



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** April 19, 2017

**DEPARTMENT:** Community Development

**DIVISION:** Community Planning

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

**TITLE:**

Annexation Area No. ANEX-16663-2017: Avenue B

**SUMMARY RECOMMENDATION:**

This is a public hearing to consider the annexation of property located at the northeast corner of 15<sup>th</sup> Street and Avenue B. (ANEX-16663-2017) (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**

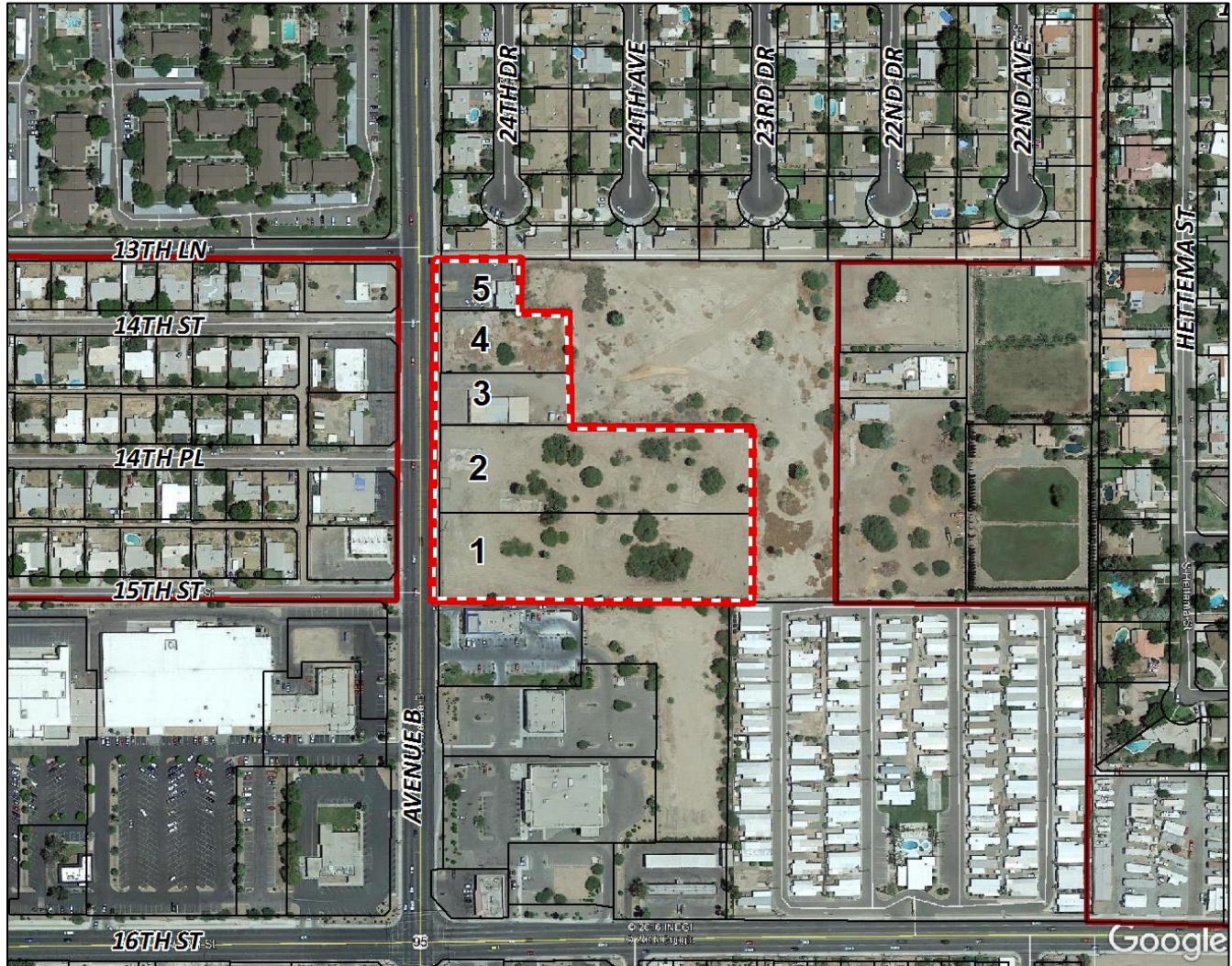
The annexation area consists of 5 properties (4 owners) within a County island on the east side of Avenue B in the 1400 block. The City of Yuma received a request from Ghiotto Family Properties L.L.C. to annex 2 properties. City staff contacted the 3 other property owners in this County island to determine if they were also interested in annexation. One owner, Yuma Fourth Avenue Properties L.L.C., noted support. Therefore, staff has expanded the original annexation request to include all 5 properties. The other owners are Gorgonio and Ana Molina, who own the El Pappagallo restaurant site, and South Avenue B L.L.C., the owners of the tire shop property at 1421 S. Avenue B. The majority of the 6 acre parcel at 1421 S. Avenue B is already in the City with the annexation inclusive of the westernmost .6 acres.

