



City of Yuma City Council Meeting Agenda

Wednesday, February 7, 2024

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.

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 2024-018](#) **Regular City Council Meeting Draft Minutes January 3, 2024**
Attachments: [2024 01 03 RCM Minutes](#)

2. [MC 2024-019](#) **Regular Council Worksession Draft Minutes January 16, 2024**
Attachments: [2024 01 16 RWS 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 2024-011](#) **Liquor License: La Fonda De Mr. Burros Mexican Food**
Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for La Fonda De Mr. Burros Mexican Food located at 1095 S. 3rd Avenue. (LL24-01) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: La Fonda De Mr. Burros Mexican Food](#)

2. [MC 2024-012](#) **Bid Award: Sand, Gravel, and Decorative Rock**
Award a one-year contract for sand, gravel, and decorative rock to each of the three lowest responsive and responsible bidders with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to: BLT Companies, LLP, Yuma, Arizona; IMAC Rock and Landscape, LLC, Yuma, Arizona; and Yuma Nursery, LLC, Yuma, Arizona, at an estimated annual expenditure of \$30,000.00. (Citywide) (Finance/Procurement-RFB-23-303) (Robin R. Wilson)

3. [MC 2024-013](#) **Bid Award: Uniform Rental and Laundry Services**
Award uniform rental and laundry services to the lowest responsive and responsible bidder through a one-year contract, with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to Unifirst Corporation, San Diego, California, at an estimated annual expenditure of \$90,000.00. (Citywide) (Finance/Procurement-RFB-24-170) (Robin R. Wilson)
4. [MC 2024-014](#) **Request for Qualifications Award: Integrated Multimodal Transportation Master Plan**
Authorize the City Administrator to execute a contract to provide planning for the Integrated Multimodal Transportation Master Plan to Kimley-Horn Associates, Mesa, Arizona, in the amount of \$421,430.68. (Engineering RFQ-24-100) (David Wostenberg/Robin R. Wilson)
5. [MC 2024-015](#) **Sole Source: Narcotics for Emergency Medical Services**
Authorize the purchase of narcotics (controlled substances) for a five-year period from the City's Medical Director, International Medical Direction, LLC, Phoenix, Arizona for emergency medical aid at an estimated annual expenditure of \$80,000.00. (Fire/EMS 24-201) (Dustin Fields/Robin R. Wilson)
6. [MC 2024-017](#) **Final Plat: Desert Sands Unit No. 4**
Approve the final plat for Desert Sands Unit No. 4 Subdivision. The property is located at the northwest corner of 48th Street and Avenue 8E. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments:

1. [P&Z RPT Final Plat: Desert Sands Unit No. 4](#)
2. [PLAT Final Plat: Desert Sands Unit No. 4](#)

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. [R2024-001](#) **Preannexation Development Agreement: NAT-95 Group, LLC**
Authorize a Preannexation Development Agreement with NAT-95 Group, LLC for a portion of the property located at 10206 S. Avenue 4E (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. RES PDA: NAT-95 Group, LLC](#)
[2. EXH A PDA: NAT-95 Group, LLC](#)

2. [R2024-004](#) **Authorization for Access Agreements**
Authorize the City Administrator to execute certain access agreements on behalf of the City of Yuma. (City Administration/Engineering) (Jay Simonton/David Wostenberg)

Attachments: [1. RES Authorization for Access Agreements](#)

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. [O2024-006](#) **Rezoning of Property: 1010 and 1012 S. 2nd Avenue**
Rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning of Property: 1010 and 1012 S. 2nd Ave](#)
[2. ORD Rezoning of Property: 1010 and 1012 S. 2nd Ave](#)

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. [O2024-007](#) **Text Amendment: Cielo Verde Specific Plan**
Amend Title 15, Chapter 154, to update the list of uses within the Residential District of the Cielo Verde Specific Plan. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Cielo Verde Text Amendment.pdf](#)
[2. ORD Cielo Verde Text Amendment.docx](#)

2. [O2024-008](#) **Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue**
Rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High Density Residential (R-3) District, for the properties located at 430 and 440 S. Magnolia Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning of Property: 430 Magnolia Avenue](#)
[2. ORD Rezoning of Property: 430 Magnolia Avenue](#)

V. PUBLIC HEARING AND RELATED ITEMS

The public hearing and discussion of the following item may result in the adoption of Resolution R2024-002

1. [R2024-002](#) **Expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1**
Following a public hearing, approve the expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1 (MMD) to include parcels owned by the City of Yuma. (City Attorney) (Richard W. Files)

Attachments: [1. RES Expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1](#)

FINAL CALL

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

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Americans With Disabilities Act 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 January 18, 2024 through February 7, 2024. 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.

VII. 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.

VIII. 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.

IX. EXECUTIVE SESSION

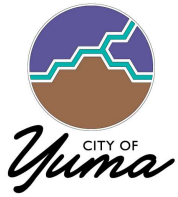
An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (1, 3, 4 and/or 7) and the following items:

A. Discussion, consultation with and/or instruction to legal counsel regarding Resolution R2010-09. (A.R.S. 38-431.03 A3 & A4)

B. Discussion, consultation with and/or instruction to legal counsel regarding short term rentals. (A.R.S. 38-431.03 A3 & A4)

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 2024-018

Agenda Date: 2/7/2024

Agenda #: 1.

Regular City Council Meeting Draft Minutes January 3, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JANUARY 3, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Deacon David Clark, Immaculate Conception Church, gave the invocation. **Thomas Garrity**, Chief of Police, 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
Director of Engineering, David Wostenberg
Chief of Police, Thomas Garrity
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.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.3 – Bid Rejection: Avenue B, 24th Street to 16th Street Project (Pursuant to Yuma City Code § 36-36, reject all bids received for the reconstruction of Avenue B, 24th Street to 16th Street, due to the bids exceeding the budgeted amount for the project) (RFB-23-203) (Eng)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.3 as his firm was engaged in this project, turned the meeting over to Deputy Mayor Morris, and left the dais.

Motion (Morales/Knight): To approve Motion Consent Agenda Item C.3 as recommended. Voice vote: **approved** 6-0-1, **Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion Consent Agenda Item C.6 – Contract Increase: Hotel Del Sol Multi-Modal Transportation Center (authorize a change order in the amount of \$214,030.00 for preconstruction services) (RFP 2020-20000136) (Eng)

Discussion

- These additional funds are necessary for design changes needed to meet State Office of Historic Preservation (SHPO) requirements and to get the environmental clearance required to move on to the next phase of the project; the final construction price cannot be determined until the design is complete (**Shoop/Wostenberg**)
- The City is preparing to re-advertise for a Public Private Partnership (P3), and once the P3 partner is in place the final design can be completed; if a P3 partner is not found, the City will move forward with the building shell only (**Shoop/Wostenberg**)
- Total expenditures to date are around \$1.5 million; the City has been awarded just under \$2 million in grants for this project, with matching funds just slightly over \$470,000 (**Shoop/Wostenberg**)
- The SHPO and environmental clearance are required due to the City receiving federal grant funds for this project; structural issues made refurbishment cost prohibitive and the decision was made to construct a new building while maintaining the north and east facades, creating additional work and costs (**Simonton**)
- A quarterly update on the City's Capital Improvement Program (CIP) projects can be presented to City Council moving forward to keep them apprised of the projects' progress and any changes to projected costs (**Morris/Wostenberg/Simonton**)
- Change orders do not always mean that the City is spending more money than intended; often they are a normal part of the construction process as a project progresses and more information becomes available (**Mayor Nicholls**)
- City Council will be provided with the most recent renderings created by the project's architects based on comments from SHPO (**Shelton/Simonton**)
- The City has not delayed any road improvements as a result of the change orders required by this project (**Morales/Wostenberg**)

Motion Consent Agenda Item C.5 – Request for Proposal Award: Promotional Testing Services (execute a one-year contract with the option to renew for four additional one-year periods at an estimated annual expenditure of \$50,000) (RFP-24-149) (YPD)

Discussion

- 65% of YPD's sergeants and 100% of YPD's captains are eligible to retire in the next two years; this contract will help determine the best qualified candidates to serve the community and the department's needs (**Morales/Garrity**)
- YPD previously utilized an assessment center, but has not had one in place for approximately 20 years; it is not known why the decision was made to move away from that process (**Morales/Garrity**)
- Actual expenditures will likely be closer to just below \$50,000 for the first year and between \$15,000 and \$20,000 per year thereafter; the first year is more expensive because of the time and effort it takes to customize the program to Yuma's specific needs, culture, and expectations (**Morales/Garrity**)
- While not all of those eligible for retirement will retire, YPD needs to be prepared in the event that they do (**Smith/Garrity**)

Motion (Knight/Morris): To approve the Motion Consent Agenda as recommended, with the exception of Item C.3 which was adopted through a previous vote. Voice vote: **approved** 7-0.

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

There are no minutes scheduled for approval at this time.

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. Award to the lowest responsive and responsible bidder the purchase of various polymer meter boxes and lids at an annual expenditure of approx. \$438,250.00 for a six-year period (total expenditure \$2,629,500.00) to: Yuma Winnelson Co. (RFB-24-145) (Utl)
2. Award a three-year contract to the lowest responsive and responsible bidder for the purchase of Aluminum Chlorohydrate (ACH) at an estimated expenditure of \$129,339.00 for this fiscal year, and an estimated annual expenditure for two and one-half years of \$366,460.16 to USALCO of Baltimore, Maryland (RFP-24-150) (Utl)
3. Pulled for separate consideration; see above.
4. Authorize the purchase of various Grounds and Turf Maintenance Equipment from: Hillyard Inc., Mesa, AZ; Stotz Equipment, Avondale, AZ; and RDO Equipment, Yuma AZ, utilizing Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$210,888.38 (CPA-24-131) (Pks & Rec)
5. Authorize the City Administrator to execute a one-year contract for Promotional Testing Services with Morris & McDaniel of Alexandria, Virginia with the option to renew for four additional one-year periods at an estimated annual expenditure of \$50,000. (RFP-24-149) (YPD)
6. Authorize a change order in the amount of \$214,030.00 to CORE Construction, Inc. of Phoenix, Arizona for preconstruction services. (RFP 2020-20000136) (Eng)
7. Authorize the City Administrator to execute a contract increase for the Desert Dunes WRF Capacity Increase Project, for post design engineering services to Carollo Engineers, Inc. Phoenix, Arizona in an amount not to exceed \$1,456,212.00. (RFQ-22-068) (Eng)

II. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following title:

Ordinance O2023-040

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, providing for changes to allowable paving materials, parking dimensions, and parking allowances within residential and commercial districts (to provide adequate parking while limiting excessive, unnecessary parking spaces) (Plng & Nbhd Svcs/Cmnty Plng)

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

III. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2024-001

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the granting of a utility easement for the installation of new electrical facilities at City-owned property near the intersection of Avenue 8½E and Desert Springs Drive (to serve the new fire station being constructed at this location) (City Admin)

Ordinance O2024-002

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the amendment of an intergovernmental agreement with Yuma County and authorizing the acquisition of a new easement area necessary for the construction of a new sewer lift station and manhole near 40th Street and 4th Avenue (acquire additional easement necessary for the manhole and pipeline connecting with the lift station) (Eng)

Ordinance O2024-003

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the abandonment of a portion of sanitary sewer line in exchange for a water utility easement (easement will allow for City installation and maintenance of water meters) (Eng)

Ordinance O2024-004

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, and amending the zoning map to conform with the rezoning (approximately 6,286 square feet of property located at 1719 S. Madison Avenue) (Plng & Nbhd Svcs/Cmnty Plng)

Ordinance O2024-005

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, and amending the zoning map to conform with the rezoning (approximately 1.33 acres of property located at 1641 W. 10th Place) (Plng & Nbhd Svcs/Cmnty Plng)

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. ANNOUNCEMENTS AND SCHEDULING

Announcements

Shelton 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.

V. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- January 6th – Yuma Medjool Date Festival on downtown Main Street
- January 12th-13th – Art in the Park at Gateway Park
- January 16th – Water and Sewer Rate Public Hearing at the Thomas F. Allt Utilities Complex
- January 17th – Water and Sewer Rate Public Hearing in City Hall Council Chambers

Mayor Nicholls and **Simonton** clarified that the water and sewer rate public hearings being held by the City are completely separate from and unrelated to those being held by Foothills Utilities, which is a private utility company.

VI. CALL TO THE PUBLIC

Karen Watts, City resident, invited City Council and the citizens of Yuma, on behalf of Yuma National Association for the Advancement of Colored People Chapter 1016, to celebrate Martin Luther King Jr. (MLK) Day by attending a Walk & Community Celebration on January 15, 2024, at 11:00 a.m. The walk will begin at City Hall and will conclude at the MLK Youth Career Center.

VII. EXECUTIVE SESSION/ADJOURNMENT

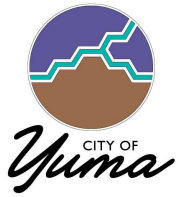
There being no further business, **Mayor Nicholls** adjourned the meeting at 6:06 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

File #: MC 2024-019

Agenda Date: 2/7/2024

Agenda #: 2.

Regular Council Worksession Draft Minutes January 16, 2024

MINUTES
REGULAR CITY COUNCIL WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS - YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
January 16, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 5:30 p.m.

