



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 1, 2017

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Amendment: Ordinance O2014-02, Smoke Tree/Desert Sky PUD

SUMMARY RECOMMENDATION:

Adopt an ordinance to amend O2014-02 to extend the time to comply with the rezoning conditions.

REPORT:

On January 15, 2014, the City Council adopted Ordinance O2014-02, authorizing a portion of the property located at the northwest corner of 40th Street and Avenue 7 ½ E, Yuma, Arizona, to be rezoned from the Agriculture (AG) District to the Low Density Residential/Planned Unit Development Overlay (R-1-6/PUD) District and the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District. Ordinance O2014-02 required that the following conditions of approval be completed within two years of approval:

1. The Owner shall dedicate any underlying ownership of the existing 40th Street right-of-way and additional right-of-way along the parent parcel to the City of Yuma (City), so that the City realizes a full 62-foot half-width right-of-way and flares for 40th Street, as specified in Figure 3 of the MRP. Dedication shall be by plat or warranty deed.
2. The Owner shall dedicate 36th Street right-of-way along the parent parcel, so that the City realizes a full 50-foot half-width right-of-way and flares for 36th Street, as specified in Figure 3 of the MRP. Dedication shall be by plat or warranty deed.
3. The Owner shall dedicate Avenue 7½E right-of-way along the parent parcel, so that the City realizes a full 50-foot half-width right-of-way and flares for Avenue 7½E, as specified in Figure 3 of the MRP. Dedication shall be by plat or warranty deed.
4. The Owner shall dedicate its underlying ownership of the United States Department of the Interior - Bureau of Reclamation "A" canal right-of-way adjacent to the parent parcel to the City of Yuma. Dedication shall be by plat or warranty deed.

5. The Owner shall complete a Lot Split of the parent parcel to ensure that each lot only has one zoning district.

The property was rezoned as a single zoning case (ZONE-3919-2013) in which conditional zoning to the Low Density Residential/Planned Unit Development Overlay (R-1-6/PUD) District and the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District was approved based upon the completion of eight conditions of approval within two years. The Low Density Residential/Planned Unit Development Overlay (R-1-6/PUD) and the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) zoning had expired because the owner of the parcel had not completed the conditions of approval. A development agreement was approved by the City Council on August 17, 2016 and recorded September 27, 2016. This agreement included the amenities required to be constructed during the project development but which were unable to be satisfied before the zoning could be validated. By moving those conditions to an agreement, the owner is able to satisfy the remaining rezoning conditions and validate the new zoning, which allows for the developer to move forward with the proposed PUD project. In addition, by addressing Condition #9 through a Development Agreement (R2016-027), there is no need to include such language in the original ordinance. Therefore, staff is also requesting to remove the language from Ordinance O2014-02.

DETERMINATION:

Arizona Revised Statutes § 9-462.01(E) states that if the time for completion of a condition has expired, the City shall notify the owner, schedule a public hearing, and take administrative action to “extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.” In this case, the property owner has completed all of the conditions of approval required under Zoning case ZONE-3919- 2013 and still wants the property rezoned to the Low Density Residential/Planned Unit Development Overlay (R-1-6/PUD) District and the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District.

RECOMMENDATION:

At the close of the public hearing, staff recommends that City Council introduce the attached ordinance which amends Ordinance O2014-02 by removing condition #9, updating the required roadway dedications to reflect the adopted Transportation Master Plan and by extending the deadline for compliance for the rezone from two years to March 1, 2017.

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	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
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		1/11/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard Files		1/10/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		1/10/2017		
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Alyssa Linville		1/10/2017	