



# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	April 19, 2017	<input type="checkbox"/> Motion
<b>DEPARTMENT:</b>	Community Development	<input type="checkbox"/> Resolution
<b>DIVISION:</b>	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input checked="" type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

**TITLE:**  
Rezoning of Property: 1540 W. 8th Street

**SUMMARY RECOMMENDATION:**  
Rezone approximately 17,000 square feet of property located near the northwest corner of 8<sup>th</sup> Street and 15<sup>th</sup> Avenue, from the High Density Residential (R-3) District to the General Commercial (B-2) District. The property is located at 1540 W. 8<sup>th</sup> Street, Yuma, AZ. (ZONE-16559-2016). (Community Development/Community Planning) (Laurie Lineberry)

**REPORT:**  
The subject property is located on 8<sup>th</sup> Street, approximately 300 feet west of 15<sup>th</sup> Avenue. Currently, the subject property is bisected by the General Commercial (B-2) District and the High Density Residential (R-3) District. In 1940, the property was developed with a single-family residence and has historically been used for residential purposes. A rezoning action occurred a number of years ago which directly affected a number of properties along the northern portion of 8<sup>th</sup> Street; this zoning action caused a number of properties along 8<sup>th</sup> Street to have split zoning. In recent years, neighboring property owners have been granted rezoning requests to correct such zoning issues.

With this request the property owner would like to rezone the northern portion of the property to reflect commercial zoning. It is the intention of the property owner to convert the former residence into an office for a pest control company. Following approval of a rezone, the property owner intends to renovate the existing structure, provide paved parking for employees, landscape the site as required by code, and complete any additional modifications that may be required.

On February 27, 2017 the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request to rezone approximately 17,000 square feet from the High Density Residential (R-3) District to the General Commercial (B-2) District for the property located near the northwest corner of 8<sup>th</sup> Street and 15<sup>th</sup> Avenue, Yuma, AZ 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. 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 - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**QUESTIONS FOR STAFF**

None

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**MOTION**

**"Motion by Lukas Abplanalp – Planning and Zoning Commissioner, second by Thomas Lund – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-16559-2016.**

**"Motion carried unanimously (6-0)."**

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.			
	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		3/27/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		3/27/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		3/2/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Alyssa Linville		3/2/2017		