Councilmembers Present: Morales, Smith, Knight, Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Parks and Recreation, Eric Urfer
Police Captain, Wayne Boyd
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. YUMA COALITION TO END HOMELESSNESS

Rebecca Clayton, Yuma Coalition to End Homelessness (YCEH) Coordinator, updated City Council on the YCEH activities as follows:

- Who We Are
 - It is the goal of YCEH to reduce the numbers of persons in Yuma County experiencing homelessness through combined efforts, strategic planning, and community relationships
 - In order to succeed, collaborations must exist with community stakeholders such as:
 - Public housing agencies
 - Social service providers
 - School districts
 - Law enforcement
 - Government entities
 - Faith-based organizations
 - Affordable housing developers
 - Veteran organizations
 - Victim service providers
 - Mental health agencies
 - Landlords
 - Business owners
 - Advocates
- Arizona Department of Housing Balance of State-Continuum of Care
 - Yuma County is one of 13 smaller counties around Arizona that receive funding via local homelessness coalitions such as YCEH
- Homeless Management Information System (HMIS)
 - Coordinated Entry
 - Access points around Yuma County will conduct assessments with homeless individuals and families
 - Add person to the By Name List (priority list)
 - Expedite referrals to partner agencies
 - Work with case conferencing committee to house homeless
 - Diversion Funds
 - Funding available through the state under the YCEH grant

- Assist with deposits and/or rent
 - Car repairs to prevent loss of work
 - Any other expenses to reduce the risk of homelessness as allowed
- Outreach and Networking
 - YCEH bi-monthly meetings, Rotary meetings, council meetings, and local networking meetings
 - Current members:
 - City of Yuma
 - Hope Inc
 - Achieve Human Services
 - Transitional Living Center (TLC) Recovery
 - Community Bridges, Inc.
 - Yuma Regional Medical Center Behavioral Health Center
 - Horizon Health and Wellness
 - The Salvation Army
 - Crossroads Mission
 - Catholic Community Services
 - Western Arizona Council of Governments
 - Housing and Urban Development (HUD) Veterans Affairs Supportive Housing
 - National Community Health Partners
 - First United Methodist Church
 - Arizona@Work
 - Oxford House
 - Housing Authority of the City of Yuma
 - Saguaro Foundation
 - Casa Rays of Hope
 - Campesinos Sin Fronteras
- Point-in-Time (PIT) Count
 - Volunteer Effort
 - With the help of partner agencies, a PIT count is conducted annually in the month of January
 - This is a national count that is done throughout the country to gain analytics to the homelessness crisis
 - Assessments are conducted with homeless individuals who are willing to participate
 - Donations are collected to give out to the homeless individuals and families that volunteers come into contact with
 - PIT Count 2022
 - 107 unsheltered individuals
 - 178 in permanent supportive housing
 - 94 in emergency shelters
 - 16 in transitional housing
 - 67 in rapid rehousing

2022 Point-In-Time Count		
↑ 0.3%	↓ 1.6%	↑ 3.4%
Overall homelessness increased by 0.3%	Sheltered homelessness decreased by 1.6%	Unsheltered homelessness increased by 3.4%
↓ 5.5%	↓ 11.1%	↑ 3.1%
Families with children experiencing homelessness decreased by 5.5%	Veterans experiencing homelessness decreased by 11.1%	Individuals experiencing homelessness increased by 3.1%
↓ 12%	↑ 15.5%	↓ 6.1%
Unaccompanied youth experiencing homelessness decreased by 12%	Individuals experiencing chronic homelessness increased by 15.5%	People in families with children experiencing homelessness decreased by 6.1%

- Community Solutions to End Unsheltered Homelessness Conference
 - December 12, 2023, at Four Points by Sheraton
- Together WE can END Homelessness!
 - Coordinated Entry Sites
 - Organizations who sign on as users of the HMIS system to conduct assessments
 - Active Members
 - Members who will be proactive and participate in coordinated efforts
 - Outreach Volunteers
 - PIT Count volunteers and street outreach volunteers needed
 - Networking/Training
 - Next YCEH Conference – November 7, 2024
 - Training HMIS/Coordinated Entry
 - Sponsors
 - Conference and event sponsors needed
 - Promote Housing Development/Landlord Recruitment
 - Increased affordable housing and landlords who are willing to work with agency vouchers and programs are needed immediately

Discussion

- The protocols for the PIT count are created at the state level, and currently the number of homeless who are unwilling to participate are not tracked (**Morales/Clayton**)
- Crossroads Mission has a limit of how many nights someone can stay in the shelter; one solution might be creating a safe sleeping area, which is just a piece of land where homeless individuals can camp overnight (**Shelton/Clayton**)
- The majority of those who participate in coordinated entry are single individuals, but there are also families who may need two or three bedrooms, so a range of housing options would be ideal (**Shoop/Clayton**)
- Achieve Human Services has applied for a grant to build another shelter to serve Yuma's homeless population, which will help in the interim while more affordable housing is being developed (**Shoop/Clayton**)
- While the PIT count protocols do not call for counting homeless individuals who do not want to participate in available programs, volunteers indicate that the majority of those contacted want help (**Knight/Clayton**)
- Public awareness events and outreach will be conducted to reach landlords who may be willing to become qualified to accept HUD housing vouchers; YCEH will also be reaching out to developers who may be able to help with the construction of affordable housing (**Morris/Clayton**)
- YCEH works with TLC Recovery, Arizona@Work, and the Department of Economic Security to provide help finding jobs for those transitioning out of homelessness (**Shoop/Clayton**)
- Due to the inability to count those who choose not to participate and those who may be staying with friends or family during the PIT count, the number of homeless is significantly higher than reported (**Smith/Clayton**)
- In years past, the PIT count has varied so much that it is difficult to compare year to year; YCEH is working to be more consistent and perform more outreach in order to obtain the most accurate count possible (**Mayor Nicholl/Clayton**)

II. PARK PATROL PROGRAM

Urfer introduced **Captain Boyd** and provided an overview of the purpose of the new Park Patrol Program as follows:

- Purpose
 - Help ensure safe, positive, and enjoyable experiences for park patrons
 - Educate patrons regarding park use
 - Enforce park rules and regulations
 - Preserve parks by deterring vandalism and crime

Captain Boyd presented the following information on department responsibilities, officer duties, and patrol coverage:

- Joint Command
 - Yuma Police Department (YPD)
 - Schedules and manages the officers
 - Completes activity and enforcement reports
 - Serves as Public Information Officer for park patrol
 - Parks and Recreation Department
 - Implements post-incident response
 - Identifies patterns of park activity
 - Manages the budget
- Park Patrol Officers are YPD Officers
 - Commissioned officers with full enforcement authority
 - Trained and equipped with police vehicles and communications
 - Aware of trends and activity impacting our community
 - Vested interest in serving our residents
- Duties include, but are not limited to:
 - Vehicle, bicycle, and foot patrol in parks, complexes and recreation facilities
 - Acting as a visible and frequent deterrent to violators
 - Educating the public on park use and regulations
 - Taking enforcement action as appropriate
 - Maintaining applicable statistics and making recommendations for improvements
 - Conducting investigations for incidents in parks and at recreation facilities
 - Responding to calls for service or request for special attention in parks
 - When possible, participating in Parks and Recreation produced events and attending public meetings involving issues in the parks
- Patrol Coverage Plan
 - Typical Patrol Schedule
 - Officers on an 8- to 10-hour shift
 - One shift per 24-hour period, Sunday-Saturday
 - Randomized shifts

Urfer concluded the presentation with the following:

- Additional Support
 - Parks Night Shift
 - Respond to maintenance issues and perform special parks-related tasks

- Close gates and secure parks
- Most shifts are between the hours of 5:00 p.m. and 1:00 a.m.
- Recreation Site Supervisors
 - One staff member per scheduled sports complex and recreation facility
 - Monitor field and facility use and assist users
 - Clear locations after activities have concluded
 - Most shifts are between the hours of 5:00 p.m. and 11:00 p.m.
- Camera Surveillance
 - More static cameras are being added
 - Mobile cameras

Discussion

- The Parks Patrol Program will begin on February 1st; the goal is to patrol the City's major parks every night, and the neighborhood parks two to three times per week (**Mayor Nicholls/Urfer**)
- While some of the City's parks close at 9:00 p.m., most close at 11:00 p.m. and open again at sunrise; parks and complexes may stay open later than the posted closing time due to games or special events (**Shoop/Urfer**)
- The recordings from the park cameras can be retrieved and used during investigations; while cameras are helpful, their locations become known and people can stay away from those areas to avoid being recorded (**Knight/Urfer**)
- Regarding illegal dumping, depending on the nature of what is dumped it may be possible to investigate and determine where it came from or who dumped it (**Shelton/Captain Boyd**)

III. REGULAR CITY COUNCIL MEETING AGENDA OF JANUARY 17, 2024

Adoption of Ordinance O2024-001 – Grant of Utility Easement: Fire Station at Avenue 8½ E (grant a utility easement to Arizona Public Service Company (APS) for installation of electric facilities to serve the new City fire station) (City Admin)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.1 due to his firm's involvement with the project.

Adoption of Ordinance O2024-005 – Rezoning of Property: 1641 W. 10th Place (rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District for the purpose of developing townhomes on the site) (Plng & Nbhd Svcs/Cmnty Plng)

Mayor Nicholls and **Deputy Mayor Morris** declared a conflict of interest on Motion Consent Agenda Item C.5 due to their respective firms being involved with the project.

Public Hearing – Proposed Increase to Water and Wastewater Utility Rate Charges and Fees and Reinstatement of the Water Resource Trust Fund Surcharge (proposed changes will be presented as separate resolutions at a future City Council Meeting) (Utl)

Discussion

- While public comment will be taken at tomorrow night’s meeting, City Council will not be voting on the proposed water rate changes at that time; the resolutions will likely be presented for consideration sometime in February (**Mayor Nicholls/Simonton**)

EXECUTIVE SESSION/ADJOURNMENT

Motion (Knight/Morris): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:15 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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



City of Yuma

City Council Report

File #: MC 2024-011

Agenda Date: 2/7/2024

Agenda #: 1.

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

TITLE:
Liquor License: La Fonda De Mr. Burros Mexican Food

SUMMARY RECOMMENDATION:
 Approve a Series #12: Restaurant Liquor License application submitted by Juanita Esparza, agent for La Fonda De Mr. Burros Mexican Food located at 1095 S. 3rd Avenue. (LL24-01) (City Administration/City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:
 Approval of this Liquor License aligns with City Council's Respected and Responsible strategic outcome as it provides notification to the public and transparency of City business.

REPORT:
 Juanita Esparza, agent for La Fonda De Mr. Burros Mexican Food located at 1095 S. 3rd Avenue, has applied for a Series #12: Restaurant Liquor License.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of the license have been received.

The application has been reviewed by Planning & Neighborhood Services, the Police Department, the Fire Department, and Business Licensing.

Upon City Council's recommendation, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

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:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

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

- 1. Series #12: Restaurant Liquor License application

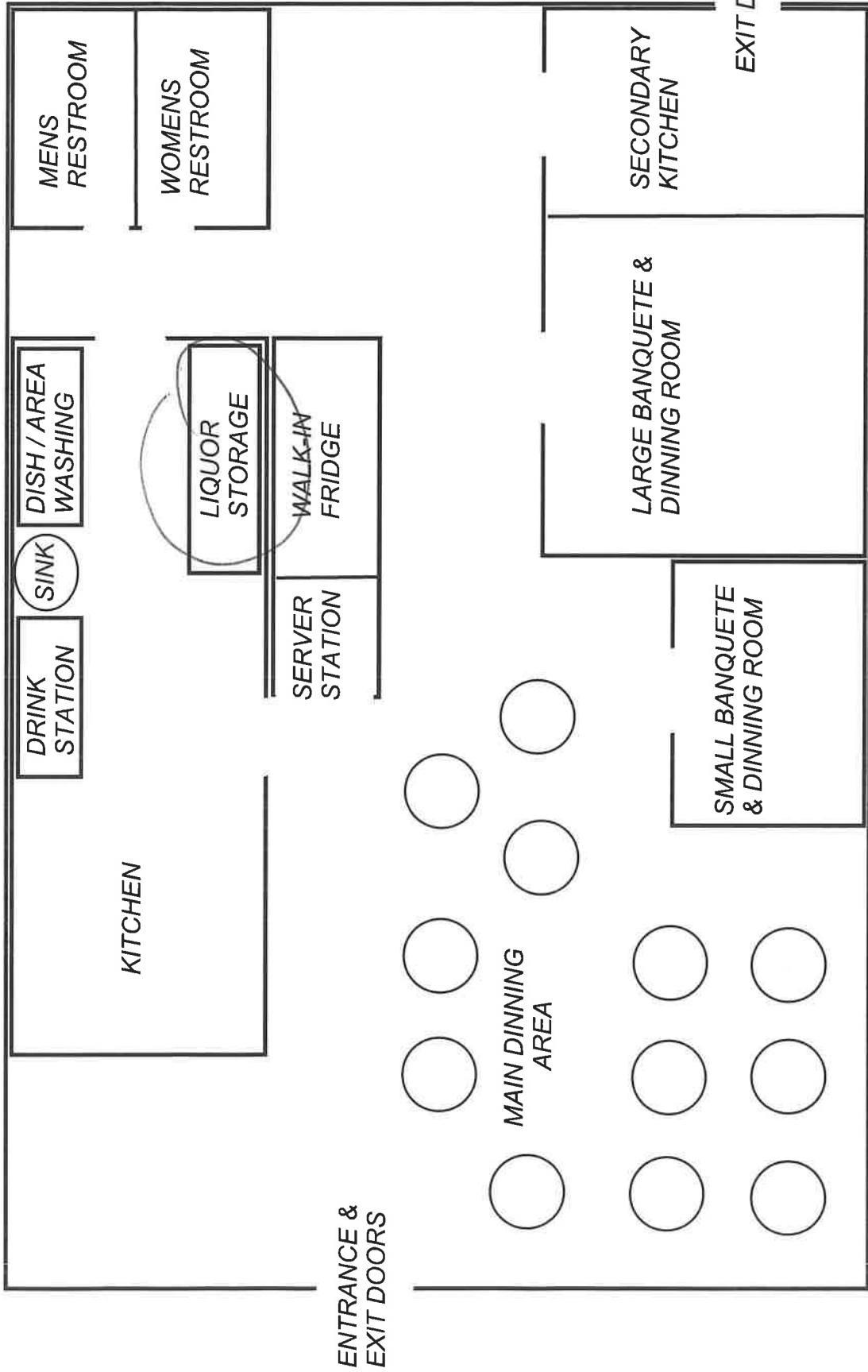
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?

