



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

May 16, 2018

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Rezoning of Property: 155 E. 32<sup>nd</sup> Street (Pep Boys Auto Parts & Service)

**SUMMARY RECOMMENDATION:**

Rezone approximately 3.6 acres from the Agriculture (AG) District to the General Commercial (B-2) District, while maintaining the existing Auto Center Overlay (ACO) District and Airport Overlay (AD) District. (Community Development/Community Planning) (Laurie Lineberry)

**REPORT**

The property and the Pep Boys store were annexed to the City of Yuma in May 2000. The owners had processed a rezone in 2000, but the conditions of approval were not met in the required time frame and the rezone expired.

Pep Boys is now in the process of updating their signage. The amount and size of signage is determined by the zoning district. In the Agriculture Zone, signage is significantly limited. Therefore the owners agreed to rezone the property from Agriculture to General Commercial, to accurately reflect the commercial nature of the use.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On April 9, 2018, the Planning and Zoning Commission voted to recommend approve (4-0) to rezone approximately 3.6 acres from the Agriculture (AG) district to the General Commercial (B-2) district, while maintaining the existing Auto Center Overlay (ACO) and Airport Overlay (AD) districts, for the property located 155 East 32nd 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

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. Each of the conditions listed above shall be completed within six (6) months 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**

None

**APPLICANT / APPLICANT'S REPRESENTATIVE**

**“Brandy Wright, 1702 S. Arizona Avenue, Yuma, AZ,** was available for questions.

**“Tiffany Ott – Planning and Zoning Commissioner** asked if the building on the property would remain as Pep Boys.

**“Wright** said yes and explained the applicant was updating the signage on the building.

**“Chris Hamel – Planning and Zoning Commissioner** stated the property was being rezoned from the Agriculture (AG) District to the General Commercial (B-2) District.

**PUBLIC COMMENT**

None

**MOTION**

**“Motion by Fred Dammeyer – Planning and Zoning Commissioner, second by Ott, to APPROVE Case Number CUP-19778-2017.**

**“Motion carried unanimously (4-0, with Commissioner Tyrone Jones 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		4/24/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Rodney C. Short for Richard W. Files		4/24/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		4/13/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Dan Symer		4/13/2018		