



City of Yuma City Council Meeting Agenda

Wednesday, November 1, 2023

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

Notice is hereby given, pursuant to Resolution R2015-047 that one or more members of the Yuma City Council may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

City Council Chambers will be open with public access in addition to participation through Zoom

Those wishing to speak on any applicable agenda item or at Call to the Public and choose to participate via Zoom, must submit an email request to publiccomment@yumaaz.gov no later than 60 minutes prior to the start of the scheduled meeting. Further instructions will be given at that time.

Members of the public are encouraged to view the meeting through either of the following two venues:

- 1) Zoom: Residents will need to connect through the following website: <https://cityofyuma.zoom.us/>. Click on "Calendar" then select the City meeting and click "Join".
- 2) City of Yuma live stream: Use the Video and TV Stream quick link at www.yumaaz.gov and search for Yuma Live Playlist 73. Watch live on TV cable channel 73.

A recording of the meeting will be available on the City's website after the meeting.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

Final call for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

- Quarterly Financial Briefing - Fiscal Year 2024 1st Quarter

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action may be taken separately.

A. Approval of minutes of the following City Council meeting(s):

1. [MC 2023-170](#) **Regular Council Meeting Draft Minutes September 20, 2023**
Attachments: [2023 09 20 RCM Minutes](#)
2. [MC 2023-171](#) **Regular Council Meeting Draft Minutes October 17, 2023**
Attachments: [2023 10 17 RCM Minutes](#)

B. Executive Sessions

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A(1), (3), (4), and (7). (City Attorney)

C. Approval of staff recommendations:

1. [MC 2023-163](#) **Declaration and Bid Award: Sale of Firearms**
Declare surplus and award the sale of (175) firearms to the highest responsive and responsible offer for a total of \$33,741.00 from the following vendors: (1) Kings Firearms, Columbia, TN. \$2,870.00; (2) Nine Lives Auction, Phoenix, AZ. \$30,586.00; and (3) Sprague's Sports, LLC, Yuma, AZ. \$285.00. (Police Department-RFO 23-293) (Thomas Garrity/Robin R. Wilson)
2. [MC 2023-164](#) **Cooperative Purchase Agreement: Switch Refresh Project (Access Layer)**
Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$368,215.00 to Advanced Network Management, Inc., Scottsdale, AZ. (Information Technology - CPA-24-001) (Jason Smith/Robin R. Wilson)

3. [MC 2023-165](#) **Cooperative Purchase Agreement: Stewart Vincent Wolfe Playground Inclusive Play Project**
Authorize the purchase, delivery and installation of inclusive playground equipment from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement at an estimated expenditure of \$223,262.76 (Parks-CPA-24-124) (Eric Urfer/Robin R. Wilson)
4. [MC 2023-166](#) **Cooperative Purchase Agreement: Parks Playground Equipment Shade Structures**
Authorize the purchase, delivery, and installation of two shade structures to Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$190,913.86. (Parks-CPA-24-108) (Eric Urfer/Robin R. Wilson)
5. [MC 2023-168](#) **Sole Source: Badger Meters and Automated Meter Infrastructure**
Authorize a sole source purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an expenditure of \$618,099.62 to: Badger Meter, Milwaukee, WI (SS-24-127) (Jeremy McCall/Robin R. Wilson)

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action may be taken separately.

1. [R2023-050](#) **Acceptance of Greater Yuma Port Authority (GYPA) Distribution**
Accept GYPA's proposed distribution of \$155,000.00 to each member agency. (City Administration) (Jay Simonton)

Attachments: [1. RES GYPA Distribution](#)

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item may be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

1. [O2023-034](#)

Amendment: Ordinance O2019-037

Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for rezoning Ordinance O2019-037, and introduce an ordinance to amend O2019-037 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:

[1. ORD Statutory Compliance: SEC Ave 3E and 38th St Alignment](#)

[2. MAP Statutory Compliance: SEC Ave 3E and 38th St Alignment](#)

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

1. [O2023-035](#)

Text Amendment: Accessory Dwelling Units

Amend Title 15, Chapter 154, to update the placement, size and height of accessory dwellings. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1 P&Z Text Amendment: Accessory Dwelling Units](#)

[2 ORD Text Amendment: Accessory Dwelling Units](#)

2. [O2023-036](#)

Text Amendment: Nursing & Personal Care Facilities and Residential Care Homes

Amend Title 15, Chapter 154, of the Yuma City Code to update the definitions and allowable zoning districts for Nursing & Personal Care Facilities and Residential Care Homes. (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments:

[1 P&Z RPT Nursing & Personal Care Facilities and Residential Care Homes](#)

[2 ORD Nursing & Personal Care Facilities and Residential Care Homes](#)

3. [O2023-037](#)**Yuma City Code Text Amendment: Fireworks**

Amend Title 13, Chapter 139 (Yuma City Code §§ 139-004 through 139-010, and § 139-009) to comply with the State preemption of the regulation of Fireworks and Permissible Consumer Fireworks, and incorporate the amendments enacted by Senate Bill 1188, of the Fifty-sixth Legislature, First Regular Session, 2023. (City Attorney) (Richard Files)

Attachments: [1. ORD Text Amendment Fireworks](#)

V. PUBLIC HEARING AND RELATED ITEMS

The following public hearings may result in the adoption of Resolutions R2023-048 and R2023-049

1. [R2023-048](#)**General Plan Amendment: YRMC Yuma East Outpatient Medical Campus**

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the properties located at the southeast corner of 24th Street and Avenue A. (GP-41613-2023) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: YRMC Yuma East Outpatient Medical Campus](#)
[2. RES GP Amendment: YRMC Yuma East Outpatient Medical Campus](#)

2. [R2023-049](#)**General Plan Amendment: YRMC/AWC Medical Education Building**

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the property located at the northwest corner of 24th Street and Elks Lane. (GP-41614-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: YRMC/AWC Medical Education Building](#)
[2. RES GP Amendment: YRMC/AWC Medical Education Building](#)

VI. VARIANCE APPEAL - 2475 S. 43RD TRAIL

1. [MC 2023-169](#) Variance Appeal: VAR-41582-2023 - 2475 S. 43rd Trail

The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustment pursuant to Arizona Revised Statutes (A.R.S.) Section 9-462.06 and Yuma City Code (Y.C.C.) §154-02.02. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

[1. HO RPT Variance: 2475 S. 43rd Trail](#)

[2. Hearing Officer Minutes](#)

[3. August 14, 2023 Notice of Right to Appeal](#)

[4. August 24, 2023 Appellant's Notice of Appeal](#)

[5. September 6, 2023 Appeal Schedule](#)

[6. Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer's decision dated October 6, 2023](#)

FINAL CALL

Final call for submission of Speaker Request Forms for Call to the Public.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Americans With Disabilities Act (ADA) Advisory Commission - one appointment

2. Announcements:

City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of October 18, 2023 through November 1, 2023. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

City Council request for agenda items to be placed on future agendas.

3. Scheduling:

Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VIII. SUMMARY OF CURRENT EVENTS

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

IX. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

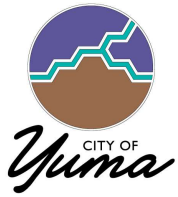
X. EXECUTIVE SESSION

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

There are no additional Executive Session agenda items scheduled at this time.

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, AZ 85364-1436; (928) 373-5125 or TTY (928) 373-5149.



City of Yuma
City Council Report

File #: MC 2023-170

Agenda Date: 11/1/2023

Agenda #: 1.

Regular Council Meeting Draft Minutes September 20, 2023

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
SEPTEMBER 20, 2023
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:33 p.m.

INVOCATION/PLEDGE

Pastor Phillip Hayman, Valley Baptist Church, gave the invocation. **Adrian Rodriguez**, YPD Technical and Support Services Manager, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Police Chief, Thomas Garrity
Police Officer, Christina Fernandez
Municipal Court Administrator, Del Miller
Assistant Director of Planning, Jennifer Albers
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

PRESENTATIONS

Yuma Police Department (YPD) Teen Academy

Garrity spoke about the Yuma Police Teen Academy that took place this year, noting that it took a team of instructors who volunteered their time to facilitate the program. He commended all those involved. He shared what the program entailed and how the School Resource Officers (SRO) took on the exciting challenge. **Garrity** introduced **Officer Cristina Fernandez** with the Yuma Police Department Public Affairs Office. **Fernandez** presented a program overview and the day-to-day hands-on activities of the Teen Academy's four-day course as follows:

Objective

- Build positive relationships and interactions between YPD personnel and participants
- Create an interest and excitement in seeking a career in law enforcement
- Introduce participants to the many opportunities YPD has to offer
- Expose participants to hands-on activities through first-hand experiences

Recruitment

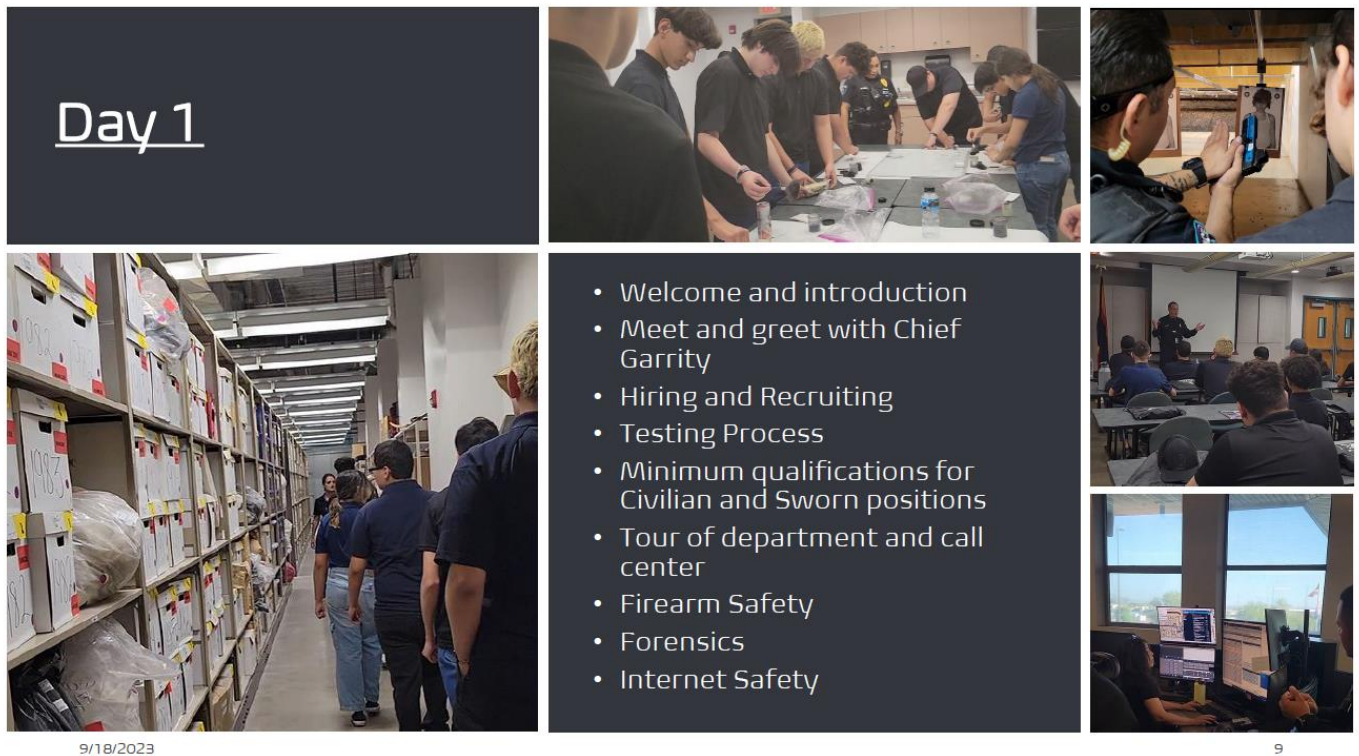
- Flyers were created to share through social media platforms
- Press release
- SRO's handed out flyers while on foot patrol

Selection Process

- Applicant required to have a GPA of 2.0 or higher
- No Criminal History
- Must be enrolled in school
- Selected on first come first serve basis

Fernandez noted the academy was originally designed by Sergeant Franklin as a 12-week program and it was tailored down to four days of what would interest this age category. She also thanked Yuma Union High School and District One for providing lunches and transportation.

Day-to-Day Activities



- Students were provided detailed information about the hiring and recruiting process to set up future qualified candidates with a successful hiring process.
- Students were given a tour of the Police Department, some classroom-based firearm safety instructions, and the opportunity to use the firearms at the firing range.
- Internet safety was an important issue to address with the teens as they are most vulnerable to internet dangers.



Day 2

- Completed the Police Officer Physical Abilities Test (POPAT)
- Explored the Bearcat
- Tried on Special Enforcement (SET) gear
- Practiced tactical room clearing
- Presentation given on gangs by SOG
- Discussed bullying and cyberbullying

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- The students supported and encouraged each other through the Physical Abilities Test
- Were given a presentation by the Special Operations Group, which is our gang unit
- Discussed bullying and cyberbullying with intent that they can help peers recognize the red flags of bullying and how to report bullying.

Day 3

- Rode with a Driving Instructor through the driving course.
- Discussed the dangers of driving while under the influence and distracted driving.
- Learned basic defensive tactics, handcuffing and Taser deployment.



- Riding with a driving instructor, students were able to go through the driving course like a newly recruited officer.
- Discussed the dangers of driving while under the influence and students utilized the drunk goggles
- Distracted driving, specifically discussing how cell phones have made an impact

Day 4

Learned Basic Search and Seizure

Probable Cause

Reasonable Suspicion

Dangers of vaping and fentanyl

Responsibilities of Animal Control

K9 Presentation and demonstration

Graduation

10/12/2023



- Students were clearly showing development in their engagement at this point
- Students learned what is needed in order to justify an arrest.
- There was discussion about the dangers of vaping and fentanyl, as it is a huge issue at this time.
- Families were invited to a graduation ceremony to honor the 15 students.

Objectives and Participant Input

- Many students stated they were uninterested and began the program only because their parents signed them up. Those same students ended the program wanting more.
- Future classes will include daily duties of the detectives, a more in-depth dispatcher presentation and more dedicated time to tactical room clearing of multiple rooms, as requested by participants.

Discussion

- The initial application to attend the academy has a requirement for teens to be registered in school; home schooled teens meet the requirement. **(Mayor Nicholls/Fernandez)**
- Teens with a criminal background are not eligible to participate in the academy; there have been discussions with the Yuma County Juvenile Detention Center to partner and create something similar to the Scared Straight Program in the future. **(Morales/Fernandez)**
- The Yuma Police Department currently offers tours for preschool and kindergarten students that can be scheduled through the Yuma Police Department Public Affairs Office. **(Morales/Fernandez)**
- The Teen Academy will be an annual event; if there is enough funding there will be two classes during the summer. **(Shelton/Fernandez)**
- The Yuma Police Department is looking into bringing back the Explorer Program that would include 17 year old students, so just as they are graduating we can get them involved in the department and hopefully they will continue down this path. **(Morris/Fernandez)**

- Explorer Program outreach efforts will be made by Yuma Police Department SROs, through social media, and by review of current academy applications of those who attended the Teen Academy. (Morris/Fernandez)

Yuma Police Department Border Security Fund

Garrity presented the following overview of the grant funds received from the Department of Emergency and Military Affairs (DEMA) for Border Security and Anti-Human Trafficking:

Funding Overview and Objectives

- HB 2893 established Border Security Funds under Arizona Revised Statute § 26-105
 - Requires DEMA to administer the grant funds
 - Designates that funding may be used for the following purposes:
 - HB 2317 -Preventing Entry into the United States of:
 - ✓ Aliens who are unlawfully present in the US.
 - ✓ Terrorists and instruments of terrorism.
 - ✓ Contraband, including narcotics and other controlled substance.
 - HB 2862 – Anti-Human Trafficking purposes.
- Funding Uses
 - Personnel and Fringe benefit costs
 - Operation Stonegarden
 - Travel
 - Equipment (cost equal or greater than \$5,000)
 - Supplies (tangibles that cost less than \$5,000)
 - Office, training, exercise supplies
 - Outreach supplies
 - Small equipment such as laptops, monitors, radios, projectors, etc. that cost less than \$5,000 per unit.
 - Contractual/Consultant Services
 - Other costs such as on-going maintenance services, vehicle maintenance, phone services, etc.
 - Training and Exercise (except costs for consultation and/or contractual)
 - Outreach/Education/Awareness
- Application Overview
 - Initial Review Panel consisted of AZ Department of Emergency & Military Affairs, AZ Department of Public Safety and AZ Department of Homeland Security
 - Final Award Letter & Agreement
- Final Award Agreement Received
 - 8/24/2023 - FY 2023 Border Security Fund Program
 - Total \$9,286,332.00
 - 9/11/2023 – FY 2023 Anti-Human Trafficking Fund Program
 - Total \$499,998.00

Border Security Fund

- Reimbursement Grant
- 5-Year Agreement
 - October 2022 – December 2027

- Funding broken into two categories
 - Equipment - \$8,178,332.00
 - Supplies - \$1,108,000.00

**Border Security Fund
 Equipment: \$8,178,332.00**

Item(s)	Quantity	Total Awarded
Patrol Division Vehicles	25	\$2,125,000
Tethered Drone	1	\$73,000
Portable Radios	60	\$420,000
Night Vision Headset	25	\$400,000
Regional P25 System	N/A	\$3,357,140
Four-wheel drive Vehicles (All-Terrain)	2	\$120,000
Investigations Division Vehicles	5	\$325,000
Forensic Technology SafeGuard Support	N/A	\$123,094
Mobile Communications Technology	N/A	\$700,098
BWC Hardware/License/ Support	N/A	\$350,000
Watch Tower	1	\$80,000
3D Laser Scanner	1	\$105,000

**Border Security Fund
 Supplies: \$1,108,000.00**

Item(s)	Quantity	Total Awarded
Night Vision Scopes	6	\$18,000
Night Vision Sites	25	\$30,000
First Aid Kits	200	\$400,000
Major Crime Scene Digital Cameras	10	\$35,000
Mobile ID Units	50	\$625,000

Anti-Human Trafficking Fund Program

- Total \$499,998.00
- Funding broken into two categories
 - Supplies \$106,200.00
 - Contractual \$393,798.00
 - In collaboration with Amberly’s Place, Yuma County Sheriff’s Office and Yuma Police Department

**Anti-Human Trafficking Fund
 Supplies - \$106,200**

Item(s)	Quantity	Total Awarded
Billboards Signage, Pamphlets, Radio and TV Commercials	N/A	\$86,400
Outreach Program and Promotional Items	N/A	\$19,800

**Anti-Human Trafficking Fund
 Contractual - \$393,798**

name	Rate	Total Awarded
Patrol Level Anti -Human Trafficking 101 Training for Yuma LE Personnel	\$18,064.00 per training x 4 times for 3 years	\$216,768
Out of State Anti -Human Trafficking Conference (registration, hotel & per diem)	\$2,050.00 per officer x 10 officers per year for 3 years	\$61,500
Anti Human Trafficking "How to Interview victims" Training/Conference (registration, hotel, & per diem)	\$2,050.00 per officers x 11 officers per year for 3 years	\$67,650
Forensic Computer Services Software Training	\$1,995 per Investigator x 8 Investigators per year for 3 years	\$47,880

Discussion:

- Personnel is slowly increasing; Yuma Police Department, Border Patrol, Yuma County Sherriff's Office, Somerton Police, and City of San Luis work together whenever back up is needed. Relying on each other gets the job done until more personnel is hired. **(Shelton/Garrity)**
- Increasing the YPD fleet of patrol cars will allow us to issue each patrol officer their own vehicle. Push-popper bumpers are used to push vehicles off to the side of the road for safety. Specialized training, such as Precision Impact Technique (PIT) is being looked into. **(Morales/ Garrity)**

City of Yuma Municipal Court Amnesty Program:

Miller briefed City Council on the Amnesty Program and its benefits as follows:

Introduction to Amnesty Program

- The Amnesty Program was created in collaboration with the Yuma City Prosecutor and the Yuma County Public Defender
- Designed to address outstanding warrants
- Provides an opportunity to remedy those warrants, without the fear of being arrested
- One time opportunity for defendants
 - This is the only time the Amnesty Program will be in effect

Miller provided the following background of how warrants occur:

- Defendant is charged with a crime, and
 - Failed to show up for a court hearing (FTA)
 - Failed to pay their fine (FTP-Contempt)
 - Failed to comply with order such as counseling (FTC)


Due to these failures a warrant is issued, and now the defendant is looking at additional fines and/or jail time. **Miller** noted that while there are defendants who chose to ignore laws and court orders, there are also those who avoid surrendering due to the fear of losing their jobs or they may have gotten out of compliance because they have already lost their jobs. **Miller** stated the later are the defendants that the program will likely assist. He provided the following information on the Amnesty Program process:

AMNESTY PROGRAM

- Defendants with warrants issued for FTA, FTP, FTC eligible
- **MUST** sign up at Municipal Court during amnesty period
- **NO ARREST** on outstanding warrant
- Warrant quashed and given court date to appear at Amnesty Court
- When defendant appears at Amnesty Court warrant charge dismissed
- The original case is not part of Amnesty
- Amnesty Court then gets defendant back on track dealing with original charges

IF FAIL TO APPEAR FOR AMNESTY COURT DATE- AMNESTY REVOKED AND WARRANT REISSUED

PARTICIPANTS APPEARING AT AMNESTY COURT = NO ARREST AND WARRANT CHARGE DISMISSED



Miller reiterated that the Amnesty Program does not dismiss the original charge, it only dismisses the warrant charge. The Amnesty period is from September 21st through October 13th. **Miller** stated the Yuma Municipal Court currently has 1,350 outstanding criminal warrants, and the goal of Amnesty Court is to:

- Get defendants in compliance without further incarceration
- Give defendants an opportunity to stop the cycle
- Reduce the number of outstanding warrants that court and police have to address
- Clear up backlog of pending cases that are due to outstanding warrants

Miller also stated that if the Amnesty court date is missed, Amnesty is revoked, and the warrant is reissued. They will be holding Amnesty Court in the City Council Chambers due to the full docket at the Municipal Court and to provide a less intimidating location.

Discussion:

- These defendants are aware of their court dates due to either previously attending court or they signed to appear in court. The warrants issued through the Yuma Municipal Court are not bench warrants; a defendant is aware of an existing warrant out for their arrest (**Morris/Miller**)
- Letters are sent to the address provided by defendant to notify of warrant issued; it is the defendants responsibility to provide correct address. If defendant is on court ordered probation and address is not up to date, a warrant for their arrest can violate probation. (**Morris/Miller**)
- Original charges and fines will not be dismissed, only the additional charge for FTA, FTC or FTP will be dismissed. (**Knight/Miller**)
- The Amnesty program will not be recurring, this is the first and only amnesty program for the City of Yuma. (**Smith/Miller**)
- The Amnesty program is only for Municipal Court warrants issued for criminal charges, not to be mistaken with any other internationally known Amnesty programs. (**Mayor Nicholls/Miller**)

I. MOTION CONSENT AGENDA

Motion (Knight/Smith): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting(s):

Regular Council Meeting	July 19, 2023
Regular Council Meeting	August 2, 2023

B. Executive Session

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Atty)

C. Approval of Staff Recommendations

1. Approve a Series #07: Beer and Wine Bar/Owner Transfer Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1840 S. Arizona Avenue. (LL23-13) (Admn/Clk)
2. Award to the lowest responsive and responsible bidders for Tire Retread Services, a one-year contract with the option to renew for four additional one-year periods, depending on the appropriation of funds and satisfactory performance, at an estimated annual expenditure of \$102,239.20 with the following vendors: Active Tire LLC, dba Ed Whiteheads Tire Pros, Yuma, AZ and Purcell Tire, Yuma, AZ. (RFB-23-283) (Pub Wrks/Fin)
3. Authorize the City Administrator to execute a construction services contract for the water line replacement, 24th Street to 25th Street, between 5th and 6th Avenue, in the amount of \$666,616.38 to the lowest responsive and responsible bidder, Gutierrez Canales Engineering, Yuma, AZ. (RFB-23-220) (Eng/Fin)

4. Authorize the purchase of data protection services utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$163,063.75 to AHEAD, Inc., Chicago, IL. (CPA-24-001) (IT/Fin)
5. Authorize the purchase of two annual renewals of the Bonfire procurement software subscription through Bonfire Interactive, Ontario, Canada, utilizing a Cooperative Purchase Agreement through the Texas Department of Information Resources for an estimated annual expenditure of \$36,000.00. (2021-40000060) (IT/Fin)
6. Authorize the purchase of radio console software upgrades utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$315,167.00 to Motorola Solutions, Inc., Tempe, AZ. (GRT-24-083) (IT/Fin)
7. Authorize the purchase of asphalt, concrete and traffic control services for various locations utilizing the Asphalt and Concrete Maintenance Services agreement at an expenditure of \$104,978.50 awarding to: Quail Construction, LLC., Yuma, AZ (RFQ-22-089) (Utl/Fin)
8. Approve the final plat of the Mid Pointe Plaza Lot C Subdivision. The properties are located near the northwest corner of Avenue 8E and 32nd Street. (Plng & Nbhd Svcs/Cmty Plng)

II. PUBLIC HEARING

Resolution R2023-042 – General Plan Amendment: Magnolia Avenue (Following a public hearing, adopt a resolution to amend the City of Yuma General Plan to change the land use designation from Medium Density residential to High Density Residential, for property located at 430 and 440 S. Magnolia Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls declared a conflict of interest on Resolution R2023-042 as his firm will be working on the project, turned the meeting over to Deputy Mayor Morris and left the dais.

Deputy Mayor Morris opened the Public Hearing at 6:33 p.m.

Albers presented the following information:

- This is a request for a General Plan amendment to change the land use designation for 430 and 440 S. Magnolia Avenue.
- Proposed change is from the current Medium Density to High Density Residential
- Area is 1.2 acres
- Development potential:
 - Potential increase of 16 dwelling units
 - Potential population increase of 32 persons
- Applicants intend to develop a 20-unit apartment complex.
- Concerns from residents regarding traffic density.
- Three comments in favor of the amendment were received from neighboring schools with Yuma School District 1.
- On August 14, 2023, the Planning and Zoning commission recommended approval of the request.

Motion (Knight/Morales): To close the Public Hearing. Voice vote: **approved** 6-0-1, Mayor Nicholls abstaining due to conflict of interest. The Public Hearing closed at 6:47 p.m.

Speakers

- **Thomas Bedoya**, City resident, expressed opposition to the project due to concerns regarding increased traffic, crime, and drugs, He stated that he does not believe the traffic study completed covered a large enough area to accurately reflect the amount of traffic coming into the area. He also noted that the amendment did not mention accommodations for special needs or handicapped residents.
- **Christopher Thompson**, Thompson Design, identified himself as one of the architects for the Arizona Housing Development Corporation. **Thompson** explained that this area is in desperate need of multi-family housing. The increase in density will allow for a 20-unit apartment complex project that is managed by the Housing Authority of the City of Yuma (HACY). This project will meet all current codes, standards for retention drainage, and several of the units will be designed for handicap accessibility. The targeted tenants are HACY families that go through a screening process for housing, units are reviewed frequently to deter misconduct, and if there are any violations families will be removed. **Thompson** is confident tenants will be good contributors to the neighborhood.
- **Michael Morrissey**, Director of Housing Authority City of Yuma (HACY), compares the new planned development on Magnolia Avenue to the Mesa Heights Apartments recently built on Arizona Avenue regarding quality. Morrissey spoke about the need for affordable housing in the City's General Plan, and how this project will help solve the need for housing for the 1,975 families that have applied for housing assistance with HACY.

