



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

October 7, 2020

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Final Plat: Cielo Verde Unit 6 (Phase 1) Subdivision

**SUMMARY RECOMMENDATION:**

Approve the final plat for Cielo Verde Unit 6 (Phase 1) Subdivision. The property is located at the northwest corner of E. 36th Street and S. Eagle Drive. The applicant is Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc. (SUBD-31317-2020) (Community Development/Community Planning)(Randall D. Crist)

**REPORT:**

Cielo Verde Unit 6 (Phase 1) Subdivision is proposed for site-built single-family dwellings on lots 4,627.75 square feet or greater on vacant land, located at the northeast corner E. 36<sup>th</sup> Street and S. Eagle Drive.

Access will be via S. Avenue 8 ½ E and S. Cielo Verde Drive. Both S. Eagle Drive, and E. 36<sup>th</sup> Street (from S. Avenue 8 E to S. Avenue 8 ½ E) will be constructed along with the subdivision infrastructure, allowing additional access.

The preliminary plat included Unit 2B, Unit 4, and Unit 6. This final plat is only for Unit 6 (Phase 1). The other portions reviewed in the preliminary plat have separate final plats. The applicant states the reasons for the separate final plats include: "There will be three different products (each subdivision is slightly different) and therefore we would like to have an individual plat. For the same reason of three different products, the Real Estate Report will have to be slightly different (it will be cleaner for us and the public)."

The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

- The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
- A minimum front yard setback of 20 feet, or 15 feet with an increased rear yard.
- A minimum side yard setback of 7 feet, multi-family can be zero feet.

- A minimum rear yard setback of 10 feet, or 15 feet if front yard reduced.
- A requirement for each lot to provide two off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) will be established for the maintenance of required subdivision landscaping. When developed in phases, the MID for each phase will need to be established prior to the issuance of any residential building permits.

On September 14, 2020 the Planning and Zoning Commission voted to recommend **APPROVAL** of the final plat for Cielo Verde Unit 6 (Phase 1) 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. 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 S. Eagle Drive and E. 36<sup>th</sup> Street. 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 districts to adequately plan for future school facilities.
8. 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.
9. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.

10. 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 MEETING MINUTES:**

**On Consent Calendar, Item B.5, for APPROVAL.**

**MOTION**

**“Motion by Gregory Counts – Planning and Zoning Commissioner, second by Janice Edgar – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-31317-2020.**

**“Motion carried unanimously (7-0).”**

**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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip Rodriguez		9/30/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		9/28/2020	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Alyssa Linville		9/17/2020		
WRITTEN/SUBMITTED BY:		DATE:		
Robert M. Blevins		9/15/2020		