



# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	February 15, 2017	<input type="checkbox"/> Motion
<b>DEPARTMENT:</b>	Community Development	<input type="checkbox"/> Resolution
<b>DIVISION:</b>	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input checked="" type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

**TITLE:**  
Statutory Compliance Hearing/Amendment: Ordinance O2007-15, 32<sup>nd</sup> Street and Avenue 7 1/2 E

**SUMMARY RECOMMENDATION:**  
Conduct a public hearing pursuant to Arizona Revised Statutes § 9-462.01 to determine compliance with the conditions of approval for rezoning property at 32nd Street near 7 ½ E, and amend Ordinance O2007-15 to extend the time to comply with the rezoning conditions. (Community Development /Community Planning) (Laurie Lineberry)

**REPORT:**  
On March 21, 2007, the City Council adopted Ordinance O2007-15, authorizing a property located along 32<sup>nd</sup> Street near 7 ½ E, Yuma, Arizona, to be rezoned from the Agriculture (AG) District to the General Commercial (B-2) District. Ordinance O2007-15 contained a condition that, within two (2) years of approval, the property owner would record a raised median covenant on the property acknowledging that medians may be constructed adjacent to the property along 32<sup>nd</sup> Street.

The property was rezoned as a single zoning case (Z2006-030) in which conditional zoning to the General Commercial (B-2) District was approved based upon the completion of two conditions of approval within two years. The General Commercial zoning has been delayed because the owner of the parcel had yet to record the raised median covenant. Although the owner has recently complied with the original conditions of approval for the rezoning by providing the completed raised median covenant, the time to comply expired before the covenant was completed.

**DETERMINATION:**  
Arizona Revised Statutes § 9-462.01(E) states that if the time for completion of a condition has expired, the City shall notify the owner, schedule a public hearing, and take administrative action to “extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.” In this case, the property owner has completed all of the conditions of approval required under Zoning case Z2006-030 and still wants the property rezoned to the General Commercial (B-2) District.

**RECOMMENDATION:**  
At the close of the public hearing, staff recommends that City Council introduce the attached ordinance which amends Ordinance O2007-15 by extending the deadline for compliance from two (2) years to April 20, 2017.

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 checked="" type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		1/24/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/23/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/6/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		1/6/2017		