



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

December 4, 2019

**DEPARTMENT:**

Community Development

**DIVISION:**

Community Planning

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

**TITLE:**Rezoning of Property: 1146 and 1154 S. 3<sup>rd</sup> Avenue**SUMMARY RECOMMENDATION:**

Rezone approximately .32 acres from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the Infill Overlay (IO) District. (Community Development/Community Planning)(Laurie Lineberry)

**REPORT:**

The proposed rezone encompasses two parcels. The intent of this rezone is to match the zoning designation to the existing use which would legalize currently non-conforming structures and uses. The properties are currently zoned General Commercial (B-2), and each property features a single-family residential unit.

The General Plan designation is Commercial, however the proposed rezone may be approved due to the size of the land being changed and due to the proximity to another residential designation (across the street the General Plan designation is Medium Density Residential). Arizona state law and adopted City of Yuma standards permit land use changes/rezones/general plan changes on commercial land without a General Plan Amendment if the proposed changes are equal to or less than 2 acres.

The subject properties are located within part of the City that has not been subdivided since the 1920s. Due to the age of the area, the character and regulations managing the land uses have changed over time. This has created a community area that is a mixture of commercial, industrial, and residential uses. South 3rd Avenue, the subject street, is primarily residential in nature. The current use and requested rezone would fit the character and nature of the surrounding uses and zoning designations.

On September 23, 2019 the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with two absent) of the request to rezone approximately 0.32 acres from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay

(IO) District, for properties located approximately 300 feet to the north of S. 3rd Avenue and W. 12th Street, 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 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 two (2) years 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 - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:**

**Questions for Staff:**

None

**Applicant/Applicant's Representative:**

None

**Public Comments:**

None

**Motion:**

**"Motion by Fred Dammeyer-Planning and Zoning Commissioner, second by Greg Counts-Planning and Zoning Commissioner, to APPROVE Case Number ZONE-27138-2019.**

**"Motion carried unanimously (5-0), with Vinod Mohindra-Planning and Zoning Commissioner, and Tiffany Ott-Planning and Zoning Commissioner 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:	
	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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip Rodriguez		11/13/2019	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		11/12/2019	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Laurie Lineberry		11/4/2019	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Chad Brown		10/31/2019	