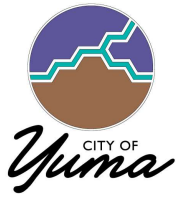
- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 01/29/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/29/2024

BLDG. SQ.FT. = 3,835

*20 DEC 14 PM 2:35 AZDLLC





City of Yuma

City Council Report

File #: MC 2024-012

Agenda Date: 2/7/2024

Agenda #: 2.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input type="checkbox"/> Safe & Prosperous <input checked="" type="checkbox"/> Active & Appealing <input checked="" 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:

Bid Award: Sand, Gravel, and Decorative Rock

SUMMARY RECOMMENDATION:

Award a one-year contract for sand, gravel, and decorative rock to each of the three lowest responsive and responsible bidders with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to: BLT Companies, LLP, Yuma, Arizona; IMAC Rock and Landscape, LLC, Yuma, Arizona; and Yuma Nursery, LLC, Yuma, Arizona, at an estimated annual expenditure of \$30,000.00. (Citywide) (Finance/Procurement-RFB-23-303) (Robin R. Wilson)

STRATEGIC OUTCOME:

The award of this contract will provide City staff with various products used throughout the City ensuring the best use of City funds, which aligns with the City Council’s strategic outcomes of Respected and Responsible and Active and Appealing for use in public spaces to support an active and appealing community.

REPORT:

These contracts ensure City options through three vendors to provide sand, gravel, and decorative rock for various projects as needed. Decorative rock is typically used in landscaping around buildings and open areas such as retention basins. Sand and gravel are used by the Utilities Department for backfill during waterline projects.

Estimated expenditures are \$30,000.00 annually. Proactive contracts ensure continuity in day-to-day operations of City services.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 30,000.00	BUDGETED:	\$ 30,000.00
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 \$30,000.00

Various City Funds Parks, Public Works and Utilities		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is in the FY 2024 City Council approved budget.

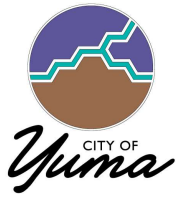
ADDITIONAL INFORMATION:

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: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



City of Yuma

City Council Report

File #: MC 2024-013

Agenda Date: 2/7/2024

Agenda #: 3.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Finance	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" 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:
Bid Award: Uniform Rental and Laundry Services

SUMMARY RECOMMENDATION:
 Award uniform rental and laundry services to the lowest responsive and responsible bidder through a one-year contract, with an option to renew for four additional one-year periods, depending on appropriation of funds and satisfactory performance to Unifirst Corporation, San Diego, California, at an estimated annual expenditure of \$90,000.00. (Citywide) (Finance/Procurement- RFB-24-170) (Robin R. Wilson)

STRATEGIC OUTCOME:
 The award of this contract will provide City personnel with uniforms used throughout City departments ensuring the best use of City funds, which aligns with the City Council’s strategic outcome of Respected and Responsible.

REPORT:
 This contract provides uniform garment rental and laundry services for various City departments (excluding police and fire personnel). The uniforms furnished by the contractor will be maintained through weekly routine laundering, pressing, and repairing to provide a neat and clean appearance for City personnel.

Bids were received by: Aramark/Vestis, San Diego, CA; Cintas Corporation, Phoenix, AZ; and, Unifirst Corporation, San Diego, CA. Staff recommends awarding Unifirst Corporation the contract, as Unifirst Corporation submitted the overall lowest price for the services. Unifirst Corporation currently provides the City with uniform garment rental and laundry service.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 90,000.00	BUDGETED:	\$ 90,000.00
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 \$90,000.00

Various City Funds Parks, Public Works and Utilities		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is in the City Council approved FY 2024 budget

ADDITIONAL INFORMATION:

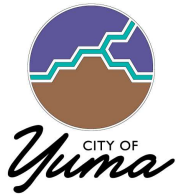
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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
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Acting City Administrator: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



City of Yuma

City Council Report

File #: MC 2024-014

Agenda Date: 2/7/2024

Agenda #: 4.

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

TITLE:

Request for Qualifications Award: Integrated Multimodal Transportation Master Plan

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a contract to provide planning for the Integrated Multimodal Transportation Master Plan to Kimley-Horn Associates, Mesa, Arizona, in the amount of \$421,430.68. (Engineering RFQ-24-100) (David Wostenberg/ Robin R. Wilson)

STRATEGIC OUTCOME:

Awarding this project meets City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by establishing a clear vision of the City’s short and long-term transportation priorities, which align with the needs for all users. The project also meets the Connected and Engaged strategic outcome by involving the public and stakeholders through a robust outreach program involving open-house workshops, community surveys and City Council Worksessions.

REPORT:

The 2014 Transportation Master Plan and the 2018 Transportation Master Plan Supplement need to be updated with an Integrated Multimodal Transportation Master Plan to define, develop, and recommend implementation activities supporting a Vision Zero approach to multimodal transportation systems planning, policy and programs.

The Integrated Multimodal Transportation Master Plan will take into account other plan elements, including the City’s General Plan (2022), Parks and Recreation Master Plan (update to 2016 plan currently in progress), Yuma Bikeways Plan (2018), ADA Transition Plan (2023), Safe Streets for All Action Plan (anticipated in 2024), Tree and Shade Master Plan (2020) and other planning documents where appropriate.

The Integrated Multimodal Transportation Master Plan will serve as a guide for development of future transportation systems in the City. This plan is a long-range plan that will coincide with the YMPO 2022-2045 Long-Range Transportation Plan, the upcoming Vision Zero Safety Action Plan, and the Yuma Metropolitan Planning Organization and Yuma County Intergovernmental Public Transportation Authority planning cycles. The City will update the plan every 10 years, as required by federal standards.

The City anticipates the information gathering and plan development to take approximately 15 months to complete, with the resolution presented for adoption by City Council in May 2025.

The City received two qualified proposals. Through the City’s evaluation and scoring process, City staff chose to move forward with Kimley-Horn, Inc. as the highest scoring respondent.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 421,430.68	BUDGETED:	300,000.00
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\$ 421,430.68102-97-77.8120 City Road Tax Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

This project was included in the City Council FY 2024 approved budget and Capital Improvement Plan. The City Road Tax CIP Contingency account has sufficient funding to cover the higher than anticipated costs in excess of the original budget without impacting other City Road Tax Fund CIP Projects.

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
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- Document to be recorded
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Acting City Administrator: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



City of Yuma

City Council Report

File #: MC 2024-015

Agenda Date: 2/7/2024

Agenda #: 5.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: Finance	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Active & Appealing	<input type="checkbox"/> Resolution
DIVISION: Procurement	<input checked="" 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 type="checkbox"/> Public Hearing

TITLE:
Sole Source: Narcotics for Emergency Medical Services

SUMMARY RECOMMENDATION:
Authorize the purchase of narcotics (controlled substances) for a five-year period from the City’s Medical Director, International Medical Direction, LLC, Phoenix, Arizona for emergency medical aid at an estimated annual expenditure of \$80,000.00. (Fire/EMS 24-201) (Dustin Fields/Robin R. Wilson)

STRATEGIC OUTCOME:
Purchasing narcotics for emergency response provides the City of Yuma Fire Department with the ability to provide patient care through Emergency Medical Services aligning with the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:
The Yuma Fire Department is required by Arizona Department of Health Services to carry controlled substances in their Drug Boxes. These controlled substances can only be purchased from a Medical Director that possesses a Drug Enforcement Administration (DEA) license. The DEA requires this license not only for the purchase of these controlled substances, but also for administration to patients, so the use and expiration of unused narcotics can all be diligently tracked and monitored. International Medical Direction serves the Yuma Fire Department in this capacity as the Medical Director.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$80,000.00	BUDGETED:	\$80,000.00
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 \$80,000.00			
001-70-21- YFDAMB.6815 General Fund - Fire Department			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is in the FY 2024 City Council approved budget.

ADDITIONAL INFORMATION:

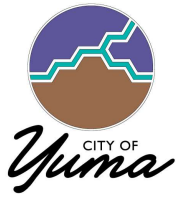
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Acting City Administrator: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



City of Yuma

City Council Report

File #: MC 2024-017

Agenda Date: 2/7/2024

Agenda #: 6.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Planning & Neighborhood Svc	<input checked="" type="checkbox"/> Safe & Prosperous	<input checked="" 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 type="checkbox"/> Ordinance - Adoption
	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Final Plat: Desert Sands Unit No. 4

SUMMARY RECOMMENDATION:

Approve the final plat for Desert Sands Unit No. 4 Subdivision. The property is located at the northwest corner of 48th Street and Avenue 8E. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible, as the approval of the final plat will facilitate the development of new housing opportunities, a project that will be responsibly constructed, meeting all codes and requirements of the City.

REPORT:

The subject property was annexed into the City of Yuma on January 2, 1998, and was rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The property is currently undeveloped and is intended to be the fourth phase of the Desert Sands Subdivision.

The property consists of approximately 28.44 acres with frontage along 48th Street and Avenue 8E. This development is planned for single-family residential lots ranging in size from 5,100 square feet to 13,338 square feet, meeting the minimum lot size requirements for the Low Density Single-Family Residential (R-1-5) District.

The following are some of the development standards required of a development with the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall not exceed 35% of the lot area;
3. A minimum front yard setback of 20 feet;
4. A minimum side yard setback of 5 feet on one side and 9 feet on the other side;
5. A minimum street side yard setback of 10 feet;
6. A minimum rear yard setback of 10 feet;
7. The side and rear yards shall have 6 foot solid block walls on the property lines;

8. A maximum building height of 40 feet; and
9. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

With this development, Staff will require that a Municipal Improvement District (MID) be established for the long-term maintenance of subdivision landscaping. The MID for Desert Sands Units 4, 5, and 6 will need to be established prior to the issuance of any residential building permits.

Approval of the final plat for the Desert Sands Unit No. 4 Subdivision, shall be subject to the following conditions:

1. The conditions 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.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District No. 1 to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

On November 27, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with one absent) of the request for the proposed preliminary plat for the Desert Sands Unit No. 4 Subdivision, for the property located at the northwest corner of 48th Street and Avenue 8E, subject to the conditions of approval outlined in Attachment A of the attached modified condition in the Planning and Zoning Commission minutes.

Public Comments - Excerpts from Planning and Zoning Commission Meeting Minutes:

Questions for Staff:

“Chris Hamel - Planning and Zoning Commissioner asked if the City agreed with the modification of condition number 6, as requested by the applicant.

“Peterson confirmed that the City was in agreement with the request to modify condition number 6 to reflect the correct roadways of 48th Street and Avenue 8E.

Public Comments Applicant/Applicant’s Representative

None

Public Comments:

None

Motion:

“Motion by Joshua Scott - Planning and Zoning Commissioner, second by John Mahon - Planning and Zoning Commissioner to APPROVE SUBD-41872-2023 as presented with a modification to condition 6 to now read “All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 48th Street and Avenue 8E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

“Motion carried unanimously, (6-0) with one absent.’

Planning Commission Preliminary Plat Staff Report - Attached

The City Council’s approval of this motion accepts the final plat of the Desert Sands Unit No. 4 Subdivision as submitted, including the conditions of approval set forth.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
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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:

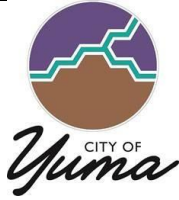
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

Acting City Administrator: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



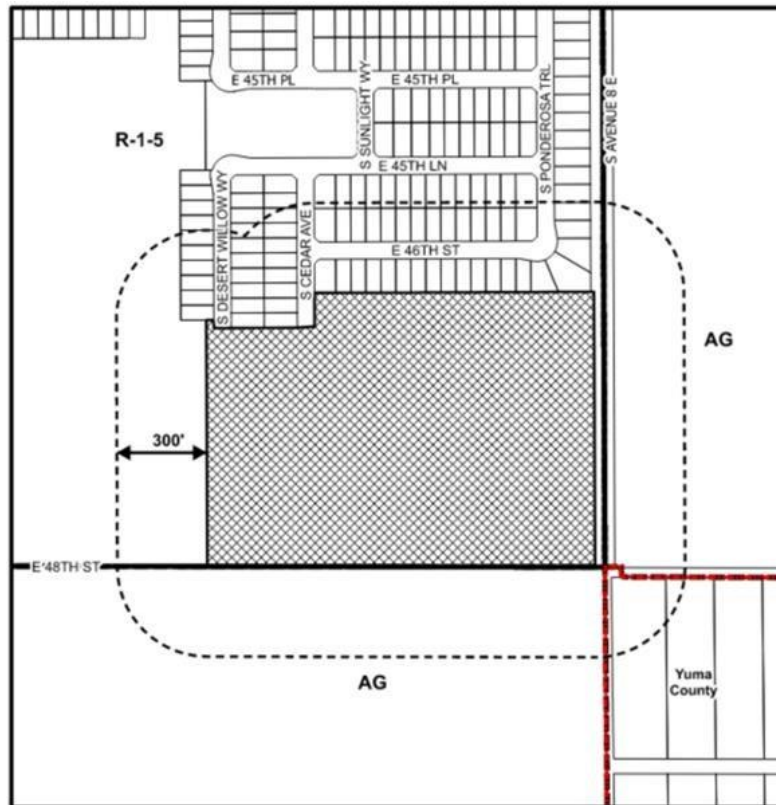
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: ERIKA PETERSON

Hearing Date: November 27, 2023 **Case Number:** SUBD-41872-2023

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for approval of the preliminary plat for Desert Sands Unit No. 4. This subdivision will contain approximately 28.44 acres and is proposed to be divided into 136 single-family residential lots, ranging in size from approximately 5,100 square feet to 13,338 square feet for the property located at the northwest corner of 48th Street and Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Single-Family Residential (R-1-5) District	Undeveloped	Low Density Residential
North	Low Density Single-Family Residential (R-1-5) District	Residential	Low Density Residential
South	Agriculture (AG) District	Undeveloped	Rural Density Residential
East	Low Density Single-Family Residential (R-1-5) District	Undeveloped	Low Density Residential
West	Low Density Single-Family Residential (R-1-5) District	Undeveloped	Low Density Residential

Location Map



Prior site actions: Annexation: Ordinance O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential); Rezone: Ordinance O2019-014 (March 6, 2019; Agriculture to Low Density Single-Family Residential); Pre-Development Meeting: PDM-24019-2018

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Desert Sands Unit No. 4, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-41872-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Desert Sands Unit No. 4 which includes 136 lots ranging in size from 5,100 square feet to 13,338 square feet for the property located at northwest corner of 48th Street and Avenue 8E, subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property was annexed into the City of Yuma on January 2, 1998, and was rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the fourth phase of the Desert Sands Subdivision.