Discussion

- **Knight, Shelton, and Deputy Mayor Morris** spoke in favor of the amendment to help with affordable housing that is needed for families at this time.

Motion (Knight/Smith): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2023-042

A resolution of the City Council of the City of Yuma, Arizona, amending resolution R2022-011, the City of Yuma 2022 general plan, to change the land use designation from Medium Density Residential to High Density Residential for properties located at 430 S. Magnolia Avenue and 440 S. Magnolia Avenue (change the land use designation for 1.2 acres to High Density Residential) (Plng & Nbhd Svcs)

Roll call vote: **adopted** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at Call to the Public.

III. ANNOUNCEMENTS AND SCHEDULING

Announcements

Knight, Morris, Smith, Morales, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Scheduling – No meetings were scheduled at this time.

IV. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- September 21, 2023 – Local Contractors Forum at City Hall
- September 22, 2023 – Yuma Art Center Opening Reception for unveiling of two new fall exhibits

V. CALL TO THE PUBLIC

Spurgeon Wesley Hilton, City resident, presented City Council with a wooden walking stick he carved himself to donate back to the City in exchange for taking a prison cell key from the Yuma Territorial Prison when he visited the facility as a child 48 years ago.

VI. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:06 p.m. No Executive Session was held.

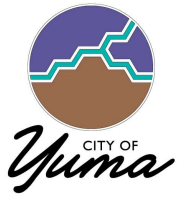
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma
City Council Report

File #: MC 2023-171

Agenda Date: 11/1/2023

Agenda #: 2.

Regular Council Meeting Draft Minutes October 17, 2023

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
OCTOBER 17, 2023
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:31 p.m.

INVOCATION/PLEDGE

Pastor Tom McConkey, Liberty Baptist Church, gave the invocation. **Jason Smith**, Assistant IT Director, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Deputy City Administrator, Jennifer Reichelt
Director of Public Works, Joel Olea
Senior Planner, Amelia Dombay
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

PRESENTATIONS

Amberly's Place Update – Rescheduled to a future City Council Meeting.

Clean and Beautiful Commission Annual Report

Olea introduced **Greg LaVann**, Chair of the Clean and Beautiful Commission, to present the Annual Report as follows:

- Purpose
 - To educate, assist and involve the community in achieving visible improvements in the way our city's environment is preserved, protected, beautified and maintained
- Existing Projects and Programs
 - Beautification Awards
 - Adopt-A-Street
 - Household Hazardous Waste
 - Welcome to Yuma signs
- New Projects and Programs
 - Clean and Beautiful website page update
 - Yuma Click & Fix community education

- Identify new Yuma County Area Transit (YCAT) bus stop locations
- Empty lot beautification
- East Main Canal beautification
- Downtown Yuma Merchants Association (DYMA) palm tree planting
- Goals
 - Increase Adopt-A-Street participants
 - Continue to promote and educate the community on Yuma Click & Fix
 - DYMA palm tree planting
 - Phase I of the East Main Canal project (May 2024)
 - Empty lot beautification
 - YCAT bus stop expansion areas
 - Identify new Welcome to Yuma sign areas

I. MOTION CONSENT AGENDA

Motion (Knight/Morales): To approve the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meetings:

Regular Council Worksession	September 19, 2023
Regular Council Meeting	October 4, 2023

B. Executive Session

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Atty)

C. Approval of Staff Recommendations

1. Authorize Yuma Mesa Irrigation & Drainage District (YMIDD) to execute a construction services contract for the “A” Canal - 7E and 40th Street project, in the amount of \$2,839,213.05 to the lowest responsive and responsible bidder: Gutierrez Canales Engineering, PC. Authorize payment to YMIDD to provide construction administration and inspection for construction of the “A” Canal - 7E and 40th Street project, in accordance with the executed intergovernmental agreement (IGA), in the amount of \$270,283.76. (Eng)
2. Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for media and marketing services with Highnoon Ventures LLC, Phoenix, AZ for an estimated annual expense of \$89,950, with the option to renew for three additional one-year periods pending budget appropriation and satisfactory performance. (CPA-23-132) (City Admin)
3. Authorize a sole source purchase for water filter membrane replacements for the Agua Viva Water Treatment Plant (AVWTP) in the amount of \$1,515,185.00 to: Zenon Environmental Corporation dba Veolia Water Technologies, Richmond, CA. (SS-24-095) (Utl)

4. Award a five-year Sole Source contract for Hydrogen Peroxide at an estimated annual expenditure of \$450,000 to US Peroxide LLC dba USP Technologies, Atlanta, GA (SS-24-061) (Utl)
5. Approve a Mutual Aid and Assistance Agreement between the U.S. Army Garrison, Yuma Proving Ground AZ and the City of Yuma Fire Department for mutual aid in fire prevention, the protection of life and property from fire, and firefighting to include emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions. (Fire/Admin)

II. RESOLUTION CONSENT AGENDA

Motion (Morris/Knight): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title:

Resolution R2023-047

A resolution of the City Council of the City of Yuma, Arizona, appointing the Election Board to serve at the 2023 all-mail ballot Special Election to be held on November 7, 2023 (pursuant to Arizona Revised Statutes §9-825 and the City of Yuma Charter, Article IX, Section 1(a)) (City Admn/Clk)

Roll call vote: **adopted** 7-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (Morales/Smith): To adopt the Ordinances Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2023-032

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2013-64 and the December 20, 2013, Tesla Ground Lease (to allow the charging of third-party electric vehicles, which is restricted by the current lease) (Admin/Atty)

Ordinance O2023-033

An ordinance of the City Council of the City of Yuma, Arizona, declaring certain real property and rights-of-way, hereafter described, surplus for City use and authorizing the vacating of rights-of-way and transfer of the surplus property pursuant to the terms of a development agreement with the Arizona Housing Development Corporation (for the construction of six two-bedroom two-bathroom affordable housing units) (Plng & Nbhd Svcs)

Roll call vote: **adopted** 7-0.

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms from members of the audience interested in speaking at the Call to the Public.

IV. PUBLIC HEARING

Ordinance O2023-034 – Statutory Compliance Hearing/Amendment: Ordinance O2019-037 (for property located at the southeast corner of Avenue 3E and the 38th Street Alignment) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls opened the public hearing at 5:49 p.m.

Domby presented the following information:

- Conditional zoning to Light Industrial (L-I) District was approved based upon the completion of seven conditions of approval within two years
- The L-I District zoning expired because the parcel owner had not completed the conditions of approval
- Arizona Revised Statutes (A.R.S.) §9-462.01(E) requires the City to notify the owner when the time for completion of a condition has expired, and the City can then schedule a public hearing; take administrative action to extend, remove, or determine compliance; or take legislative action to cause the property to revert to its former zoning classification
- The property owner will satisfy the remaining conditions required to validate the zoning through the Subdivision process

Motion (Knight/Smith): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 5:51 p.m.

Discussion

- The developer has completed the roads and other improvements; the only remaining requirement is to dedicate the plat (**Mayor Nicholls/Domby**)

Bushong displayed the following title:

Ordinance O2023-034

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2019-037 to extend the time for compliance with conditions for the rezoning of certain property from the Agriculture (AG) District to the Light Industrial (L-I) District and amending the zoning map to conform thereto (extend the deadline for compliance from two years to five years) (Plng & Nbhd Svcs/Cmty Plng)

V. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Appointments

Motion (Morales/Knight): To appoint David Nickle and Craig Colvin to an initial two-year term expiring December 31, 2025; Jason Giard and Bill Mowczko to an initial four-year term expiring December 31, 2027; and Leslie McClendon and Alexis Liggett to an initial five-year term expiring December 31, 2028, on the Americans with Disabilities Act (ADA) Advisory Commission. Voice vote: **approved** 7-0.

Announcements

Smith, Morales, Shelton, Morris, and Mayor Nicholls reported on events and meetings they have attended during the last two weeks and upcoming events of note.

Scheduling – No meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Reichelt reported the following events:

- October 21st – 7th Annual Mayor’s International Bike Ride starting at the Yuma Civic Center
- October 24th – Business Conversations with Mayor Nicholls at Yuma City Hall
- The Parks, Arts, Recreation and Trails (PART) Master Plan online survey will be available on the City’s website through December 10th
- October 25th – PART Public Engagement in the Yuma High School Cafeteria
- October 26th – PART Public Engagement in the Arizona Western College 3C Building
- October 27th-28th – 9/11 Never Forget Mobile Exhibit in Historic Downtown Yuma
- October 31st – Scary & Safe Trick or Treat at the Yuma County Fairgrounds

VII. CALL TO THE PUBLIC

Eleanor Sayles, City resident, invited City Council and the public to participate in Red Ribbon Week, October 23-31, to take a stand against drugs. Red Ribbon Week was established in memory of Drug Enforcement Administration Agent Enrique “Kiki” Camarena and his battle against illegal drugs.

VIII. EXECUTIVE SESSION/ADJOURNMENT

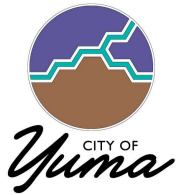
Motion (Knight/Shoop): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:07 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of: _____ City Clerk: _____
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City of Yuma

City Council Report

File #: MC 2023-163

Agenda Date: 11/1/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input checked="" type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input type="checkbox"/> Respected & Responsible	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction
DIVISION: Procurement	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Declaration and Bid Award: Sale of Firearms

SUMMARY RECOMMENDATION:

Declare surplus and award the sale of (175) firearms to the highest responsive and responsible offer for a total of \$33,741.00 from the following vendors: (1) Kings Firearms, Columbia, TN. \$2,870.00; (2) Nine Lives Auction, Phoenix, AZ. \$30,586.00; and (3) Sprague’s Sports, LLC, Yuma, AZ. \$285.00. (Police Department- RFO 23-293) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding the sales to these vendors aligns with City Council’s strategic outcome of Safe and Prosperous, as a method of declaring the firearms surplus and awarding to the highest responsible vendors who have a current Federal Firearms License.

REPORT:

The Procurement Division issued a Request for Offer (RFO) for the sale of 175 firearms in accordance with Section 38-02 of the Yuma City Code. A complete check was made by the Yuma Police Department through state and federal computer systems and none of the 175 firearms were listed as stolen or missing.

Staff received five sealed bids, and three of the five offers met all the requirements outlined in the solicitation. This motion will declare the firearms surplus and authorize the award of the sale as described in the summary recommendation.

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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
N/A			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Revenue received from this sale will be deposited into the general fund.

ADDITIONAL INFORMATION:

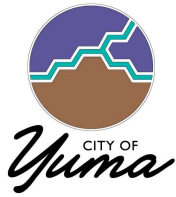
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



City of Yuma

City Council Report

File #: MC 2023-164

Agenda Date: 11/1/2023

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION:	<input checked="" type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
Procurement	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Cooperative Purchase Agreement: Switch Refresh Project (Access Layer)

SUMMARY RECOMMENDATION:

Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$368,215.00 to Advanced Network Management, Inc., Scottsdale, AZ. (Information Technology - CPA-24-001) (Jason Smith/Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase of Networking equipment contributes to the City Council’s strategic outcome of Connected and Engaged, Safe and Prosperous, and Respected and Responsible by ensuring that Citywide core services remain secure and operational. Networking and its components are critical to all forms of communication, and the key pieces of infrastructure that keeps our City connected.

REPORT:

To improve the City’s current networking infrastructure, while ensuring consistent availability and functionality, aging hardware and software must be addressed to align with best practices and bolster the City’s security posture. The City’s network infrastructure is aging, and devices are no longer supported by the manufacturer. With the purchase of this equipment, the City will enter into a lifecycle plan to address the aging hardware while ensuring the City doesn’t fall out of support for the equipment in the future.

The City’s networking infrastructure serves as the foundation for all forms of communication utilized between City employees, City departments and locations, and community members. The network infrastructure is comprised of hardware components (switches, routers, telephony, and firewalls) and software components that operate the networking devices. All City business, applications and software, servers and storage are built on top of this network. Due to the close integration of the hardware and software components, dependencies have been created. Many times, the producers of these components offer optional or necessary upgrades or enhancements to their products. IT staff members are expected to follow the guidelines set forth by each manufacturer to maintain normal operations and support for all products, in order to provide secure and reliable data.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 368,215.00	BUDGETED:	368,215.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$368,215.00

001-15-26-8980 General Fund - Information Technology		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council approved FY 2024 budget.

ADDITIONAL INFORMATION:

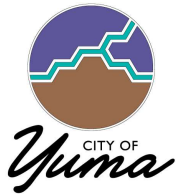
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



City of Yuma

City Council Report

File #: MC 2023-165

Agenda Date: 11/1/2023

Agenda #: 3.

DEPARTMENT: Finance	STRATEGIC OUTCOMES	ACTION
	<input type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION: Procurement	<input checked="" type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Cooperative Purchase Agreement: Stewart Vincent Wolfe Playground Inclusive Play Project

SUMMARY RECOMMENDATION:

Authorize the purchase, delivery and installation of inclusive playground equipment from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement at an estimated expenditure of \$223,262.76 (Parks-CPA-24-124) (Eric Urfer/ Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase and installation of this playground equipment will provide the community with a safe and inclusive playground, which aligns with City Council's strategic outcomes of Respected and Responsible, as well as Connected and Engaged.

REPORT:

The Stewart Vincent Wolfe Playground Park has been designated for inclusive improvements. In order to create a safe space where visitors of all abilities can enjoy the park, it is necessary to increase the accessibility and safety by installing 1,715 square feet of rubberized surface; this surface creates a seamless and safe space around the newly installed playground equipment. The playground equipment will consist of a We-Go-Round, Sway Fun Glider and two communication boards. This equipment will allow greater accessibility for visitors of all abilities to enjoy the park by developing social skills and fostering a sense of belonging. This purchase also includes shade structures that will cover the playground equipment allowing for extended playtime. The addition of these pieces and play space will complete the first phase of the Inclusive Play project for the Stewart Vincent Wolfe Playground Park.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 223,262.76
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 179,262.76 \$44,000.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$223,262.76

Parks donations and Grants		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

This portion of the Inclusive Play Project at the West Wetlands Park in the Stewart Vincent Wolfe Playground is being funded by donations and grants.

ADDITIONAL INFORMATION:

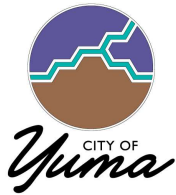
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



City of Yuma

City Council Report

File #: MC 2023-166

Agenda Date: 11/1/2023

Agenda #: 4.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION:	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
Procurement	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Cooperative Purchase Agreement: Parks Playground Equipment Shade Structures

SUMMARY RECOMMENDATION:

Authorize the purchase, delivery, and installation of two shade structures to Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$190,913.86. (Parks-CPA-24-108) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

The purchase and installation of the shade structures will provide the community with safe and functional playgrounds that are protected from the elements, which aligns with the City Council’s strategic outcomes of Respected and Responsible and Active and Appealing.

REPORT:

New playgrounds were installed at Winsor Rotary Park and Desert Ridge Neighborhood Park this year. The new playgrounds lack shade structures to protect the playground area. Recognizing the need for shade, the City Parks and Recreation Department plans to install new shade structures. These structures will greatly benefit park visitors by enhancing safety and allowing for extended playtime.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 190,913.86	BUDGETED:	\$ 360,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$190,913.86

122-97-77-8149 Two Percent Special Revenue Fund		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2024 City Council approved budget to accommodate this purchase.

ADDITIONAL INFORMATION:

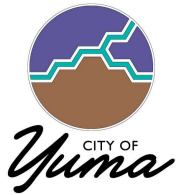
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



City of Yuma

City Council Report

File #: MC 2023-168

Agenda Date: 11/1/2023

Agenda #: 5.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
DIVISION:	<input checked="" type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
Procurement	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Sole Source: Badger Meters and Automated Meter Infrastructure

SUMMARY RECOMMENDATION:

Authorize a sole source purchase of Badger Water Meters, encoders, and endpoints to replace existing water meters at an expenditure of \$618,099.62 to: Badger Meter, Milwaukee, WI (SS-24-127) (Jeremy McCall/Robin R. Wilson)

STRATEGIC OUTCOME:

This supports the City Council's strategic outcomes of Safe and Prosperous by ensuring the reliability and quality of the City's water distribution system and Connected and Engaged allowing active real-time engagement with City water services.

REPORT:

The Utilities Department standardized the use of water meters manufactured by Badger Meter, Inc. over 20 years ago. In 2006 the Utilities Department began implementing an Automated Meter Reading (AMR) metering system. The water meters and AMR endpoints are now reaching their end-of-life cycle. In response to the end-of-life water meters and AMR technology, beginning in 2023, the Utilities Department transitioned to an Automated Metering Infrastructure (AMI) metering system.

The AMI system provides real-time readings of water use and allows Yuma customers to interface with their water account via a cellular phone application. In addition to the customers' ability to interact with their accounts real-time, the City will be able to access meter usage data and generate a monthly water bill without having to utilize Meter Readers in the field. The water meters, encoders, and endpoints will be utilized for replacement of existing units that have reached the end-of-life cycle and for new service installations. The total cost of each replacement including the meter is \$247.24.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 618,099.62	BUDGETED:	2,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP & Water Fund	
TOTAL \$618,099.62			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority to accommodate this purchase is provided in the FY 2024 City Council approved budget.

ADDITIONAL INFORMATION:

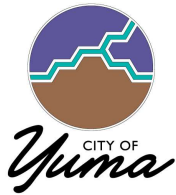
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk’s Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



City of Yuma

City Council Report

File #: R2023-050

Agenda Date: 11/1/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
City Administration	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
DIVISION: Click or tap here to enter text.	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	

TITLE:
Acceptance of Greater Yuma Port Authority (GYPA) Distribution

SUMMARY RECOMMENDATION:
 Accept GYPA's proposed distribution of \$155,000.00 to each member agency. (City Administration) (Jay Simonton)

STRATEGIC OUTCOME:
 As a partner in GYPA's mission to promote the economic well-being of the Yuma County region, acceptance of GYPA's proposed distribution of \$155,000.00 furthers the City Council's Respected and Responsible strategic outcome.

REPORT:
 GYPA is an intergovernmental agency created for the sole purpose of promoting and developing the new port district and to ensure the economic well-being of the Yuma County region. The members of GYPA include the City of Yuma, the City of San Luis, Yuma County, and the Cocopah Indian Nation. Each member has two board members, with one board member being from the elected body.

At an October 4, 2023, meeting, the GYPA Board of Directors ("GYPA Board") adopted the following Resolution:

"RESOLVED that the appointed representatives of each member agency shall deliver to their respective member agency a proposal to make a distribution of \$155,000.00 to each agency and shall report back to the [GYPA Board] and Executive Director the views of its governing body."

Under the distribution, the City of Yuma will net \$55,000.00 due to an outstanding deferred cash call payment due to GYPA from Fiscal Years 2013 and 2014 in an aggregate amount of \$100,000.00.

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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Accepting GYPA's proposed distribution of \$155,000.00 will result in a net gain of \$55,000.00 to the City of Yuma's balance sheet.

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023

RESOLUTION NO. R2023-050

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, ACCEPTING A PROPOSED DISTRIBUTION FROM THE
GREATER YUMA PORT AUTHORITY**

WHEREAS, the City of Yuma is a member of the Greater Yuma Port Authority (“GYPA”), along with the City of San Luis, Yuma County, and the Cocopah Indian Nation; and,

WHEREAS, at a meeting of the GYPA Board of Directors (“GYPA Board”) held on October 4, 2023, the GYPA Board adopted the following Resolution:

“RESOLVED that the appointed representatives of each member agency shall deliver to their respective member agency a proposal to make a distribution of \$155,000.00 to each agency and shall report back to the [GYPA Board] and Executive Director the views of its governing body;” and,

WHEREAS, the City of Yuma has a total outstanding deferred cash call payment due to GYPA in the amount of \$100,000.00 from FY2013 and FY2014, the net amount to be received by the City of Yuma from the proposed distribution will be \$55,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City of Yuma accepts the proposed \$155,000.00 distribution from GYPA.

SECTION 2: The City Administrator is authorized, on behalf of the City of Yuma, to take all actions necessary to accept the GYPA distribution as described in this Resolution.

Adopted this _____ day of November, 2023.

APPROVED:

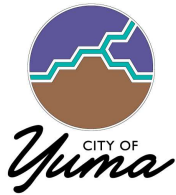
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-034

Agenda Date: 10/17/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Community Planning	<input checked="" type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input checked="" type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Amendment: Ordinance O2019-037

SUMMARY RECOMMENDATION:

Pursuant to A.R.S. § 9-462.01, conduct a public hearing to determine compliance with the conditions of approval for rezoning Ordinance O2019-037, and introduce an ordinance to amend O2019-037 to extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This statutory compliance hearing and ordinance will validate the zoning for existing and future industrial development that will be responsibly constructed, meeting all codes and requirements. This statutory compliance hearing furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

Clerk Note: Statutory Compliance Hearing held on October 17, 2023, and Ordinance O2023-034 was introduced.

On November 20, 2019, the City Council adopted Ordinance O2019-037, authorizing the property located at the southeast corner of Avenue 3E and the 38th Street Alignment, to be rezoned from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District. Ordinance O2019-037 required that the following conditions of approval be completed within two (2) years of approval:

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 shall dedicate, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38th Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.
6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.
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 property was rezoned as a single zoning case (ZONE-27148-2019) in which conditional zoning to the Light Industrial (L-I) District was approved based upon the completion of the seven conditions of approval within two years. The Light Industrial (L-I) District zoning expired because the owner of the parcel had yet to complete the required easement and right-of-way dedications. The current property owner will satisfy the remaining conditions required to validate the zoning through the Subdivision process.

DETERMINATION:

Arizona Revised Statutes § 9-462.01(E) states that if the time for completion of a condition has expired, the City shall notify the owner, schedule a public hearing, and take administrative action to “extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.” In this case, the property owner has completed all conditions of approval required under Zoning case ZONE-27148-2019 and still wants the property rezoned to the Light Industrial (L-I) District.

RECOMMENDATION:

At the close of the public hearing, staff recommends that City Council introduce the attached ordinance which amends Ordinance O2019-037 by extending the deadline for compliance from two years to five years. A location map is 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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 10/09/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/06/2023

ORDINANCE NO. O2023-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING ORDINANCE O2019-037 TO EXTEND THE TIME FOR COMPLIANCE WITH CONDITIONS FOR THE REZONING OF CERTAIN PROPERTY FROM THE AGRICULTURE (AG) DISTRICT TO THE LIGHT INDUSTRIAL (L-I) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City Council adopted Ordinance O2019-037 on November 20, 2019, rezoning certain properties subject to conditions which have not been fully met; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.01 and Ordinance No. O2019-037, a statutory compliance hearing was held on October 17, 2023 and this amendment to Ordinance No. O2019-037 was introduced; and,

WHEREAS, the City seeks to resolve the outstanding conditions to bring the property into compliance with the rezoning to the Light Industrial District,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the words “two (2) years” in Section 3 of Ordinance O2019-037 be amended to “five (5) years.”

SECTION 2: Subject to this amendment, Ordinance No. O2019-037 shall remain in full force and effect.

Adopted this _____ day of _____, 2023.

APPROVED:

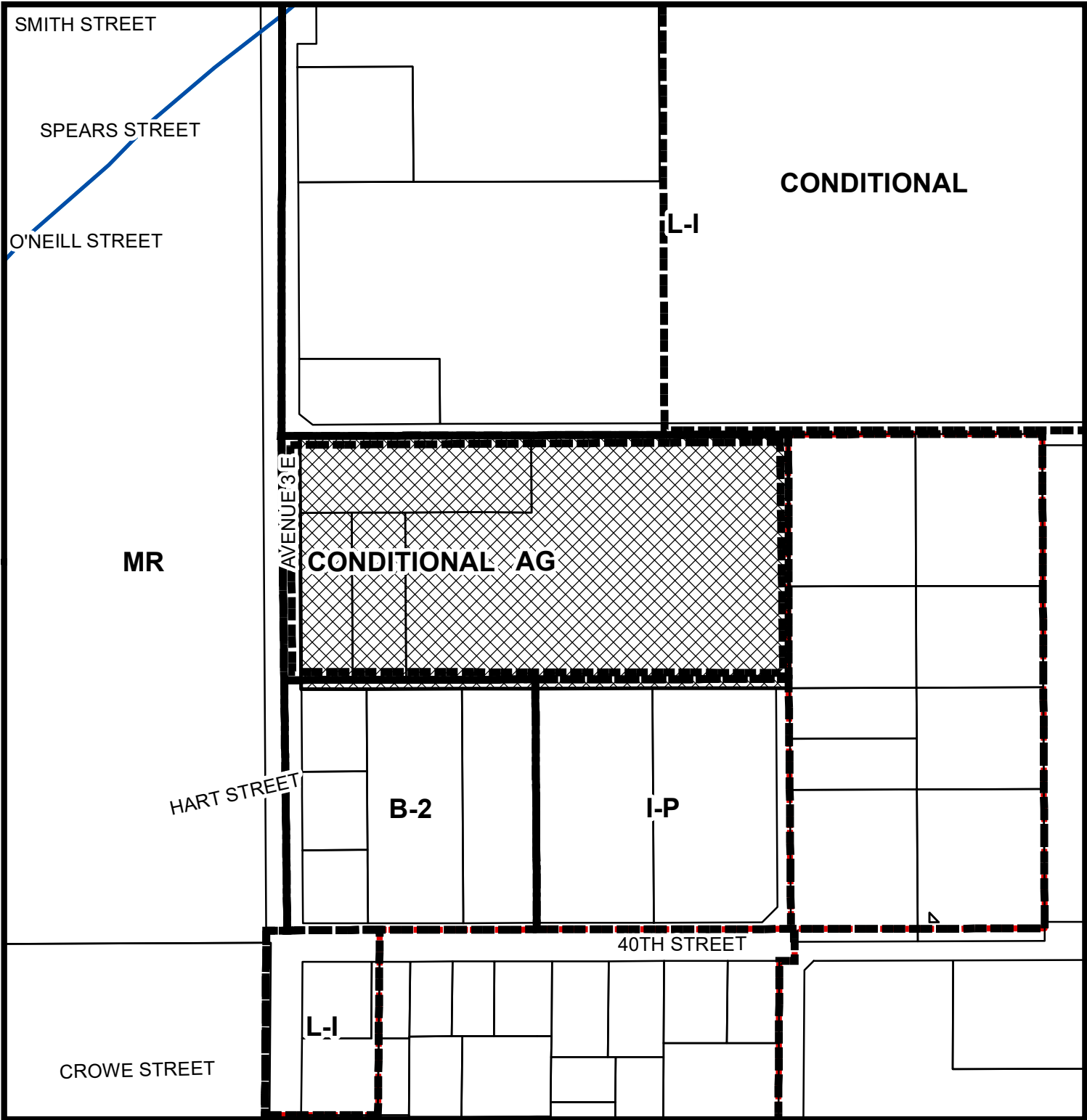
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by:

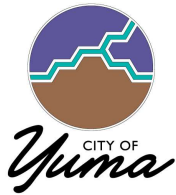
 Checked by:



Date: 09-25-23
 Revised:

 Revised:

Case #:
 ZONE-027148-2019



City of Yuma

City Council Report

File #: O2023-035

Agenda Date: 11/1/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Community Planning	<input type="checkbox"/> Respected & Responsible	<input checked="" type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input checked="" type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Text Amendment: Accessory Dwelling Units

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, to update the placement, size and height of accessory dwellings. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support the development of new housing options, increasing the opportunity to develop an accessory dwelling unit, in support of the City Council’s strategic outcomes of Safe and Prosperous and Unique and Creative.