The annexation area totals approximately 6.5 acres. The annexation area contains a one vacant restaurant, 3 vacant parcels and one retail tire shop. Attachment A, Staff Worksheet, provides background information for the annexation area.

|   | Parcel ID         | Owner                         | Address          | Existing Land Use |
|---|-------------------|-------------------------------|------------------|-------------------|
| 1 | 664-29-095        | Ghiotto Family Properties     | 1451 S. Avenue B | Vacant            |
| 2 | 664-29-096        | Ghiotto Family Properties     | ---              | Vacant            |
| 3 | 664-29-091 (part) | South Avenue B                | 1421 S. Avenue B | Tire Shop         |
| 4 | 664-29-013        | Yuma Fourth Avenue Properties | 1411 S. Avenue B | Vacant            |
| 5 | 664-29-012        | Gorgonio and Ana Molina       | 1401 S. Avenue B | Vacant Restaurant |

The owners of the Ghiotto Family Properties have also submitted for a General Plan land use amendment for their 2 properties to change the designation from Medium Density Residential to High Density Residential, with the intent to develop an apartment complex at a future date. That case, GP-17082-2017, is scheduled to be heard by the Planning and Zoning Commission June 2017.

City staff has initiated a General Plan land use amendment for the Molina and Yuma Fourth Avenue properties from Medium Density Residential to Mixed Use. This will allow the property owners to pursue Limited Commercial (B-1) zoning on the properties following annexation. The current County zoning on the properties is Limited Commercial (C-1). The General Plan land use designation and zoning are not in conformance and without the General Plan amendment the properties would not be able to be rezoned to Limited Commercial. That case, GP-17253-2017, is scheduled to be heard by the Planning and Zoning Commission July 2017.



In accordance with Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the Yuma County Recorder on March 22, 2017. There is a 30-day waiting period after recording the map and petition with the County Recorder before signatures can be obtained. During that time, a Public Hearing must be held by the City Council within the last ten days of the 30-day waiting period. All appropriate and necessary notice and posting requirements have been met. After the 30-day waiting period and the Public Hearing, the following procedures must be followed.

- The signatures of property owners must be obtained such that at least one-half of the value of real and personal property is represented and such that more than one-half of the parcel owners are represented.
- Within one year after the last day of the 30-day waiting period, completed petitions must be filed

with the County Recorder.

- An ordinance must be adopted by the City Council effectively changing the City boundaries to include the annexation area. The ordinance will become effective 30 days after adoption. No modifications, including increases or decreases to the territory to be annexed, may be made after the first property owner in the area signs the petition. This Public Hearing is held to comply with the annexation law, Section 9-471 of the Arizona Revised Statutes. The purpose is to notify all property owners of the proposed annexation and take public comment.

Pending receipt of the signed petitions from the property owners after the annexation hearing, it is anticipated that the annexation ordinance will come before the City Council for introduction on June 7, 2017, with adoption on June 21, 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<br>\$0.00<br>\$0.00 | FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING<br>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:<br>1.<br>2.<br>3.<br>4.<br>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?<br><br><input type="radio"/> Department<br><input type="radio"/> City Clerk's Office<br><input type="checkbox"/> Document to be recorded |                            |  |        |
| SIGNATURES             | CITY ADMINISTRATOR:  |                            | DATE:  |        |
|                        | Gregory K. Wilkinson   |                            | 4/10/2017  |        |
|                        | REVIEWED BY CITY ATTORNEY:   |                            | DATE:  |        |
|                        | Richard W. Files   |                            | 4/10/2017  |        |
|                        | RECOMMENDED BY (DEPT/DIV HEAD):  |                            | DATE:  |        |
| Laurie Lineberry       |  | 3/17/2017                  |  |        |
| WRITTEN/SUBMITTED BY:  |  | DATE:                      |  |        |
| Jennifer L. Albers     |  | 3/17/2017                  |  |        |