



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

May 18, 2016

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Rezoning of Property: 1101 & 1109 S. 3rd Avenue, Yuma, AZ.

SUMMARY RECOMMENDATION:

Rezone approximately 0.48 acres from the Light Industrial (L-I) District to the General Commercial (B-2) District and to the Medium Density Residential (R-2) District. The property is located at 1101 & 1109 S. 3rd Avenue (the southeast corner of 3rd Avenue and 11th Street) Yuma, AZ. (ZONE-13179-2016).

REPORT:

On April 11, 2016, the Planning and Zoning Commission voted to recommend **APPROVAL** of the request to rezone approximately 0.48 acres from the Light Industrial (L-I) District to the General Commercial (B-2) District and to the Medium Density Residential (R-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 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. The Owner shall dedicate a corner triangle with 15 foot legs at the northwest corner of the property via Warranty Deed to the City of Yuma for right-of-way purposes. The corner triangle legs may be shortened to avoid dedicating any portion of the existing building.
5. The Owner shall submit for approval, a lot tie plat with new property lines corresponding to the boundaries of the new zoning districts.

6. With the exception of Condition 2, 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 or 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:

Robert Blevins, Principal Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

“Chis Hamel – Planning and Zoning Commissioner, asked if the applicant was proposing to sell the south end of the property. **Blevins** said yes.

APPLICANT / APPLICANT’S REPRESENTATIVE

“Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, said the applicants were planning on doing a Lot Tie and Lot Split to create two parcels to sell.

“Hamel commented that it was nice to see property owners putting old buildings to use.”

PUBLIC COMMENT

None

MOTION

“Motion by Richard Sorenson – Planning and Zoning Commissioner, second by Lukas Abplanalp – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-13179-2016. Motion carried unanimously (5-0).”

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			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		4/25/2016	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		4/25/2016	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		4/14/2016		
WRITTEN/SUBMITTED BY:		DATE:		
Robert Blevins		4/14/2016		