REPORT:

The City of Yuma adopted the Accessory Dwelling Unit (ADU) ordinance on May 3, 2017, as Ordinance O2017-013. The purpose of the ADU ordinance is to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.

Since adoption of the first ADU ordinance, City staff has considered amendments to the code with the intent to facilitate increased options for ADU’s. This proposed text amendment addresses three issues that have arisen over time: placement, size and height. The goal of the text amendment is to address those issues and facilitate the construction of new dwelling units.

Placement

Currently the zoning code requires that any new ADU be placed at least 60 feet behind the front property line. This limitation can adversely affect the installation of an ADU on older or an irregular shaped lot. The proposed amendment is to place the ADU behind the midpoint of the primary dwelling. This will allow flexibility and let the shape and configuration of the property and primary dwelling determine the placement of the ADU rather than a one size fits all approach.

Additionally, the text amendment is intended to allow attached ADU’s in addition to detached. In some cases, the separation requirements can be difficult to meet and the City has received requests to allow attached units. It has been determined that with size and placement requirements the ADU can still be considered accessory to the primary dwelling even if attached.

Size

Currently the code identifies a sliding scale for the size of the ADU based on the size of the property or the size of the primary dwelling, whichever is less. The text amendment simplifies the maximum size of the ADU to no larger than 50% of the primary dwelling. The intent is to allow ADU's on smaller lots, while ensuring the ADU is subsidiary to the primary dwelling.

Height

The third dimensional issue to be addressed is the height of the ADU. Currently the maximum height is 15 feet. For smaller homes, the new ADU could be higher than the primary dwelling or if the ADU is attached the new unit could be taller or significantly lower than the primary dwelling. The text amendment is intended to bring the height in line with the primary dwelling and allow the height of the ADU to be no taller than the primary dwelling.

The proposed text amendment was provided to community agencies for comment and input. One comment in support was received regarding the proposed change to the placement, size and height of accessory dwelling units.

On September 25, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update the placement, size and height requirements for accessory dwelling units.

**PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:
QUESTIONS FOR STAFF**

“**Chairman Chris Hamel** said he was in favor of the text amendment.

“**Commissioner Branden Freeman** asked if there was any feedback received by developers in the community about the text amendment request. **Jennifer Albers, Assistant Director of Planning** said that this text amendment is addressing comments and concerns that City staff has heard from the public over time in pre-development meetings.

“**Commissioner John Mahon** asked if by limiting the ADU to 50% we are creating a hardship for a smaller older home, such as a home that is only 1,200 square feet would result in an ADU of only 600 square feet. **Commissioner Mahon** also asked how staff calculates the square footage of older homes where building permits may not complete. **Albers** responded that with regard to the square footage, the review is based on what is provided by the customer which should take into account any additions. **Albers** said that with regard to the size of the ADU the 50% requirement is intended to ensure that the ADU is an accessory to the existing home. **Albers** added that if there is a significant hardship a variance can be considered by the Hearing Officer if the request meets certain criteria.

PUBLIC COMMENT - None

MOTION

“**Motion by Joshua Scott, Planning and Zoning Commissioner, second by John Mahon, Planning and Zoning Commissioner to APPROVE Case Number ZONE-41689-2023, to amend Title 15, Chapter 154, to update the placement, size and height requirements for accessory dwellings.**

“**Motion carried unanimously (5-0), with Edgar Olvera - Planning and Zoning Commissioner and Ashlie**

Pendleton - Planning and Zoning Commissioner 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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

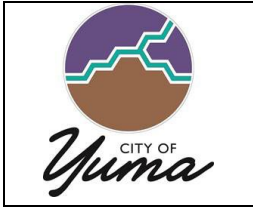
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NONE

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- City Clerk’s Office
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Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER ALBERS**

Hearing Date September 25, 2023

Case Number: ZONE-41689-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154 to update the placement, size and height requirements for accessory dwellings.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the placement, size and height requirements for accessory dwellings.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41689-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update the placement, size and height requirements for accessory dwellings.

Staff Analysis: The City of Yuma adopted the Accessory Dwelling Unit (ADU) ordinance on May 3rd, 2017, as Ordinance O2017-013. The purpose of the ADU ordinance is to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.

Over time, staff has considered amendments to the code with the intent to facilitate the placement of ADU's. This proposed text amendment addresses three issues that have arisen over time: placement, size and height. The goal of the text amendment is to address those issues and facilitate the construction of new dwelling units.

Placement

Currently the zoning code requires that any new ADU be placed at least 60 feet behind the front property line. This limitation can adversely effect the installation of an ADU on older or irregular shaped lot. The proposed amendment is to place the ADU behind the midpoint of the primary dwelling. The intent being to allow flexibility and let the shape and configuration of the property and primary dwelling determine the placement of the ADU rather than a one size fits all approach.

Additionally, the text amendment is intended to allow attached ADU's in addition to detached. In some cases, the separation requirements can be difficult to meet and the City has received requests to allow attached units. It has been determined that with size and placement requirements, the ADU can still be considered accessory to the primary dwelling even if attached.

Size

Currently the code identifies a sliding scale for the size of the ADU based on the size of the property. The text amendment is intended to simplify the maximum size of the ADU as no larger than 50% of the primary dwelling. The intent is to allow ADU's on smaller lots and ensure the ADU is subsidiary to the primary dwelling.

Height

The third dimensional issue to be addressed is the height of the ADU. Currently the maximum height is 15 feet. For smaller homes, the new ADU could be higher than the primary dwelling or if the ADU is attached the new unit could be taller or significantly lower than the primary dwelling. The text amendment is intended to bring the height in line with the primary dwelling and allow the height of the ADU to be no taller than the primary dwelling.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The City of Yuma 2022 General Plan Housing chapter Goal 1.0 specifically addresses the need to provide safe and affordable housing with a targeted objective and policy to encourage a variety of housing types and mitigate constraints to housing development.

Goal 1.0: Encourage the provision of safe, decent, sanitary, and affordable housing for all residents.

Objective 1.3: Encourage a variety of housing types to meet all socio-economic segments of the population, considering both full time and seasonal residents.

Policy 1.3.4: *The City will continue to develop ways to help mitigate the constraints to housing development through financial and regulatory incentives.*

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes This amendment furthers the goal of the Accessory Dwelling Unit zoning code to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No This amendment only changes the dimensional standards for the placement of ADU's and does not change the range of uses in the zoning code.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes This amendment changes the dimensional standards for the placement of ADU's.

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment. However, the adoption of the proposed text amendment may provide a number of positive impacts for the City of Yuma: increased development of Accessory Dwelling Units, the development of new housing opportunities, and the ability to increase residential density thereby maximizing the utilization of resources.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?
N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes This amendment supports City Council's past action adopting the Accessory Dwelling Unit zoning code.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By: *Jennifer L. Albers* **Date:** *8/28/23*
Jennifer L. Albers *Jennifer.Albers@YumaAZ.gov* (928) 373-5180
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** *09/06/2023*
Alyssa Linville
Assistant Director Community Planning

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 15, Section 16 Accessory Dwellings, Carriage Houses and Garage Apartments in Residential Districts be amended to insert the bolded text and delete the strike through text:

- (A) *Applicability.* One accessory dwelling is permitted as a subordinate to an existing or planned single-family dwelling unit (**primary residence**), provided that the provisions below are met.
- (B) *Accessory uses.* Accessory dwellings may be used for home occupations in compliance with § 154-15.08.
- (C) *Accessory dwellings.* Accessory dwellings are subject to the following standards:
- (1) *Use.* Permitted on certain residentially zoned properties which currently have or will have a single-family residence. ~~The construction of an accessory dwelling will require consent from all adjacent property owners.~~ Only one unit will be permitted for each property; the accessory dwelling ~~must~~ **may be attached to or** detached from the primary residence.
 - (2) *Lot size.* Accessory dwellings are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
 - (3) *Lot coverage.* Accessory dwellings are permitted to increase the lot coverage of the applicable zoning district by 5%.
 - (4) *Setback.*
 - (a) Accessory dwellings shall be located **behind the midpoint of the primary residence 60 feet from the front property line**, in addition to complying with the side and rear yard setbacks of the applicable zoning district.
 - (b) If the accessory dwelling is being accessed from an alley, the rear yard setback may be reduced to five feet.
 - (5) *Unit size.*
 - (a) Each accessory dwelling shall have a minimum size of **100** ~~200~~-square feet.
 - (b) The maximum permitted size of an accessory dwelling **shall not exceed 50% of the total square footage of the primary residence.** ~~based upon lots measuring 6,000—15,000 square feet in size is:~~
 1. ~~Lot size measuring between 6,000 square feet to 7,500 square feet allows for a maximum size unit of 600 square feet.~~
 2. ~~Lot size measuring between 7,501 square feet to 10,000 square feet allows for a maximum size unit of 800 square feet.~~
 3. ~~Lot size measuring 10,001 square feet to 15,000 square feet allows for a maximum size unit of 1,000 square feet.~~
 4. ~~Accessory dwellings on lots measuring between 6,000—15,000 square feet shall meet unit sizes noted above and shall not exceed 50% of the total square footage of the primary residence, whichever is less.~~

~~(c) Accessory dwellings on lots measuring greater than 15,000 square feet allow for a maximum size unit of 1,200 square feet or a unit size not exceeding 50% of the total square footage of the primary residence, whichever is greater.~~

(6) *Height.* The maximum allowable building height shall be **no higher than the single-family dwelling unit on site** ~~15 feet for a single story unit.~~ **The maximum height of an accessory dwelling unit cannot exceed the height restrictions of the applicable zoning district.** Dwelling units which are located above a detached garage (carriage house or garage apartment) shall not exceed a total building height of 25 feet. See illustration at the end of this section.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/01/23
- 34 Commenting/Reviewing Agencies noticed: 08/21/23
- Neighborhood Meeting: N/A
- Hearing Date: 09/25/23
- Comments due: 08/21/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	8/11/23	X		
Yuma County Planning & Zoning	Yes	8/15/23			X
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/14/23	X		
Yuma Proving Ground	Yes	8/10/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/15/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received

**ATTACHMENT C
AGENCY COMMENTS**

DATE:	8/15/23	NAME:	Anson K. Lihosit	TITLE:	Senior Planner
AGENCY:	Yuma County Dept. of Dev. Services		PHONE:	(928) 817-5090	
<i>Enter comments below:</i>					
<p>According to the American Planning Association, “accessory dwelling units have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods.”</p> <p>(American Planning Association. “Accessory Dwelling Units”. Accessed September 13, 2022. https://www.planning.org/knowledgebase/accessorydwellings/#:~:text=An%20accessory%20dwelling%20unit%20(ADU,secondary%20suites%2C%20and%20granny%20flats.</p> <p>Staff believes that the proposed changes would simplify the process and requirements for the development of accessory dwelling units, which is helpful.</p>					

ORDINANCE NO. O2023-035

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,
AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING
TO ZONING REGULATIONS TO UPDATE THE PLACEMENT, SIZE AND HEIGHT
REQUIREMENTS FOR ACCESSORY DWELLING UNITS**

WHEREAS, from time to time, it may be desirable to modify the zoning code within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 25, 2023 in Case No: ZONE-41689-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 1, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-41689-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this text amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 15, Section 16 Accessory Dwellings, Carriage Houses and Garage Apartments in Residential Districts is amended to insert the bolded text and delete the strike through text as follows:

- (A) *Applicability.* One accessory dwelling is permitted as a subordinate to an existing or planned single-family dwelling unit (**primary residence**), provided that the provisions below are met.
- (B) *Accessory uses.* Accessory dwellings may be used for home occupations in compliance with § 154-15.08.
- (C) *Accessory dwellings.* Accessory dwellings are subject to the following standards:
 - (1) *Use.* Permitted on certain residentially zoned properties which currently have or will have a single-family residence. ~~The construction of an accessory dwelling will require consent from all adjacent property owners.~~ Only one unit will be permitted for each property; the accessory dwelling ~~must~~ **may** be **attached to or** detached from the primary residence.
 - (2) *Lot size.* Accessory dwellings are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
 - (3) *Lot coverage.* Accessory dwellings are permitted to increase the lot coverage of the applicable zoning district by 5%.
 - (4) *Setback.*
 - (a) Accessory dwellings shall be located **behind the midpoint of the primary residence** ~~60 feet from the front property line~~, in addition to complying with the side and rear yard setbacks of the applicable zoning district.
 - (b) If the accessory dwelling is being accessed from an alley, the rear yard setback may be reduced to five feet.

(5) *Unit size.*

- (a) Each accessory dwelling shall have a minimum size of **100** ~~200~~-square feet.
- (b) The maximum permitted size of an accessory dwelling **shall not exceed 50% of the total square footage of the primary residence.** ~~based upon lots measuring 6,000—15,000 square feet in size is:~~
 - 1. ~~Lot size measuring between 6,000 square feet to 7,500 square feet allows for a maximum size unit of 600 square feet.~~
 - 2. ~~Lot size measuring between 7,501 square feet to 10,000 square feet allows for a maximum size unit of 800 square feet.~~
 - 3. ~~Lot size measuring 10,001 square feet to 15,000 square feet allows for a maximum size unit of 1,000 square feet.~~
 - 4. ~~Accessory dwellings on lots measuring between 6,000—15,000 square feet shall meet unit sizes noted above and shall not exceed 50% of the total square footage of the primary residence, whichever is less.~~
- (c) ~~Accessory dwellings on lots measuring greater than 15,000 square feet allow for a maximum size unit of 1,200 square feet or a unit size not exceeding 50% of the total square footage of the primary residence, whichever is greater.~~

(6) *Height.* The maximum allowable building height shall be **no higher than the single-family dwelling unit on site** ~~15 feet for a single story unit.~~ **The maximum height of an accessory dwelling unit cannot exceed the height restrictions of the applicable zoning district.** Dwelling units which are located above a detached garage (carriage house or garage apartment) shall not exceed a total building height of 25 feet. See illustration at the end of this section.

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2023.

APPROVED:

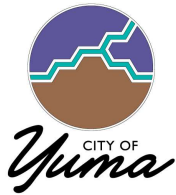
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-036

Agenda Date: 11/1/2023

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Community Planning	<input type="checkbox"/> Respected & Responsible	<input checked="" type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Text Amendment: Nursing & Personal Care Facilities and Residential Care Homes

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, of the Yuma City Code to update the definitions and allowable zoning districts for Nursing & Personal Care Facilities and Residential Care Homes. (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support the development of new housing options, supporting the City Council's strategic outcome of Safe and Prosperous.

REPORT:

The purpose of this text amendment is to align the City of Yuma zoning code with the State of Arizona statutes for residential care facilities. Recent changes in statute with regard to types of residential care facilities and requirements to address the residential component in care homes have prompted staff to review the City code and propose the attached text amendment.

The proposed amendment simplifies the definitions of residential care into two categories rather than four. Currently the zoning code differentiates the facilities by the level of medical care and the number of residents. Since all residential care facilities have some level of medically necessary care, from the minor, such as monitoring medications, to the significant, 24-hour medical care, it is difficult to differentiate on an individual basis. The text amendment attempts to address this issue by identifying only two categories based on the number of persons residing in the facility. The number of persons generally parallels state statute for the type of facility.

A Residential Care Home would typically have six or less residents and is intended to provide a family type environment in a residential setting. A Residential Care Home would be a Permitted Principal Use in any zoning district that allows single-family homes. The zoning code currently allows "Residential Care Facility, Small" in the residential and commercial districts and this amendment primarily only changes the name of the type of facility from "Residential Care Facility, Small" to "Residential Care Home". Also, the R-1-5 and R-2-5 zoning districts are being amended to include this use as a Permitted Principal Use.

A Nursing and Personal Care Facility would typically have seven or more residents in a more structured setting. This type of facility would be a Permitted Principal Use or Conditional Use in the City’s commercial districts. The zoning code currently allows “Nursing and Personal Care Facilities, Large” in the commercial districts and this amendment primarily only changes the name of the type of facility from “Nursing and Personal Care Facilities, Large” to “Nursing and Personal Care Facility”. Also, the Old Town (OT) zoning district is being amended to include this use as a Permitted Principal Use.

In another aspect, spacing of residential care facilities, the proposed text amendment is intended to align with statute. Currently the City zoning code requires a separation of 1,320 feet between facilities but State statute only requires a separation of 1,200 feet. This text amendment will align the distance requirement. The purpose of the distance requirement is to ensure that facilities are able to maintain the residential character of where they are placed. If too many facilities are located in proximity then that neighborhood could lose the residential, family type setting that is intended to be a benefit to the residents of the facility.

On September 25, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

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

QUESTIONS FOR STAFF

“Commissioner Branden Freeman asked if any of the current care facilities would be affected by this request. Jennifer Albers, Assistant Director of Planning, clarified that facilities already licensed by the state would not go through any changes.

PUBLIC COMMENT - None

“Motion by Branden Freeman - Planning and Zoning Commissioner, second by Joshua Scott - Planning and Zoning Commissioner, to APPROVE ZONE-41688-2023 to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

“Motion carried unanimously (5-0), with Edgar Olvera - Planning and Zoning Commissioner and Ashlie Pendleton - Planning and Zoning Commissioner 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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE

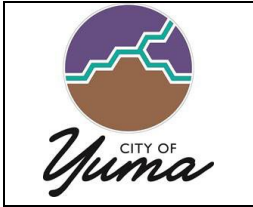
OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/23/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER ALBERS**

Hearing Date September 25, 2023

Case Number: ZONE-41688-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154 to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41688-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Staff Analysis: The purpose of this text amendment is to align the City of Yuma zoning code with the State of Arizona statutes for residential care facilities. Recent changes in statute with regard to types of residential care facilities and requirements to address the residential component in care homes have prompted staff to review the City code and propose the attached text amendment.

The proposed amendment simplifies the definitions of residential care into two categories rather than four. Currently the zoning code differentiates the facilities by the level of medical care and the number of residents. Since all residential care facilities have some level of medically necessary care, from the minor, such as monitoring medications, to the significant, 24-hour medical care, it is difficult to differentiate on an individual basis. The text amendment attempts to address this issue by identifying only two categories based on the number of persons residing in the facility. The number of persons generally parallels state statute for the type of facility.

A Residential Care Home would typically have 6 or less residents and is intended to provide a family type environment in a residential setting. A Residential Care Home would be a Permitted Principal Use in any zoning district that allows single-family homes. The zoning code currently allows “Residential Care Facility, Small” in the residential and commercial districts and this amendment primarily only changes the name of the type of facility from “Residential Care Facility, Small” to “Residential Care Home”. Also, the R-1-5 and R-2-5 zoning districts are being amended to include this use as a Permitted Principal Use.

A Nursing and Personal Care Facility would typically have 7 or more residents in a more structured setting. This type of facility would be a Permitted Principal Use or Conditional Use in the City’s commercial districts. The zoning code currently allows

“Nursing and Personal Care Facilities, Large” in the commercial districts and this amendment primarily only changes the name of the type of facility from “Nursing and Personal Care Facilities, Large” to “Nursing and Personal Care Facility”. Also, the Old Town (OT) zoning district is being amended to include this use as a Permitted Principal Use.

In another aspect, spacing of residential care facilities, the proposed text amendment is intended to align with statute. Currently the City zoning code requires a separation of 1,320 feet between facilities but State statute only requires a separation of 1,200 feet. This text amendment will align the distance requirement. The purpose of the distance requirement is to ensure that facilities are able to maintain the residential character of where they are placed. If too many facilities are located in proximity than that neighborhood could lose the residential, family type setting that is intended to be a benefit to the residents of the facility.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The City of Yuma 2022 General Plan Housing chapter Goal 1.0 specifically addresses the need to provide safe and affordable housing with a targeted objective and policy to encourage a variety of housing types and support of State and Federal fair housing laws.

Goal 1.0: Encourage the provision of safe, decent, sanitary, and affordable housing for all residents.

Objective 1.3: Encourage a variety of housing types to meet all socio-economic segments of the population, considering both full time and seasonal residents.

Policy 1.3.3: *The City shall support State and Federal fair housing laws to ensure equal housing opportunities to all regardless of race, ethnicity, color, national origin, religion, sex/gender, disability, or familial status.*

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes This amendment expands the zoning districts where a Residential Care Home and a Nursing and Personal Care Facility may be located.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes This amendment reduces the spacing between Residential Care Homes to 1,200 feet in alignment with State statute.

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes This amendment supports City Council's commitment to support State and Federal Fair Housing laws.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Jennifer L. Albers* **Date:** *8/28/23*
Jennifer L. Albers *Jennifer.Albers@YumaAZ.gov* (928) 373-5180
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** *09/05/2023*
Alyssa Linville
Director of Planning and Neighborhood Service

**ATTACHMENT A
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 1, Section 7 Definitions, Subsection B be amended to insert the bolded text and delete the strike through text:

§154-01.07 Definitions.

(B)

~~*NURSING AND PERSONAL CARE FACILITYIES, LARGE.*~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to 44 **7** or more residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. ~~Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small or a residential care facility, large or small that are also located within any residential district (SIC 805).~~ **This definition is inclusive of the Assisted Living Center with 7 or more residents and the Adult Foster Care Facility with 5 or more residents as defined by Arizona Revised Statute § 36-401.**

~~*NURSING AND PERSONAL CARE FACILITIES, SMALL.*~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to ten or fewer residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. ~~Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 805).~~

~~*RESIDENTIAL CARE FACILITY, LARGE.*~~ Establishments primarily engaged in the provision of residential social and personal care for 11 or more persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. ~~Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services, large, a nursing care facility, large or small or a residential care facility, large or small, that are also located within any residential district (SIC 8361).~~

~~*RESIDENTIAL CARE HOME FACILITY, SMALL.*~~ Establishments primarily engaged in the provision of residential social and personal care **in a residential setting** for ten **6** or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 **1,200** feet of a child day care services (large), a nursing care facility, large or small, or a **another** residential care **home** facility, large or small that **is** are also located within any residential district ~~(SIC 8361).~~ **This definition is inclusive of the Group Home and the Nursing-Supported Group Home with six or fewer residents as defined by Arizona Revised Statute § 36-551. This definition is inclusive of the Assisted Living Home with 6 or fewer residents and the Adult Foster Care Home with 4 or fewer residents as defined by Arizona Revised Statute § 36-401.**

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 5, Section 1 Agriculture District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (12) Residential care **home facility**, ~~small~~;
- ~~(13) Nursing and personal care, small;~~

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility**, ~~small (SIC 8364)~~;

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility**, ~~small (SIC 8364)~~;

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility**, ~~small (SIC 8364)~~;

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and renumber accordingly:

- (6) Residential care home;**

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility**, ~~small~~;
- ~~(6) Nursing and personal care, small.~~

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility**, ~~small~~; and.
- ~~(6) Nursing and personal care, small.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 6, Section 4 Manufactured Housing Park District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (7) Residential care **home facility**, ~~small~~; and
- ~~(8) Nursing and personal care, small; and~~

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (8) Residential care **home facility**, ~~small (SIC 8364)~~;

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text, and renumber accordingly:

- (4) Residential care home;**

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility**, ~~small (SIC 8364)~~;

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (8) Residential care **home facility**, ~~small (SIC 8364)~~;
- ~~(11) Nursing and personal care, small;~~

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection D Conditional Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- ~~(8) Residential care facility, large;~~
- (11) Nursing and personal care **facility**, ~~large;~~

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (12) Residential care **home facility**, ~~small;~~
- ~~(13) Residential care facility, large;~~
- (17) Nursing and personal care **facility**, ~~small;~~

SECTION 16: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection E Conditional Uses be amended to delete the strike through text, and renumber accordingly:

- ~~(8) Nursing and personal care, large;~~

SECTION 17: Yuma City Code, Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (13) Residential care **home facility**, ~~small;~~
- ~~(14) Residential care facility, large;~~

- ~~(18) Nursing and personal care, small;~~
- (19) Nursing and personal care **facility**, ~~large;~~

SECTION 18: Yuma City Code, Title 15, Chapter 154, Article 10, Section 1 Old Town District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (47) Residential care **home** ~~(SIC 836)~~;
- (48) Nursing and personal care facility;**

SECTION 19: Yuma City Code, Title 15, Chapter 154, Article 16, Section 7 Parking Spaces Required be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(CC) *Nursing and personal care facilities, large*. One space for each six beds, plus two spaces for any permanent residence on the property.

**ATTACHMENT B
AGENCY NOTIFICATION**

- **Legal Ad Published: The Sun** 09/01/23
- **34 Commenting/Reviewing Agencies noticed:** 08/21/23
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 09/25/23
- **Comments due:** 08/21/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	8/11/23	X		
Yuma County Planning & Zoning	Yes	8/15/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/14/23	X		
Yuma Proving Ground	Yes	8/10/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/15/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	8/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received

ORDINANCE NO. O2023-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS TO UPDATE THE DEFINITIONS AND ALLOWABLE ZONING DISTRICTS FOR NURSING AND PERSONAL CARE FACILITIES AND RESIDENTIAL CARE HOMES

WHEREAS, from time to time, it may be desirable to modify the zoning code within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 25, 2023 in Case No: ZONE-41688-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 1, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-41688-2023 and finds that the zoning code text amendment supports the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 1, Section 7 Definitions, Subsection B be amended to insert the bolded text and delete the strike through text:

§154-01.07 Definitions.

