



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

October 17, 2018

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Final Plat: Park West Unit #5 Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for Park West Unit 5 Subdivision. The property is located at the northeast corner of S. 43rd Trail and W. 28th Street, Yuma, AZ. The applicant is Dahl, Robins and Associates, on behalf of Yuma Valley Land Company, LLC (SUBD-22789-2018). (Community Development/Community Planning) (Laurie Lineberry)

REPORT:

Clerk Note: A Motion to approve the Final Plat with the 11 original Conditions of Approval, including Condition #6 related to landscaping 28th Street, was unanimously approved at the October 17, 2018 Regular City Council meeting.

On September 24, 2018, the Planning and Zoning Commission voted to recommend APPROVAL of the final plat for Park West Unit 5 Subdivision, subject to the following conditions (removing Condition of Approval #6):

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.
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. 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.
8. 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.
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. The Owner/Developer shall meet all conditions of approval for the preliminary plat of this subdivision.
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.

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, said the applicant would like to remove Condition of Approval #6.

Tyrone Jones – Planning and Zoning Commissioner asked for clarification on what was approved for Unit #4. **Dahl** said the same Condition was approved for Unit #4. **Dahl** added that the Condition was a duplication and applied to Unit #4 and not Unit #5.

Chris Hamel – Chairman, Planning and Zoning Commission asked for clarification on why Condition #6 was added to Unit #5. **Blevins** explained that the Condition was added for consistency and clarified the importance of completing 28th Street. He added that the Conditions approved for Unit #4 did not apply to Unit #5.

Vinod Mohindra – Planning and Zoning Commissioner said Condition #6 was a reiteration and would not be a burden on the developer.

PUBLIC COMMENT

None

MOTION

Motion by Jones, second by Gregory Counts – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-22789-2018, removing Condition of Approval #6. Motion carried unanimously (5-0).

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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		10/9/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		10/9/2018	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Laurie Lineberry		9/26/2018	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Robert M. Blevins		9/26/2018	