The subject property consists of approximately 28.44 acres with frontage along 48th Street and Avenue 8E. This development is planned for single-family residential lots ranging in size from 5,100 square feet to 13,338 square feet, meeting the minimum lot size requirements for the Low Density Single-Family Residential (R-1-5) District.

Further specified in §154-05.05, the following are some of the development standards required of a development with the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall not exceed 35% of the lot area;
3. A minimum front yard setback of 20 feet;
4. A minimum side yard setback of 5 feet and 9 feet;
5. A minimum street side yard setback of 10 feet;
6. A minimum rear yard setback of 10 feet;
7. The side and rear yards shall have six foot solid block walls on the property lines;
8. A maximum building height of 40 feet; and
9. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

With this development, Staff will be requiring that a Municipal Improvement District (MID) be established for the long-term maintenance of required subdivision

landscaping. The MID for Desert Sands Units 4, 5, and 6 will need to be established prior to the issuance of any residential building permits.

The Recordation of an Avigation Easement has been satisfied with the signing of the application.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes. The preliminary plat meets dimensional standards and development standards for the Low Density Single-Family Residential (R-1-5) District.

2. Does the subdivision comply with the subdivision code requirements?

Yes.

Standard	Subdivision						Conforms			
	Lot Size	Minimum:	5,000 SF		Maximum:	13,338.46 SF		Yes	X	No
Lot Depth	Minimum:	92 FT		Maximum:	153.60 FT		Yes	X	No	
Lot Width/Frontage	Minimum:	50 FT		Maximum:	60 FT		Yes	X	No	
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	5 FT/9FT	Yes	X	No	
District Size	28.44	Acres						Yes	X	No
Density	4.8	Dwelling units per acre						Yes	X	No

Issues: None

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues:						
Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues:						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Yes.

Land Use Element:									
Land Use Designation:				Low Density Residential					
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		
48 th Street- Minor Arterial 2-Lane		40 FT H/W	0 FT H/W						
Avenue 8E- Collector 2-Lane		40 FT H/W	40 FT H/W						
Bicycle Facilities Master Plan		Proposed bike lanes on 48 th Street and Avenue 8E							
YCAT Transit System		Gold Route 8- 32 nd Street at Avenue 8E							
Issues:		None							
Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:		Existing: Saguaro Park			Future: Saguaro Park				
Community Park:		Existing: None			Future: East Mesa Community Park				
Linear Park:		Existing: A Canal Linear Park			Future: A Canal Linear Park				
Issues:		Minimal access to nearby facilities.							
Housing Element:									
Special Need Household:		N/A							
Issues:		None							
Redevelopment Element:									
Planned Redevelopment Area:		None							
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X	
Conforms:		Yes	X	No					
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources		Yes	No	X					
Renewable Energy Source		Yes	No	X					
Issues:		None							
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		<i>Single Family</i>		Population	Impact	Consumption		Generation	
		Proposed	Per Unit		Officers	GPD	AF	GPD	
		136	2.9	394	0.74	81,641	91.5	27,608	
Fire Facilities Plan:		Existing: Fire Station No. 5				Future: Fire Station No. 7			
Water Facility Plan:		Source:	City	X	Private	Connection	12" PVC- S. Avenue 8E 8" PVC- S. Cedar Ave		
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	18" PVC- S. Avenue 8E 8" PVC- S. Cedar Ave		

Issues:	Water and sewer lines will need to be extended to provide services for the future development.						
Safety Element:							
Flood Plain Designation:	Zone X	Liquefaction Hazard Area:			Yes	No	X
Issues:	None						
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:	None						

Public Comments Received: None received.

External Agency Comments: See Attachment D.

Neighborhood Meeting Comments: No meeting required.

Proposed conditions delivered to applicant on: 10/31/2023

Final staff report delivered to applicant on: 11/13/2023

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval:
- Conditions of Approval were emailed to the applicant and a response has not been received.

Attachments

A	B	C	D	E	F	G
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: **Erika Peterson** **Date:** 11/1/2023

Erika Peterson,
Associate Planner Erika.Peterson@YumaAZ.Gov (928)373-5000, x3071

Reviewed By: *Jennifer L. Albers* **Date:** *11/2/23*
Jennifer L. Albers,
Assistant Director of Planning

Approved By: **Date:**
Alyssa Linville,
Director of Planning and Neighborhood Services

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

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

1. The conditions 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.

City Attorney Comments: (928) 373-5058:

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along 48th Street and Avenue 8E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

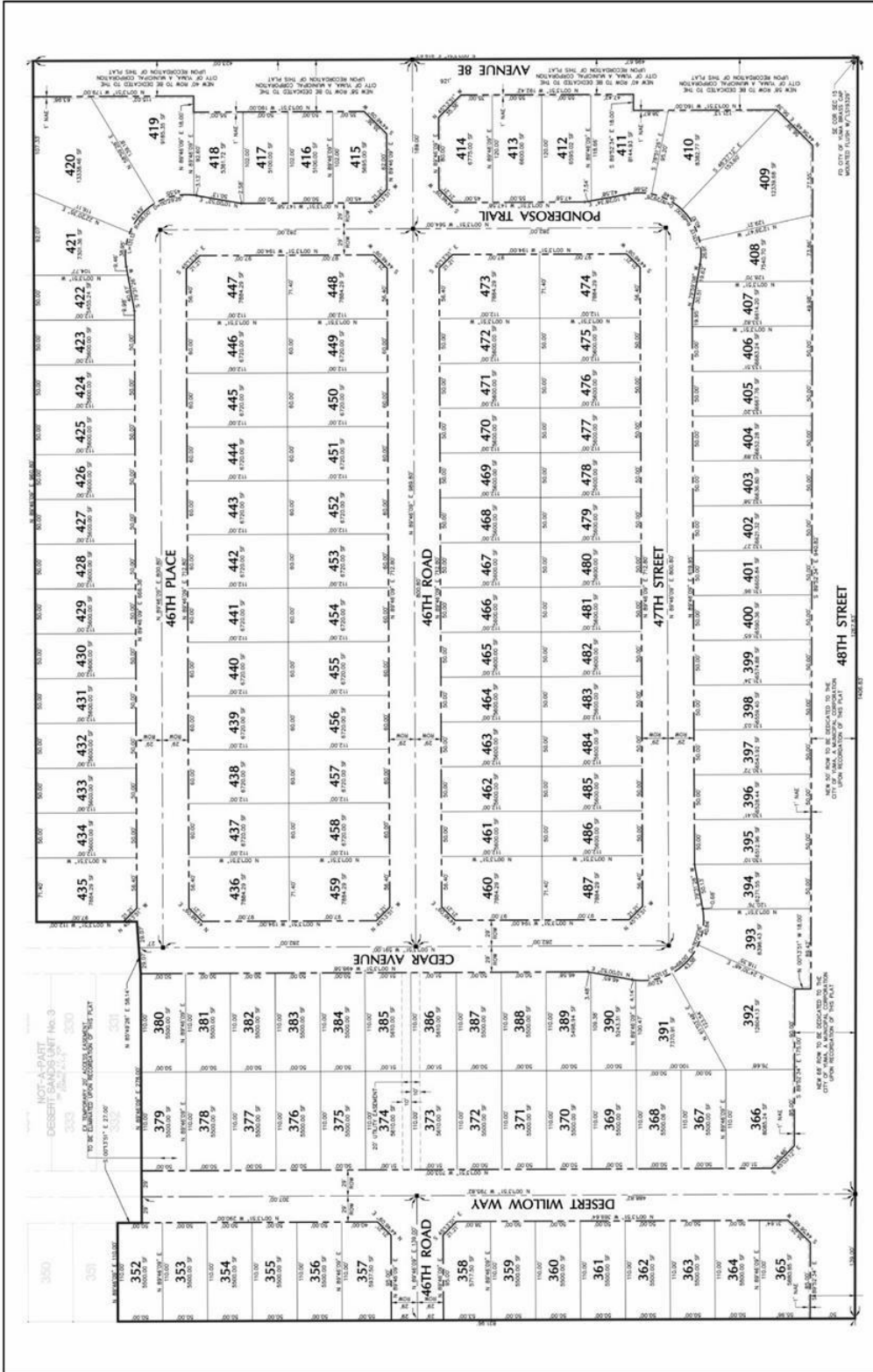
Community Planning Conditions: Erika Peterson, Associate Planner, (928) 373-5000, x 3071

7. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) for Desert Sand Units 4, 5, and 6 prior to the recording of a final plat.

8. The Owner shall submit a final plat within three (3) years of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) years of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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
PRELIMINARY PLAT MAP**



Plan/Case:
41872

Desert Sands Unit No. 4
SUBD-41872-2023
Site Plan

Prepared by:
DG
Date:
10/4/2023



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 11/3/2023
- **300' Vicinity Mailing:** 10/9/2023
- **34 Commenting/Reviewing Agencies noticed:** 10/12/2023
- **Site Posted on:** 11/20/2023
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 11/27/2023
- **Comments due:** 10/23/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/16/2023	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/13/2023	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.	YES	10/16/2023	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/16/2023	X		
Yuma Proving Ground	YES	10/12/2023	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	10/18/2023	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	10/17/2023			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**


Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s)

No Condition(s)

Comment

Enter conditions here: The subject parcel, APN 197-15-013, is located approximately 1 mile from the Barry M. Goldwater Range West (BMGR-W) northern boundary. It is requested that Aviation easement and Range Disclosure Statements be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, BMGR, and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	17 Oct 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Erika Peterson				
	Erika.Peterson@YumaAZ.gov				

ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

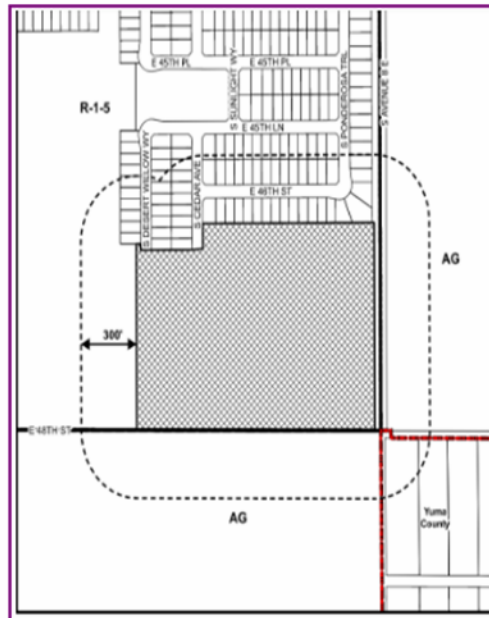
Property Owner	Mailing Address	City/State/Zip Code
GRANITE YUMA LLC	214 W 39TH ST STE 1200	NEW YORK, NY 10018
STATE OF ARIZONA	1110 W WASHINGTON ST	PHOENIX, AZ 85007
DN DEVELOPMENT YUMA LLC	3064 S AVE B	YUMA, AZ 85364
HALL BRIAN L TRUST 12-1-2005	3064 S AVENUE B	YUMA, AZ 85364
YUCCA LAND COMPANY AZ LLC	3064 S AVENUE B	YUMA, AZ 85364

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for approval of the preliminary plat for Desert Sands Unit No. 4. This subdivision will contain approximately 28.44 acres and is proposed to be divided into 136 single-family residential lots, ranging in size from approximately 5,455 square feet to 13,338 square feet for the property located at the northwest corner of 48th Street and Avenue 8E, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
SUBD-41872-2023**

PUBLIC HEARING
11/27/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the NWC of 48th Street and Avenue 8E, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

DESERT SANDS UNIT No. 4

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA
DATE OF PREPARATION: DECEMBER 2023 NUMBER OF LOTS: 136 ACREAGE: 28.4440 ACRES

DEDICATION

STATE OF ARIZONA } ss
COUNTY OF YUMA }
KNOW ALL MEN BY THESE PRESENTS:
THAT DN DEVELOPMENT YUMA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED THE FOLLOWING DESCRIBED PROPERTY; THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS AND STREETS UNDER THE NAME OF "DESERT SANDS UNIT No. 4" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAID "DESERT SANDS UNIT No. 4" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER AND THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT DN DEVELOPMENT YUMA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY DEDICATES THE STREETS SHOWN HEREON TO THE CITY OF YUMA FOR THEIR USE AND BENEFIT. THE EASEMENTS ARE DEDICATED TO THE CITY OF YUMA FOR THE PURPOSES SHOWN HEREON. A THREE FOOT NON-CONSTRUCTION AND NO OBSTRUCTION EASEMENT FROM THE FURTHEST PROJECTION ON ANY SIDE OF ALL FIRE HYDRANTS IS HEREBY GRANTED.