(B)

~~NURSING AND PERSONAL CARE FACILITIES, LARGE.~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to ~~11~~ **7** or more residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. ~~Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small or a residential care facility, large or small that are also located within any residential district (SIC 805).~~ **This definition is inclusive of the Assisted Living Center with 7 or more residents and the Adult Foster Care Facility with 5 or more residents as defined by Arizona Revised Statute § 36-401.**

~~NURSING AND PERSONAL CARE FACILITIES, SMALL.~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to ten or fewer residents,

~~such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 805).~~

~~*RESIDENTIAL CARE FACILITY, LARGE.* Establishments primarily engaged in the provision of residential social and personal care for 11 or more persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services, large, a nursing care facility, large or small or a residential care facility, large or small, that are also located within any residential district (SIC 8361).~~

~~*RESIDENTIAL CARE HOME FACILITY, SMALL.* Establishments primarily engaged in the provision of residential-social and personal care in a residential setting for ten 6 or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 1,200 feet of a child day care services (large), a nursing care facility, large or small, or a **another** residential care **home** facility, large or small that **is** are also located within any residential district (SIC 8361). **This definition is inclusive of the Group Home and the Nursing-Supported Group Home with six or fewer residents as defined by Arizona Revised Statute § 36-551. This definition is inclusive of the Assisted Living Home with 6 or fewer residents and the Adult Foster Care Home with 4 or fewer residents as defined by Arizona Revised Statute § 36-401.**~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 5, Section 1 Agriculture District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (12) Residential care **home** facility, small;
- ~~(13) Nursing and personal care, small;~~

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home** facility, small (SIC 8361);

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate

District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and renumber accordingly:

- (6) **Residential care home;**

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility, small**;
- (6) ~~Nursing and personal care, small.~~

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility, small; and.**
- (6) ~~Nursing and personal care, small.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 6, Section 4 Manufactured Housing Park District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (7) Residential care **home facility, small; and**
- (8) ~~Nursing and personal care, small; and~~

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (8) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert

the bolded text, and renumber accordingly:

(4) Residential care home;

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(5) Residential care **home** ~~facility, small (SIC 8361);~~

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(8) Residential care **home** ~~facility, small (SIC 8361);~~

~~(11) Nursing and personal care, small;~~

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection D Conditional Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

~~(8) Residential care facility, large;~~

(11) Nursing and personal care **facility**, ~~large;~~

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(12) Residential care **home** ~~facility, small;~~

~~(13) Residential care facility, large;~~

(17) Nursing and personal care **facility**, ~~small;~~

SECTION 16: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection E Conditional Uses be amended to delete the strike through text, and renumber accordingly:

~~(8) Nursing and personal care, large;~~

SECTION 17: Yuma City Code, Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(13) Residential care **home** ~~facility, small;~~

~~(14) Residential care facility, large;~~

~~(18) Nursing and personal care, small;~~

(19) Nursing and personal care **facility**, ~~large;~~

SECTION 18: Yuma City Code, Title 15, Chapter 154, Article 10, Section 1 Old Town District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (47) Residential care **home** (~~SIC 836~~);
- (48) Nursing and personal care facility;**

SECTION 19: Yuma City Code, Title 15, Chapter 154, Article 16, Section 7 Parking Spaces Required be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(CC) *Nursing and personal care facilities*, ~~large~~. One space for each six beds, plus two spaces for any permanent residence on the property.

SECTION 20: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2023.

APPROVED:

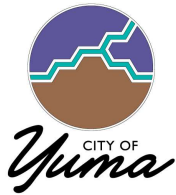
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-037

Agenda Date: 11/1/2023

Agenda #: 3.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: City Attorney	<input checked="" type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Motion <input type="checkbox"/> Resolution
DIVISION: City Administration	<input checked="" type="checkbox"/> Respected & Responsible <input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:
Yuma City Code Text Amendment: Fireworks

SUMMARY RECOMMENDATION:
Amend Title 13, Chapter 139 (Yuma City Code §§ 139-004 through 139-010, and § 139-009) to comply with the State preemption of the regulation of Fireworks and Permissible Consumer Fireworks, and incorporate the amendments enacted by Senate Bill 1188, of the Fifty-sixth Legislature, First Regular Session, 2023. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:
This text amendment ensures the City is Safe and Prosperous by providing a mechanism to regulate fireworks, the use of which can result in property damage, personal injury, mental stress, and nuisance claims. It also meets the goal of being Respected and Responsible by ensuring the City is in compliance with state law, and can appropriately and legally respond to fireworks complaints.

REPORT:
In 2015, the Arizona legislature enacted A.R.S. § 36-1606, declaring fireworks a matter of “statewide concern,” limiting local government authority to regulate fireworks, and place primary regulation with the state legislature, which the Yuma City Code must comply with. The state legislature has changed the state statute, necessitating changes to the City Code.

On May 26, 2023, Governor Hobbs signed Senate Bill 1188, which amended A.R.S. § 36-1606 and changed the time frames for the use of permissible consumer fireworks from June 24-July 6 and December 24-January 3, to use between June 24-July 6 and December 26-January 4.

City Council amended the City’s fireworks ordinance in September 2022, because of a change in state law; due to the most recent change the City’s fireworks ordinance is out of date. This proposed text amendment will modify the City Code to be consistent with the current version of A.R.S. § 36-1606, which will allow the continued enforcement of firework laws within the City limits.

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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE.

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/20/2023

ORDINANCE NO. O2023-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 13, CHAPTER 139 OF THE YUMA CITY CODE REGULATING FIREWORKS WITHIN THE CITY

WHEREAS, the State of Arizona, by 2015 enactment of Arizona Revised Statutes (A.R.S.) § 36-1606, has preempted municipalities from regulating the sale and use of Permissible Consumer Fireworks; and,

WHEREAS, State law permits Chapter 139 of the Yuma City Code to supplement Title 36, Chapter 13, Article 1 of the Arizona Revised Statutes in a specific and limited manner; and,

WHEREAS, the regulation of the use of Fireworks and Permissible Consumer Fireworks at a local level is desired and needed by the Yuma community; and,

WHEREAS, the Senate Bill 1188, of the Fifty-sixth Legislature, First Regular Session, 2023 amends A.R.S. § 36-1606; and,

WHEREAS, Chapter 139 of the Yuma City Code need to be modified to comply with the State preemption and the amendment to A.R.S. § 36-1606; and,

WHEREAS, there is no current means for enforcement of Firework and Permissible Consumer Firework regulations at the State level; and,

WHEREAS, to meet the needs of the community and enforce regulation of Fireworks and Permissible Consumer Fireworks, Chapter 139 of the Yuma City Code must be updated.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Chapter 139: *Fireworks*, is amended to add the bold text and delete the strikethrough text as follows:

§ 139-004 Use of Permissible Consumer Fireworks.

(A) A person shall not use permissible consumer fireworks except during the following dates:

- (1) June 24 through July 6; and
- (2) December ~~24~~ **26** through January ~~3~~ **4**.

(B) A person shall only use permissible consumer fireworks between the hours of 8:00 a.m. through 11:00 p.m. on the dates listed above, except as follows:

- (1) On December 31 and January 1, use may occur between the hours of 8:00 a.m. and 1:00 a.m.; and

(2) On July 4 and July 5, use may occur between the hours of 8:00 a.m. and 1:00 a.m.

(C) The Fire Chief, or designee, may prohibit the use of permissible consumer fireworks during the dates and times listed in this section when a federal or state agency implements a Stage 1 or higher fire restriction. The prohibition is limited to those dates on which the Stage 1 or higher fire restriction is in place.

(D) A person shall not use permissible consumer fireworks in or on public property, including, but not limited to, public buildings, public parking areas, public parks, sidewalks, and streets, roadways, and highways.

§ 139-006 Posting of Signs; Penalty.

(A) All persons engaged in the use or sale of permissible consumer fireworks shall post signage as required by the NFPA 1124.

(B) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs that include the following language:

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes § 36-1601, et al.

The use of Permissible Consumer Fireworks as defined under state law is allowed:

June 24 - July 6 and December 24 26 - January 3 4

The sale of Permissible Consumer Fireworks as defined under state law is allowed:

May 20 - July 6 and December 10 - January 3

All other Fireworks are prohibited, except as authorized by local fire department permit.

The sale and use of novelties known as snappers (pop-its), party poppers, glow worms, snakes, toy smoke devices, and sparklers are permitted at all times.

Permissible Consumer Fireworks may not be sold to persons under 16 years of age.

Check with your local fire department for additional regulations and dates before using.

(C) Signs required by division (B) of this section shall:

- (1) Be placed at all retail sales displays of permissible consumer fireworks;
- (2) Be on cardstock paper, sized 8-1/2" x 11"; and
- (3) Be in landscape orientation; and
- (4) Have language on contrasting background.

SECTION 2: Penalty

(A) A violation of this chapter is a civil offense. A person violating any provision of this chapter shall be fined \$1,000, plus all applicable fees, surcharges, and assessments, except that persons violating the provisions adopted by § 139-002(2) shall pay fines in the amounts set forth in A.R.S. § 36-1605(B) and (C).

(B) All fireworks and/or permissible consumer fireworks possessed, stored, or offered or exposed for sale, in violation of this chapter, shall be seized and removed by the Yuma Police Department at the person's expense. Fireworks offered for sale in violation of this chapter may also be seized by the Fire Marshal.

(C) The penalties provided in this chapter shall not be interpreted as limiting or disallowing pursuit of a civil action or remedy by any person suffering injury or damages as the result of a violation of this chapter.

Adopted this _____ day of _____ 2023.

APPROVED:

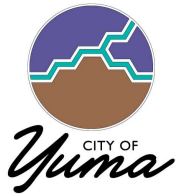
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: R2023-048

Agenda Date: 11/1/2023

Agenda #: 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input checked="" type="checkbox"/> Resolution
DIVISION: Community Planning	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Public Hearing

TITLE:

General Plan Amendment: YRMC Yuma East Outpatient Medical Campus

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the properties located at the southeast corner of 24th Street and Avenue A. (GP-41613-2023) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This General Plan amendment furthers the City Council’s strategic outcome of Safe and Prosperous by providing an adequate mixture and balance of land uses.

REPORT:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 9.40 acres, for the properties located at the southeast corner of 24th Street and Avenue A.

The existing Mixed Use land use designation supports the following types of zoning: Low Density Single-Family Residential (R-1-5), Low Density Residential (R-1-6), Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Residence-Manufactured Housing (R-MH), Manufactured Housing Subdivision (MHS), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), and Industrial Park (I-P) districts.

The proposed Commercial land use designation supports the following types of zoning: Transitional (TR), Old Town (OT), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The applicant’s intent in changing the land use designation is to pursue a rezoning of the site to General Commercial (B-2) to develop medical offices and related facilities similar to the adjacent properties to the east and west. In addition, the existing land use designation and subsequent zoning limit the allowable building height. Within the proposed development, a parking structure is planned to accommodate the parking required

for the new medical facilities.

On October 9, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the General Plan amendment request to change the land use designation to Commercial from Mixed Use.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (10/9/23):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT'S REPRESENTATIVE

"Alex Lackey, 8900 E. Bahia Dr, Suite 300, Scottsdale Arizona, was available for questions and stated that the intent for this property was for medical offices that will provide better medical care through newer facilities. **Lackey** also noted that a traffic analysis was being conducted and he anticipates the results within the next few weeks.

"Commissioner Branden Freeman asked for the operating hours of the proposed medical offices. **Lackey** said that most offices will operate Monday through Friday, normal business hours with the exception of an infusion center that will run 7 days a week with extended hours.

"Commissioner Lorraine Arney asked if the current buildings would be demolished. **Lackey** noted that everything on site will be demolished.

PUBLIC COMMENT

"Kevin Bynum, 861 W. Rosewood Dr, Yuma, Arizona said that as Yuma Regional Medical Center (YRMC) expands the traffic on Rosewood Drive has increased significantly. **Bynum** mentioned that Rosewood Drive does not have sidewalks and that the traffic that YRMC is creating in the area is a concern for the children that walk to school or wait for the bus. **Bynum** requested for speed bumps to slow down the traffic. **Bynum** also asked the commission to take these concerns into consideration.

"Richard Maynard, 810 W. Rosewood Dr, Yuma, Arizona expressed traffic concerns in the area and agrees with Bynum's request for speed bumps.

"Rita Ibarra, 910 W. Rosewood Dr, Yuma, Arizona expressed traffic concerns and noted that she is in agreement with Bynum and Maynard. **Ibarra** noted that Rosewood Drive needed sidewalks and speed bumps.

"Commissioner Chris Hamel stated that his main concern with the proposed project was also the traffic on Rosewood Drive and Avenue A.

"Commissioner Arney asked if the City of Yuma could address the neighbor's request of the sidewalks and speed bumps. **Engineering Manager, Andrew McGarvie** mentioned that he was aware of the traffic issue on Rosewood Drive but that it is something that can't be resolved within this General Plan request and noted that a rezone for this area was coming forward and that the traffic concerns would be addressed then. **McGarvie** also mentioned that a traffic calming policy is under development, to bring to City Council, which is intended to alleviate the traffic in streets like Rosewood Drive.

"Motion by Commissioner Branden Freeman, second by Commissioner Joshua Scott to APPROVE case GP-41613-2023 as presented. Motion carried unanimously, (6-0) with one 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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/23/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Erika Peterson**

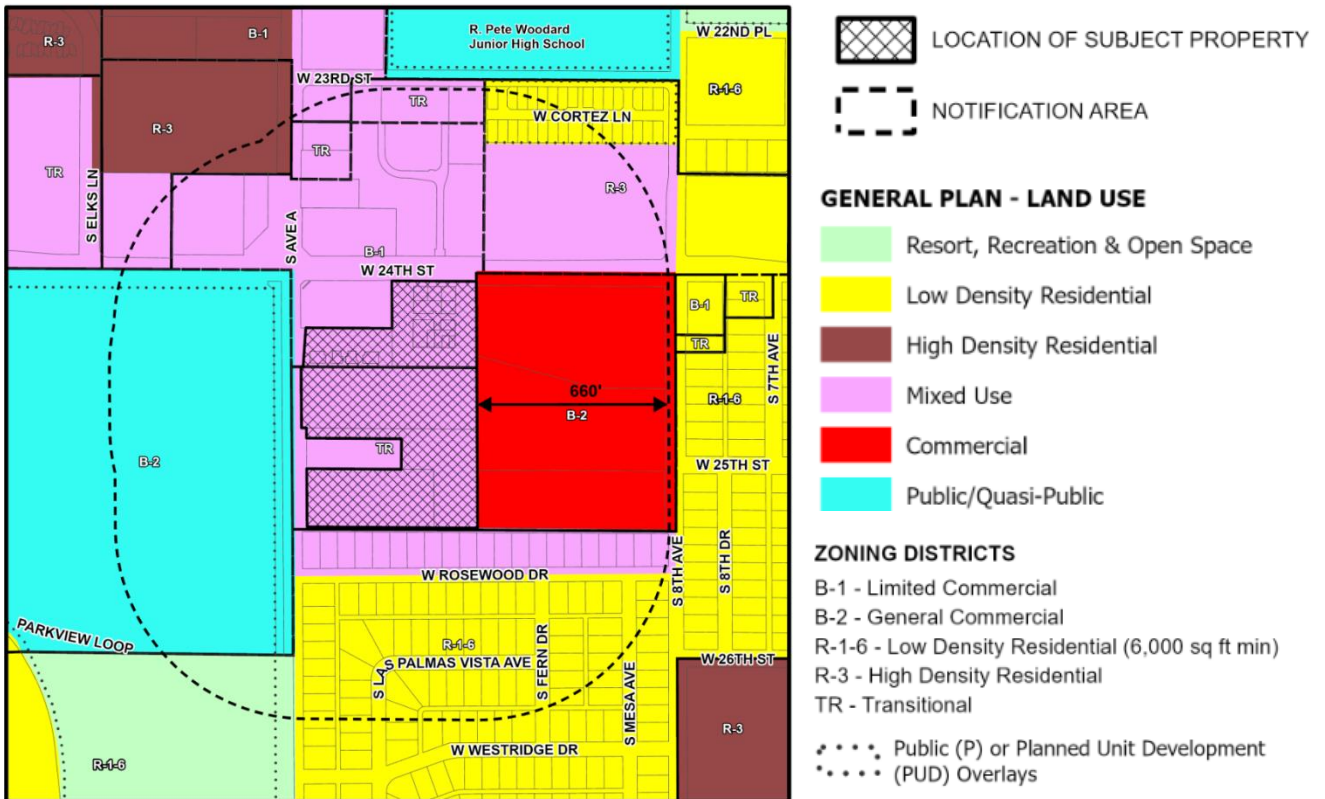
Hearing Date: October 9, 2023

Case Number: GP-41613-2023

Project Description/Location: This is a Minor General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 9.40 acres, for the properties located at the southeast corner of 24th Street and Avenue A, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Limited Commercial/Transitional (B-1/TR)	Medical Offices	Mixed Use
North	Limited Commercial (B-1)	Medical Offices	Mixed Use
South	Low Density Residential (R-1-6)	Single-family homes	Mixed Use
East	General Commercial (B-2)	Yuma Rehabilitation Hospital/Undeveloped/Medical Offices	Commercial
West	General Commercial (B-2)	Medical Offices/YRMC	Public/Quasi-Public

Location Map



Prior site actions: Pre-Development Meeting: May 4, 2023; Annexation Ordinance No. 672, July 21, 1956

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 9.40 acres from Mixed Use to Commercial.

Suggested Motion: Move to APPROVE the request to change the land use designation for 9.40 acres from Mixed Use to Commercial.

Staff Analysis: This is a Minor General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 9.40 acres, for the properties located at the southeast corner of 24th Street and Avenue A, Yuma, AZ.

The existing Mixed Use land use designation supports the following types of zoning: Low Density Single-Family Residential (R-1-5, Low Density Residential (R-1-6), Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Residence-Manufactured Housing (R-MH), Manufactured Housing Subdivision (MHS), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), and Industrial Park (I-P) districts.

The proposed Commercial land use designation supports the following types of zoning: Transitional (TR), Old Town (OT), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to General Commercial (B-2) to develop medical offices and related facilities similar to the adjacent properties to the east and west. In addition, the existing land use designation and subsequent zoning limit the allowable building height. Within the proposed development, a parking structure is planned to accommodate the parking required for the new medical facilities.

Land Use

The Land Use Element of the City of Yuma 2022 General Plan is a guide for the appropriate locations for residential, commercial, and industrial development. Objective 3.1 notes creating a community with an excellent quality of life:

Objective 3.1: Provide opportunities in Yuma that exemplify a great community to live, work, and play.

The proposed commercial land use change would allow for more medical development, increasing the specialized medical services available locally.

Density

The current land use designation of Mixed Use would allow from 47 to 94 dwelling units to be constructed on the subject 9.40 acres.

The proposed Commercial land use designation would allow for the development of retail, offices, hospitals, and medical office developments.

Population

Information from the 2017-2021 American Community Survey provides data on population by housing unit type. The information results in an average household size

for multi-family of 1.9 persons per dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Mixed Use:
 - Minimum 47 homes – Expected population: 89
 - Maximum 94 homes – Expected population: 179
- Commercial:
 - Zero homes - Expected population: 0

The 2010 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore, the expected school-age population is estimated at:

- Mixed Use:
 - Minimum expected population: 89– School Age: 18
 - Maximum expected population: 179 – School Age: 36
- Commercial:
 - Zero homes – School Age: 0

Transportation

The property is located southeast of Avenue A and 24th Street. Roadways to and from the site are existing and fully developed. Access to the property will be from Avenue A, and 24th Street, both Minor Arterials, and a connection to 8th Avenue from the east.

According to the City of Yuma Transportation Master Plan, Avenue A operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2022 as 11,352 vehicles on Avenue A between 24th Street and Rosewood Drive. Avenue A is currently a 2-lane roadway and is identified in the Transportation Master Plan as a Minor Arterial.

1. Does the proposed amendment impact any elements of the General Plan?

No. The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:

FACILITY PLANS		
Transportation Master Plan	Planned	Existing
Avenue A – Minor Arterial 2 Lanes	40 FT HW	33 FT HW- varies
24 th Street- Minor Arterial 4 Lanes	50 FT HW	33 FT HW- varies
Median Disclosure	Required	

2. Does the proposed amendment impact any of the facility plans?

No. The change in land use will not significantly impact any of the facilities plans.

3. Is the proposed amendment in conflict with Council's prior actions?

No. The proposed amendment is not in conflict with Council's prior actions.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: October 9, 2023
- City of Yuma City Council: November 1, 2023

Public Comments Received: See Attachment A
Agency Comments: See Attachment B
Neighborhood Meeting Comments: See Attachment D

Final staff report delivered to applicant on: 10/02/2023

- Applicant agreed with staff's recommendation:
- Applicant did not agree with staff's recommendation:
- Final report has been emailed to applicant and a response has not been received.

Attachments

A	B	C	D	E	F
Public Comments	Agency Comments	Staff Worksheet	Neighborhood Meeting Comments	Neighbor Notification List	Aerial Photo

Prepared By: Erika Peterson **Date:** 9/18/2023
 Erika Peterson
 Associate Planner Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Reviewed By: Jennifer L. Albers **Date:** 9/19/23
 Jennifer L. Albers, AICP
 Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 09/28/2023
 Alyssa Linville,
 Director, Planning and Neighborhood Services

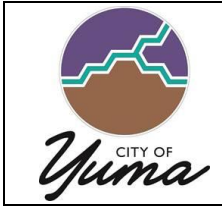
**ATTACHMENT A
PUBLIC COMMENTS**

Name:	Richard Maynard			Contact Information:	(928)279-5205			
Method of Contact:	Phone	X	FAX	Email		Letter		Other
Comment: 7/24/2023 Questions about the location of the neighborhood meeting.								
Name:	Russ Phelps			Contact Information:	(928)276-8995			
Method of Contact:	Phone	X	FAX	Email		Letter		Other
Comment: 7/24/2023 Concerned about the current traffic from medical offices on Avenue A, 8 th Avenue, and 24 th Street. Would like the development to have an access road from 8 th Avenue to Avenue A.								
Name:	Tina Schmittburney			Contact Information:	(928)271-2514			
Method of Contact:	Phone	X	FAX	Email		Letter		Other
Comment: 8/2/2023 Wanted to know about the request and was concerned that her house would be demolished for the proposed request. Once staff explained to her what the request was and the properties it involved, she was not opposed to the request.								
Name:	Ceasar Reta			Contact Information:				
Method of Contact:	Phone	X	FAX	Email		Letter		Other
Comment: 8/7/2023 Wanted to know about the request. Also, had questions about this development and if it would cause his property taxes to increase.								
Name:	Francisco Isaiz			Contact Information:	(928)920-5236			
Method of Contact:	Phone	X	FAX	Email		Letter		Other
Comment: General questions about the proposed amendment.								

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	7/13/2023	NAME:	Julie Engel	TITLE:	President/CEO
AGENCY:	Greater Yuma EDC			PHONE:	(928)452-7774 x12
<i>Enter comments below:</i>					
We support this amendment.					

**ATTACHMENT C
STAFF WORKSHEET**



STAFF RESEARCH- GENERAL PLAN AMENDMENT

**CASE #: GP-41613-2023
CASE PLANNER: ERIKA PETERSON**

I. PROJECT DATA

Project Location:		Southeast corner of 24 th Street and Avenue A									
Parcel Number(s):		695-01-090, 695-01-096, 695-01-092, 695-01-093, 695-01-094, 695-01-095, 695-01-221, 695-01-038, 695-01-040, 695-01-041, 695-01-227, 695-01-221-, 695-01-228, 695-01-900, 695-01-032, 695-01-033, 695-01-034, 695-01-035, 695-01-036, 695-01-027									
Parcel Size(s):		9.40 acres									
Total Acreage:		9.40									
Proposed Dwelling Units:		Maximum:		0		Minimum:		0			
Address:		Various									
Applicant:		Yuma Regional Medical Center									
Applicant's Agent:		Kevin Dahl - Dahl, Robins and Associates, Inc.									
Land Use Conformity Matrix:		Current Zoning District Conforms:				Yes		No		X	
Zoning Overlay:		Public	AO	Auto	B&B	Historic	Infill	None	X		
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE				
		Existing Zoning			Current Use			General Plan Designation			
Site		Limited Commercial/Transitional (B-1/TR)			Medical Offices			Mixed Use			
North		Limited Commercial (B-1)			Medical Offices			Mixed Use			
South		Low Density Residential (R-1-6)			Single-family homes			Mixed Use			
East		General Commercial (B-2)			Yuma Rehabilitation Hospital/Undeveloped/Medical Offices			Commercial			
West		General Commercial (B-2)			Medical Offices/YRMC			Public/Quasi-Public			
Prior Cases or Related Actions:											
<u>Type</u>		<u>Conforms</u>			<u>Cases, Actions or Agreements</u>						
Pre-Annexation Agreement		Yes		No	N/A						
Annexation		Yes	X	No	Adopted 7/21/1956, Ord. 672						
General Plan Amendment		Yes		No	N/A						
Development Agreement		Yes		No	N/A						
Rezone		Yes		No	N/A						
Subdivision		Yes		No	N/A						
Conditional Use Permit		Yes		No	N/A						
Pre-Development Meeting		Yes	X	No	Date: 5/4/2023						
Enforcement Actions		Yes		No	N/A						
Land Division Status:		Legal lots of record									
Irrigation District:		None									
Adjacent Irrigation Canals & Drains:		None									
Water Conversion: (5.83 ac ft/acre)		0.00 Acre Feet a Year									
Water Conversion Agreement Required		Yes		No	X						

II. CITY OF YUMA GENERAL PLAN

Land Use Element:									
Land Use Designation:			Mixed Use						
Issues:			None						
Historic District:	Brinley Avenue		Century Heights		Main Street		None		X
Historic Buildings on Site:			Yes	No	X				
Transportation Element:									
FACILITY PLANS									
Transportation Master Plan			Planned	Existing	Gateway	Scenic	Hazard	Truck	
24 th Street- Minor Arterial 4 Lanes			50 FOOT HW	33 FOOT HW- varies				X	
Avenue A- Minor Arterial 2 Lanes			40 FOOT HW	33 FOOT HW- varies				X	
Bicycle Facilities Master Plan			Avenue A- Proposed bike lane						
YCAT Transit System			24 th Street at Avenue A- Yellow Route 95, Avenue A at Southwest Medical Center- Green Route 4						
Issues:									
Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:		Existing: Sanguinetti Memorial Park			Future: Sanguinetti Memorial Park				
Community Park:		Existing: Smucker Memorial Park			Future: Smucker Memorial Park				
Linear Park:		Existing: East Main Canal Linear Park			Future: East Main Canal Linear Park				
Issues:									
Housing Element:									
Special Need Household:		N/A							
Issues:									
Redevelopment Element:									
Planned Redevelopment Area:		N/A							
Adopted Redevelopment Plan:		North End:		Carver Park:		None: X			
Conforms:		Yes	No						
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes	No	X					
Renewable Energy Source		Yes	No	X					
Issues:									
Public Services Element:									
<u>Population Impacts</u> Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
			<i>Multi-Family</i>						
			Maximum	Per Unit		Officers	GPD	AF	GPD
			0	1.9	0	0.00	0	0.0	0
Minimum									
0		1.9	0	0.00	0	0.0	0		
Fire Facilities Plan:		Existing: Fire Station No. 2				Future: Fire Station No. 2			
Water Facility Plan:		Source:	City	X	Private	Connection:		12" AC on Ave. A, 12" AC on 24 th St.	
Sewer Facility Plan:		Treatment:	City	X	Septic	Private		Connection: 8" PVC on through site into 24 th St., 8" VCP in alley to the south	

Issues:												
Safety Element:												
Flood Plain Designation:	500 Year Flood				Liquefaction Hazard Area:	Yes		No	X			
Issues:												
Growth Area Element:												
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.					
	North End		Pacific Ave & 8 th St		Estancia		None	X				
Issues:												

NOTIFICATION

- Legal Ad Published: The Sun 9/16/2023
- Display Ad Published: 9/16/2023
- 660' Vicinity Mailing: 7/18/2023
- 54 Commenting/Reviewing Agencies noticed: 7/11/2023
- Site Posted: 7/26/2023
- Neighborhood Meeting: 8/2/2023
- Hearing Dates: 10/9/2023 & 11/1/2023
- Comments Due: 9/6/2023

External List	Response Received	Date Received	“No Comment”	Written Comments
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	YES	7/13/2023	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	YES	7/13/2023		X
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	YES	7/21/2023	X	
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	NR			
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			

El Paso Natural Gas Co.	NR			
Western Area Power Administration	NR			
Yuma Proving Ground	YES	7/12/2023	X	

City of Yuma Internal List	Response Received	Date Received	"No Comment"	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	7/17/2023	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
8/2/2023	See Attachment D
Prop. 207 Waiver	
Received by Owner's signature on the application for this land use action request.	

