



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

January 15, 2020

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Final Plat: Araby North Subdivision

**SUMMARY RECOMMENDATION:**

Approve the final plat for Araby North Subdivision. The property is located at the southeast corner of S. Araby Road and E. 32nd Street, Yuma, AZ. The applicant is Colvin Engineering, Inc., on behalf of Elliot Construction Inc. (SUBD-27862-2019) (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

On December 9, 2019 the Planning and Zoning Commission voted to recommend **APPROVAL** of the final plat for Araby North 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 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. 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 E. 32<sup>nd</sup> Street and the Area Service Highway (I-195). 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.
7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.
9. 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:**

**On Consent Calendar, Item 3, for APPROVAL.**

**MOTION**

**“Motion by Gregory Counts – Planning and Zoning Commissioner, second by Tiffany Ott – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-27862-2019.**

**Motion carried unanimously (4-0, with 3 absent).”**

**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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		1/8/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/6/2020	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Laurie Lineberry		12/19/2019	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Robert M. Blevins		12/13/2019	