



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

September 20, 2017

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**Rezoning of Property: 1606 S. 6<sup>th</sup> Avenue, Yuma, AZ.**SUMMARY RECOMMENDATION:**

Rezone approximately 14,802 square feet from the Low Density Residential (R-1-6) District to the Transitional (TR) District. This property is located near the southwest corner of 6<sup>th</sup> Avenue and 16<sup>th</sup> Street. (ZONE-18022-2017). (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

The property is located near the southwest corner of 6<sup>th</sup> Avenue and 16<sup>th</sup> Street. In 1953, the property was developed with a single-family residence and has historically been used for residential purposes. When commercial development initially occurred on 16<sup>th</sup> Street, a neighboring residence served as a buffer between the subject property and 16<sup>th</sup> Street. A recent roadway expansion along 16<sup>th</sup> Street required the demolition of the buffering residence; resulting in a 5,000 square foot remnant parcel. This roadway expansion has altered the residential character of the subject property.

With this request, the property owner would like to rezone the residential property to a zoning designation which would permit minimally intense commercial uses. It is the intention of the property owner to convert the former residence into an insurance office. Following approval of a rezone, the property owner intends to renovate the existing structure, provide paved parking, landscape the site according to code, and complete any additional modifications that may be required. A 5' landscaped buffer will be provided along the southern portion of the property line to serve as a buffer between the neighboring residence and a future parking area or structure. If financially feasible, the property owner intends to purchase the 5,000 square foot remnant parcel along 16<sup>th</sup> Street, and redevelop the entire site with a new structure to be utilized for the insurance office. Any new construction will need to meet development standards required by the City of Yuma Code.

A neighborhood meeting was held at the subject property on June 19<sup>th</sup>; the meeting was not attended by any neighboring residents.

The request to rezone the property from the Low Density Residential (R-1-6) District to the Transitional (TR) District is in conformance with the General Plan.

On August 14, 2017 the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of

the request to rezone approximately 14,802 square feet from the Low Density Residential (R-1-6) District to the Transitional (TR) District for the property located at 1606 S. 6<sup>th</sup> Avenue, 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. 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**

**"Tyrone Jones – Planning and Zoning Commissioner** asked if this property could potentially be rezoned to the Low Density Residential (R-1-6) District in the future.

**"Alyssa Linville – Principal Planner** said yes and explained that the General Plan Designation for this site was Mixed Use and would allow the Low Density Residential (R-1-6) Zoning District.

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**MOTION**

**"Motion by Lukas Abplanalp – Planning and Zoning Commissioner, second by Jones, to APPROVE Case Number ZONE-18022-2017.**

**"Motion carried unanimously (5-0)."**

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		8/30/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		8/29/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		8/18/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		8/18/2017		