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: 8/2/2023

Location: YRMC Yuma East- Building 2461 Parking Lot

Attendees: Maria M. Gonzalez, Angie Neff, Kevin Bynum, Margarita Bynum, Debbie A. Rodriguez, Philip Romero, Edith Provazek, Consuelo Guerrero, Francisco Isaiz, Mario & Rita Ybarra, Andrea Huff, Anabelle Veatch, Loraene McTigue, Rocio Vazquez, Norma Vazquez, Carol Phelps, Richard Maynard, Rosemary Borunda, Alberto Borunda, Jesus Armenta, Miguel A. Marquez, Rick Smith

Agents: Kevin Dahl, Alex Laky

Staff: Erika Peterson

SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:

- Neighbors concerned about the increase in traffic on Rosewood Drive and the existing conditions within the residential development, such as, the width of street on Rosewood Drive, lack of sidewalks and parking shortage, the legal speed limit and noise that would be generated with a multi-level development
- Neighbors concerned with the speed of vehicles that cut through residential development to the south and requested speed bumps within residential development to slow speeding vehicles
- Neighbors stated that they requested an internal road from 8th Avenue to Avenue A for the medical development along 8th Avenue
- Neighbors wanted to know how the proposed development would impact their property taxes
- Neighbors had inquiries regarding the timeline of the request if approved, construction times and how many more meetings would be held for this request
- Inquiry about which roads would be closed during the construction phase
- Neighbor felt that the site is not large enough for proposed development looking into the future
- Laky- the development includes an internal road from 8th Avenue to 24th Street
- Laky & Dahl- Traffic study will be conducted and will determine if additional traffic lights or other requirements will be necessary
- Laky- Construction would begin in mid-2024 if request is approved

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	Zip Code
101 REAL LLC	575 E 18TH PL	YUMA	AZ	85365
44 TRUST 1-18-2022	213 S 2ND AVE	YUMA	AZ	85364
AGUILAR RODOLFO	940 W ROSEWOOD DR	YUMA	AZ	85364
ALEMAN CRUZ III	950 W CORTEZ LN	YUMA	AZ	85364
ALFARO JAY HARMON	2616 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
ALLEYNE ALFREDO J	911 W ROSEWOOD DR	YUMA	AZ	85364
ALTEA INVESTMENTS LLC	1426 S 5TH AVE	YUMA	AZ	85364
AMADOR ZACHERY ROBERT	2604 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
AMSPACHER DANIEL N	13534 MT OLIVET	STEWART STOWN	PA	17363
ASKARI HASSAN	2640 S BARKEY RANCH AVE	YUMA	AZ	85364
B & GS FAMILY LTD PARTNERSHIP	1030 W 24TH ST	YUMA	AZ	85364
BACLE LETICIA	2649 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
BCH LLC AZ	4222 E THOMAS RD STE 360	PHOENIX	AZ	85018
BENJAMIN ALIX	2644 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
BERNAL BRIAN	2601 S AVENUE A	YUMA	AZ	85364
BOOKAMER MATTHEW W & SHERRI L JT	2642 S MESA AVE	YUMA	AZ	85364
BORUNDA ALBERTO V & ROSEMARY L JT	3436 E CUERVO LN	YUMA	AZ	85365
BURRELL PRESTON THOMAS	2652 S MESA AVE	YUMA	AZ	85364
BYNUM KEVIN W & MARGARITA Z JT	861 W ROSEWOOD DR	YUMA	AZ	85364
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	340 W 32ND ST #504	YUMA	AZ	85364
CARRILLO JANET	905 W CORTEZ LN	YUMA	AZ	85364
CARTIER CHRISTIAN ISRAEL	1041 W ROSEWOOD DR	YUMA	AZ	85364
CURRIER CORINNA	PO BOX 6659	YUMA	AZ	85366
DIGESTIVE DISEASES CENTER AZ LLC	1030 W 24TH ST STE H	YUMA	AZ	85364
DODDS ALEXANDER M & DIANE L TR 7-19-97	679 ALTO DR	SANTA BARBARA	CA	93110
DONATO SALVADOR & ANTONIA JT	1010 W ROSEWOOD DR	YUMA	AZ	85364
DUARTE ARSCENIO & GLORIA	16510 S AVENUE 3 3/4 E	YUMA	AZ	85365
E & C NEGRONI LLC	2616 N OAKMONT DR	FLAGSTAF F	AZ	86004
ESCALANTE VIRGINIA ET AL	970 W ROSEWOOD DR	YUMA	AZ	85364
FAMILY HEALTHCARE ASSOCIATES LLC	PO BOX 2789	SOMERTO N	AZ	85350
FERGUSON ROSE TRUST 1-15-2016	889 W CORTEZ LN	YUMA	AZ	85364
FINDLY MARIA M	1011 W ROSEWOOD DR	YUMA	AZ	85364
GOLDSBORO ROBERT GEORGE & LIALA &	2360 AVENUE A	YUMA	AZ	85364
GONZALES LORENZO AUGUSTINE & DOLORES JT	2648 S LAS PALMAS VISTA AVE	YUMA	AZ	85364

GONZALEZ MARIA M	1040 W ROSEWOOD DR	YUMA	AZ	85364
GUERRERO MARIA CONSUELO TRUST 2-4-2022	PO BOX 563	SOMERTO N	AZ	85350
HART HERBERT M	2632 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
HART HERBERT M	2632 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
HERNANDEZ RICHARD JR	938 W CORTEZ LN	YUMA	AZ	85364
HOFFMANN LIVING TRUST 11-1-95	2641 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
I N O K PROPERTIES AZ LLC	3360 S 15TH AVE	YUMA	AZ	85365
ISAIZ FRANCISCO	1030 W ROSEWOOD DR	YUMA	AZ	85364
JOHNSON GEORGE W & NELLIE C JT	1021 W ROSEWOOD DR	YUMA	AZ	85364
JOUET AZ LLC	3150 S CATALINA DR STE 1	YUMA	AZ	85364
KAKAS NICHOLAS F & ASHLEY ANNE	850 W ROSEWOOD DR	YUMA	AZ	85364
KAPLAN JOSEPH ANTHONY	2632 S MESA AVE	YUMA	AZ	85364
KELLER CHRISTY LEI	2636 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
KELLER CHRISTY LEI	2636 LAS PALMAS VISTA	YUMA	AZ	85364
KUSH STEVEN	929 W CORTEZ LN	YUMA	AZ	85364
L & L MITCHELL TRUST 5-24-2021	14190 S 182ND DR	GOODYEAR R	AZ	85338
LAGUNAS ERNESTINE O S/S	932 W WESTRIDGE DR	YUMA	AZ	85364
LARA ALAN ALFREDO DIAZ	2613 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
LEMUS AREVALO OCTAVIO & VICTORIA R JT	2609 S AVENUE A	YUMA	AZ	85364
LUTHRA CHAMAN L & ADARSH TRUST 11-17-2021	2411 W 5TH ST	YUMA	AZ	85364
MACKENZIE AMANDA	2609 S LAS PALMAS VISTA AVE	YUMA	AZ	85365
MALEY SHAWNA R	2613 S MESA AVE	YUMA	AZ	85364
MARIN ROSALIO	455 DESERT GARDENS	EL CENTRO	CA	92243
MARQUEZ MIGUEL A & AMPARO N JT	1630 S 11TH AVE	YUMA	AZ	85364
MARQUEZ RAMIRO	865 W CORTEZ LN	YUMA	AZ	85364
MARTINEZ ELVA C	3002 S ELM ST	YUMA	AZ	85364
MATHIS TRUST 8-26-2022	830 W ROSEWOOD DR	YUMA	AZ	85364
MATOS HOLDINGS LLC	1030 W 24TH ST #F	YUMA	AZ	85364
MAYNARD RICHARD I TRUST 4-15-2015	PO BOX 7011	YUMA	AZ	85366
MEDICAL PROPERTIES LLC	800 W MADISON ST STE 400	CHICAGO	IL	60607
MEDPARK APARTMENTS LLC	833 NW 170TH DR	BEAVERTON	OR	97006
MONTERO HUMBERTO & IRMA JT	1881 S 4TH AVE STE B	YUMA	AZ	85365
MORALES MARTHA PATRICIA	2605 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
MORALES MARTIN & MARIA D JT	851 W ROSEWOOD DR	YUMA	AZ	85364
MORENO ERIKA IRAZEMA	2628 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
MUNOZ DANIELA	974 W CORTEZ LN	YUMA	AZ	85364

NAVARRO VIRDIANA	2600 W LAS PALMAS VISTA AVE	YUMA	AZ	85364
NEFF THOMAS E	2575 S 36TH DR	YUMA	AZ	85364
NEGRETE TADEO	8686 N ARCHER AVE	TUCSON	AZ	85742
ORTEGA LUIS G & CLEMENCIA S JT	920 W ROSEWOOD DR	YUMA	AZ	85364
PEARSON DAVID K & JULIE A TR 8-25-99	2213 E 27TH WAY	YUMA	AZ	85365
PEREDA HECTOR & GINA R JT	2623 S MESA AVE	YUMA	AZ	85364
PEREDA MARY A	1031 W ROSEWOOD DR	YUMA	AZ	85364
PEREZ RAFAEL & MARIA I JT	9621 S FELDSPAR AVE	YUMA	AZ	85365
PHELPS RUSSELL A & CAROL A JT	2601 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
PRATHER FRANK A II	986 W CORTEZ LN	YUMA	AZ	85364
QUEVEDO ERIKA & MARCO	950 W ROSEWOOD DR	YUMA	AZ	85364
RAMIREZ AMELIA	2640 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
RENZY CAROLYN	965 W CORTEZ LN	YUMA	AZ	85364
RETA TRUST 11-15-2019	6765 E TELEGRAPH ST	YUMA	AZ	85365
RISE LEGACY DEVELOPMENT UT LLC	4554 E INVERNESS AVE #216	MESA	AZ	85206
RODRIGUEZ ANTONIO I & TORRES DEBBIE A JT	PO BOX 513	YUMA	AZ	85366
RODRIGUEZ ARMANDO	PO BOX 1375	YUMA	AZ	85366
RODRIGUEZ ISAAC ANTHONY	841 W ROSEWOOD DR	YUMA	AZ	85364
RODRIGUEZ LUIS R & MARTHA H JT	941 W ROSEWOOD DR	YUMA	AZ	85364
RODRIGUEZ PEDRO M	1020 W ROSEWOOD DR	YUMA	AZ	85364
ROMERO PHILIP PATRICK	942 W WESTRIDGE DR	YUMA	AZ	85364
ROSEWOOD VILLAGE LLC	1378 S 22ND AVE	YUMA	AZ	85364
RUST ALLYSE MICHAEL	917 W CORTEZ LN	YUMA	AZ	85364
RYBERTO INVESTMENTS LLC	1803 W GLENHAVEN DR	PHOENIX	AZ	85045
SANCHEZ CHARMAINE &	870 W ROSEWOOD DR	YUMA	AZ	85364
SCHMITT BURNEY TINA	1060 W ROSEWOOD DR	YUMA	AZ	85364
SCOTT JAYLENE A	2621 S FERN DR	YUMA	AZ	85364
SHAYA RAGHEED	101 E 24TH ST	YUMA	AZ	85364
SHAYA RAGHEED N	101 E 24TH ST	YUMA	AZ	85364
SHORT FAMILY TRUST 4-20-06	8890 S 47TH AVE	YUMA	AZ	85364
SHROPE GREGORY H & JANICE CANO TRUST 3-28-2013	5804 E 27TH PL	YUMA	AZ	85364
SMITH MANDI C	922 W WESTRIDGE DR	YUMA	AZ	85364
STANHOPE TRUST 1-27-2021	2172 E 26TH WY	YUMA	AZ	85365
STRICKLAND DONALD L & LELA M TR 10- 20-00	542 S ORANGE AVE	YUMA	AZ	85364
STRICKLAND KAREN ANNE	900 COUNTRY CLUB DR SE APT E108	RIO RANCHO	NM	87124
SWENSON DONALD P & CHERYL JEAN CPWROS	PO BOX 651	RAMONA PRESCOT	CA	92065
TINKER TRUST 9-16-2016	PO BOX 26681	T VALLEY	AZ	86312
TORRES VINCENT YSLAVE &	930 W ROSEWOOD DR	YUMA	AZ	85364
TWENTY FOURTH ST PLAZA OWNERS ASSOC	1030 W 24TH ST STE C 1	YUMA	AZ	85364

VAZQUEZ LUIS ERNESTO MENDOZA & ROCIO GUADALUPE	1001 W ROSEWOOD DR	YUMA	AZ	85364
VIDAL RAFAEL S & GLORIA A JT	952 W WESTRIDGE DR	YUMA	AZ	85364
VILLA DE CORTEZ OF YUMA HOMEOWNERS ASSOC	PO BOX 2832	YUMA	AZ	85366
VISION UNLIMITED LLC	4548 W IRMA ST	YUMA	AZ	85364
WEST BLUFF MEDICAL PLAZA LLC	1230 W 24TH ST STE #1	YUMA	AZ	85364
WIDMANN GEORGE A & MARY L JT	2651 S FERN DR	YUMA	AZ	85364
WILSON INVESTMENT PROPERTIES YUMA LLC	1030 W 24TH ST STE C-1	YUMA	AZ	85364
WISDOM SARAH B	989 W CORTEZ LN 2652 S LAS PALMAS VISTA AVE	YUMA	AZ	85364
YANEZ JOSE LUIS & AMALIA DONATO	910 W ROSEWOOD DR	YUMA	AZ	85364
YBARRA RITA Y TRUST 7-31-2013	ONE CITY PLAZA	YUMA	AZ	85364
YUMA CITY OF	2400 S AVENUE A	YUMA	AZ	85364
YUMA COUNTY HOSP DIST #1	2400 S AVENUE A	YUMA	AZ	85364
YUMA REGIONAL MEDICAL CENTER	921 S ROSEWOOD DR	YUMA	AZ	85364
ZAMORA MARCELINO M	1229 S 30TH AVE	YUMA	AZ	85364
ZAYD AZ LLC				

ATTACHMENT F
AERIAL PHOTO



RESOLUTION NO. R2023-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN, TO CHANGE THE LAND USE DESIGNATION FROM MIXED USE TO COMMERCIAL FOR PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF 24TH STREET AND AVENUE A

WHEREAS, the General Plan of the City of Yuma was adopted in 2022 by Resolution R2022-011 for the orderly and balanced development of lands through efficient and systematic land use planning; and,

WHEREAS, the General Plan provides a vision of development into the future based on existing development, the needs of the community, and the desires of property owners; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 9, 2023 for General Plan Amendment Case No. GP-41613-2023, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on September 16, 2023; and,

WHEREAS, as the community grows and prospers, it may be necessary to amend the General Plan to reflect development trends and opportunities; and,

WHEREAS, the proposed General Plan Amendment meets the goals and objectives of the General Plan, and retains an adequate mixture and balance of land uses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Resolution R2022-011, the City of Yuma 2022 General Plan, is amended to change the land use designation of the real property depicted with crosshatching in Exhibit A, attached and by this reference made a part of this Resolution, from Mixed Use to Commercial.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

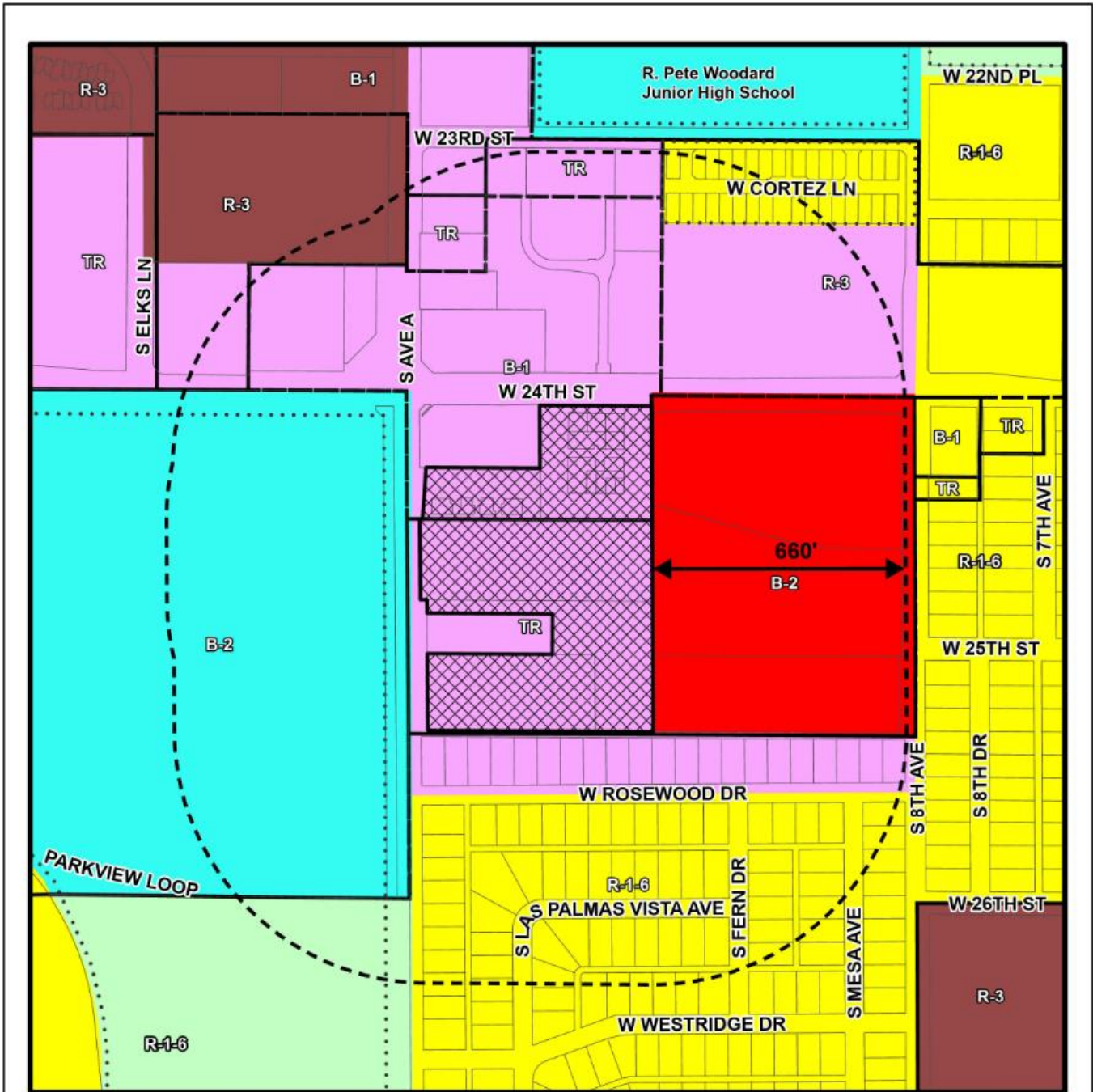
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

GENERAL PLAN - LAND USE

- Resort, Recreation & Open Space
- Low Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Public/Quasi-Public



LOCATION OF SUBJECT PROPERTY



NOTIFICATION AREA

ZONING DISTRICTS

- B-1 - Limited Commercial
- B-2 - General Commercial
- R-1-6 - Low Density Residential (6,000 sq ft min)
- R-3 - High Density Residential
- TR - Transitional
- ⋆ ⋆ ⋆ ⋆ Public (P) or Planned Unit Development
- ⋆ ⋆ ⋆ ⋆ (PUD) Overlays



Prepared by: DG

Checked by: EP



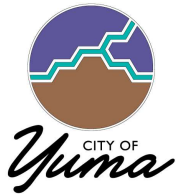
Date: 6/30/2023

Revised:

Revised:

Case #:

GP-41613-2023



City of Yuma

City Council Report

File #: R2023-049

Agenda Date: 11/1/2023

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input checked="" type="checkbox"/> Resolution
DIVISION: Community Planning	<input type="checkbox"/> Respected & Responsible	<input type="checkbox"/> Ordinance - Introduction
	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input checked="" type="checkbox"/> Public Hearing

TITLE:

General Plan Amendment: YRMC/AWC Medical Education Building

SUMMARY RECOMMENDATION:

Following a public hearing, approve the request to amend the City of Yuma General Plan to change the land use designation from Mixed Use to Commercial, for the property located at the northwest corner of 24th Street and Elks Lane. (GP-41614-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This General Plan amendment furthers the City Council's strategic outcome of Safe and Prosperous by providing an adequate mixture and balance of land uses.

REPORT:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 7.18 acres, for the property located at the northwest corner of 24th Street and Elks Lane.

The existing Mixed Use land use designation supports the following types of zoning: Low Density Single-Family Residential (R-1-5, Low Density Residential (R-1-6), Medium Density Residential (R-2), Medium Density Single-Family Residential (R-2-5), Residence-Manufactured Housing (R-MH), Manufactured Housing Subdivision (MHS), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), and Industrial Park (I-P) districts.

The proposed Commercial land use designation supports the following types of zoning: Transitional (TR), Old Town (OT), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to General Commercial (B-2) for the development of medical education building and related facilities. Within the proposed development, a parking structure is planned to accommodate the parking required for the new medical education building and related facilities.

On October 9, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the General Plan amendment request to change the land use designation to Commercial.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (10/9/23):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

“Alex Lackey, 8900 E. Bahia Dr, Suite 300, Scottsdale Arizona was available for questions.

“Commissioner Chris Hamel asked if the buildings on the property would be demolished. Lackey confirmed.

“Commissioner Lorraine Arney said she was happy and in support of the proposed project.

PUBLIC COMMENT

None

“Motion by Commissioner Lorraine Arney, second by Commissioner Edgar Olvera to APPROVE case GP-41614-2023 as presented. Motion carried unanimously, (6-0) with one 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	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR

ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 10/24/2023
Reviewed by City Attorney: Richard W. Files	Date: 10/23/2023



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – GENERAL PLAN AMENDMENT
Case Planner: Erika Peterson**

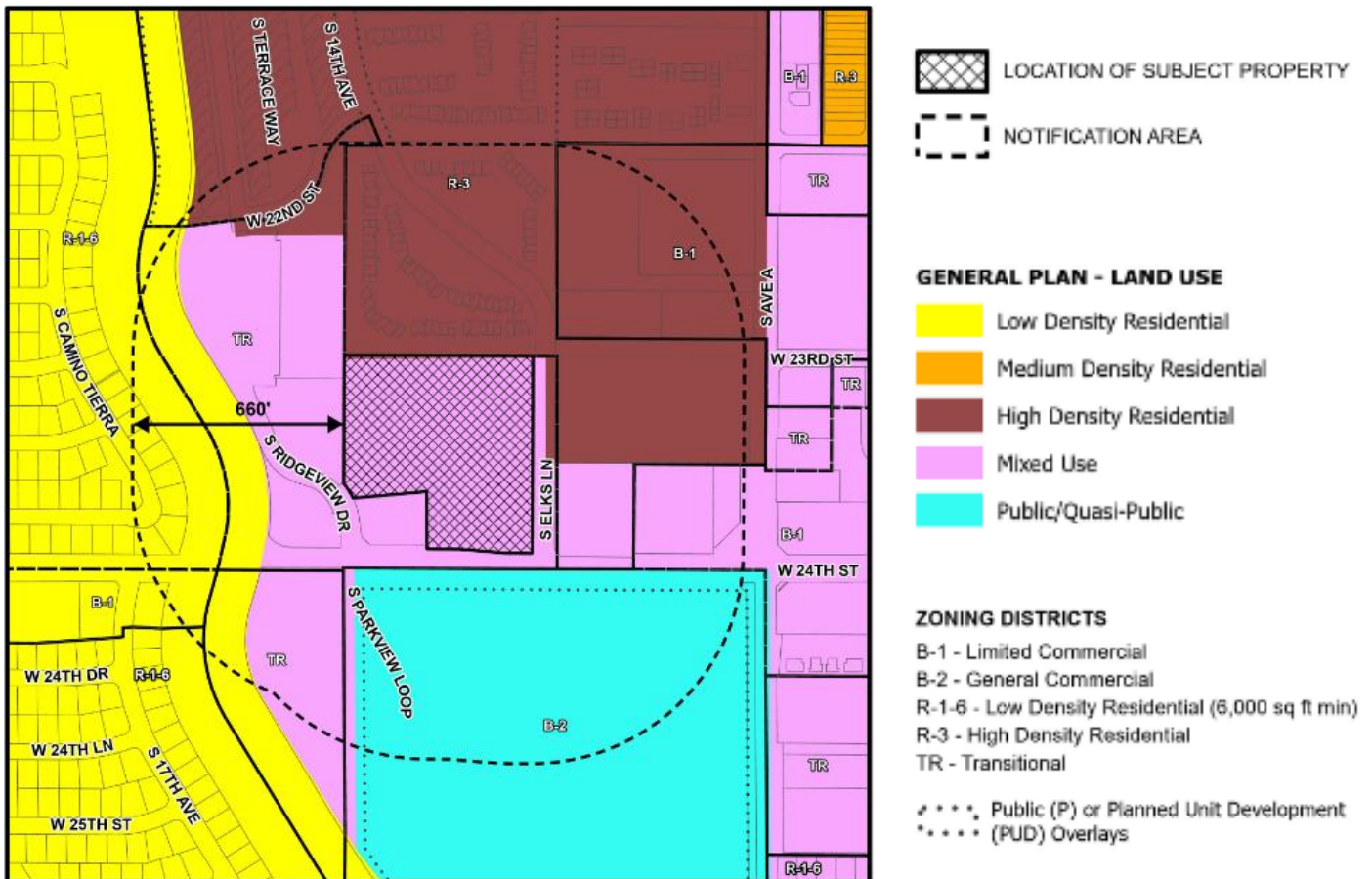
Hearing Date: October 9, 2023

Case Number: GP- 41614-2023

Project Description/Location: This is a Minor General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 7.18 acres, for the property located at the northwest corner of 24th Street and Elks Lane, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Transitional (TR)	Medical Office	Mixed Use
North	High Density Residential (R-3)	Townhouses	High Density Residential
South	General Commercial	YRMC	Public/Quasi-Public
East	High Density Residential (R-3)	Apartments	High Density Residential/Mixed Use
West	Transitional (TR)	Ridgeview Transitional Rehabilitation	Mixed Use

Location Map



Prior site actions: Annexation: Ordinance 787, December 31, 1959, Pre-Development Meeting: May 4, 2023

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 7.18 acres from Mixed Use to Commercial.

