



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 15, 2020

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:Rezoning of Property: Southeast corner of Avenue 7 ½ E and 44th Street**SUMMARY RECOMMENDATION:**

Rezone approximately 19.3 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, for the property located at the southeast corner of Avenue 7 ½ E and 44th Street, Yuma, AZ. (ZONE-27899-2019)

REPORT:

Clerk Note: The 1st line of this report section was amended, by motion of the City Council, at the January 15, 2020, Regular City Council meeting to reflect S. Avenue 8E instead of S. Avenue 7 ½ E.

The subject property is located at the southwest corner of E. 44th Street and S. Avenue 8E, south of the Saguaro Unit No. 3 Subdivision. In its entirety, the subject parcel is approximately 160 acres. However, the requested rezone only relates to 19.3 acres as indicated. With this request, the applicant is seeking to rezone the subject area to the Medium Density Residential (R-2) and Medium Density Single-Family Residential (R-2-5) Districts with the intent of subdividing the property into Desert Sands Unit No. 2 Subdivision and a multi-family complex.

Some permitted principal uses in the Medium Density Residential (R-2) District are as follows: One single family dwelling, one two-family dwelling, small lot single family subdivisions, multi-family dwellings with a maximum density of 12 dwelling units per acre, schools, daycares, residential care facilities, rooming and boarding houses, and community gardens.

Some permitted principal uses in the Medium Density Single-Family Residential (R-2-5) District are as follows: single family subdivision with density requirements of 5 to 12.9 dwelling units per acre, parks, daycares, community gardens, and small rooming and boarding houses.

A neighborhood meeting was held at the subject property on November 5, 2019; the meeting was not attended by any neighboring residents. The request to rezone the property from the Agriculture (AG) District to the Medium Density Residential (R-2) and Medium Density Single-Family Residential (R-2-5) Districts is in conformance with the General Plan.

On December 9, 2019 the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request to rezone approximately 19.3 acres from the Agriculture (AG) District to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) District, for the property located at the southeast corner of Avenue 7 ½ E and 44th Street, Yuma, AZ, subject to the following conditions:

1. 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.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement and Range Disclosure Statement 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.
3. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7 ½ E, and 44th St, as required for collector streets in the City of Yuma Construction Standards.
4. Owner/developer shall dedicate to the City of Yuma, via plat or recorded document, a one-foot non-access easement to the City of Yuma along all collector and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
5. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, additional right-of-way for the North to East turn lane and corner triangle at Avenue 7½E & 44th Street, collector street standard as specified in City of Yuma Construction Standard 2-050.
6. Owner/developer shall design and construct bicycle lanes along Avenue 7½E adjacent to the development, similar to City of Yuma Construction Standard 2-020, with signage consistent with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).
7. 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.

The above mentioned conditions were agreed on prior to the Planning and Zoning Commission Meeting. The original staff report presented to the Planning and Zoning Commission including the requirement for additional dedications and the need to complete a Traffic Impact Analysis (TIA) as recommended by the Arizona Department of Transportation (ADOT). After further discussion among staff and ADOT, the need for certain dedications and the TIA were removed from the original conditions of approval.

PUBLIC COMMENTS – EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

Richard Munguia, Senior Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

Motion by Commissioner Tiffany Ott, second by Commissioner Fred Dammeyer to APPROVE Case Number ZONE-27899-2019. 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:	
	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.			
ADDITIONAL INFORMATION	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:	
	Philip Rodriguez		1/8/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/6/2020	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		12/20/2019		
WRITTEN/SUBMITTED BY:		DATE:		
Richard Munguia		12/20/2019		