



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 4, 2021

DEPARTMENT:

Planning and
Neighborhood Services

DIVISION

Community Planning

STRATEGIC OUTCOMES

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

ACTION

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

TITLE:

Rezoning of Property: 1639 S. 6th Avenue

SUMMARY RECOMMENDATION:

Rezone approximately 8,346 sq. ft. from the Low Density Residential / Infill Overlay (R-1-6/IO) District to the General Commercial / Infill Overlay (B-2/IO) District, for the property located at 1639 S. 6th Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

STRATEGIC OUTCOME:

The proposed rezoning could facilitate the development of the southwest corner of 4th Avenue and 16th Street by providing a safe secondary access point for customers and emergency responders. This is consistent with the City Council's strategic outcome of Safe and Prosperous.

REPORT:

The subject property is approximately 65 feet by 128.4 feet fronting on 6th Avenue with an unused alley behind the lot. Currently there is a single-family home on the property built in 1953. To the north and east is vacant land.

The applicant states the purpose of the rezoning is:

"To augment the parcel to the north of the subject property for development purposes. This will help the development possibilities of that parcel that will ultimately improve the access and development of the development site a 16th Street and 4th Avenue."

The General Commercial (B-2) District has a minimum parcel size of 12,000 square feet. This parcel is approximately 8,346 square feet. In such cases the zoning code requires these smaller parcels to be incorporated into a development plan / lot tie to avoid the need for future variances as this parcel will become part of a larger property. A condition of approval will be the requirement of a lot tie to alleviate any setback and development issues.

On June 28, 2021, the Planning and Zoning Commission voted to recommend **APPROVAL** of the request to rezone a 8,346 sq. ft. parcel from the Low Density Residential (R-1-6) District to the General Commercial / Infill Overlay (B-2/IO) District, 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's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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 lot tie is to be completed, to join the subject parcel to the adjacent commercially-zoned property.
5. With the exception of Condition No. 4, 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. Condition No. 4 shall be completed within ten (10) 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 timeframes 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

"Tom Pancrazi, 350 W. 16th Street Suite 332, Yuma AZ, 85364 commented that he had concerns with the time frames in Conditions # 2, 3 & 4, stating that more time was needed to complete the proposed development.

"Chris Hamel, Planning and Zoning Commission Chairman, asked Staff to explain how the proposed rezone could be completed.

"Bob Blevins, Principal Planner stated the zoning would not be vested until all Conditions of Approval had been met.

"Alyssa Linville, Assistant Director DCD asked Pancrazi if his intent was to have the zoning vested.

"Pancrazi replied yes.

"Linville then replied that the zoning couldn't be vested until Condition # 4 had been satisfied.

"Pancrazi stated that he had no problem meeting the time frame on Conditions # 2 and 3, he just needed Condition # 4 extended.

"Hamel asked what options were available to help the applicant with the timeframe.

"Linville stated if the applicant needed more time he could go before City Council.

"Gregory Counts – Planning and Zoning Commissioner asked how the privately owned lot was going to be tied into city owned property.

"Linville replied that the city owned property can be purchased by a private owner."

PUBLIC COMMENT

“Judy Phillips, 1649 6th Avenue, Yuma AZ, 85364, stated that she was never notified about the rezoning and other projects in the neighborhood, then went on to say that she was not happy with all the commercial development going on.

“Branden Freeman – Planning and Zoning Commissioner asked what the General Plan Designation was for the subject property.

“Blevins replied the property was on the edge of commercial and low density residential.

“Counts asked how many negative comments were submitted by the residents.

“Blevins answered two.

“Hamel stated that he would like to have the project move forward but the project needs to have a time frame.

“Linville stated even if the time frame was extended the property would not be able to be developed until the two lots were tied together.

“Fred Dammeyer – Planning and Zoning Commissioner, asked for confirmation that the rezoning would not go through unless the two lots were tied.

“Linville replied that was correct.

“Dammeyer asked for the time frame for the extension process.

“Linville replied that the process takes about a month.

“Hamel then asked Pancrazi if a 4-year extension would be acceptable.

“Pancrazi replied that it would be very difficult to work with, he would rather have 10 years.

“Lorraine Arney – Planning and Zoning Commissioner, asked if the Commission had the ability to change the time frame past 4 years.

“Rodney Short, City Attorney, commented that the Commission does have the authority to extend the time frame.”

MOTION

“Motion by Dammeyer to APPROVE ZONE-34686-2021, subject to the Conditions of Approval in Attachment A, striking the time limit for Condition # 4. Motion failed for lack of a second.

“Freeman commented that he would be comfortable with a ten-year time limit for Condition # 4.

“Motion by Dammeyer, second by Freeman to APPROVE ZONE-34686-2021, subject to the Conditions of Approval in Attachment A, with the modification to Condition # 4 to allow ten years for completion.

“Motion carried (5-1), with Counts voting Nay and one absent.”

(Condition # 4 does not state a time frame for completion, but Condition # 5 does.)

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="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		7/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		07/12/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		07/06/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Robert M. Blevins		07/01/2021	