IN WITNESS WHEREOF DN DEVELOPMENT YUMA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS COMPANY NAME TO BE SIGNED AND ITS COMPANY SEAL TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF BRIAN L. HALL, ITS MANAGER, THEREUNTO DULY AUTHORIZED ON THIS _____ DAY OF _____, 2023

BRIAN L. HALL, MANAGER
DN DEVELOPMENT YUMA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

LEGEND

- CENTERLINE / SECTION LINE
- SUBDIVISION BOUNDARY
- RIGHT OF WAY LINE
- SETBACK LINE
- EASEMENT LINE (TYPE AS SHOWN)
- 400 NEW LOT NUMBER
- 6000.00 SF NEW LOT AREA
- NEW STREET MONUMENT SET 1/2" REBAR W/CAP "RLS 31018"
- EXISTING MONUMENT (TYPE AS NOTED)
- ROW RIGHT OF WAY
- 1' NAE 1' NON-ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- APN ASSESSOR'S PARCEL NUMBER
- BK BOOK
- PG PAGE
- YCR YUMA COUNTY RECORDS
- USBR UNITED STATES BUREAU OF RECLAMATION

OWNER/DEVELOPER

YUCAA LAND COMPANY, L.L.C.
3064 S. AVENUE B
YUMA, AZ 85364

CURRENT ZONING

R-1-5 LOW DENSITY SINGLE-FAMILY RESIDENTIAL

BASIS OF BEARINGS

THE EAST LINE LINE OF THE SOUTHEAST QUARTER OF SECTION 15, T9S, R22W, G&SRB&M AS SHOWN ON "DESERT SANDS UNIT No. 1", RECORDED BK 32 OF PLATS, PG 12, YCR, NAMELY N 00°13'51" W

MAILBOX NOTES

9 - 16 SLOT CBU'S ON 45TH LANE BY RETENTION BASIN, ADD NEW MAILBOXES AT LOCATION OF EXISTING MAILBOXES

FLOOD ZONE DESIGNATION

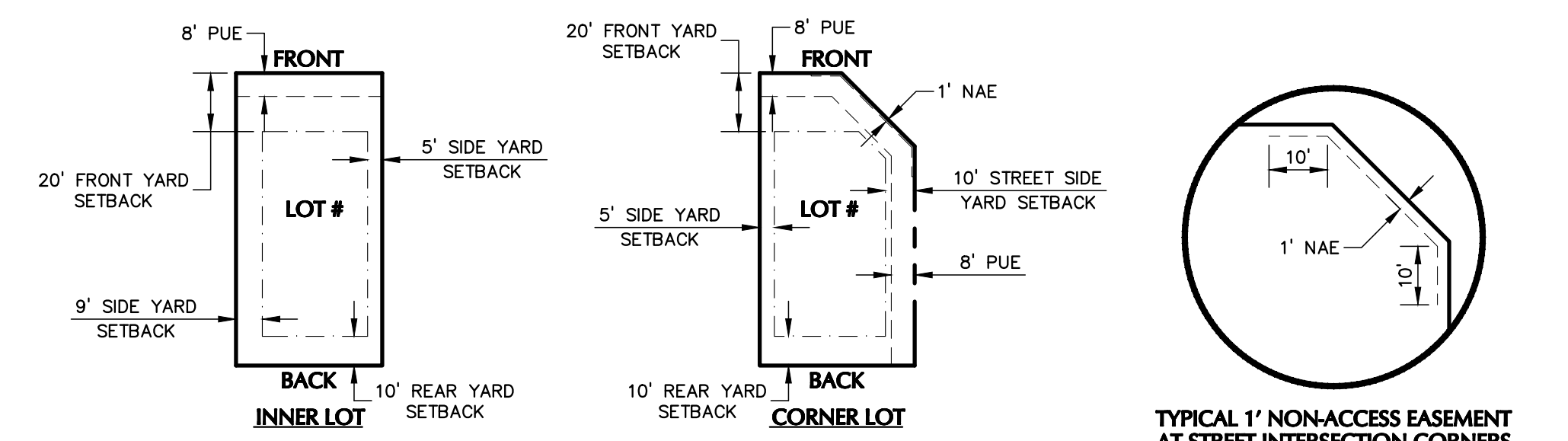
THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE X DESIGNATION (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD)

RESTRICTIVE COVENANTS

HAVE BEEN RECORDED CONCURRENTLY AND ARE A PART OF THIS PLAT

SURVEYOR'S NOTE

1. ALL NEW PROPERTY CORNERS TO BE SET 1/2" REBAR WITH CAP "LS 31018"



TYPICAL LOT LAYOUTS R-1-5 DISTRICT

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING DECEMBER 2023 AND THAT THIS SUBDIVISION CONFORMS TO ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA, ARIZONA.



KEVIN A. DAHL

RLS No. 31018

LAND SURVEYOR



DESERT SANDS UNIT No. 4

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 22 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA

DATE OF PREPARATION: DECEMBER 2023 NUMBER OF LOTS: 136 ACREAGE: 28.4440 ACRES



NOT-A-PART
PARCEL B DESERT VIEW VILLAS LOT SPLIT
BK 35, PG 17, YCR
APN 197-22-001
ZONING R-1-5

NEW 50' ROW TO BE DEDICATED TO THE CITY OF YUMA, A MUNICIPAL CORPORATION UPON RECORDATION OF THIS PLAT
S 1/4 COR SEC 15
FD CITY OF YUMA BRASS CAP MOUNTED FLUSH W/LS19329"

NEW 65' ROW TO BE DEDICATED TO THE CITY OF YUMA, A MUNICIPAL CORPORATION UPON RECORDATION OF THIS PLAT
N 001°3'51" W 785.92'

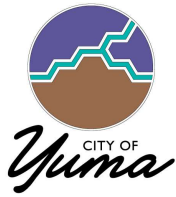
NEW 50' ROW TO BE DEDICATED TO THE CITY OF YUMA, A MUNICIPAL CORPORATION UPON RECORDATION OF THIS PLAT
S 89°52'34" E 2651.55'

NOT-A-PART
APN 197-22-001
ZONING AG
STATE OF ARIZONA

LAND SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING DECEMBER 2023 AND THAT THIS SUBDIVISION CONFORMS TO ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA, ARIZONA.



LAND SURVEYOR
DAHL, ROBINS & ASSOCIATES, INC.
1560 S. 9th Avenue
Yuma, AZ 85364
Phone: (928) 819-0825
Fax: (928) 819-0826
www.dahlrobinson.com
DRA-Job-23211



City of Yuma

City Council Report

File #: R2024-001

Agenda Date: 2/7/2024

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 type="checkbox"/> Public Hearing

TITLE:

Preannexation Development Agreement: NAT-95 Group, LLC

SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement with NAT-95 Group, LLC for a portion of the property located at 10206 S. Avenue 4E (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The approval of this Preannexation Development Agreement will facilitate the development of the northern half portion of the property furthering the City Council’s strategic outcome of Safe and Prosperous.

REPORT:

NAT-95 Group, LLC (Owner) owns a parcel of real property located at 10206 S. Avenue 4E (APN 196-01-011) (Property). The Owner has requested a Preannexation Development Agreement for a portion of the property to connect to City of Yuma services. Currently, the Property is in the lot split process with Yuma County. The Owner intends to establish a business in the existing building located on the northeast corner of the parcel for the inspection of trucks manufactured in Mexico. In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the Property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with NAT-95 Group, LLC for the property shown on the location map.

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: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024

RESOLUTION NO. R2024-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH NAT-95 GROUP, LLC, FOR A PORTION OF THE REAL PROPERTY LOCATED AT 10206 S. AVENUE 4E

WHEREAS, the City of Yuma (City) is authorized under Arizona Revised Statutes Section 9-500.05 to enter into development agreements with owners of real property situated in unincorporated lands; and,

WHEREAS, the owners of certain real property located at 10206 S. Avenue 4E (the Property) desire to annex a portion the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Property is located in unincorporated land that is territory desired by the City to be annexed into the boundaries of the City; and,

WHEREAS, the Property owners desire certain assurances and commitments from the City prior to and upon annexation of the Property into the City.

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

SECTION 1: The Preannexation Development Agreement between NAT-95 Group, LLC and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

SECTION 2: The City Administrator is authorized and directed to execute the attached Preannexation Development Agreement on behalf of the City of Yuma and to record the Preannexation Development Agreement in the Official Records of the Yuma County Recorder.

Adopted this _____ day of _____ 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

EXHIBIT A

PREANNEXATION DEVELOPMENT AGREEMENT

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between NAT-95 GROUP, LLC (“Owner”), as the owner of the real property located at 10206 S. Avenue 4E, Yuma, Arizona (a portion of APN 196-01-011), more particularly legally described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owner and City shall be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, the City adopted its General Plan in 2022, and the use and development of the Property is consistent with and conforms to the goals and objectives of the City of Yuma General Plan, as amended; and,

WHEREAS, the Owner desires to annex the Property into the City limits and seeks certain assurances and commitments from the City following annexation; and,

WHEREAS, the Parties have entered into this Agreement to provide for the annexation and City of Yuma water service upon the terms and conditions described in this Agreement.

NOW THEREFORE, in consideration of the above recitals, the Parties agree as follows:

1. Development Agreement. This Agreement, together with all attached exhibits, is a Development Agreement within the meaning of Arizona Revised Statutes § 9-500.05. On the condition that all of the terms and covenants of this Agreement are complied with in a prompt and timely manner, this Agreement shall also constitute a contractual commitment of the City to furnish water service to the Property outside of the City’s municipal boundaries pursuant to *Yuma Valley Land Co., LLC. v City of Yuma*, 227 Ariz. 28 (2011).

2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation. Owner agrees that as a condition of issuance of a City water meter, within one (1) year of the Effective Date, Owner shall complete a lot split of APN 196-01-011, assigning a separate APN to the cross-hatched area on Exhibit 1.

3. Annexation. Owner agrees to petition for and hereby consents to annexation of the Property into the City of Yuma pursuant to A.R.S. § 9-471. Owner’s agreement to annex shall operate as a covenant upon the Property, and upon recording this Pre-annexation Development Agreement, such covenant shall run with the land and with title to the Property until annexation is complete and no longer subject to referendum or appeal.

3.1 Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owner's successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2 Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to the City's Heavy Industrial (HI) zoning district consistent with (A.R.S.) § 9-471(L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation. The City agrees existing manufacturing uses upon the Property as of the date of annexation (as described in (a) thru (c) below) shall remain permissible uses following annexation of the Property. The Parties further agree that the additional uses described in (d) thru (f) shall also be permitted uses on the Property following annexation, provided that any use listed as a conditional use within the City's HI zoning district under the City's zoning code shall require a conditional use permit (CUP) under the City's CUP process. The Parties further agree that all uses shall comply with the Airport overlay requirements found in Yuma City Code §154-14.05.

- a. Manufacturing, compounding, processing, packing, cooling, refrigeration, treating, warehousing, storage and wholesale distribution of such products as candy, cosmetics, perfumes, pharmaceuticals, toiletries, food products and agricultural food products (except the rendering or refining of fats and oils).
- b. Manufacturing, assembling, fabricating, warehousing and wholesale distribution of goods, wares, merchandise, articles, substances, components or compounds, which are not flammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property.
- c. Manufacturing, assembling, testing or repairing of devices, vehicles, equipment, machinery and electrical, electronic or electromechanical systems.
- d. Farm equipment storage, sales and repair.
- e. Construction yard.
- f. Cabinet shops, carpentry, electrical, plumbing and heating shops; welding sheet metal and machine shops and lumber milling.

4. Development Standards. The development and use of the Property shall be subject to all City, county, state and federal laws, regulations, rules, policies, and fees in effect at the time of development ("Applicable Laws").

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any

building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax (“PILOT”) on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. The City agrees the Owner’s completion of the improvements as set forth on the Depiction of Property (i.e., the cross-hatched area) set forth on Exhibit “1” shall not require the payment of any PILOT and development fees to the City other than water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts when the Property is connected to City water and sewer. Payment of all capacity charges, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a building permit, whichever occurs first. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner’s execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City’s standard forms for such matters, an Avigation and Range Disclosure, Easement & Waiver against title to the Property notifying future owners of the proximity and activities of military facilities.

6.1 Encroachment and Right-of-Way Permits and Licenses Required. Owner acknowledges and agrees that any work performed in the public right-of-way, or the construction, installation or maintenance of any facility or other improvement in the public right-of-way requires a permit, license, franchise, or similar authorization issued by the controlling agency (the “Permitting Agency”) through the Permitting Agency’s normal and customary process for such issuance. Owner further acknowledges and agrees that City approval of any Site Plan or Plat over all or any portion of the Property does not constitute authorization for work or improvements in the public rights-of-way or any grant or waiver of any permitting requirements of the Permitting Agency. Owner shall meet all permitting requirements of the Permitting Agency, and shall obtain all necessary permits prior to commencing such work or improvements in the public rights-of-way.

7. Construction and Dedication of Improvements. Any public improvements required for development of the Property shall be designed, constructed, and dedicated in accordance with Applicable Laws, including, without limitation, City’s normal plan submittal, review and approval processes, day-to-day inspection requirements, insurance requirements, and financial assurance requirements. Owner’s construction and installation of public improvements shall occur within the time-frames specified under Applicable Laws.

8. Utility Services. The City acknowledges that the property is within the City of Yuma potable water service area, as approved by Yuma County. Upon application to the State of Arizona, Department of Environmental Quality, for a Notice of Intent, the City will issue the appropriate “Authorization to Connect to Public Water Service” letters for water service provided that Subsection 8.3 is complied with.

8.1 Assignment of Water Rights. Owner and any subsequent owners shall sign an application or otherwise fully cooperate with the City to convert, transfer or assign any water or water delivery entitlements associated with the Property to the City.

8.2 Non-Potable Water. Nothing contained in this Agreement shall be construed as obligating Owner to accept City water services for any non-potable water demand on the Property, provided that such non-potable water demand is served by the appropriate irrigation district.

8.3 Septic System. If Owner has obtained permitting and installed a septic system pursuant to County of Yuma regulations and requirements this Agreement shall not be interpreted to require the Property to connect to City sanitary sewer service until such time as Sanitary Sewer Service is available (at the City’s absolute and discretionary schedule) and the existing septic tank system is declared unserviceable as defined in City of Yuma Utility Regulations, as amended, or the Parties agree that such a connection shall be made. Any such connection to a future City of Yuma Sanitary Sewer Service line shall be at Owner’s sole cost for design, permitting, capacity charges and construction, and shall require City approval prior to permitting.

9. City and Owner Cooperation.

9.1 Cooperation in Development Approvals. Subject to the terms of this Agreement and compliance with Applicable Laws including without limitation City’s compliance with all required notice and public hearing requirements, City and Owner will cooperate reasonably in processing the approval or issuance of any permits, plans, specifications, plats or other development approvals requested by Owner in connection with development of the Property.

9.2 Annexation requests. City agrees that City staff will support any annexation request by Owner for the Property that is consistent with this Agreement, the General Plan, and Applicable Laws.

9.3 Future Annexations. Owner or Owner’s affiliates (defined as companies owned or controlled by one or more of Owner’s Manager/Members), hold title to additional properties in the surrounding vicinity of the Property subject to this Development Agreement. These additional properties include Assessor’s Parcel Numbers (APN) 196-01-009, 196-01-010, 196-01-011, 180-36-017, 180-36-019, 180-36-020, 180-36-021, 180-36-022. Owner acknowledges Owner’s intent to assist the City of Yuma with annexation of each of these parcels into the City of Yuma municipal boundaries through a future annexation or pre-annexation development agreement or agreements.