Suggested Motion: Move to APPROVE the request to change the land use designation for 7.18 acres from Mixed Use to Commercial.

Staff Analysis: This is a Minor General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Yuma Regional Medical Center, to change the land use designation from Mixed Use to Commercial for approximately 7.18 acres, for the property located at the northwest corner of 24th Street and Elks Lane, Yuma, AZ.

The existing Mixed Use land use designation supports the following types of zoning: Low Density Single-Family Residential (R-1-5 and R-1-6), Medium Density Residential (R-2 and R-2-5), Residence-Manufactured Housing (R-MH), Manufactured Housing Subdivision (MHS), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), and Industrial Park (I-P) districts.

The proposed Commercial land use designation supports the following types of zoning: Transitional (TR), Old Town (OT), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2), and Business Park (BP) districts.

The applicant's intent in changing the land use designation is to pursue a rezoning of the site to General Commercial (B-2) for the development of medical education building and related facilities. Within the proposed development, a parking structure is planned to accommodate the parking required for the new medical education building and related facilities.

Land Use

The Land Use Element of the City of Yuma 2022 General Plan is a guide for the appropriate locations for residential, commercial, and industrial development. Objective 3.1 notes creating a community with an excellent quality of life:

Objective 3.1: Provide opportunities in Yuma that exemplify a great community to live, work, and play.

The proposed commercial land use change would allow for the development of a medical education facility, providing additional medical education opportunities and related medical facilities locally.

Density

The current land use designation of Mixed Use would allow from 36 to 72 dwelling units to be constructed on the subject 7.18 acres.

The proposed Commercial land use designation would allow for the development of retail, offices, education facilities, parking garages, hospitals and medical office developments.

Population

Information from the 2017-2021 American Community Survey provides data on population by housing unit type. The information results in an average household size for multi-family of 1.9 persons per dwelling in the City of Yuma. Comparing the densities allowed within the General Plan, the potential persons expected are:

- Mixed Use:
 - Minimum 36 homes – Expected population: 68
 - Maximum 72 homes – Expected population:137
- Commercial:
 - Zero homes - Expected population: 0

The 2010 Census identified that 20% of the population within the City of Yuma was between 5 and 17 years of age. Therefore, the expected school-age population is estimated at:

- Mixed Use:
 - Minimum expected population: 68– School Age: 14
 - Maximum expected population: 137 – School Age: 27
- Commercial:
 - Zero homes – School Age: 0

Transportation

The property is located northwest of 24th Street and Elks Lane. Roadways to and from the site are existing and fully developed. Access to the property will be from Elks Lane, a Collector, and Ridgeview Drive, a Local Street, with connections to 24th Street to the south.

According to the City of Yuma Transportation Master Plan, 24th Street and Elks Lane operate at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2022 as 33,381 vehicles on 24th Street between Ridgeview Drive and Elks Lane. 24th Street is currently a 4-lane roadway and is identified in the Transportation Master Plan as a Minor Arterial.

1. Does the proposed amendment impact any elements of the General Plan?

No. The elements of the General Plan will not be impacted by the proposed amendment.

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing
24 th Street- 4 Lane Minor Arterial	50 FT HW	49 FT HW
Elks Lane- 2 Lane Collector	40 FT HW	35 FT HW
Median Disclosure	Required	

2. Does the proposed amendment impact any of the facility plans?

No. The change in land use will not significantly impact any of the facilities plans.

3. Is the proposed amendment in conflict with Council’s prior actions?

No. The proposed amendment is not in conflict with Council’s prior actions.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: October 9, 2023
- City of Yuma City Council: November 1, 2023

Public Comments Received: See Attachment A
Agency Comments: See Attachment B
Neighborhood Meeting Comments: See Attachment D

Final staff report delivered to applicant on: 10/2/2023

- Applicant agreed with staff's recommendation:
- Applicant did not agree with staff's recommendation:
- Final staff report emailed to applicant and a response has not been received.

Attachments

A	B	C	D	E	F
Public Comments	Agency Comments	Staff Worksheet	Neighborhood Meeting Comments	Neighbor Notification List	Aerial Photo

Prepared By: Erika Peterson **Date:** 9/19/2023
 Erika Peterson
 Associate Planner Erika.Peterson@YumaAZ.Gov (928)373-5000, x1234

Reviewed By: Jennifer L. Albers **Date:** 9/20/23
 Jennifer L. Albers,
 Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 09/28/2023
 Alyssa Linville,
 Director, Planning and Neighborhood Services

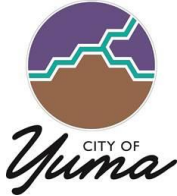
**ATTACHMENT A
PUBLIC COMMENTS**

Name:	William Wristen			Contact Information:	(520)220-9969					
Method of Contact:	Phone	<input checked="" type="checkbox"/>	FAX	<input type="checkbox"/>	Email	<input type="checkbox"/>	Letter	<input type="checkbox"/>	Other	<input type="checkbox"/>
<p>Comment: 8/8/2023 2240 S. Elks Lane #5 Mr. Wristen wanted to know the location of the proposed buildings. Is not opposed to the development, but like it if the old Elk's concrete pad was built on to help settle the dust generated by the undeveloped area.</p>										

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	7/12/2023	NAME:	Julie Engel	TITLE:	President/CEO
AGENCY:	Greater Yuma EDC			PHONE:	(928)452-7774 x12
<i>Enter comments below:</i>					
We support this amendment.					

**ATTACHMENT C
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: GP-41614-2023 CASE PLANNER: ERIKA PETERSON</p>
---	---

I. PROJECT DATA

Project Location:		Northwest corner of 24 th Street and Elks Lane							
Parcel Number(s):		664-64-104							
Parcel Size(s):		7.18 acres							
Total Acreage:		7.18							
Proposed Dwelling Units:		Maximum: 0		Minimum: 0					
Address:		1320 W 24 th Street							
Applicant:		Yuma Regional Medical Center							
Applicant's Agent:		Kevin Dahl - Dahl, Robins and Associates, Inc.							
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes	No	X			
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE		

	Existing Zoning	Current Use	General Plan Designation
Site	Transitional (TR)	Medical Office	Mixed Use
North	High Density Residential (R-3)	Townhouses	High Density Residential
South	General Commercial	YRMC	Public/Quasi-Public
East	High Density Residential (R-3)	Apartments	High Density Residential/Mixed Use
West	Transitional (TR)	Ridgeview Transitional Rehabilitation	Mixed Use

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Adopted 12/31/1959, Ord.787
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 5/4/2023
Enforcement Actions	Yes		No	N/A

Land Division Status:		Legal lots of record							
Irrigation District:		None							
Adjacent Irrigation Canals & Drains:		None							
Water Conversion: (5.83 ac ft/acre)		0.00 Acre Feet a Year							
Water Conversion Agreement Required		Yes	No	X					

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Mixed Use						
Issues:	None						
Historic District:	Brinley Avenue		Century Heights		Main Street		None X
Historic Buildings on Site:	Yes		No	X			

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
24 th Street- 4 Lane Minor Arterial	50 FOOT HW	49 FOOT HW- varies				X
Elks Lane- 2 Lane Collector	40 FOOT HW	35 FOOT HW				
Bicycle Facilities Master Plan	24 th Street- Existing Bike Lane, 14 th Avenue- Existing Bike Route					
YCAT Transit System	24 th Street- Purple Route 6A, Yellow Route 95, Green Route 4					
Issues:						

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan	
Neighborhood Park:	Existing: Sanguinetti Memorial Park Future: Sanguinetti Memorial Park
Community Park:	Existing: Smucker Memorial Park Future: Smucker Memorial Park
Linear Park:	Existing: East Main Canal Linear Park Future: East Main Canal Linear Park
Issues:	

Housing Element:

Special Need Household:	N/A
Issues:	

Redevelopment Element:

Planned Redevelopment Area:	
Adopted Redevelopment Plan:	North End: <input type="checkbox"/> Carver Park: <input type="checkbox"/> None: X
Conforms:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	X <input type="checkbox"/>
Renewable Energy Source	Yes <input type="checkbox"/>	No <input type="checkbox"/>	X <input checked="" type="checkbox"/>
Issues:			

Public Services Element:

Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Non-residential</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	0	0	0	0.00	0	0.0	0
Minimum							
0		0	0	0.00	0	0.0	0
Fire Facilities Plan:	Existing: Fire Station No. 2			Future: Fire Station No. 2			
Water Facility Plan:	Source:	City <input checked="" type="checkbox"/>	Private <input type="checkbox"/>	Connection:	8" AC on Elks Ln., 16" AC on 24 th St. and 12" PVC on Ridgeview Dr.		
Sewer Facility Plan:	Treatment:	City <input type="checkbox"/>	X <input checked="" type="checkbox"/> Septic	Private <input type="checkbox"/>	Connection: 8" PVC on Ridgeview Dr. and 8" PVC on west property line with manholes on site		

Issues:												
Safety Element:												
Flood Plain Designation:	500 Year Flood				Liquefaction Hazard Area:	Yes		No	X			
Issues:												
Growth Area Element:												
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.					
	North End		Pacific Ave & 8 th St		Estancia		None	X				
Issues:												

NOTIFICATION

- **Legal Ad Published: The Sun** 9/16/2023
- **Display Ad Published:** 9/16/2023
- **660' Vicinity Mailing:** 7/18/2023
- **54 Commenting/Reviewing Agencies noticed:** 7/11/2023
- **Site Posted:** 7/17/2023
- **Neighborhood Meeting:** 8/9/2023
- **Hearing Dates:** 10/9/2023 & 11/1/2023
- **Comments Due:** 9/6/2023

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization <small>(ARS)</small>	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning <small>(ARS)</small>	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	YES	7/13/2023	X	
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	YES	7/12/2023		X
Yuma County School Superintendent	NR			
YUHS District #70 <small>(ARS)</small>	NR			
Yuma Elementary School District #1 <small>(ARS)</small>	NR			
Crane School District #13 <small>(ARS)</small>	NR			
City of San Luis <small>(ARS)</small>	NR			
City of Somerton <small>(ARS)</small>	NR			
Imperial County, California <small>(ARS)</small>	NR			
Qwest Communications <small>(ARS)</small>	NR			
Arizona Public Service <small>(ARS)</small>	NR			
Time Warner Cable <small>(ARS)</small>	NR			
Southwest Gas <small>(ARS)</small>	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce <small>(ARS)</small>	NR			
Arizona State Attorney General <small>(ARS)</small>	NR			
Arizona Dept. of Water Resources <small>(ARS)</small>	NR			
Arizona State Land Department <small>(ARS)</small>	NR			
MCAS / C P & L Office <small>(ARS)</small>	YES	7/21/2023	X	
Bureau of Land Management <small>(ARS)</small>	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	YES	7/13/2023	X	
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	NR			
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			

El Paso Natural Gas Co.	NR			
Western Area Power Administration	NR			

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Rod Hamilton, Police	NR			
Eric Urfer, Parks and Rec	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	7/17/2023	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
8/9/2023	See Attachment D
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: 8/9/2023

Location: 1320 W. 24th Street

Attendees: Diana Mendoza, Blanca Mendoza

Agents: Kevin Dahl, Alex Laky

Staff: Erika Peterson

SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:

- Neighbors had questions about the project timeline, noise and type of development
- Laky- Project construction may not begin until fall of 2024, some noise related to construction is anticipated, project is for new educational facility for AWC/YRMC

**ATTACHMENT E
NEIGHBOR NOTIFICATION LIST**

PROPERTY OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE
2240 # 21 YUMA TRUST 7-27-2015	4296 W COUNTY 15TH ST	SOMERTON	AZ	85350
AGUILAR REYNA	1691 W CAMINO KINO	YUMA	AZ	85364
ANDRADE GUADALUPE ELIZABETH	2240 S ELKS LN #33	YUMA	AZ	85364
ARAIZA MARTHA	2231 S ELKS LN #63	YUMA	AZ	85364
ATP ESTATE TRUST 12-20-2019	2222 S TERRACE WAY	YUMA	AZ	85364
BAGBY MARVIN K & KAREN L	10698 S HENSLEYS BLVD	YUMA	AZ	85367
BALICEVAC JOCELYN	2231 S ELKS LN #74	YUMA	AZ	85364
BARRERA EDUARDO	3526 W 13TH ST	YUMA	AZ	85364
BAUMGARDT SUZANNE D	2240 S ELKS LN, UNIT 6	YUMA	AZ	85364
BOTELLO TRUST 6-16-2022	2242 S 45TH DR	YUMA	AZ	85365
BUOY JENNIE ANN	2554 W 16TH ST #476	YUMA	AZ	85364
CASTILLO JUAN R	2393 S CAMINO TIERRA	YUMA	AZ	85364
CHEATWOOD AARON B & BREANNE J CPWROS	2113 GRANDVIEW DR E	GARDEN CITY	KS	67846
CHEYENNE TRUST 7-7-2017	2360 E 14TH ST	YUMA	AZ	85365
COBURN CAROLYN S	2231 S ELKS LN #82	YUMA	AZ	85364
COOPER EARL PAGE & PENELOPE JONES JT	9490 N 105TH ST	SCOTTSDAL E	AZ	85258
COOPER EARL PAGE & PENELOPE JONES JT	9490 N 105TH ST	SCOTTSDAL E	AZ	85258
CRUZ MICHAEL ELIJAH & MEGAN-MARIE UDARBE	2240 S ELKS LN UNIT 44	YUMA	AZ	85364
CUTLER BARBARA J	2240 ELKS SPC 2	YUMA	AZ	85364
DEL VALLE TERRACE HOMEOWNERS ASSOC INC	3150 S CATALINA DR	YUMA	AZ	85364
DONIPARTHI CHANDRASEKHAR & RAHDIKA	1407 W CAMINO REAL	YUMA	AZ	85364
DOTEN KENNETH	501 W 19TH LN #12	YUMA	AZ	85364
ECKMAN CARMEN L	2231 S ELKS LN #79	YUMA	AZ	85364
ELKS LANE PLAZA LLC	2204 W 12TH ST	YUMA	AZ	85364
ELLIS KENNETH E & MARY M	2357 W CAMINO TIERRA	YUMA	AZ	85364
EPC SPARTI LLC	4500 DORR ST	TOLEDO	OH	43615
ESCALANTE FRANK & GUADALUPE P	2240 S ELKS LN #27	YUMA	AZ	85364
ESPINDOLA GUSTAVO	2240 S ELKS LN #32	YUMA	AZ	85364
EVANS MORGAN A	1050 S BRANGUS AVE	YUMA	AZ	85364
FELIX ALFONSO & JOSEPHINE	2240 S ELKS LN #9	YUMA	AZ	85364
FINDLY MARIA M	1011 W ROSEWOOD DR	YUMA	AZ	85364
FONTANILLA ERICA G & ALFREDO B	2321 S CAMINO TIERRA	YUMA	AZ	85364
FRAZIER TRUST 5-25-2023	3612 S CEREUS DR	YUMA	AZ	85365
GILMORE JENNIFER	10750 E 39TH PL	YUMA	AZ	85365
HAVEN SANDPOINTE REAL ESTATE LLC	3 BAY DRIVE	LAGUNA BEACH	CA	92651
HERNANDEZ SALOMON JIMENEZ	2231 S ELKS LN UNIT 86	YUMA	AZ	85364

HERRERA ELVA C	1851 BLUFF DRIVE	MYRTLE BEACH	SC	29577
HOLTZ RICHARD C & MARIA GASCA JT	2091 W CHICO LN	YUMA	AZ	85365
JACOBSON RACHEL LIN	4130 EL DORADO RD	YUMA	AZ	85364
JO MARIA	2127 W 22ND PL	YUMA	AZ	85364
JUAREZ LESLIE ALEJANDRA	4316 S NAVEL AVE	YUMA	AZ	85365
JUAREZ MICHAEL ALEXANDER	2240 S ELKS LN #1	YUMA	AZ	85364
KANE MICHAEL & KAREN JT	2345 S CAMINO TIERRA	YUMA	AZ	85364
LEON JOSE L & ROCIO R JT	2231 S ELKS LN #69	YUMA	AZ	85364
LEROY WILLAM H & FRANCES M JT	1979 S 37TH AVE	YUMA	AZ	85364
LEWIS ROBERT M	2231 S ELKS LN #64	YUMA	AZ	85364
LOERA XOCHITL	2240 S ELKS LN #19	YUMA	AZ	85364
MACHUCA MARIA D	2240 S ELKS LN #7	YUMA	AZ	85364
MALLICK KESHAW N & RADHA R JT	2231 S ELKS LN #77	YUMA	AZ	85364
MALOY TAZH	2231 S ELKS LN UNIT 67	YUMA	AZ	85364
MAPLES TOBY D	2240 ELKS LN	YUMA	AZ	85364
MCKENNA MEGAN ALLENE	2214 S TERRACE WAY	YUMA	AZ	85364
MEDPARK APARTMENTS LLC	833 NW 170TH DR	BEAVERTON	OR	97006
MENDOZA DIANA HERLINDA	2231 S ELKS LN #65	YUMA	AZ	85364
MERCADO ANGEL RAFAEL CAMERON	PO BOX 1613	YUMA	AZ	85366
MERCADO MARCOS A	2240 S ELKS LN #41	YUMA	AZ	85364
MERCADO PETE & MARGARITA FAMILY TRUST	18386 MEADOW RIDGE RD	SALINAS	CA	93907
MONTGOMERY CHARLES A & GABRIELA G JT	343 G AVE	CORONADO	CA	92118
MOSIER ALMA	2240 S ELKS LN #60	YUMA	AZ	85364
MUFFOLETTO RITA	2240 S ELKS LN #38	YUMA	AZ	85364
MURILLO HEIDI	2231 S ELKS LN	YUMA	AZ	85364
NGO CRISTINE	2240 S ELKS LN UNIT 36	YUMA	AZ	85364
NICHOLS JAMES L & DEBORAH	2240 S ELKS LN #42	YUMA	AZ	85364
NICHOLS JAMES LELAND & DEBORAH CPWROS	405 MAJESTY DR	MURFREESBORO	TN	37129
NYANI HOLDINGS LLC	3225 MCLEOD DR	LAS VEGAS	NV	89121
OCHOA KRISTINA J	2240 S ELKS LN	YUMA	AZ	85364
OGLESBY INVESTMENTS LLC	3305 S 17TH AVE	YUMA	AZ	85365
OLIVERA CHARLES H &	2240 S ELKS LN #3	YUMA	AZ	85364
OLP MARSHALL T & DIANE M JT	2240 S ELKS LN #50	YUMA	AZ	85364
ONEILL SUZANNE P REVOCABLE LIVING TRUST 11-19-2018	2240 S ELKS LN #45	YUMA	AZ	85364
PAVEY RICHARD EDMUND & CYNTHIA SUE JT	2240 S ELKS LN #62	YUMA	AZ	85364
PEA WAYNE A	2231 S ELKS LN # 72	YUMA	AZ	85364
PETERSON ROBERT KENNEDY & MARIBEL	2240 S ELKS LN UNIT 52	YUMA	AZ	85364
PONDER DENIS & HANNAH	2240 S ELKS LN #6	YUMA	AZ	85364
POWER DAVID B	PO BOX 13582	SAN LUIS	AZ	85349
POWER DAVID B	PO BOX 13582	SAN LUIS	AZ	85349
PRO-MED OF YUMA AZ LLC	1334 S 5TH AVE	YUMA	AZ	85364

RANDLE DONNIE	2240 S ELKS LN #57	YUMA	AZ	85364
REDDY FAMILY LTD PART AZ	4379 EL DORADO RD	YUMA	AZ	85364
REESE FRED WELDON	2715 W 15TH ST	YUMA	AZ	85364
RICE RENTALS 55 LLC	551 S 687 EAST	IVINS	UT	84738
RIOS SEAN BRYANT & ARACELY	2240 S ELKS LN #54	YUMA	AZ	85364
ROBINSON GLADYS MARIE	2240 S ELKS LN #31	YUMA	AZ	85364
RUSH STONE M	2240 S ELKS LN #61	YUMA	AZ	85364
RYBERTO INVESTMENTS LLC	1803 W GLENHAVEN DR	PHOENIX LAGUNA BEACH	AZ	85045
SANDPOINTE LAND PARTNERS LLC	3 BAY DRIVE	SCOTTSDAL E	CA	92651
SHANTI BILAL F TRUST 8-29-2015	4400 N SCOTTSDALE RD #9717	SCOTTSDAL E	AZ	85251
SHORT KIRK J	2240 S ELKS LN #23	YUMA	AZ	85364
SIEMIENOWSKI JOSEPH V & IRINA G TRUST 11-19-2008	10561 SAND CRAB PL	SAN DIEGO	CA	92130
SPITZER ARTHUR R	2231 S ELKS LN #75	YUMA	AZ	85364
SWAFFORD ALLAN JANSSEN & ANA NOVILLA D	2231 S ELKS LN #73	YUMA	AZ	85364
TORO ROSA E TRUST 10-21-2021	2635 S 16TH DR	YUMA	AZ	85364
VILLEGAS RAUL F RUIZ	2231 S ELKS LN UNIT 85	YUMA	AZ	85364
VILLEGAS RAUL F RUIZ	2231 S ELKS LN UNIT 29	YUMA	AZ	85364
VISCARIELLO ANNA VISTA DEL VALLE TOWNHOUSE OWNERS	18 CHERRY STREET COURT	PLYMOUTH	MA	02360
WEEKES ROBERT	PO BOX 5681	YUMA	AZ	85366
WELBROOK YUMA PROPCO LLC	2240 S ELKS LN #8	YUMA	AZ	85364
WESSELS LOLA J	450 S 400 EAST STE 200	BOUNTIFUL	UT	84010
WEST BLUFF MEDICAL PLAZA LLC	2240 S ELKS LN #25	YUMA	AZ	85364
WILDS HARVEY & JULIE FAMILY TRUST 6-24-2022	1230 W 24TH ST STE #1	YUMA	AZ	85364
WRISTEN WILLIAM & LISA JT	6210 HANNON CT	SAN DIEGO	CA	92117
YODER JORDAN	2240 S ELKS LN #5	YUMA	AZ	85364
YOUNG MARILYN R TRUST 9-29-2022	2240 S ELKS LN UNIT 10	YUMA	AZ	85364
YUMA 2375 MEDICAL PROPERTIES LLC	2240 S ELKS LN #35	YUMA	AZ	85364
YUMA CITY OF	800 W MADISON, STE 400	CHICAGO	IL	60607
YUMA COUNTY HOSP DIST #1	ONE CITY PLAZA	YUMA	AZ	85364
YUMA TITLE & TRUST COMPANY #84- 110	2400 S AVENUE A	YUMA	AZ	85364
ZAA JANNY CONCHA URDAY	1334 S 5TH AVE	YUMA	AZ	85364
ZADEH ALIDAD	2231 S ELKS LN #76	YUMA	AZ	85364
ZAMORANO MARIA DE JESUS	1077 FW ROSS RD	EL CENTRO	CA	92243
ZAVODSKY TAD L	2240 S ELKS LN #46	YUMA	AZ	85364
ZAYD AZ LLC	2240 S ELKS LN #53	YUMA	AZ	85364
	1229 S 30TH AVE	YUMA	AZ	85364

ATTACHMENT F
AERIAL PHOTO



RESOLUTION NO. R2023-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN, TO CHANGE THE LAND USE DESIGNATION FROM MIXED USE TO COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 24TH STREET AND ELKS LANE

WHEREAS, the General Plan of the City of Yuma was adopted in 2022 by Resolution R2022-011 for the orderly and balanced development of lands through efficient and systematic land use planning; and,

WHEREAS, the General Plan provides a vision of development into the future based on existing development, the needs of the community, and the desires of property owners; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 9, 2023 for General Plan Amendment Case No. GP-41614-2023, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on September 16, 2023; and,

WHEREAS, as the community grows and prospers, it may be necessary to amend the General Plan to reflect development trends and opportunities; and,

WHEREAS, the proposed General Plan Amendment meets the goals and objectives of the General Plan, and retains an adequate mixture and balance of land uses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Resolution R2022-011, the City of Yuma 2022 General Plan, is amended to change the land use designation of the real property depicted with crosshatching in Exhibit A, attached and by this reference made a part of this Resolution, from Mixed Use to Commercial.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

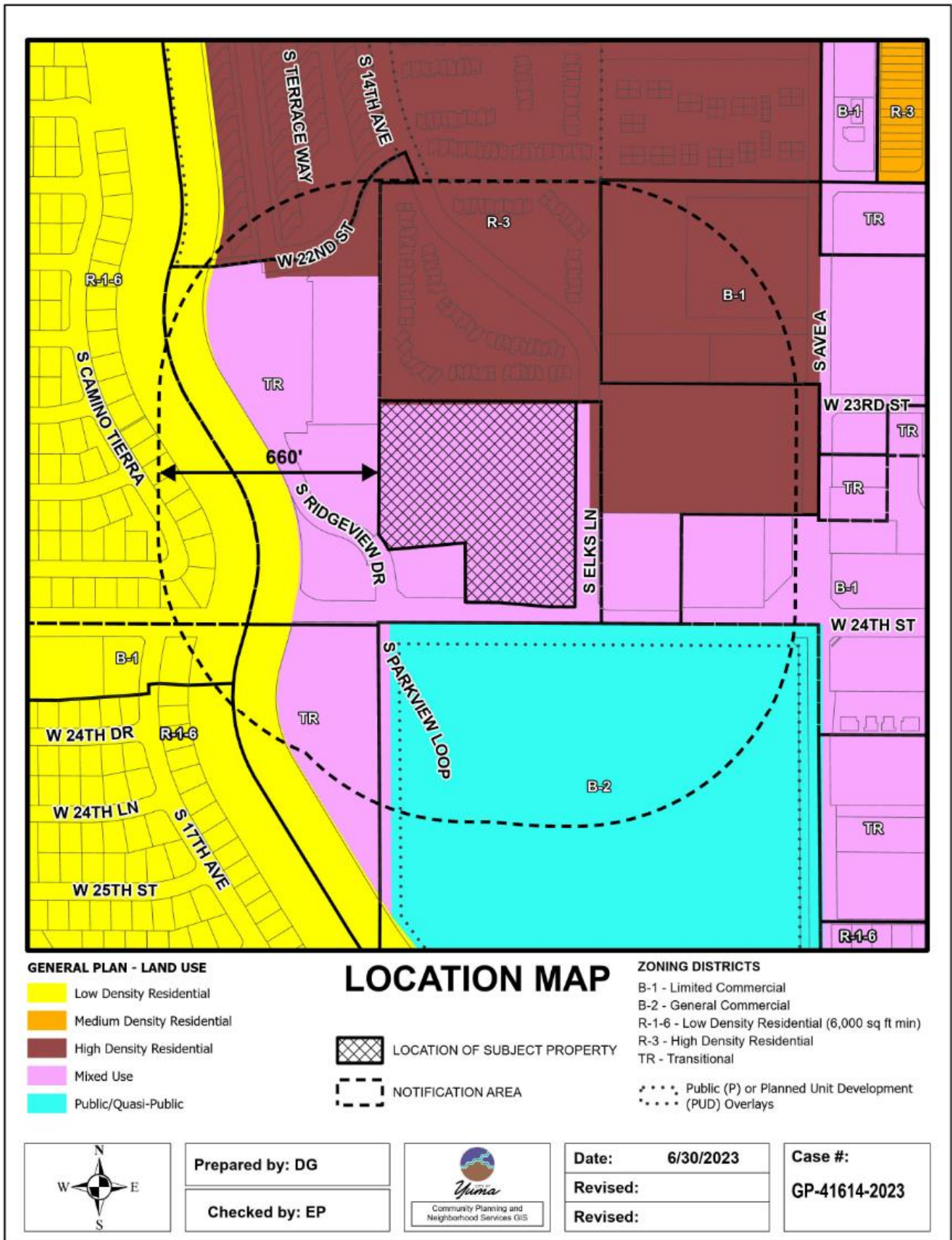
ATTESTED:

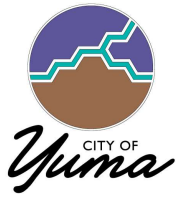
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A





City of Yuma

City Council Report

File #: MC 2023-169

Agenda Date: 11/1/2023

Agenda #: 1.

