



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

August 1, 2018

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**

Rezoning of Property: Approximately 14,000 square feet located at the northeast corner of W. 9th Street and S. 2nd Avenue

**SUMMARY RECOMMENDATION:**

Rezone approximately 14,000 square feet from the Light Industrial/Bed and Breakfast Overlay/Infill Overlay (L-I/BB/IO) District to the Low Density Residential/Bed and Breakfast Overlay/Infill Overlay (R-1-6/BB/IO) District. (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

The subject property is located on the northeast corner of West 9th Street and South 2nd Avenue. In 1946 the subject property was annexed into the City of Yuma and no structures have yet to be constructed on the site.

The surrounding area currently is a mix of commercial, industrial, and residential uses. The properties to the north, east, and south of the subject property are zoned for residential uses. The property to the west is Limited Commercial (B-1) and is the location of the Iglasia Del Nazareno (church), and the subject property is Light Industrial (L-I). The applicant wishes to rezone the property to build single-family homes. This rezone would match the character and use of the area as the majority of the lots are zoned for residential uses.

The General Plan designation for the area is Mixed Use, and according to the Land Use Conformity Matrix, low density residential zoning districts such as R-1-6 would be allowed. Furthermore, the rezone and development of the subject property is in conformance with the intent of the Infill Incentive Overlay District to revitalize the traditional core of the city.

The request to rezone the property from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Bed & Breakfast Overlay (BB) and the Infill Overlay (IO) Districts, is in conformance with the Land Use Element of the General Plan and the General Plan Zoning Conformity Matrix.

On June 25, 2018 the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request to rezone approximately 14,000 square feet from the Light Industrial/Bed and Breakfast Overlay/Infill Overlay (L-I/BB/IO) District to the Low Density Residential/Bed and Breakfast Overlay/Infill Overlay (R-1-6/BB/IO) District for the property located at northeast corner of W. 9th Street and S. 2nd 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. Dedicate to the City of Yuma, via Warranty Deed or plat, a corner sight triangle, with 25-foot long legs at the Southwest corner of the property.
5. Dedicate to the City of Yuma, via easement or plat, a 1-foot non-access easement over the corner triangle per City of Yuma Construction Standard 2-096.
6. 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 - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF:**  
**NONE**

**APPLICANT/APPLICANT'S REPRESENTATIVE:**  
**NONE**

**PUBLIC COMMENTS:**  
**None**

**MOTION:**  
"Motion by Tiffany Ott-Planning and Zoning Commissioner, second by Gregory Counts-Planning and Zoning Commissioner, to APPROVE Case Number ZONE-21860-2018. Motion carried unanimously (4-0, with Chris Hamel-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.  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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		7/10/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/9/2018	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Laurie Lineberry		6/26/2018	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Chad Brown		6/26/2018	