



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

June 17, 2020

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Rezoning of Property: 7600 E. 32nd Street

SUMMARY RECOMMENDATION:

Rezone approximately 3.25 acres from the Agriculture (AG) District to the General Commercial (B-2) District. (Community Development/Community Planning)(Randall Crist)

REPORT:

The intent of this rezone is to match the zoning designation to the existing use, while also improving the property's development standards to meet code requirements. The owner wishes to develop and lease the lot for a use similar to what it had been used for in the past, RV and manufactured home sales. Between 1992 and 2014 the subject property was used for manufactured home sales. After annexation of the area in 1999, the use became legal non-conforming. This non-conforming status was lost following the cease of use in 2014 and an extended period of inactivity on the property.

The subject property underwent a General Plan Amendment to change the land use designation from Medium Density Residential to Commercial. The request was approved by City Council on February 19, 2020 through Resolution R2020-002.

Many of the uses in the area are commercial in nature. East 32nd Street is also a major roadway within the community featuring many commercial businesses. Staff believes that the proposed rezone would compliment neighboring uses and would be in line with development goals for the area.

On April 27, 2020, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with 2 absent) of the request to rezone approximately 3.25 acres from the Agriculture (AG) District to the General Commercial (B-2) District, for properties located at 7600 E. 32nd St., Yuma, Arizona, 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 signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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 subject property will be required to landscape, provide paved parking and access, and add adequate lighting, as identified within the zoning code.
5. 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 time frame then the rezone shall be subject to A.R.S § 9-462.01.

PUBLIC COMMENTS - EXCERPTS FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

Questions for Staff:

"Alyssa Linville – Assistant Director/Zoning Administrator noted the applicant was not in favor of Condition # 5, and was asking for the time frame to satisfy the Conditions of Approval be open-ended.

"Linville continued by stating that a mechanism for extending the time frame was available in the form of a Statutory Compliance Hearing. This hearing could extend a deadline from two years to six years if that was how long it was going to take to meet the approval conditions.

"Chris Hamel – Planning and Zoning Commissioner asked if the applicant had been advised of the Statutory Compliance Hearing process.

"Linville stated yes.

"Janice Edgar – Planning and Zoning Commissioner asked for clarification on the six-year mark Staff previously mentioned.

"Linville explained it was an example to show how the two years could be extended to a date in the future.

"Hamel asked Staff to outline the steps available for extending the time frame.

"Linville said Staff would notify the applicant of the pending expiration. The applicant would then advise if they would be able to complete the conditions within the time period. If the conditions were not completed, the property would have conditional zoning. Staff would then take the expired application to City Council for a Statutory Compliance Hearing, which would formally extend the time frame for completing all conditions.

"Edgar asked for clarification as to whether or not the commercial zoning had already been approved.

“Linville stated that the General Plan Amendment changing the land use designation to commercial had been approved earlier in the year, but this request before the Commission was for the rezoning of the property from Agriculture to General Commercial. The Planning and Zoning Commission makes a recommendation on the zoning application, and that recommendation is then forwarded to City Council for their consideration and a final determination.

“Hamel questioned if the Commission was able to take action on this item.

“Linville stated the Commission could either vote to amend Condition # 5, or leave it as written in the Staff Report.

Applicant/Applicant’s Representative:

None

Public Comments:

None

Motion:

“Motion by Gregory Counts - Planning and Zoning Commissioner, second by Lorraine Arney - Planning and Zoning Commissioner, to APPROVE Case Number ZONE-27421-2019.

“Motion carried unanimously (5-0), with Fred Dammeyer - Planning and Zoning Commissioner, and Barbra Beam - 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.			
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 <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip Rodriguez		5/27/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		5/26/2020	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Alyssa Linville		5/28/2020		
WRITTEN/SUBMITTED BY:		DATE:		
Chad Brown		5/6/2020		