<p>DEPARTMENT: Planning & Neighborhood Svc</p> <p>DIVISION: Community Planning</p>	<p>ACTION</p> <p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Ordinance - Introduction</p> <p><input type="checkbox"/> Ordinance - Adoption</p> <p><input checked="" type="checkbox"/> Public Hearing</p>
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TITLE:
Variance Appeal: VAR-41582-2023 - 2475 S. 43rd Trail

SUMMARY RECOMMENDATION:
The City Council will hear and decide this variance appeal in a quasi-judicial capacity as a statutory board of adjustment pursuant to Arizona Revised Statutes (A.R.S.) Section 9-462.06 and Yuma City Code (Y.C.C.) §154-02.02. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
NOT APPLICABLE

REPORT:
This appeal concerns the denial of a variance application sought by Appellant Wilson Okwuobu on behalf of Legacy Healthcare. The variance was heard on August 10, 2023 before Hearing Officer Sonia Ramirez, Esq., who found that the request for variance did not meet the four (4) criteria necessary to grant a variance. The four criteria are found in Y.C.C. § 154-03.04(D) and A.R.S. § 9-462.06.

BACKGROUND
Appellant Okwuobu sought the Hearing Officer’s approval of VAR-41582-2023 to reduce the minimum distance requirement between residential care facilities from 1,320 feet to 67 feet. The Department of Planning and Neighborhood Services staff report for Appellant’s requested variance is attached to this City Council Report (Council Report) and recommends denial.

Section 154-02.02 of the Yuma City Code establishes the Hearing Officer variance procedure. Consistent with A.R.S. § 9-462.06, in order to approve an application for a variance, Y.C.C. § 154-03.04(D) requires a finding that the application satisfies all four of the criteria for the approval of a variance. Specifically, Y.C.C. § 154-03.04(D)(1) states that the Hearing Officer:

- . . . shall grant a variance(s) only when findings of fact are made that all of the following conditions exist:
 - (a) There is a special circumstance(s) or conditions(s) that applies to the property, building, or use referred to in the application, that does not apply to most other

properties in the district.

- (b) The special circumstance was not created or caused by the property owner or applicant.
- (c) The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.
- (d) The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

As set forth in the cited Yuma City Code, each of the four (4) criteria required for the approval of a variance application must be answered in the affirmative. The inability to answer any one of the four (4) criteria in the affirmative, as a matter of law, must result in the denial of the variance application.

PROCEDURE

The public hearing on Appellant's variance application was heard by Attorney Sonia Ramirez, who has been appointed as a Hearing Officer by the City Council to hear land use matters for the City of Yuma. After taking testimony on Appellant's variance application, Hearing Officer Ramirez denied Applicant's request to reduce the minimum distance requirement between Applicant's proposed residential care facility and an already-existing residential care approximately 67 feet away because the variance application failed to meet the four (4) criteria as required by Y.C.C. § 154-03.04(D). The minutes from the August 10, 2023 Hearing Officer Meeting were approved on August 24, 2023 and are attached to this Council Report.

After the variance hearing, City staff notified Appellant of the right to appeal the decision. The City of Yuma offers the appeal free of charge to an appellant who wishes to have review. Appellant indicated interest in lodging an appeal. On August 14, 2023, City staff provided information on the appeal to Appellant and Appellant timely filed the appeal. The August 14, 2023 Notice from the City and the August 24, 2023 response Notification of Appeal from Appellant are attached to this Council Report.

On September 6, 2023, City staff sent Appellant Okwuobo the schedule for this appeal as well as deadlines for submission of any additional material by either the Appellee Department of Planning and Neighborhood Services or by Appellant Okwuobo. In that schedule, this appeal is scheduled for the regular City Council meeting on Wednesday, November 1, 2023. Appellant's deadline to submit any additional material was September 26, 2023. Appellee Planning and Neighborhood Services deadline to submit any additional material was October 6, 2023. Appellant was also notified of the right to be represented by an attorney. The September 6, 2023 schedule is attached to this Council Report.

As of the date of this Council Report, Appellant Okwuobo opted not to submit any additional material before the Appellant's deadline and no attorney has entered an appearance on behalf of the Appellant. The Department of Planning and Neighborhood Services, as the Appellee, will be represented by the City Attorney's Office. On October 6, 2023, Assistant City Attorney L. John LeSuer, submitted a timely brief in support of the Hearing Officer's decision. The Department of Planning and Neighborhood Services brief is attached to this Council Report.

STANDARD OF REVIEW

City Council will hear this appeal as a statutory board of adjustment which decides appeals from Hearing Officer decisions concerning zoning ordinance variances under the four described criteria, and determines whether "special circumstances" exist to relieve an owner of property from strict application of zoning laws. A.R.S. § 9-462.06(G)(2).

The quasi-judicial body hears the appeal *de novo* (meaning, with brand new eyes), but the authority to modify zoning decisions under a variance is limited to making findings that all four criteria are met (in which case the City Council could choose to grant the variance) or any one of the four criteria are not met (in which case the City Council would have to deny the variance). *Pawn 1st, LLC v. City of Phoenix*, 242 Ariz. 547, 551 ¶ 11 (Arizona Supreme Court, 2017).

Appellant Okwuobo has the burden of persuasion to show that the application for a variance should have been granted by the hearing officer. A variance is only authorized when there is a finding that the applicant affirmatively establishes and satisfies all four (4) criteria in the Y.C.C. *Pawn 1st, LLC v. City of Phoenix*, 242 Ariz. 547, 552 ¶ 12 (Arizona Supreme Court, 2017). A quasi-judicial body granting a variance without affirmatively finding that all four (4) Y.C.C. criteria are established is outside of the statutory powers and the finding is invalid as a matter of law. *Arkules v. Bd. of Adjustment of Paradise Valley*, 151 Ariz. 438, 440 (Arizona Court of Appeals, 1986).

City Council will have an independent attorney representing the City Council in a quasi-judicial manner for the appeal hearing and decision of this matter.

Hearing Officer Staff Report - Attached

Hearing Officer Minutes - Attached

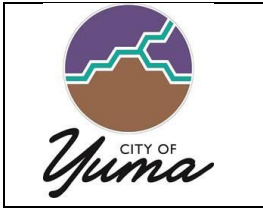
August 14, 2023 Notice of Right to Appeal - Attached

August 24, 2023 Appellant's Notice of Appeal - Attached

September 6, 2023 Appeal Schedule - Attached

Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer's decision dated October 6, 2023 - Attached

FISCAL REQUIREMENTS:



**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Amelia Domy**

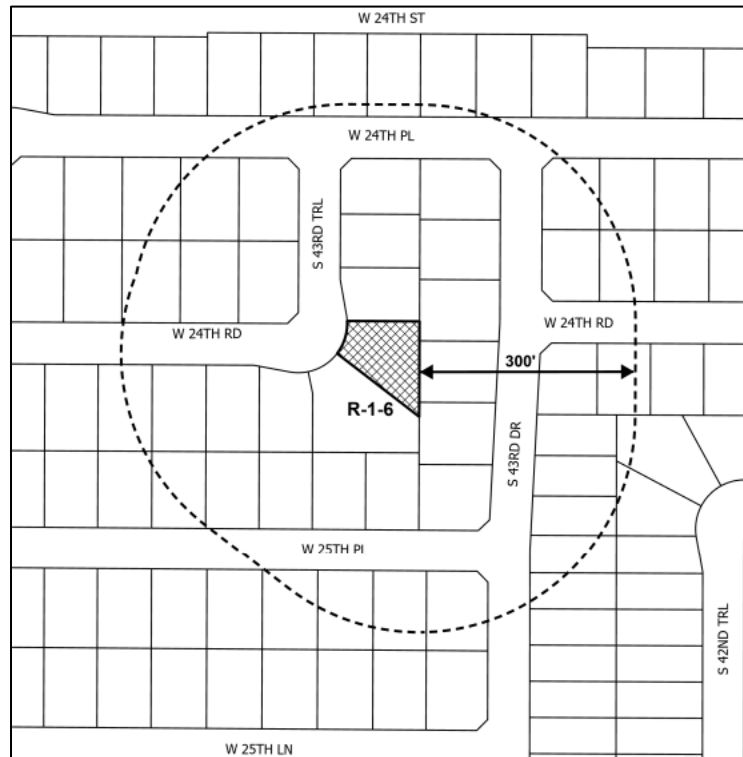
Hearing Date: August 10, 2023

Case Number: VAR-41582-2023

Project Description/Location: This is a request by Wilson C. Okwuobu, for a Variance to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
North	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
South	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance O2013-30 (June 14, 2013); Subdivision: Park West Unit No. 3 (February 2, 2017); Pre-development Meeting: June 13, 2023

Staff recommendation:

Staff recommends **DISAPPROVAL** of the request to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ, because it does not meet the criteria of §154-03.04 in the Yuma City Code. Although Staff is not recommending approval of the request, if a variance is granted Staff recommends that the variance be conditioned to include those conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?	No.
--	-----

Staff Analysis:

The subject property, located within the Park West Unit No. 3 Subdivision, is located along 43rd Trail. The Park West Unit No. 3 Subdivision was subdivided on February 2, 2017. Currently, the property features an approximately 2,278 square foot single-family residence, which was constructed in 2017. The parcel is approximately 9,680 square feet in size. In addition, the subject property is zoned Low Density Residential (R-1-6) District.

The applicant is requesting a variance to reduce the minimum distance requirement between residential care facilities from 1,320 feet to approximately 67 feet. This facility is intended to provide care for up to ten (10) residents. The City Code allows Residential Care Facilities (small) within the Low Density Residential (R-1-6) District; however, the City Code requires a 1,320 linear foot separation between facilities. This minimum distance requirement is measured from lot line to lot line. The purpose of this distance requirement is to avoid a concentration of such facilities in a residential neighborhood and to maintain the residential character of neighborhoods.

From §154-01.07: Residential Care Facility, Small:

Establishments primarily engaged in the provision of residential social and personal care for ten or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district.

A neighborhood meeting was held on July 19, 2023, in which four neighbors were in attendance. The main concerns associated with this request were the potential impacts to the residential neighborhood, security, and privacy concerns. In addition, staff received several emails in opposition to this request.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) “There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”

Is this statement correct for this application?

Yes No

Applicant Response: “The property possesses special circumstances due to its strategic placement, and existing infrastructure, and situated in a quiet neighborhood with low traffic volume, this property offers a serene and therapeutic atmosphere, crucial for the treatment and recovery of individuals with behavioral health needs. Moreover, the property’s remarkable attributes include its substantial lot size of 9,681 sqft and its positioning as a corner lot. This generous space allows for the establishment of a 10-bed facility, promoting enhanced privacy and providing residents with a spacious environment.”

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does not apply to most other properties within the district and surrounding residential development. The City of Yuma zoning code allows residential care facilities within residential neighborhoods, however, there is a minimum 1,320 foot separation requirement between facilities. The intent of this distance requirement is to maintain a residential character of neighborhoods and to avoid a concentration of such facilities in a residential neighborhood. This proposal is located within 67 feet of another facility within the same residential neighborhood. According to the applicant, this property has the space for a 10-bed facility; however, the applicant can relocate the proposed facility to a property that meets the separation requirement of the City of Yuma zoning code.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

Yes No

Applicant Response: “Importantly, it is crucial to note that these special circumstances were not brought about by the current property owner or the applicant. The property’s large lot size and corner location are inherent features predating the involvement of the applicant, demonstrating that the need for a variance is unrelated to any actions taken by them. Rather, the demand for a Behavioral Health Residential Facility stems from recognized societal needs and the scarcity of suitable facilities within the community.”

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does not apply to most other properties within the district and surrounding residential development. According to the Yuma County Assessor records, this property was purchased on April 17, 2023. At the time of the purchase, there was an existing facility located approximately 67 feet from the subject property.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

Yes

No

Applicant Response: *“Granting the requested variance is essential to preserve the rights enjoyed by other property owners in the vicinity who share identical zoning designations. Simultaneously, it will benefit the community as a whole by addressing mental health needs and contributing to the overall well-being of residents. Furthermore, significant improvements are planned for the property, including the upgrading of the backyard, which will increase its value and positively impact comparable neighboring properties. By introducing a purpose-built facility, we will enhance the desirability of the neighborhood while preserving and appreciating property values.”*

Staff Analysis: The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. Property owners located within the vicinity and the same residential district are required to comply with the 1,320 foot separation between residential care facilities.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

Yes

No

Applicant Response: *“It is crucial to emphasize that granting the variance will not result in any material detriment to individuals residing or working in the vicinity, adjacent properties, the neighborhood, or the public health, safety, and general welfare. The proposed Behavioral Health Residential Facility will diligently implement various measures to ensure seamless integration within the neighborhood dynamics. This includes the installation of 24/7 surveillance cameras that will not only enhance the safety of the facility but also monitor and provide additional security for neighboring properties within the camera’s range. This commitment to security and community welfare ensures that the facility will be a responsible and valued addition to the neighborhood.”*

Staff Analysis: The granting of the variance will not be materially detrimental to any person(s) residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public heal, safety, and general welfare. The granting of this variance will allow a residential care facility within an established residential neighborhood.

2. Are any of the adjacent property owners opposed to this request? Yes.

Public Comments Received: See Attachment E

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment D

Proposed conditions delivered to applicant on: 7/27/2023

Final staff report delivered to applicant on: August 3, 2023

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval: (list #'s)
- (If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.) Emailed applicant conditions of approval. Waiting for response.

Attachments

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Public Comments
F	G	H	I	J
Site Photo	Distance to Existing Facility	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: Amelia Domby **Date:** August 1, 2023
 Amelia Domby
 Senior Planner Amelia.Domby@yumaaz.gov (928) 373-5000, x1234

Approved By: *Jennifer L. Albers* **Date:** 8/2/23
 Jennifer L. Albers
 Assistant Director of Planning

ATTACHMENT A
CONDITIONS OF APPROVAL

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

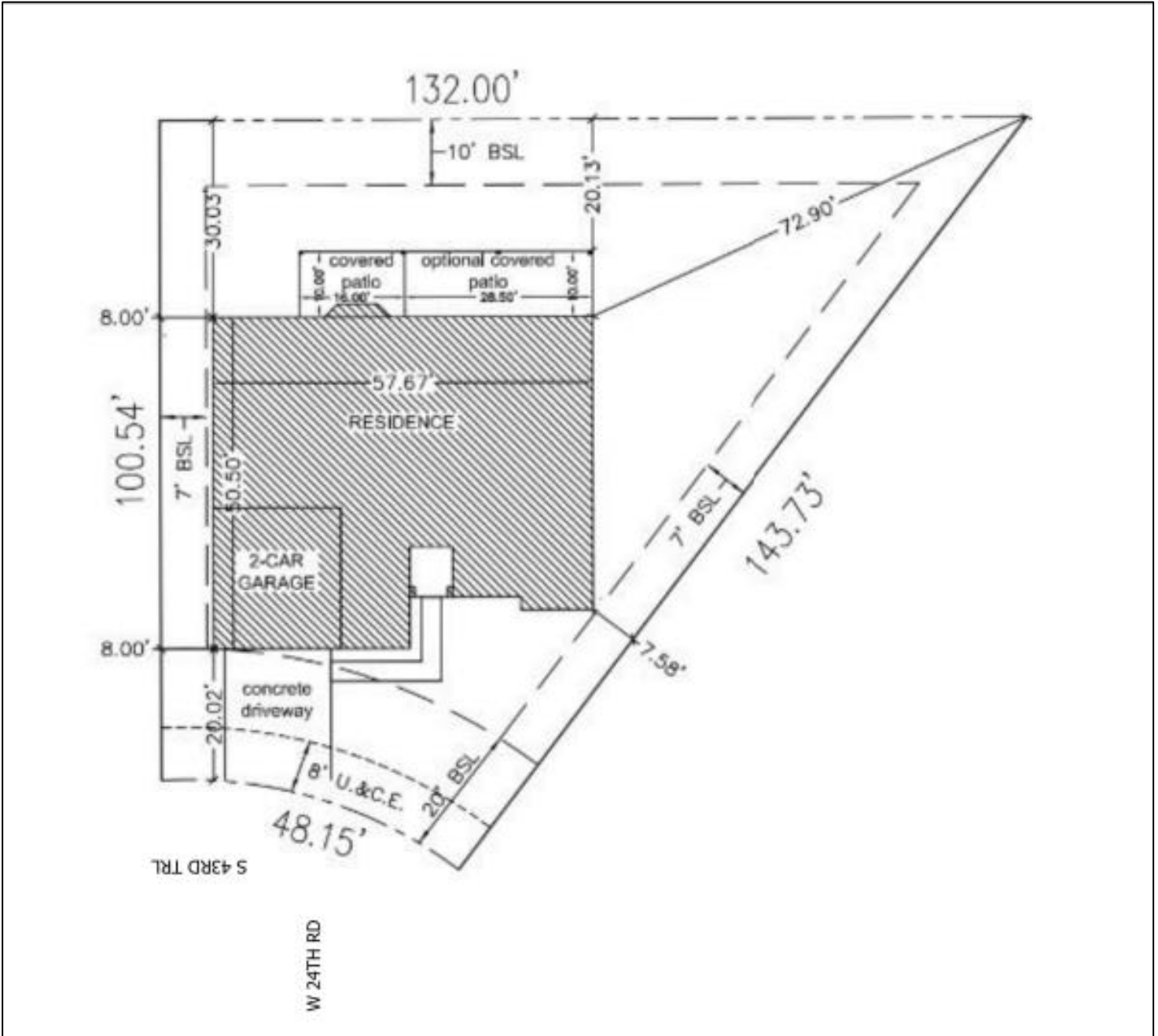
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Amelia Domby, Senior Planner, (928) 373-5000 x3034

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
SITE PLAN**



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (07/21/23)
- 300' Vicinity Mailing: (07/12/23)
- Site Posted on: (07/12/23)
- 34 Commenting/Reviewing Agencies Noticed: (07/12/23)
- Neighborhood Meeting Date: (07/19/23)
- Hearing Date: (08/10/23)
- Comments Due: (07/24/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	7/11/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	7/20/23	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	7/10/32	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	7/11/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	7/21/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: July 19, 2023

Location: On-site, 5pm

Attendees: Applicant: Katie Sass, Staff: Amelia Domy; and four neighbors in attendance: Ernesto Silva, Miguel Santiago, Brisa Santiago, Elba Silva

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- THE APPLICANT PROVIDED AN INTRODUCTION AND EXPLAINED THAT THIS FACILITY WILL PROVIDE RESIDENTIAL CARE FOR UP TO 10 (TEN) RESIDENTS. THERE WILL BE ONE STAFF MEMBER IN THE RESIDENCE THAT CHECKS THE MAIL REGULARLY. VEHICLES WILL BE PARKED INSIDE THE GARAGE. IN ADDITION, THERE WILL BE QUIET SPACE FOR COUNSELING. THE RESIDENTS PARTICIPATE IN ACTIVITIES SUCH AS EXERCISE, YOGA, AND ATTEND CHURCH ON SUNDAY'S. RESIDENTS AT THIS PROPERTY STAY FOR APPROXIMATELY 6 MONTHS. THERE IS A 8 P.M. CURFEW FOR THE RESIDENTS AND LIGHTS ARE OFF BY 10 P.M.
- NEIGHBORS EXPRESSED PRIVACY CONCERNS DUE TO THEIR JOB SUCH AS WORKING FOR BORDER PATROL OR CUSTOMS AND BORDER PROTECTION.
- NEIGHBORS WERE ALSO CONCERNED WITH THE CLOSE PROXIMITY TO THE EXISTING RESIDENCE. THE NEIGHBORS NOTED THAT IF THIS ONE IS APPROVED, MORE RESIDENTIAL CARE FACILITIES WILL HAVE THE ABILITY TO LOCATE ANYWHERE WITHIN THE SAME RESIDENTIAL NEIGHBORHOOD. NEIGHBORS ADDED THAT THEY DID NOT WANT TO BE SURROUNDED BY RESIDENTIAL CARE FACILITIES.
- THE APPLICANT EXPLAINED THAT THEY HAVE EXISTING RESIDENCES IN PHOENIX AND NORTH SCOTTSDALE AND THEY HAVE NOT RECEIVED ANY COMPLAINTS. THE COMPANY WILL MAINTAIN THE PROPERTY AND MAKE IT LOOK NICE. IN ADDITION, SECURITY CAMERAS ARE INSTALLED TO MONITOR THE RESIDENCE. SECURITY CAMERAS ARE NOT DIRECTED TOWARDS THE NEIGHBORS.
- THE APPLICANT ALSO ADDED THAT THEY WILL KEEP THE RESIDENTIAL CHARACTERISTIC OF THE RESIDENCE BY DECORATING FOR THE HOLIDAYS. THE FACILITY HAS STRICT AND HIGH STANDARDS. CLIENTS ARE REQUIRED TO GO THROUGH A BACKGROUND CHECK.
- NEIGHBORS QUESTIONED THE OWNERSHIP OF THE RESIDENCE.
- THE APPLICANT EXPLAINED THAT THE OWNER OF THE RESIDENCE IS THE CEO OF THE COMPANY.

**ATTACHMENT E
PUBLIC COMMENTS**

Name:	Erika Lemus			Contact Information: (928) 446-8269						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
July 18, 2023 - Is not in support of this request – there are three large trees on their property and previous neighbors did not have any issues. Never had issues with the neighbors and would not like to have issues with the new neighbors.										
Name:	Miguel Santiago			Contact Information: miguelsantiagopr@yahoo.com						
Method of Contact:	Phone		FAX		Email	X	Letter		Other	
<p>July 15, 2023 Good afternoon, This are my comments about the case # VAR-41582-2023, I oppose to this request. My concern is about safety and value of the properties on the Park West Subdivision. From 1320' to 67' still a bit g number in a low density Residential area (R-1-6). If we let this person do the facility with only 67' from the other, I'm afraid that another property owner in the neighborhood request the same in the future. The occupancy is a maximum of 10 people and that is not including personnel and/or visitor/guest, increasing the traffic of vehicle in this area. The area where the property is located has low traffic, where children play outdoor most of the time and is a very family oriented community. Thank you for your time and consideration. Respectfully Miguel Santiago</p>										
Name:	Sergio Flores			Contact Information: sergio123flores456@gmail.com						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
<p>July 27, 2023 Hello, I am a resident in Park West Yuma, AZ and I am emailing you in regards to the Legacy Healthcare Addiction Program. I don't understand how a company can buy houses and shelter addicts especially in Park West. This is outrageous and shouldn't be allowed here in our neighborhood. I along with many neighbors plan to protest this. As our representative I hope you can do something about this. Thank you</p>										

From: Amelia Domby
Sent: Wednesday, July 26, 2023 2:50 PM
To: 'Ron Pendleton'
Subject: RE: Case # VAR-41582-2023

Good afternoon Ron,

The property owner is requesting a Variance to reduce the minimum distance between two residential care facilities. The zoning code requires a minimum of 1,320 feet between facilities and there is currently another facility located approximately 67' from this property. A Variance request goes through the public hearing process and public comments are encouraged. There is one public hearing with a Hearing Officer. Any input provided by the neighbors and/or other residents will be included in the staff report that is provided to the Hearing Officer.

The public hearing for this request is scheduled for August 10, 2023 at the City Hall Council Chambers at 9:30am.

Please let me know if you have any additional questions.

Thank you,



Amelia Domby
Senior Planner | Planning and Neighborhood Services
Office: (928) 373-5000 ext. 3034
Amelia.Domby@YumaAz.Gov | www.YumaAZ.gov



PROFESSIONALISM
INTEGRITY
ACCOUNTABILITY
RESPONSIVENESS

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From: Ron Pendleton <rpendleton616@gmail.com>
Sent: Tuesday, July 25, 2023 8:36 PM
To: Amelia Domby <Amelia.Domby@yumaaz.gov>
Subject: Case # VAR-41582-2023

You don't often get email from rpendleton616@gmail.com. [Learn why this is important](#)

 **CAUTION:** External Email

Hello!

I live in the neighborhood with a house, 2475 S 43rd Trl, Yuma, AZ 85364, that appears to be bought by a company, Legacy Behavioral Health Services, who are seeking to reduce the minimum distance requirement for two facilities.

I'm hoping to understand more about this change, if it's already going to happen and this is all pure information or if there's any input being taken and considered by residential owners before this change is approved.

Any and all information you can provide would be greatly appreciated!

From: Amelia Domby
Sent: Wednesday, July 26, 2023 3:13 PM
To: 'Marilyn Pendleton'
Subject: RE: Case # VAR-41582-2023

Good afternoon Marilyn,

This is a Variance request to reduce the minimum distance requirement between residential care facilities. The Variance request goes through the Public Hearing Process and public comments are encouraged. Any comments provided prior to the hearing will be included in the staff report that goes to the Hearing Officer. The hearing officer reviews the staff analysis, public comments received, and approves or denies the request. The Hearing Officer will make the decision on August 10 at 9:30am. This meeting will be held at the City Hall Council Chambers. During this meeting, public comments can also be heard.

In regard to staffing, I will forward your email to the applicant to answer specific questions about the proposed use on-site.

Please let me know if you have any further questions.

Thank you,



Amelia Domby
Senior Planner | Planning and Neighborhood Services
Office: (928) 373-5000 ext. 3034
Amelia.Domby@YumaAZ.Gov | www.YumaAZ.gov



PROFESSIONALISM
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From: Marilyn Pendleton <marilyn.pendleton24@gmail.com>
Sent: Wednesday, July 26, 2023 8:00 AM
To: Amelia Domby <Amelia.Domby@yumaaz.gov>
Subject: Case # VAR-41582-2023

You don't often get email from marilyn.pendleton24@gmail.com. [Learn why this is important](#)

⚠ CAUTION: External Email

Good morning,

I live on S 43rd TRL. I was told Phoenix company Legacy Behavioral Health Services, who has only been in business for 2 years, has purchased 2475 S. 43rd Trl, Yuma, AZ 85364, but the property is under the CEO's name instead of the company's name.

