



# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	May 18, 2016	<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:**  
Rezoning of Property: Approximately .15 acres located 170 feet south of the southwest corner of 5<sup>th</sup> Avenue and 16<sup>th</sup> Street, Yuma, AZ.

**SUMMARY RECOMMENDATION:**  
Approve the rezone of .15 acres from the Transitional (TR) District to the General Commercial (B-2) District. The property is located 170 feet south of the southwest corner of 5<sup>th</sup> Avenue and 16<sup>th</sup> Street, Yuma, AZ (ZONE-13178-2016).

**REPORT:**  
On April 11, 2016 the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Underhill and Koopman absent) of the request to rezone .15 acres from the Transitional (TR) District to the General Commercial (B-2) District for the property located 170 feet south of the southwest corner of 5<sup>th</sup> Avenue and 16<sup>th</sup> Street, 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 within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
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. A commercial subdivision will be required in order to tie all necessary parcels into one lot.
5. With the exception of Condition 2, 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 or 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 - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF**

None

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**MOTION**

**“Motion by Richard Sorenson – Planning and Zoning Commissioner, second by Alan Pruitt – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-13178-2016, subject to Conditions of Approval in Attachment A.**

**“Motion carried (5-0) with Clinton Underhill – Planning and Zoning Commissioner and David Koopman – Planning and Zoning Commissioner 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.			
ADDITIONAL INFORMATION	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			4/25/2016
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			4/25/2016
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			4/14/2016	
WRITTEN/SUBMITTED BY:			DATE:	
Alyssa Linville			4/13/2016	