10. Notice. Except as otherwise required by law, any notice, demand or other communication given under this Agreement shall be in writing and shall be given by personal delivery or be sent by certified or registered U.S. Mail, return receipt requested, addressed to the Parties at their respective addresses set forth below, or at such other address as a Party may designate in writing pursuant to the terms of this paragraph, or by electronic mail, facsimile machine or by any nationally recognized express or overnight delivery service (e.g., Federal Express or UPS), with all postage and other delivery charges prepaid:

To City:
City Administrator
One City Plaza
Yuma, Arizona 85364-1436

To Owners:
NAT-95 GROUP, LLC
P.O. BOX 6486
Yuma, AZ 85366

All such notices, demands or other communications will (i) if delivered personally or delivered through a same day delivery/courier service be deemed effective upon delivery or refusal to accept delivery by the addressee, and (ii) if delivered by U.S. mail in the manner described above be deemed effective upon the earlier of receipt or three (3) business days after deposit in a post office operated by the United States or with a United States postal officer (in each case regardless of whether such notice, demand or other communication is received by any other person to whom a copy of such notice, demand or other communication is to be delivered pursuant to this paragraph). Any notice sent by a recognized national overnight delivery service shall be deemed effective one (1) business day after deposit with such service. Any notice sent by email or facsimile machine shall be deemed effective upon confirmation of the successful transmission by the sender's electronic mail system or facsimile machine. Notwithstanding the foregoing, no payment shall be deemed to be made until actually received in good and available funds by the intended payee.

11. Default. If either Party defaults (the "Defaulting Party") with respect to any of such Party's obligations, then the other Party (the "Non-Defaulting Party") shall give written notice in the manner described in Section 10 above to the Defaulting Party. The notice shall state the nature of the default claimed and make demand that such default be corrected. The Defaulting Party shall then have:

- a. twenty (20) days from the date of receipt of such notice within which to correct such default if it can be reasonably corrected by the payment of money, or
- b. sixty (60) days from the date of receipt of such notice to cure such default if action other than payment of money is reasonably required, or
- c. if any such non-monetary default cannot reasonably be cured within sixty (60) days for reasons beyond its control (financial inability, construction delays and market conditions excepted), then such longer period as may be reasonably required, provided and so long as such cure is promptly commenced within such period and diligently prosecuted to completion.

11.1 Remedies. If the default is not corrected within the time periods described in Section 11 above, the Non-Defaulting Party shall have all remedies available to it at law or in equity, subject to the limitations set forth herein. Owner or City, or any successor-in-interest or assignee, may institute a legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including but not limited to suits for declaratory relief, specific performance, relief in the nature of mandamus and actions for damages, provided that claims for damages shall be limited to actual damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default

by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

11.3 Rights and Remedies Cumulative. The rights and remedies of the Parties are cumulative, and the exercise by either Party of any one or more of such rights shall not preclude the exercise by it, at the same or different times, of any other right or remedy for any other default by the other Party.

12. Owner Representations. Owner represents and warrants that:

a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.

e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.

g. Owner has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement other than normal costs of conducting business and costs of professional services such as the services of architects.

h. Owner has had opportunity for independent legal review of this Agreement by counsel of its choosing prior to the execution hereof.

13. City Representations. City represents and warrants to Owner that:

a. City has the right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and City's execution, delivery and performance of this Agreement have been duly authorized and agreed to in compliance with the

requirements of the Yuma City Charter and the Yuma City Code.

b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

c. City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

d. City knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of City or its officials with respect to this Agreement that has not been disclosed in writing to Owner.

e. This Agreement (and each undertaking of City contained herein), constitutes a valid, binding and enforceable obligation of City, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditor's rights and by equitable principles, whether considered at law or in equity.

f. The execution, delivery and performance of this Agreement by City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which City is a party or is otherwise subject.

g. City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

14. Rights of Lenders. Financing or refinancing for acquisition, development and/or construction of the Property and/or improvements may be provided, in whole or in part, from time to time, by one or more Third Parties (individually a "Lender", and collectively the "Lenders"). If a Lender is permitted, under the terms of a non-disturbance agreement with City to cure the event of default and/or to assume Owner's position with respect to this Agreement, City agrees to recognize such rights of the Lender and to otherwise permit the Lender to assume all of the rights and obligations of Owner under this Agreement.

15. Successors and Assigns. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of each of the Parties pursuant to A.R.S. § 9-500.05D, and will run with the land during the Term of the Agreement as defined in Section 2.

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

17.1 Governing Law; Choice of Forum. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the internal, substantive laws of the

State of Arizona (without reference to conflict of law principles). Any action brought to interpret, enforce or construe any provision of this Agreement shall be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yuma (or, as may be appropriate, in the Justice Courts of Yuma County, Arizona, or in the United States District Court for the District of Arizona at the John M. Roll United States Courthouse, if, but only if, the Superior Court lacks or declines jurisdiction over such action). The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section 17.1.

17.2 A.R.S. § 38-511. Notice is hereby given of the applicability of A.R.S. § 38-511.

17.3 Integration. This Agreement contains the entire agreement between the Parties, and no oral or written statements, promises, or inducements made by either Party or its agents not contained or specifically referred to in this Agreement is valid or binding.

17.4 Recordation. Upon receipt of the recording fee from Owner, the City shall record a copy of this Agreement no later than ten (10) days from date of entering into this Agreement pursuant to A.R.S. § 9-500.05.

17.5 Estoppel Certificate. The Parties agree that, upon not less than twenty one (21) business days prior written request from a Party to this Agreement, a requested Party shall execute, acknowledge and deliver to the Party making such request a written statement certifying to the current status of the Agreement, including whether or not, the requested Party has actual knowledge that any Party is in default of any obligation or duty set forth in this Agreement. Any such certificate may be relied on by a prospective purchaser of any lot within the Property, or any prospective Lender.

17.6 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

17.7 Headings. The descriptive headings of the Sections of this Agreement are inserted for convenience only and shall not control or affect the meaning of construction of any of the provisions hereof.

17.8 Exhibits and Recitals. Any exhibit attached to this Agreement shall be deemed to have been incorporated into this Agreement by this reference with the same force and effect as if fully set forth in the body of the Agreement. The Recitals set forth at the beginning of this Agreement are acknowledged and incorporated and the Parties confirm the accuracy each Recital.

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

17.10 Time is of the Essence. Time is of the essence in implementing the terms of this

Agreement.

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

17.12 Amendment. No change or addition is to be made to this Agreement except by written amendment executed by City and Owner. Within ten (10) days after any amendment to this Agreement, such amendment shall be recorded in the Official Records of Yuma County, Arizona.

17.13 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect. If any applicable law or court of competent jurisdiction prohibits or excuses City or Owner from undertaking any contractual commitment to perform under any provision hereunder, the remaining portions of this Agreement shall remain in full force and effect, and the Parties will negotiate diligently in good faith for such amendments of this Agreement as may be necessary to achieve the original intent of this Agreement, notwithstanding such invalidity or unenforceability.

17.14 Business Days. If the last day of any time period stated in this Agreement or the date on which any obligation to be performed under this Agreement shall fall on a Saturday, Sunday or legal holiday, then the duration of such time period or the date of performance, as applicable, shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday or legal holiday.

17.15 Individual Nonliability/Damages. No City Council member, official, representative, agent, attorney or employee shall be personally liable to any of the other Parties hereto, or to any successor in interest to such Parties, in the event of any default or breach by City or for any amount which may become due to a Party or its successor, or with respect to any obligation of City under the terms of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the liability of Owner shall be limited to the Property and any improvements thereon, and shall not extend to or be enforceable against the individual assets of any member, officer, or trustee of Owner.

17.16 Proposition 207 Waiver. Owner hereby waives and releases City from any and all claims under Arizona Revised Statutes § 12-1134, et seq., including any right to compensation for reduction to the fair market value of the Property or any portion thereof, as a result of City's approval or failure to approve this Agreement, the Annexation Ordinance, or adoption or failure to adopt the zoning designation, and all related annexation, zoning, land use, building and development matters arising from, relating to, or reasonably inferable from this Agreement, including the approval, rejection or imposition of conditions or stipulations upon the approval of the zoning designation. The terms of this waiver shall run with the land and shall be binding upon all subsequent landowners, assignees, lessees and other successors, and shall survive the expiration or earlier termination of this Agreement.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

Dated this ____ day of _____, 2024.

CITY:
CITY OF YUMA

OWNER:
NAT-95 GROUP, LLC

By _____
John D. Simonton
City Administrator

By _____
Brian L. Thomas
Manager

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Richard W. Files
City Attorney

ACKNOWLEDGEMENTS

State of Arizona)
) ss
County of Yuma)

This record was acknowledged before me on this _____ day of _____ 2024, by Brian L. Thomas as a Manager of NAT-95, LLC.

NOTARY PUBLIC
COMMISSION EXPIRATION:

EXHIBIT 1

Legal Description and Depiction of Property

That portion of the Northeast quarter of Section 1, Township 9 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the monumented Northeast corner (Found 3" Arizona Highway Department Brass Cap) of said Section 1 with a Basis of Bearings to the East quarter corner (Found 3" City of Yuma Brass Cap "LS 19329, 2003") said Section 1 of South 00°05'40" East;

Thence South 00°05'40" East along the East line of the Northeast quarter of said Section 1 a distance of 597.98 feet;

Thence leaving said East line, North 89°25'57" West a distance of 33.00 feet to a point on the West Right-of-Way line of Avenue 4E, said point being the **TRUE POINT OF BEGINNING**;

Thence South 00°05'40" East along said Right-of-Way line a distance of 203.53 feet;

Thence leaving said Right-of-Way line, South 89°56'58" West a distance of 312.17 feet;

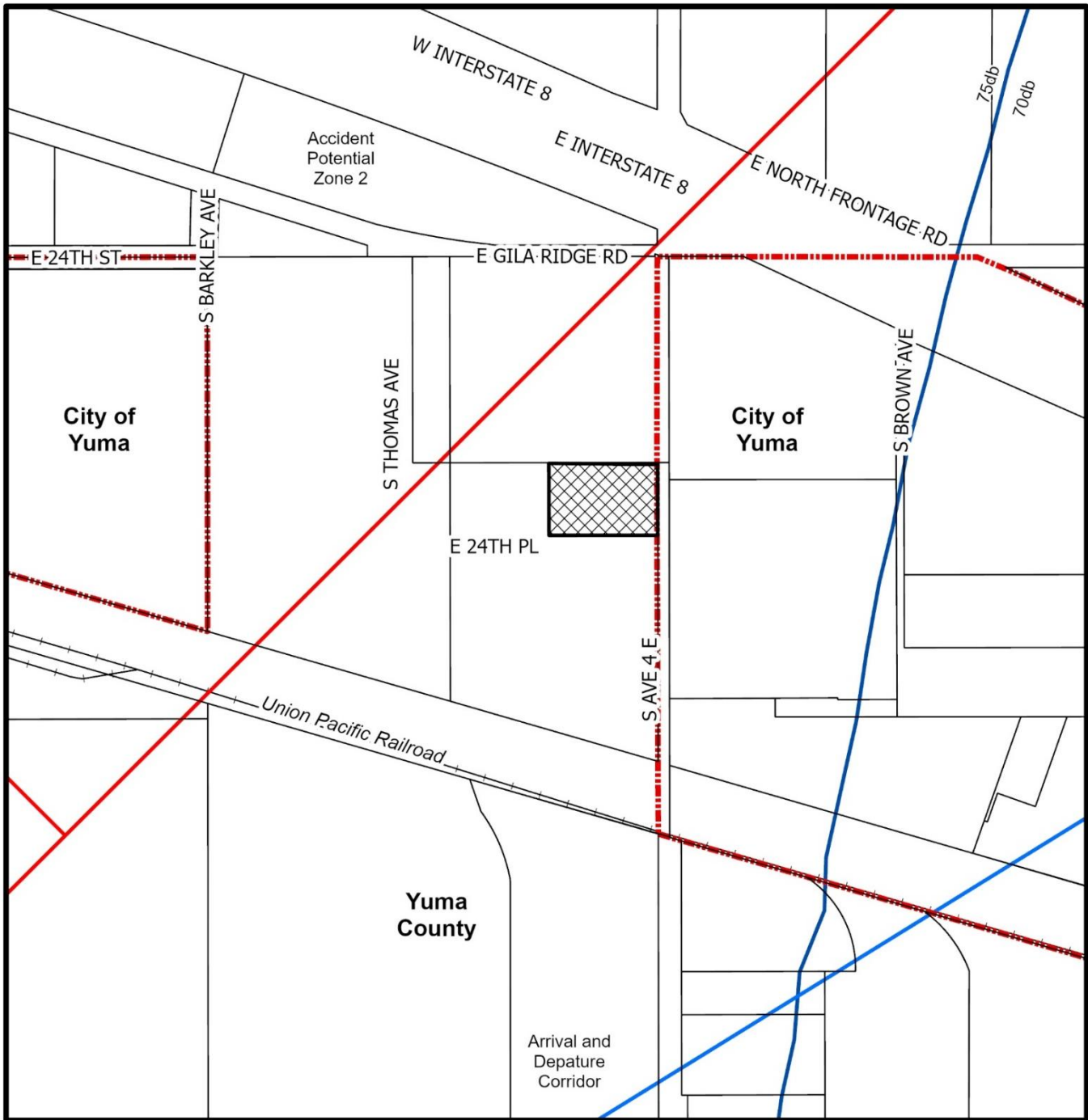
Thence North 00°06'39" West a distance of 206.88 feet;

Thence South 89°44'10" East a distance of 3.11 feet;

Thence South 89°25'57" East a distance of 309.15 feet to the **TRUE POINT OF BEGINNING**;

Aforementioned area contains 64,068 square feet, 1.4708 acres, more or less.

Description Verified By:	
City Engineering Department	



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



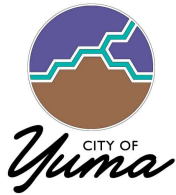
Date: 11/9/2023

Revised: 12/7/2023

Revised:

Case #:

AGR-42035-2023



City of Yuma

City Council Report

File #: R2024-004

Agenda Date: 2/7/2024

Agenda #: 2.

