



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

April 1, 2020

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Rezoning of Property: 6544 E. 32nd Street

SUMMARY RECOMMENDATION:

Rezone a 2.28 acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32nd Street. (ZONE-28855-2019) (Community Development/ Community Planning) (Jay Simonton)

REPORT:

The property is the location of a Circle K convenience store and fuel station, in operation since 1987. The property was annexed in 1999. No further zoning action has occurred since then. Rezoning to B-2 for this property would not be limited to a new Circle K. B-2 allows many commercial uses including, as examples: offices, restaurants, retail stores, auto sales and repair, private schools, and day care.

Circle K is now in the process of remodeling their stores and this property is scheduled for a complete demolition and rebuild. There will be a new and larger store in a slightly different location with new fuel stations.

The new convenience store and fuel stations need a Conditional Use Permit, required in the B-2 District. Concerns might be about access, circulation, and vehicle stacking lanes. Prior to applying for a Conditional Use Permit, a property must have the correct zoning for the use, therefore the need for a rezoning.

ADOT is considering the need for a Traffic Impact Analysis and new encroachment permit, due to the increase in size of the proposed new building. Since a Conditional Use Permit is needed, conditioned upon approval of a site plan, ADOT agrees these requirements will be reviewed and met at that stage of development planning. Discussion with the property owner is already in progress on these issues.

On February 24, 2020, the Planning and Zoning Commission voted to recommend **APPROVAL** of the request to rezone a 2.28 acre parcel from Agriculture (AG) District to the General Commercial (B-2) 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 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 one (1) year 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:

On Consent Calendar, Item 2, for APPROVAL.

MOTION

"Motion by Gregory Counts – Planning and Zoning Commissioner, second by Lorraine Arney – Planning and Zoning Commissioner, to APPROVE Case Number SUBD-27862-2019.

Motion carried unanimously (4-0, with 3 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: \$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.			
	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 checked="" 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:	
	Philip A. Rodriguez		3/10/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		3/9/2020	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Alyssa Linville		2/28/2020		
WRITTEN/SUBMITTED BY:		DATE:		
Robert M. Blevins		2/28/2020		