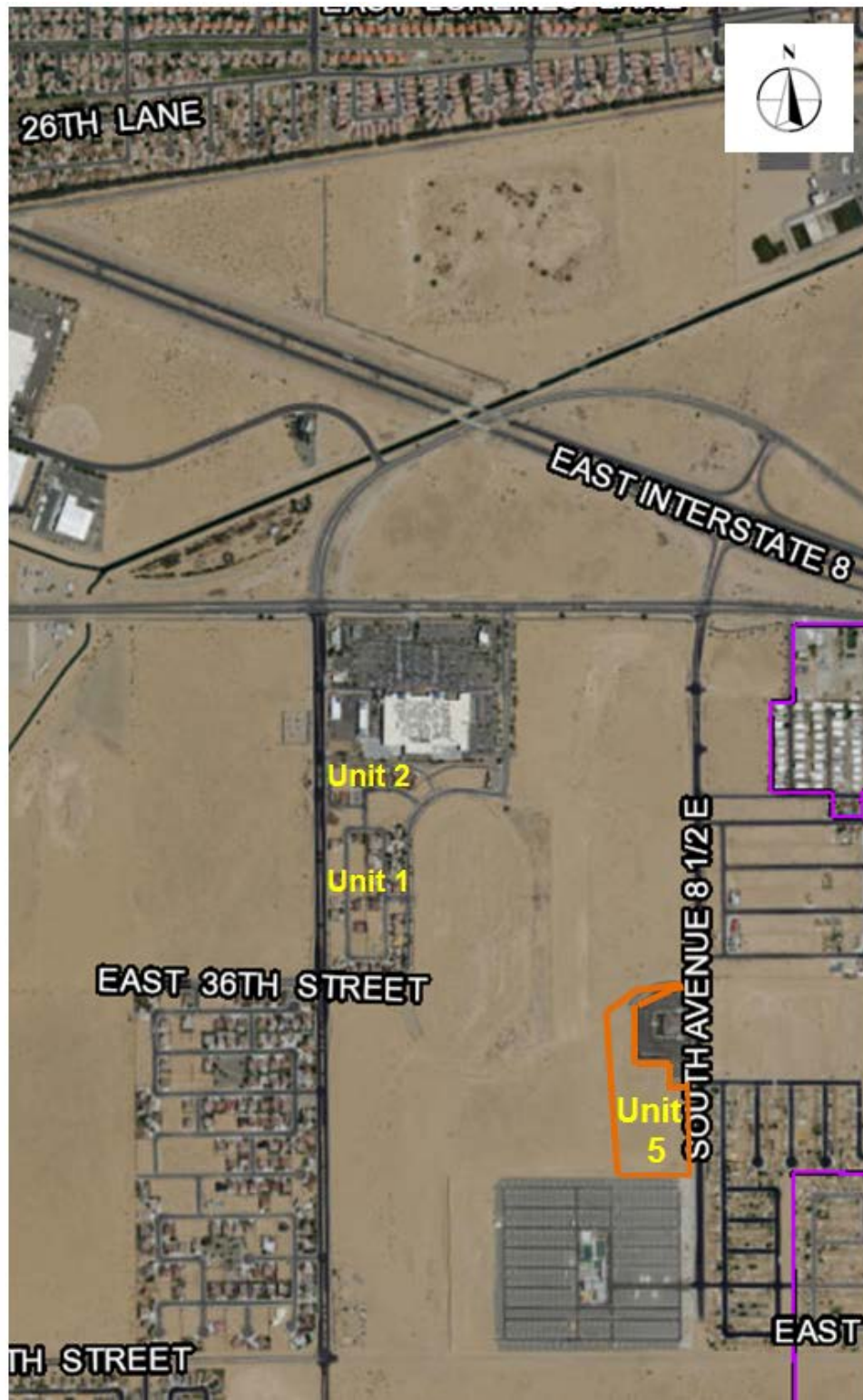
ATTACHMENT C PRELIMINARY PLAT MAP



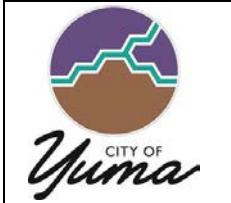
ATTACHMENT D
PRELIMINARY PLAT CONDITIONS