I understand the property is meant to provide behavioral health for up to 10 people. I'm concerned about increased traffic, and am curious about Legacy Behavioral Health Service's ability to prevent incidents. Do you have any information on how staffing will work at the property? Is staff on site at all times? What other properties the company has purchased? Has this already been approved or is the meeting on 8/10 looking for community input?

Thank you!
Marilyn Pendleton

ATTACHMENT F
SITE PHOTO



ATTACHMENT G
DISTANCE TO EXISTING FACILITY



**ATTACHMENT H
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	Zip Code
ADAME THERESA G TRUST 8-16-2018	2521 S 43RD DR	YUMA	AZ	85364
ARCEO MIGUEL S	PO BOX 13553	SAN LUIS	AZ	85349
ARELLANO LETICIA	2442 S 43RD DR	YUMA	AZ	85364
BARBEAU ROBERT EDMUND	4360 W 25TH PL	YUMA	AZ	85364
BECERRA ALVARO	2485 S 43RD DR	YUMA	AZ	85364
CANEDO CLAUDIO B JR & IMELDA CPWROS	1865 S 9TH AVE	YUMA	AZ	85364
CARDENAS FRANCISCO & EVA JT	4374 W 25TH PL	YUMA	AZ	85364
CASTRO RAYMOND JR	2454 S 43RD DR	YUMA	AZ	85364
CHAPMAN SHANE EDWARD	4388 W 24TH RD	YUMA	AZ	85364
CHURCH KIPP O & JODELL O	4389 W 24TH RD	YUMA	AZ	85364
ELIAS RACHELLE	4340 W 24TH PL	YUMA	AZ	85364
GALAVIZ GONZALO & JENNIFER JT	4373 W 24TH RD	YUMA	AZ	85364
GARCIA MARIA J	2443 S 43RD TRAIL	YUMA	AZ	85364
GOMEZ EDUARDO	4546 W 18TH PL	YUMA	AZ	85364
GONZALEZ MIGUEL & MONICA	PO BOX 5146	YUMA	AZ	85365
GONZALEZ MIGUEL A SANTIAGO	4359 W 24TH RD	YUMA	CA	85364
GONZALEZ TAURINO ARNOLDO & JESSICA	4348 W 25TH PL	YUMA	AZ	85364
GUTIERREZ RAUL ANTONIO	4426 W 25TH PL	YUMA	AZ	85364
HAYES NICOLE	4313 W 24TH PL	YUMA	AZ	85364
HERNANDEZ EMY CECILIA & SALVADOR ALEJANDRO	4346 W 24TH PL	YUMA	AZ	85364
JENSEN ERIC N & CASSANDRA	4370 W 24TH PL	YUMA	AZ	85364
LAVIGNE GENE & ANNA TRUST 5-11-2002	1271 ALPINE HEIGHTS RD	ALPINE	AZ	91901
LOPEZ JOSE ALBERTO	4329 W 24TH PL	YUMA	AZ	85364
MARQUEZ LUIS	4331 W 25TH PL	YUMA	AZ	85364
MARTINEZ JOANNA & JAIME L	4423 W 24TH PL	YUMA	AZ	85364
MELLENDEZ RAMON & REYNA	4349 W 25TH PL	YUMA	AZ	85364
MORENO MAURICE O & FAVIOLA	4302 W 24TH RD	YUMA	AZ	85364
MUELA MAURO & FRANCISCA	2515 S 43RD DR	YUMA	AZ	85364
MUNOZ GONZALO JR & MELINDA	2514 S 42ND TRAIL	YUMA	AZ	85364
MURO ANDRES & KRISTEN JT	4387 W 24TH PL	YUMA	AZ	85364
NUNEZ ERNEST JR	4371 W 24TH PL	YUMA	AZ	85364
OCHOA ORLANDO FELIX & GISELA	4361 W 25TH PL	YUMA	AZ	85364
OKWUOBU WILSON C.	7208 JEMATELL LN	SCOTTSDALE	AZ	85266
ORTON CARMEN & JOEL	2529 S 43RD DR	YUMA	CA	85364
PARK STEPHANIE MARIE	PO BOX 5331	YUMA	AZ	85366

PENDLETON RONALD & MARILYN LEE C CPWROS	2455 S 43RD TRAIL	YUMA	AZ	85364
PETTITT DONNA R	2508 S 42ND TRL	YUMA	AZ	85364
POWERS MICHAEL J	4410 W 25TH PL	YUMA	AZ	85364
RODRIGUEZ ROBERTO & ERENDIRA SALGADO SERGIO ANTONIO FLORES	4390 W 25TH PL 1782 NISSON ROAD #5	YUMA TUSTIN	AZ	85364 92780
SANDOVAL JOSE	235 E 25TH ST	YUMA	AZ	85364
SILVA ALDO LEMUS	2474 S 43RD DR	YUMA	AZ	85364
SILVA ERNESTO JR	4372 W 24TH RD	YUMA	AZ	85364
SLATON HOWARD & CLAUDIA	2462 S 43RD DR	YUMA	AZ	85364
THURBER MATTHEW J	4334 W 24TH PL	YUMA	AZ	85364
ULLRICH MELANIE BELLE	4409 W 24TH RD	YUMA	AZ	85364
UMMI LLC	12424 S AVENUE C	YUMA	AZ	85365
URCIAGA ROMUALDO	2497 S 43RD DR	YUMA	AZ	85364
VELEZ RAMON ORTEGA	2498 S 43RD DR	YUMA	AZ	85364

**ATTACHMENT I
NEIGHBOR MAILING**

This is a request by Wilson C. Okwuobu, for a Variance to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-41582-2023**

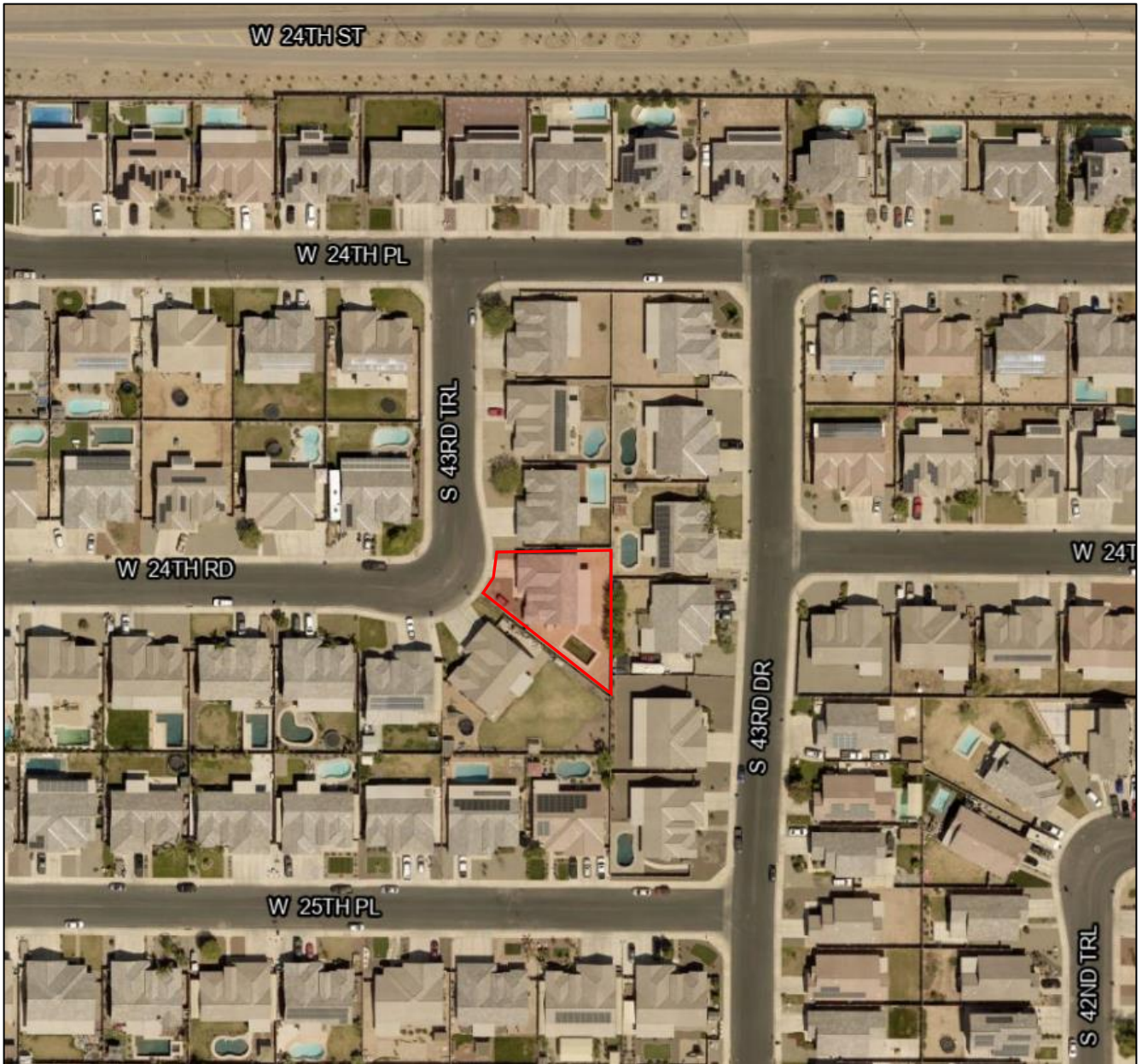
**NEIGHBORHOOD MEETING
07/19/2023 @ 5:00PM
ON-SITE**

**PUBLIC HEARING
8/10/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of 2475 S. 43rd Trail., Yuma , AZ., you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Dombay by phone at (928)373-5000 ext. 3034 or by email at Amelia.Dombay@YumaAz.gov

ATTACHMENT J
AERIAL PHOTO



HEARING OFFICER MINUTES

**Hearing Officer Meeting Minutes
August 10, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, August 10, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Sonia Ramirez.

CITY OF YUMA STAFF MEMBERS present included Jennifer Albers, Assistant Director of Planning; Amelia Domy, Senior Planner; Zenia Fiveash, Assistant Planner; Guillermo Moreno-nunez, Assistant Planner; Emily Hart, Assistant City Attorney and Alejandro Marquez, Administrative Specialist.

Hearing Officer Sonia Ramirez called the meeting to order at 9:31 a.m.

CONSENT CALENDAR

Hearing Officer Sonia Ramirez approved the minutes of July 27, 2023.

PUBLIC HEARINGS

VAR-41468-2023: *This is a request by Antonio Alcocer II for a variance to reduce the side yard setback from 6 feet to 3 feet 9 inches and the rear yard setback to legalize the placement of an accessory structure 11 feet in height within the Low Density Residential (R-1-6) District. The property is located at 1819 W. 17th Place, Yuma, AZ.*

Zenia Fiveash, Assistant Planner, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Antonio Alcocer, 1819 W. 17th Pl., Yuma AZ, stated that he had already invested a considerable amount of money, and that he would like to be able to keep the storage shed.

Hearing Officer Sonia Ramirez asked how long had the shed been there. **Alcocer** replied eight months. **Hearing Officer Sonia Ramirez** then asked if **Alcocer** had anything more to add. **Alcocer** stated he hopes that an agreement can be made so that he may be able to keep the shed. **Hearing Officer Sonia Ramirez** then asked if there were other similar types of sheds in the neighborhood. **Alcocer** answered yes. **Hearing Officer Sonia Ramirez** asked if the other sheds are in close proximity to the wall. **Alcocer** replied yes.

Fiveash stated that there were other similar types of sheds constructed in the neighborhood, and that they were not in compliance.

Hearing Officer Sonia Ramirez stated that she did not see many Conditions in Attachment A other than the time limitation, then asked if that was correct. **Fiveash** answered yes, and that the Building Safety Department may add other requirements at a later time because the shed is in a flood zone, but those requirements will not be included until the applicant applies for the building permit.

Hearing Officer Sonia Ramirez then asked **Alcocer** if he had seen and understood the time restriction condition located in Attachment A. **Alcocer** replied yes.

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-41582-2023: *This is a request by Wilson C. Okwuobu, for a Variance to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.*

Amelia Dombay, Senior Planner, summarized the staff report and recommended Denial.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Wilson C. Okwuobu and Katie Sass, on behalf of Legacy Healthcare, were available for questions.

Hearing Officer Sonia Ramirez asked if they had any questions or comments. Okwuobu gave a brief presentation about his company. Okwuobu then stated that he was not aware that there was another care facility close to the proposed project, and that the two facilities would not congest the community because the other facility is not located on the same street.

Hearing Officer Sonia Ramirez asked if there was any more comments.

Sass commented that the other facility was a care home not a substance abuse recovery facility, so it was not the same type of population.

Hearing Officer Sonia Ramirez asked if the facilities would be able to function without a variance. Okwuobu replied yes, if it was a five bed facility but since it is a ten bed a variance would need to be granted. Okwuobu went on to say that these types of facilities are very discreet and private, and that the neighbors most likely would not realize the facility is there.

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez denied the request to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.

VAR-41566-2023: *This is a request by Heather King, for a Variance to increase the allowable fence height in the front yard setback from 3' to 6', in the Low Density Residential (R-1-8) District. The property is located at 4638 S. Marlin Dr., Yuma, AZ.*

Guillermo Moreno-nunez, Assistant Planner, summarized the staff report and recommended Approval.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Heather King, 4638 S. Marlin Dr., Yuma AZ, stated the reason for the request was that they would not be able to utilize either side of the house for accessibility to the backyard only from the front because of the shape of the lot, and that all of the other homes in the subdivision were rectangle and can use either side to access their back yard. King went on to say that their home only has two side walls and a front with no back wall, that's why they want to build the wall across the front so high.

PUBLIC COMMENT

None

DECISION

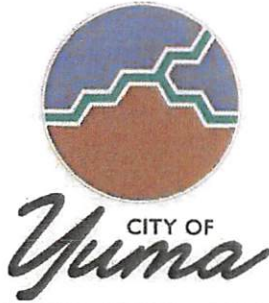
Hearing Officer Sonia Ramirez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Hearing Officer Sonia Ramirez adjourned the meeting at 9:46 a.m.

Minutes approved and signed this _____ day of _____, 2023.

Hearing Officer

AUGUST 14, 2023 NOTICE
OF RIGHT TO APPEAL



**Department of Planning
and Neighborhood Services**

One City Plaza
Yuma, Arizona 85364
(928) 373-5175
TTY (928) 373-5149
www.YumaAZ.gov

August 14, 2023

Wilson Okwuobu
7208 E. Jematell Lane
Scottsdale AZ, 85266

Sent via US Mail to the above address and email to katie@leghc.com, wilson@leghc.com,
rona@leghc.com

**RE: 2475 S. 43RD TRAIL
REDUCTION OF THE DISTANCE REQUIREMENT BETWEEN RESIDENTIAL CARE FACILITIES
CASE No. VAR-41582-2023**

On Thursday, August 10, 2023, the Hearing Officer for the City of Yuma **DENIED** your request for a variance to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.

You have the right to appeal the decision of the Hearing Officer to the City Council. To exercise your right to appeal, please return the attached notification of appeal form within (10) business days of the decision of the Hearing Officer or no later than the close of business on August 30, 2023.

The Fair Housing Act and the Americans with Disabilities Act allow qualifying individuals to request a reasonable accommodation—i.e., a change, exception, or adjustment—to a rule, policy, practice, or service followed by a municipality. If there is a reasonable accommodation that was not addressed within your Variance application, please describe the request for accommodation that applies to your circumstance.

If you have any questions, please call Amelia Dombay (928)373-5000 ext. 3034, or email at Amelia.Dombay@YumaAZ.gov.

Sincerely,

Amelia Dombay
Senior Planner

AD/am
Enclosures (1)
1. Appeal Form

AUGUST 24, 2023
APPELLANT'S NOTICE
OF APPEAL


NOTIFICATION OF APPEAL

**PURSUANT TO ARIZONA REVISED STATUTES,
SECTION 9-462.06.A**

You have the right to appeal the decision of the Hearing Officer to the City Council. If you would like to appeal, please indicate in the appropriate space below by signing and dating this form.

I wish to appeal the decision of the Hearing Officer on Case No.: VAR-41582-2023
to the City Council.

You must file the Notification of Appeal form within ten (10) business days of the decision made by the Hearing Officer to the Department of Community Development, Director, One City Plaza, Yuma, Arizona 85364, 928-373-5175.



Wilson Okwuobu

August 24, 2023

Name

Date

SEPTEMBER 6, 2023
APPEAL SCHEDULE



September 6, 2023

Wilson Okwuobu, *Appellant*
7208 E. Jematell Lane
Scottsdale AZ, 85266

Re: Appeal of Denial of Request for Variance
Case No.: VAR-41582-2023

Dear Mr. Okwuobu,

The City of Yuma's Department of Planning and Neighborhood Services has received your notice of appeal in the above-referenced matter. Appeals of variance requests are regulated by Yuma City Code (Y.C.C.) § 154-02.02(C) and Arizona Revised Statutes (A.R.S.) § 9-462.06(A). Please review that code and statute and the applicable laws cited in the denial of your request for a variance.

Your appeal is scheduled to be heard before the City Council on Wednesday, **November 1, 2023**. The City Council will receive the written materials that were presented to the Hearing Officer in this case. The parties may supplement those materials as follows:

- Appellant Okwuobu may submit any additional material to Lynda Bushong at clerk@yumaaz.gov on or before **4:00 PM on September 26, 2023**.
- Appellee City of Yuma may submit a Reply to any additional material submitted by Appellant Okwuobu on or before **4:00 PM on October 6, 2023**.

Any additional material will be shared with both parties and made part of the record submitted to the City Council.

During the appeal hearing on **November 1, 2023**. Each side will be allotted fifteen (15) minutes to present their case. Appellant Okwuobu will present first, followed by Appellee City of Yuma. Because Appellant Okwuobu has the burden of persuasion, Appellant Okwuobu may opt to reserve three (3) to five (5) minutes of Appellant's allotted fifteen (15) minutes for final reply.

You have the right to be represented by an attorney. If you will be represented by an attorney in this appeal, please instruct your attorney to enter his or her appearance as counsel of record without delay.

The City of Yuma prohibits discrimination based on race, color, sex, national origin, age or disability in its programs and activities. Persons with a disability may request a reasonable accommodation, such as a language interpreter, by contacting the City of Yuma's ADA Coordinator at (928) 373-5125 or TTY (928) 373-5149.

Finally, if you wish to withdraw your appeal of the Hearing Officer decision, please inform the Department of Planning and Neighborhood services in writing so the matter may be removed from the agenda.

Sincerely,

Amelia Domby,
Senior Planner

APPELLEE DEPARTMENT
OF PLANNING AND
NEIGHBORHOOD
SERVICES BRIEF IN
SUPPORT OF THE
HEARING OFFICER'S
DECISION DATED
OCTOBER 6, 2023

1 YUMA CITY ATTORNEY'S OFFICE
Richard W. Files - City Attorney

2 L. John LeSueur, Assistant City Attorney
3 Arizona Bar No. 022556
One City Plaza
4 Yuma, Arizona 85364
Telephone: (928) 373-5050
5 E-mail: John.LeSueur@yumaaz.gov

6 *Attorney for the Department of Planning and Neighborhood Services*

7 **BEFORE THE CITY COUNCIL**
8 **OF**
9 **THE CITY OF YUMA, STATE OF ARIZONA**

10 Wilson C. Okwuobu,

11 Appellant,

12 v.

13 Department of Planning and Neighborhood
14 Services,

15 Respondent.
16

**BRIEF OF THE DEPARTMENT
OF PLANNING AND
NEIGHBORHOOD SERVICES**

Hearing Date: November 1, 2023

Place: One City Plaza
Yuma, Arizona 85364

17
18 **I. INTRODUCTION**

19
20 Wilson C. Okwuobu ("Appellant") appeals the denial of his request to open a new
21 residential care facility within 67 feet of an existing residential care facility. The City
22 Council hears this appeal in a quasi-judicial capacity pursuant to a process outlined in
23 A.R.S. § 9-462.06. In this appeal, the Department of Planning and Neighborhood Services
24 ("City Staff")¹ respectfully requests City Council affirm the denial of the requested
25 variance.

26
27 ¹ The City Attorney's Office represents City Staff in this appeal. Independent counsel will advise City
28 Council during its deliberations on this appeal.

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II. FACTS

On April 16, 2023, Appellant acquired the property located at 2475 S. 43rd Trail, in Yuma, Arizona (the “Property”), a 2,278 square-foot, 5-bedroom, 3-bath, single-family home constructed in 2017.



The 9,680 square-foot lot, located in the Park West Unit No. 3 Subdivision, is zoned Low Density Residential (R-1-6) District.



Appellant seeks to open a behavioral health residential facility for up to 10 residents

1 at the Property. Yuma City Code allows residential care facilities within Low Density
2 Residential (R-1-6) but requires a 1,320-foot separation between residential care facilities,²
3 measured from lot line to lot line. The purpose of this distance requirement is to prevent
4 clustering residential care facilities in a manner that threatens the residential character of
5 the neighborhood and reduces the efficacy of the residential care facilities by obstructing
6 the ability to foster normalization and community integration. In other words, the
7 separation requirement protects residential care facilities and the neighborhood.

8 Appellant's Property does not meet the separation requirement of 1,320 feet; the
9 Property is only 67 feet from an existing residential care facility.



21
22 ² Yuma City Code § 154-01.07 defines *Residential Care Facility, Small* as follows:

23 Establishments primarily engaged in the provision of residential social and personal care for
24 ten or fewer persons with some limits on ability for self-care, such as children, the elderly,
25 but where medical care is not a major element. Included are establishments providing 24-
26 hour year-round care for children. These facilities shall not include any persons whose
27 occupancy would constitute a direct threat to the health or safety of other individuals or
28 would result in substantial physical damage to the property of others. Establishments of this
type located within any residential districts *shall not be located within 1320 feet* of a child
day care services (large), a nursing care facility, large or small, or a residential care facility,
large or small that are also located within any residential district.

(emphasis added).

1 Appellant nevertheless requested a variance to reduce the minimum distance requirement
2 between residential care facilities from 1,320 feet to 67 feet. On July 19, 2023, City Staff
3 held a neighborhood meeting regarding Appellant's request. Four neighbors attended the
4 meeting and expressed concerns regarding potential impacts to the neighborhood. City
5 Staff also received several emails in opposition to the requested variance.

6 On August 10, 2023, the Hearing Officer held a hearing on Appellant's request for a
7 variance. City Staff filed a report with the Hearing Officer and *recommended denial* of
8 the request, noting that Appellant's request for a variance failed to meet the criteria of
9 §154-03.04(D) of the Yuma City Code. The Hearing Officer denied the variance request.
10 Appellant now timely appeals the decision of the Hearing Officer to the City Council.

11 III. ARGUMENT

12 A. Appellant is not Eligible for a Variance Under State Statute or 13 City Code.

14 To receive a variance from the City of Yuma's zoning ordinance, Appellant must
15 satisfy the conditions required by State statute and City code. A.R.S. § 9-426.06(G)(2)
16 directs a Board of Adjustment [or a Hearing Officer] to

17 [h]ear and decide appeals for variances from the terms of the zoning
18 ordinance *only if*, because of special circumstances applicable to the
19 property, including its size, shape, topography, location, or surroundings,
20 the strict application of the zoning ordinance will deprive the property of
privileges enjoyed by other property of the same classification in the same
zoning district.

21 (emphasis added). A.R.S. § 9-426.06(H)(2) explicitly forbids a Board of Adjustment [or a
22 Hearing Officer] from "[g]ranting a variance if the special circumstances applicable to the
23 property are self-imposed by the property owner."

24 These statutory requirements are also spelled out in Yuma City Code § 154-
25 03.04(D), which provides that the Hearing Officer

26 . . . shall grant a variance(s) *only when* findings of fact are made that *all*
27 *of the following conditions exist*:

28

- 1 (a) There is a special circumstance(s) or condition(s), applying to the
2 property or building referred to in the application and which do(es) not
3 apply to most other properties in the district;
- 4 (b) That such special circumstance(s) was not created, or caused, by the
5 property owner or applicant;
- 6 (c) The granting of the variance(s) is necessary for the preservation of
7 substantial property rights enjoyed by other property owners in the
8 vicinity under identical zoning designations; and
- 9 (d) The granting of the variance shall not be materially detrimental to any
10 person(s) residing, or working, in the vicinity, to adjacent property, to the
11 neighborhood or to the public health, safety and general welfare.

12 (emphasis added).

13 Here, there is no special circumstance unique to the Property because all properties
14 in the zoning district must comply with the 1,320-foot separation requirement applicable to
15 residential care facilities, and even if a special circumstance existed, it would be of
16 Appellant's own making since Appellant acquired the Property in April 2023, when there
17 was already a residential care facility operating 67 feet from the Property. Appellant
18 cannot meet the four required conditions and is not eligible for a variance under State law
19 or City code.

20 **B. Appellant is not Entitled to an Accommodation Under Federal
21 Law.**

22 The federal Fair Housing Act ("FHA"), 42 U.S.C. § 3601 *et seq.*, and the
23 Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101 *et seq.*, allow qualifying
24 individuals to request a reasonable accommodation—i.e., a change, exception or
25 adjustment—to a rule, policy, practice, or service followed by a municipality. The
26 integration of people with disabilities and people of all races, cultures, and creeds into the
27 mainstream of American life is a fundamental purpose of the reasonable accommodation
28 process under federal law. Where a state law or local rule, policy or practice affects
qualifying individuals in a disproportionately burdensome way, the qualifying individual

1 may be entitled to a reasonable accommodation. An accommodation that would result in a
2 fundamental alteration in the purpose of a law, rule, policy, or practice is generally not
3 required.

4 Appellant bears the burden of demonstrating entitlement to a reasonable
5 accommodation and must show (1) that the Appellant is disabled within the meaning of the
6 FHA and ADA; (2) that City Staff knew or should have known of Appellant's disability;
7 (3) that the accommodation is necessary to afford Appellant an equal opportunity to
8 acquire residential property; (4) that the accommodation is reasonable; and (5) that City
9 Staff refused to make the requested accommodation. *See Dubois v. Ass'n of Apt. Owners,*
10 453 F.3d 1175, 1179 (9th Cir. 2006).

11 In this case, Appellant fails to meet his burden because Appellant did not establish
12 and inform City Staff of any disability. Appellant has not shown how a waiver of the
13 1,320-foot separation requirement for residential care facilities is necessary to afford him
14 an equal opportunity to acquire residential property or that a waiver would be reasonable
15 under the circumstances.

16 **CONCLUSION**

17 Because Appellant is neither eligible for a variance under state law nor entitled to
18 an accommodation under federal law, City Staff respectfully requests City Council affirm
19 the Hearing Officer's denial of Appellant's variance request.

20 DATED this 6th day of October, 2023.

21 **YUMA CITY ATTORNEY'S OFFICE**

22
23 By: /s/ L. John LeSueur
24 L. John LeSueur
25 *Attorney for Respondent Department of*
26 *Planning and Neighborhood Services*
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2023, I filed the foregoing BRIEF OF THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES with the City of Yuma's Clerk Office. Copies also delivered by U.S. Mail and Electronic Mail this 6th day of October 2023, to:

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Connie Carlson
Yuma City Attorney's Office