



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

March 4, 2020

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:Rezoning of Property: East of the Southeast Corner of S. Avenue 8-1/2E and E. 40th Street**SUMMARY RECOMMENDATION:**

Rezone a 19.3 acre parcel from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, for the property located east of the southeast corner of S. Avenue 8-1/2E and E. 40th Street, Yuma, AZ (ZONE-28098-2019) (Community Development/Community Planning) (Jay Simonton)

REPORT:

The developer intends to create a residential subdivision with lots of 6,000 square feet or larger. The current land use designation in the General Plan of Low Density Residential would allow from 19 to 94 dwelling units to be constructed in a single-family development on this property, based on a range of 1 to 4.9 dwelling units per acre.

The subject property is vacant desert land south of the existing Trail Estates Subdivisions, and will be accessed via 40th Street upon improvement and paving of the roadway.

On January 27, 2020, the Planning and Zoning Commission voted to recommend **APPROVAL** of the request to rezone a 19.3 acre parcel from Agriculture (AG) District to the Low Density Residential (R-1-6) 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 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. Owner/Developer shall design and construct the south half of 40th Street per City of Yuma Construction Standard 2-015 at the time of development. 40th Street is transportation development fee eligible.
5. Owner/Developer shall dedicate (in fee title) the south half of 40th Street as a minor arterial street with 50 foot half width.
6. Each of the conditions listed above shall be completed within one (1) year 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 - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Najeh Edais, 3075 S. Ave. 4E, Yuma, AZ, thanked staff and was available for questions.

Christopher Hamel – Chairman, Planning and Zoning Commission asked if the applicant would be extending the road.

Edais stated he had spoken with Engineering and had come to an agreement to extend the road.

PUBLIC COMMENT

None

MOTION

“Motion by Fred Dammeyer – Planning and Zoning Commissioner, second by Jacqueline Follmuth – Planning and Zoning Commissioner, to APPROVE Case Number ZONE-28098-2019. Motion carried unanimously (4-0 with 1 absent).”

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: \$0.00	
	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 checked="" 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 A. Rodriguez			2/11/2020
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files			2/10/2020
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Alyssa Linville			1/30/2020	
SIGNATURES	WRITTEN/SUBMITTED BY:			DATE:
	Robert M. Blevins			1/30/2020