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 Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
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. No lot can be split to create lots less than the size and shape of the existing lots on the Cielo Verde Unit #5 plat.
8. No lot can have more than one single family site-built home.
9. After the site built home is established, only recreational vehicles can be hooked-up to utilities as the guest quarters. No mobile, manufactured, or park model homes.
10. With the exception of Condition 2, 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
AERIAL PHOTO



ATTACHMENT F
STAFF RESEARCH



STAFF RESEARCH – FINAL PLAT

CASE #: SUBD-16173-2016

CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:		Southwest corner of 37 th Street and Avenue 8 ½ E												
Parcel Number(s):		699-50-002 & 699-49-002												
Parcel Size(s):		2,214,182.7 sq. ft. (661,320 sq. ft. for Unit #5)												
Total Acreage:		50.8		15.82 acres for Unit #5										
Proposed Dwelling Units:		47												
Address:		Not yet assigned												
Applicant:		Cielo Verde Development Limited Partnership												
Applicant's Agent:		The Jacobson Companies												
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	Cielo Verde Specific Plan (CVSP-R)		Vacant desert		Low Density Residential									
North	Cielo Verde Specific Plan (CVSP-R)		Church		Low Density Residential									
South	Cielo Verde Specific Plan (CVSP-R)		Carefree RV Resort		Low Density Residential									
East	Low Density Residential (R-1-6)		Trail Estates #5		Low Density Residential									
West	Cielo Verde Specific Plan (CVSP-R)		Vacant desert		Low Density Residential									
Prior Cases or Related Actions:														
Type	Conforms		Cases, Actions or Agreements											
Pre-Annexation Agreement	Yes		No		N/A									
Annexation	Yes	X	No		O97-075 (12/19/97)									
General Plan Amendment	Yes		No		N/A									
Development Agreement	Yes	X	No		R2001-30 (Cielo Verde Specific Plan)									
Rezone	Yes		No		N/A									
Subdivision	Yes	X	No		SUBD-15356-2016 (Preliminary Plat)									
Conditional Use Permit	Yes		No		N/A									
Pre-Development Meeting	Yes	X	No		10/02/14									
Design Review Commission	Yes		No		N/A									
Enforcement Actions	Yes		No		N/A									
Avigation Easement Recorded	Yes		No	X	Fee #					If no, add to Conditions of Approval				
Land Division Status:		Parcels are legal lots of record.												
Irrigation District:		Yuma Mesa Irrigation and Drainage District												
Adjacent Irrigation Canals & Drains:		None												
Water Conversion Agreement Required		Yes		No	X									

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision						Conforms		
Lot Size	Minimum:	8093.67 SF	Maximum:	21,689.1 SF	Yes	X	No		
Lot Depth	Minimum:	100.99 FT	Maximum:	229.72 FT	Yes	X	No		
Lot Width/Frontage	Minimum:	73.82 FT	Maximum:	229.72 FT	Yes	X	No		
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	7 FT	Yes	X	No
District Size	15.82	Acres				Yes	X	No	
Density	2.97	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	X	No		N/A			
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** 12/30/16
- **300' Vicinity Mailing:** 12/05/16
- **34 Commenting/Reviewing Agencies noticed:** 12/08/16

- **Hearing Date:** 01/23/17
- **Comments due:** 12/19/16

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	12/12/16	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	YES	12/13/16	X		
Yuma County Planning & Zoning	NR				
Arizona Public Service	NR				
Time Warner Cable	YES	12/08/16	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	12/12/16	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				
<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	12/08/16	X		
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jonathan Fell, Traffic Engineering	YES	12/09/16	X		
MCAS / C P & L Office	NR				
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<i>Neighborhood Meeting</i>	<i>Comments Available</i>
Date Held: 10/05/16	SUBD-15356-2016 Prelim. Plat Report
<i>Prop. 207 Waiver Given to Applicant on:</i>	<i>Delivery Method:</i>
11/23/16	By U.S. Mail to Jacobson

PUBLIC COMMENTS RECEIVED: NONE