



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

January 17, 2018

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Rezoning of Property: 36th Street and the B 3.7 Canal Lateral

**SUMMARY RECOMMENDATION:**

Rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located along 36th Street and the B 3.7 Canal Lateral. (ZONE-19719-2017) (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

The subject property is located along 36<sup>th</sup> Street and the B 3.7 Canal Lateral. The property was annexed in 1999 and is currently zoned Agriculture (AG). While the property is currently undeveloped, it is actively being utilized for agricultural purposes.

The applicant is proposing to rezone this property to Light Industrial (L-I), in order to market and develop this property in the future. The applicant has no current plans for this property other than rezoning. Some potential uses in Light Industrial (L-I) include, assembling or fabrication of products or articles, wholesaling, offices with adjacent storage yards for construction contractors, various types of equipment repair, and commercial and residential restoration businesses.

Upon development of the property, all development standards will be required to be met. Such improvements may include, but are not limited to, setbacks, height restrictions, paved parking, landscaping, and possible roadway construction.

In addition to meeting the requirements outlined in the City of Yuma Code, the property owner and/or developer will be required to coordinate with the Bureau of Reclamation regarding development adjacent to the B 3.7 Canal Lateral. Such coordination shall occur prior to the submittal of an industrial subdivision application or any building permit application.

The request to rezone the property from the Agriculture (AG) District to the Light Industrial (L-I) District is in conformance with the General Plan.

On November 27, 2017 the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request to rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, for the property located along 36th Street and the B 3.7 Canal Lateral, Yuma, AZ, 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 issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
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 owner shall dedicate to the City of Yuma, the north half of 36<sup>th</sup> Street as a collector street requiring 40-foot half width.
5. The owner shall dedicate to the City of Yuma, the south half of 34<sup>th</sup> Street as a local street requiring 29-foot nominal half width.
6. The owner shall dedicate a 1 foot non access easement along 36<sup>th</sup> Street frontage with a reservation of future access locations per City of Yuma Construction Standards at the time of development.
7. The owner shall dedicate by easement a temporary 70 feet diameter off set cull-de-sac (offset into the property) at the east end of 34<sup>th</sup> Street & 36<sup>th</sup> Street until such time that the adjoining property to the east dedicates and constructs their portion of said roads.
8. Owner hereby acknowledges that the cul-de-sacs will not meet the City of Yuma Fire Department emergency access requirements for this property.
9. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF**

**Lukas Abplanalp – Planning and Zoning Commissioner**, asked if this property would continue to be utilized for agriculture purposes. **Richard Munguia, Assistant Planner** said yes and added that the applicant had no current plans other than rezoning.

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**MOTION**

**Motion by Alan Pruitt – Planning and Zoning Commissioner, second by Lukas Abplanalp – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-19719-2017. Motion carried unanimously (4-0).**

**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				
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			12/12/2017
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files			12/12/2017
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			12/4/2017	
WRITTEN/SUBMITTED BY:			DATE:	
Richard Munguia			12/4/2017	