



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: Northeast corner of 36th Street and Avenue 4 1/2 E

SUMMARY RECOMMENDATION:

Rezone approximately 20 acres from the Agriculture (AG) District to the Light Industrial (L-I) District. The property is located at the northeast corner of 36th Street and Avenue 4 1/2 E. (ZONE-19718-2017).

REPORT:

The subject property is located at the northeast corner of 36th Street and Avenue 4½ E. Upon annexation of the undeveloped parcel in 1999, the property was zoned Agriculture (AG). While a majority of the surrounding area remains undeveloped, the parcel located to the west of the subject property is currently being developed for the processing of shelled eggs.

The applicant is proposing to rezone this property to the Light Industrial (L-I) District 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.

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 at the northeast corner of 36th Street and Avenue 4 ½ E, Yuma, AZ, subject to the following conditions:

The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.

1. 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.
2. 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.
3. The owner shall dedicate to the City of Yuma, the north half of 36th Street as a collector street requiring 40 ft half width.
4. The owner shall dedicate to the City of Yuma, the East half of Avenue 4½ E as a midsection collector street requiring 40 feet half width.
5. The owner shall dedicate to the City of Yuma, the South half of 34th Street as a local street requiring 29 feet nominal half width.
6. The owner shall dedicate to the City of Yuma, a triangle with 25 ft legs at the southeast corner of Ave 4½ E and 34th Street.
7. The owner shall dedicate to the City of Yuma , the North bound turn lane along west bound 36th Street and a corner triangle with 40 ft legs per Figure 3 of the 2005 Major Roadways Plan. The Northbound acceleration/merge lane for Avenue 4½E is not being required from Figure 3.
8. The owner shall dedicate to the City of Yuma, a 1' non access easement along Avenue 4½ E and 36th St frontages with a reservation of future access locations per City of Yuma Construction standards, at the time of development.
9. The owner shall dedicate to the City of Yuma, a 1' non-access easement across all corner triangles in conformance with City of Yuma Construction Standard 2-096.
10. 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
None

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ 85364, said they were in agreement with the Conditions of Approval and clarified that Conditions of Approval #9 and #10 would be satisfied at the time of development. **Andrew McGarvie, Engineering Manager**, said staff was in agreement.

PUBLIC COMMENT

None

MOTION

Motion by Lukas Abplanalp – Planning and Zoning Commissioner, second by Alan Pruitt – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-19718-2017. 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.			
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			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	