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

TITLE:
Authorization for Access Agreements

SUMMARY RECOMMENDATION:
 Authorize the City Administrator to execute certain access agreements on behalf of the City of Yuma. (City Administration/Engineering) (Jay Simonton/David Wostenberg)

STRATEGIC OUTCOME:
 The City frequently enters into access agreements with the U.S. Bureau of Reclamation (BOR), the U.S. Bureau of Land Management (BLM), the Army Corps of Engineers (ACE), the Marine Corps Air Station Yuma (MCAS), the Arizona Department of Transportation (ADOT), the Arizona Department of Environmental Quality (ADEQ), the Arizona Game and Fish Department (AGFD), Yuma County, the Union Pacific Railroad (Union Pacific), and various irrigation districts. Standardizing and streamlining the approval process for entering into access agreements with these entities fosters the City's Connected and Engaged strategic outcome.

REPORT:
 Access agreements in the form of a license, encroachment permit or right of use agreement are used when the City seeks to construct or maintain City facilities on property owned or controlled by one of the above-listed entities, or vice-versa, when one of the above-listed entities requires access to City property or right-of-way to maintain its facilities.

These access agreements generally have the following characteristics:

- The agreements are between the City and either the BOR, BLM, ACE, MCAS, ADOT, ADEQ, AGFD, Union Pacific, Yuma County or the irrigation districts;
- There is less than a \$1,000.00 payment to the party granting access, but often no cost with the exception of agreements with Union Pacific, which sometimes require payment for railroad track monitoring in addition to licensing fees;
- The party seeking access agrees to defend and indemnify the party granting access for any claims arising from activities allowed under the access agreement; and
- The access agreement does not create a permanent easement or similar property interest for the party obtaining access.

Streamlining and standardizing the City's process for entering into access agreements that contain all four of the above characteristics will strengthen the City's partnerships with the above-listed entities by allowing the

City to timely respond and react to standard requests and agreements. City staff recommends City Council authorize the City Administrator to execute these types of agreements as an administrative function on behalf of the City.

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:

Because access agreements, as described above, usually contain no direct payment for access or is calculated as part of the CIP estimate, it is envisioned that proactive authorization of access agreements as described above will have little to no fiscal impact to the City.

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: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024

RESOLUTION NO. R2024-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CERTAIN ACCESS AGREEMENTS ON BEHALF OF THE CITY OF YUMA

WHEREAS, the City of Yuma (“City”) frequently enters access agreements in the form of license and/or encroachment agreements with the U.S. Bureau of Reclamation (“BOR”), the U.S. Bureau of Land Management (“BLM”), the Army Corps of Engineers (“ACE”), the Marine Corps Air Station Yuma (“MCAS”), the Arizona Department of Transportation (“ADOT”), the Arizona Department of Environmental Quality (“ADEQ”), the Arizona Game and Fish Department (“AGFD”), Yuma County, the Union Pacific Railroad (“Union Pacific”), and various entities that manage or control irrigation canals within Yuma County (“Local Canal Entities”); and,

WHEREAS, the City enters into these access agreements with the BOR, BLM, ACE, MCAS, ADOT, ADEQ, AGFD, Yuma County, Union Pacific and Local Canal Entities when the City needs to construct or maintain City facilities on or near property owned or controlled by one of the above-listed entities, or vice-versa, when one of the above-listed entities needs access to City property or right-of-way to maintain its facilities; and,

WHEREAS, these access agreements generally have the following characteristics:

- The agreements are between the City and either the BOR, BLM, ACE, MCAS, ADOT, ADEQ, AGFD, Yuma County, Union Pacific, or a Local Canal Entity;
- There is less than a \$1,000.00 payment to the party granting access, but often no cost with the exception of agreements with Union Pacific which sometimes requires payment for railroad track monitoring in addition to licensing fees;
- The party seeking access agrees to defend and indemnify the party granting access for any claims arising from activities allowed under the access agreement; and,
- The access agreement does not create a permanent easement or similar property interest for the party obtaining access; and,

WHEREAS, streamlining and standardizing the City’s administrative process for entering into access agreements containing these four characteristics will strengthen the City’s partnerships with the above-listed entities by allowing the City to timely respond and react to standard requests and agreements.

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

SECTION 1: The City Administrator is authorized to execute access agreements containing the four characteristics described above.

SECTION 2: The duly authorized disbursing officers of the City of Yuma are authorized and directed to pay all sums necessary to secure access agreements for the benefit and enjoyment of the City.

SECTION 3: The authority granted to the City Administrator through this Resolution shall apply to future licenses and access agreements and shall not prohibit the City Administrator from bringing any sort of access agreement or license forward to City Council for approval in the event the City Administrator deems it advisable to do so.

Adopted this _____ day of February 2024.

APPROVED:

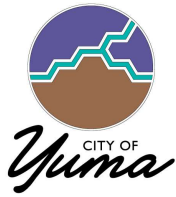
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-006

Agenda Date: 1/17/2024

Agenda #: 1.

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

TITLE:
Rezoning of Property: 1010 and 1012 S. 2nd Avenue

SUMMARY RECOMMENDATION:
 Rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
 Consistent with the City Council’s strategic outcome of Respected and Responsible, the proposed rezoning is compatible with the surrounding area and further supports residential development within the City of Yuma.

REPORT:
 The subject property is located at 1010 and 1012 S. 2nd Avenue, one parcel with two assigned addresses, in the Speese Addition Subdivision, which was originally recorded on April 18, 1901. The property is approximately 14,000 square feet in size and currently undeveloped. The property was historically developed with a neighborhood market, which was demolished in 2016. Since demolition, the property has remained vacant.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, with the intent to split the property into two lots and build a duplex on each lot. To develop residential structures on the property, a rezone is required.

Several properties in the area are developed with single-family homes and duplexes. The rezone of this property will complement the character of the surrounding area, while increasing access to housing. This request is in conformance with the Land Use Element of the General Plan.

On December 11, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with Freeman, Scott, and Pendleton absent) of the request to rezone the 14,000 square foot property from the Light Industrial (L-I) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District.

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

Questions for Staff:

None

Questions for Applicant:

None

Public Comments:

None

Motion:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Edgar Olvera - Planning and Zoning Commissioner to APPROVE Case Number ZONE-41907-2023.

“Motion carried unanimously (4-0, with Branden Freeman - Planning and Zoning Commissioner, Joshua Scott - 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			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

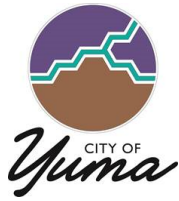
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 01/09/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/08/2024



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: GUILLERMO MORENO-NUNEZ

Hearing Date: December 11, 2023

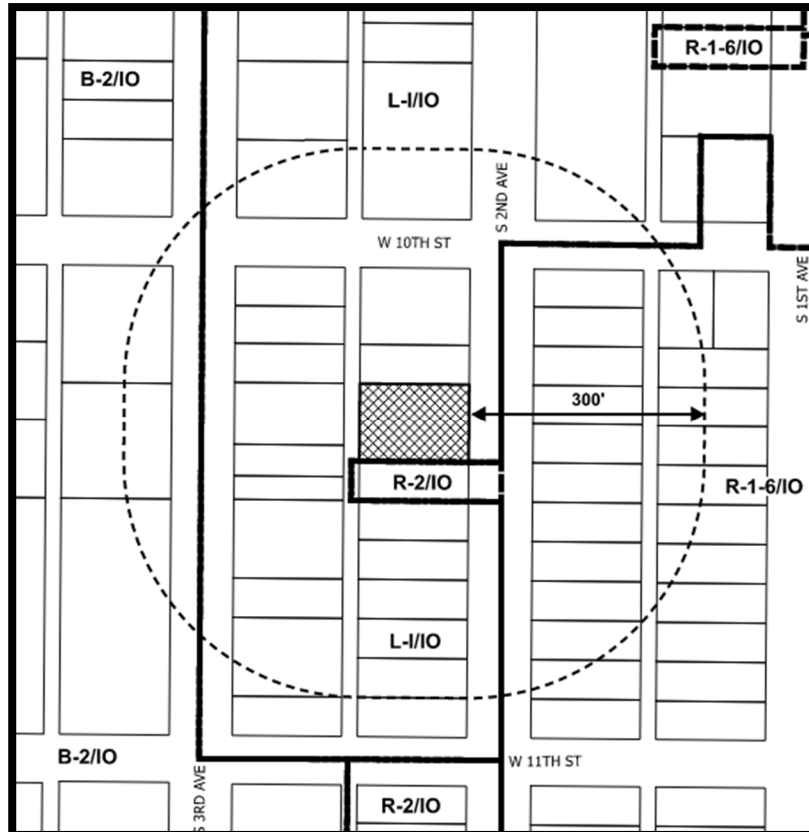
Case Number: ZONE-41907-2023

Project Description/
Location:

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 and 1012 S. 2nd Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial/Infill Overlay (L-I/IO)	Undeveloped Lot	Medium Density Residential
North	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Medium Density Residential
South	Medium Density Residential/Infill Overlay (R-2/IO)	Duplex	Medium Density Residential
East	Low Density Residential/Infill Overlay (R-1-6/IO)	Single Family Homes	Low Density Residential
West	Light Industrial/Infill Overlay (L-I/IO)	Commercial Buildings	Commercial

Location Map



Prior site actions: PDM-41827 for proposed duplex (January 24, 2023), Annexation ord. 449 (May 29, 1946), Rezone: Ord. 1979 (January 7, 1981, Industrial “A” to Light Industrial (L-I))

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41907-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone to Medium Density Residential/Infill Overlay (R-2/IO) for the property located at 1010 and 1012 S. 2nd Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at 1010 & 1012 S. 2nd Avenue, one parcel with two assigned addresses, in the Speese Addition Subdivision, which was originally recorded on April 18, 1901. The property is approximately 14,000 square feet in size and currently undeveloped. The property was developed with a market which was demolished in 2016 and has remained vacant since.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Medium Density Residential/Infill Overlay (R-2/IO) District, with the intent to split the property into two lots and build two-family dwellings on each lot. In order to develop residential structures on the property, a rezone is required.

Several properties in the area are developed with single and two-family homes. The rezone of this property would complement the character of the surrounding area, while increasing access to housing. This request is in conformance with the Land Use Element of the General Plan.

1. Does the proposed zoning district conform to the Land Use Element?

Yes

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

2. Are there any dedications or property easements identified by the Transportation Element?

No

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
2nd Avenue	29 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	10 th Street – proposed bike lane					

YCAT Transit System	Yellow Route 95 – Highway 95 South (95) – 4 th Avenue at 10 th Street
Issues:	None

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes

Parks, Recreation and Open Space Element:									
Parks and Recreation Facility Plan									
Neighborhood Park:	Existing: Marcus Park				Future: Marcus Park				
Community Park:	Existing: Carver Park Complex				Future: Carver Park Complex				
Linear Park:	Existing: East Main Canal Linear Park				Future: East Main Canal Linear Park				
Issues:	None								
Housing Element:									
Special Need Household:	N/A								
Issues:	None								
Redevelopment Element:									
Planned Redevelopment Area:	1 st Avenue – Study Area								
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X			
Conforms:	Yes	X	No						
Conservation, Energy & Environmental Element:									
Impact on Air or Water Resources	Yes		No	X					
Renewable Energy Source	Yes		No	X					
Issues:	None								
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 <i>2-4 Units</i>		Projected Population	Police Impact Officers	Water Consumption GPD AF		Wastewater Generation GPD
			Maximum	Per Unit					
			10	2.5	25	0.05	5,175	5.8	1,750
			Minimum						
			4	2.5	10	0.02	2,070	2.3	700
Fire Facilities Plan:	Existing: Fire Station No. 1				Future: Fire Station No. 1				
Water Facility Plan:	Source:	City	X	Private		Connection:	12" line on 2 nd Avenue		
Sewer Facility Plan:	Treatment:	City	X	Septic		Private		Connection: 8" line on alley	
Issues:	None								
Safety Element:									
Flood Plain Designation:	X				Liquefaction Hazard Area:	Yes		No	X
Issues:	None								
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:	None								

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes

5. Does the proposed rezoning conform to Council’s prior approval of rezonings, development agreements or subdivisions for this site?

Yes

Public Comments Received: None Received

External Agency Comments: See Attachment D

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: November 13, 2023

Final staff report delivered to applicant on: November 30, 2023

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval:
- If the Planner is unable to make contact with the applicant – email sent to owner and applicant, no response received.

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Guillermo Moreno-nunez* **Date:** November 14, 2023
 Guillermo Moreno-nunez
 Assistant Planner Guillermo.moreno-nunez@yumaaz.gov (928)373-5000, x3038

Reviewed By: *Jennifer L. Albers* **Date:** 11/15/23
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 11/30/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

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

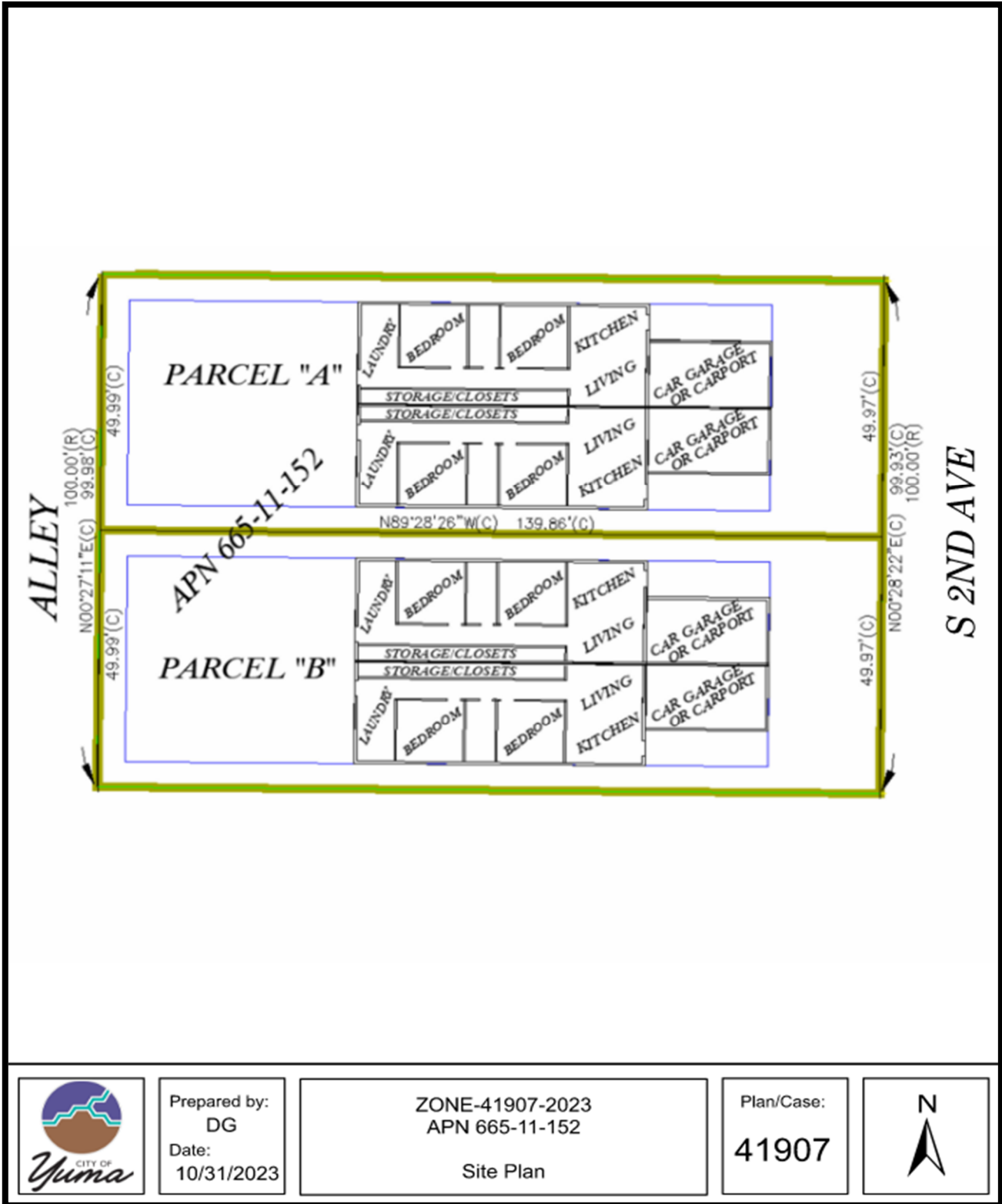
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038

3. 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.

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**



Prepared by:
DG
Date:
10/31/2023

ZONE-41907-2023
APN 665-11-152
Site Plan

Plan/Case:
41907



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: **The Sun** (11/17/23)
- 300' Vicinity Mailing: (10/26/23)
- 34 Commenting/Reviewing Agencies noticed: (10/26/23)
- Site Posted on: (10/30/23)
- Neighborhood Meeting: (11/08/23)
- Hearing Date: (12/11/23)
- Comments due: (11/06/23)


External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	10/26/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
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 Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	10/26/23	X		
Yuma Proving Grounds	Yes	10/26/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/30/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/01/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s) No Condition(s) Comment

Enter conditions here: Subject parcel (APN 665-11-152) is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	1 Nov 2023	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Guillermo Moreno-nunez Guillermo.Moreno-nunez@YumaAZ.gov				

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/08/23

Location: 1010 & 1012 S 2nd Avenue

Attendees:

Applicant: Hector Hurtado and Raul Garcia

Neighbors: Jose Ramos, Juan Leal Rubio, Henry Pierson and Annette Roscoe

Staff: Guillermo Moreno-nunez and Meredith Burns

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

- HURTADO AND GARCIA- EXPLAINED THE PROPOSED PROJECT FOR PROPERTY.
- NEIGHBORS- WERE ALL IN FAVOR.
- RUBIO- MENTIONED TO LOOK FOR ANY BUFFER NEEDED BETWEEN NEW PROPOSED ZONING AND ADJACENT COMMERCIAL ZONING DISTRICT.
- RAMOS- EXPRESS HIS CONCERN ABOUT DUST CONTROL.
- HURTADO- EXPLAINED THEIR PLAN AND WHAT WILL THEY DO TO AVOID ANY DUST ISSUES.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
ANDERSON SHELLEY W	1000 S 5TH AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
ARIZONA BRAKE & WHEEL LLC	1039 S 3RD AVE	YUMA	AZ	85364
BARAJAS JUAN P & SUZANNA JT	1037 S 2ND AVE	YUMA	AZ	85364
BARBOSA MARIA M	145 W 10TH ST	YUMA	AZ	85364
BORDER PROPERTIES & INVESTMENTS LLC	290 W 10TH ST	YUMA	AZ	85364
CABRERA BERNABE	3447 W 27TH LN	YUMA	AZ	85364
CHAVEZ ROLANDO MANUEL	1057 S 2ND AVE	YUMA	AZ	85364
COVARRUBIAS ALFRED R	1053 S 2ND AVE	YUMA	AZ	85364
D & V OF ARIZONA LLC	PO BOX 12798	SAN LUIS	AZ	85349
ESPINOZA JOSEPH S & NANCY A JT	1032 S 2ND AVE	YUMA	AZ	85364
FAJARDO BEATRIZ	1077 S 2ND AVE	YUMA	AZ	85364
GILMORE FRANK & LINDA TRUST 7-14-03	PO BOX 5595	YUMA	AZ	85366
GONZALEZ ENRIQUE MENDOZA	1071 S 2ND AVE	YUMA	AZ	85364
GROUNDED RMR ENTERPRISE LLC	242 E 30TH ST	YUMA	AZ	85364
GUZMAN LUPE	1069 S 2ND AVE	YUMA	AZ	85364
HIGGINS BRANDIE A	1061 S 2ND AVE	YUMA	AZ	85364
HIGGINS YVONNE	1049 S 2ND AVE	YUMA	AZ	85364
HURTADO HECTOR M & MARIA G	2180 S 4TH AVE STE G	YUMA	AZ	85364
LEAL R JUAN A & ELIZABETH V	1025 S 2ND AVE	YUMA	AZ	85364
LEE NELSON JOHN & JANIS JT	1035 S 3RD AVE	YUMA	AZ	85364
LIVING LEGACY INSTITUTE INC	5727 W CIELO GRANDE	GLENDALE	AZ	85310
MAY FORREST M	1796 S 6TH AVE	YUMA	AZ	85364
MENDIVIL JOSEPH MICHAEL	1038 S 2ND AVE	YUMA	AZ	85364
OLAGUE MARGARET J	7585 E OLIVE ANN LN	YUMA	AZ	85365
PEREZ JAVIER	18657 NORTHRIDGE DR	SALINAS	CA	93906
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ JESSE C	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ MARGARITO JR	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ RUBEN	1020 S 1ST AVE	YUMA	AZ	85364
PEREZ YOLANDA	1020 S 1ST AVE	YUMA	AZ	85364
RAMOS FRANK & CONNIE A LIVING TRUST*	PO BOX 6433	YUMA	AZ	85366
RAMOS JOSEPH F & YVONNE	1055 S 2ND AVE	YUMA	AZ	85364
RIVERA ERNESTO & RIVERA CARLOS FRANCISCO & RIVERA JESUS MIGUEL	1028 S 1ST AVENUE	YUMA	AZ	85364
RM-USE LLC	PO BOX 997	ALPINE	CA	91903
RODRIGUEZ BARBARA J	9475 LAKE CANYON RD	SANTEE	CA	92071
RODRIGUEZ LYDIA	7585 E OLIVE ANN LN	YUMA	AZ	85365
ROSCOE WILLIAM J & ANNETTE F JT	1006 S 2ND AVE	YUMA	AZ	85364
SANCHEZ ARTURO E	1037 S 3RD AVE	YUMA	AZ	85364
ULANICKI SLAWOMIR & LORRAINE	3058 DUCK POND LANE	RAMONA	CA	92065
VELAZQUEZ ROSA MARIA ZAMUDIO	1616 W 33RD ST	YUMA	AZ	85365
WARNER ANTONIA FELIX	3800 W FRANCIS ST	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364

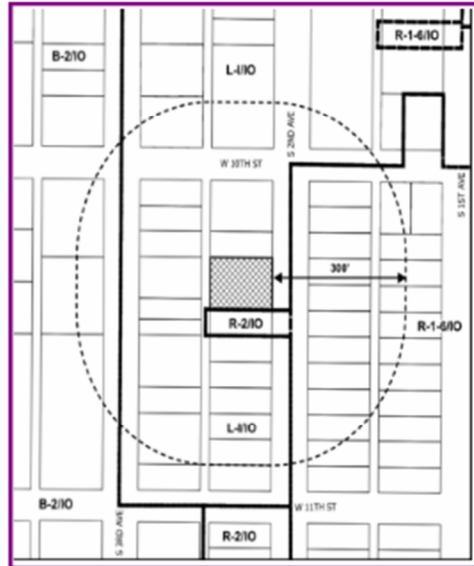
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by The Jacobson Companies Inc. on behalf of Hector Hurtado to rezone approximately 14,000 square feet of land from the Light Industrial/Infill Overlay (L-I/IO) District to the Medium Density Residential/Infill Overlay (R-2/IO) District for property located at 1010 S. 2nd Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41907-2023**

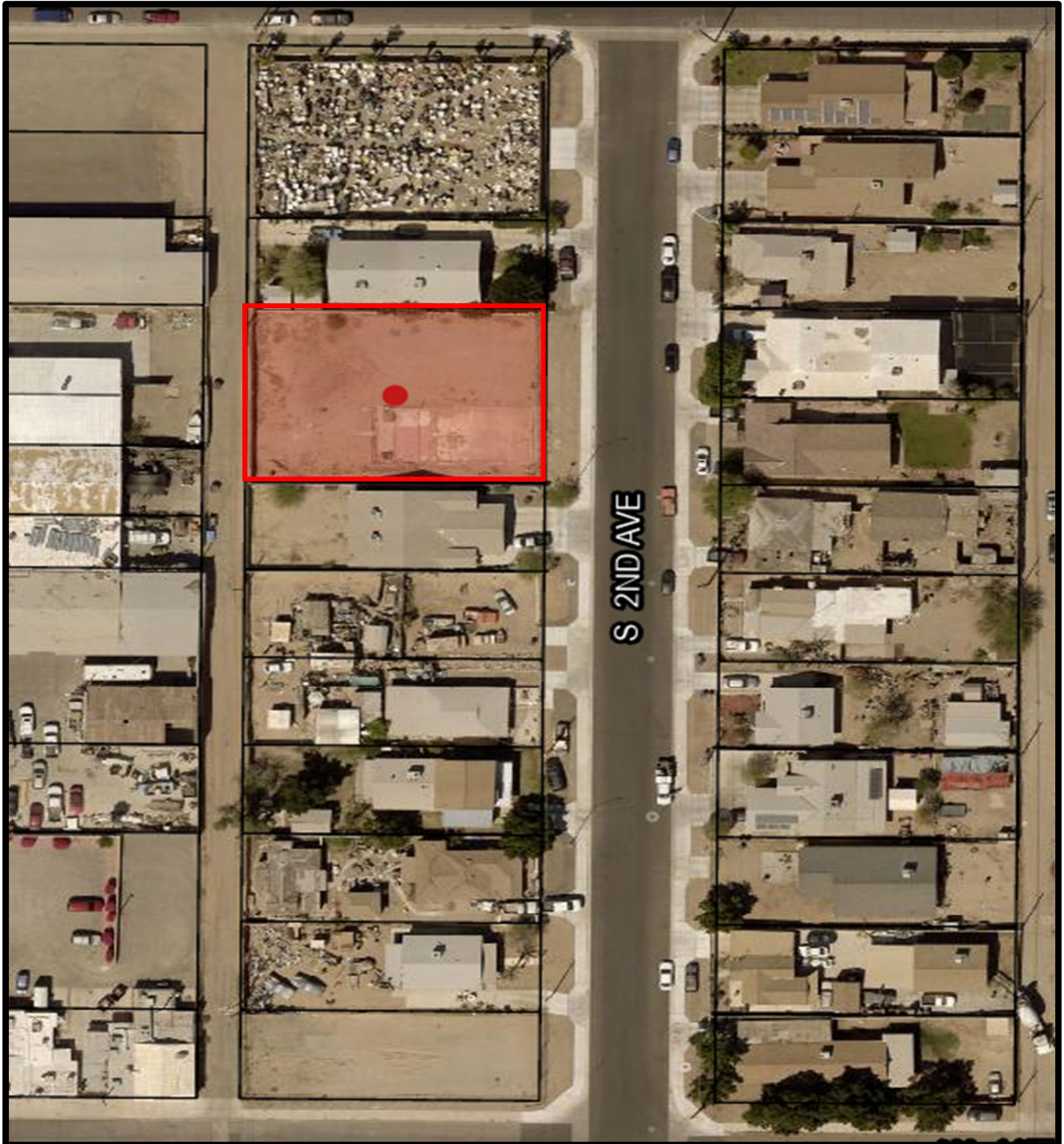
**NEIGHBORHOOD MEETING
11/08/2023 @ 5PM
ON-SITE**

**PUBLIC HEARING
12/11/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of 1010 S. 2nd Avenue, 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 Guillermo by phone at (928) 373-5000 ext. 3038 or by email at Guillermo.Moreno-nunez@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



ORDINANCE NO. O2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIGHT INDUSTRIAL/INFILL OVERLAY (L-I/IO) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/INFILL OVERLAY (R-2/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 11, 2023 in Zoning Case no: ZONE-41907-2023 in the manner prescribed by law for the purpose of rezoning certain parcels of real property, hereafter described, to the Medium Density Residential/Infill Overlay (R-2/IO) District as provided in Chapter 154 of the Yuma City 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 November 17, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41907-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: The following described real property, depicted in Exhibit A, attached:

A portion of land located in the Northeast Quarter of Section 28, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;

Block 11, Lots 4 and 5 of the Speese Addition, subdivision plat, Book 2, Page 15, Dated January 20, 1925 as recorded in Yuma County Records Office, City of Yuma, State of Arizona.

Containing 14,000.00 Sq. Ft. or 0.32 of an acre more or less.

shall be placed in the Medium Density Residential/Infill Overlay (R-2/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the

Medium Density Residential/Infill Overlay (R-2/IO) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Medium Density Residential/Infill Overlay (R-2/IO) District.

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

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.

SECTION 3: 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 or 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 A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

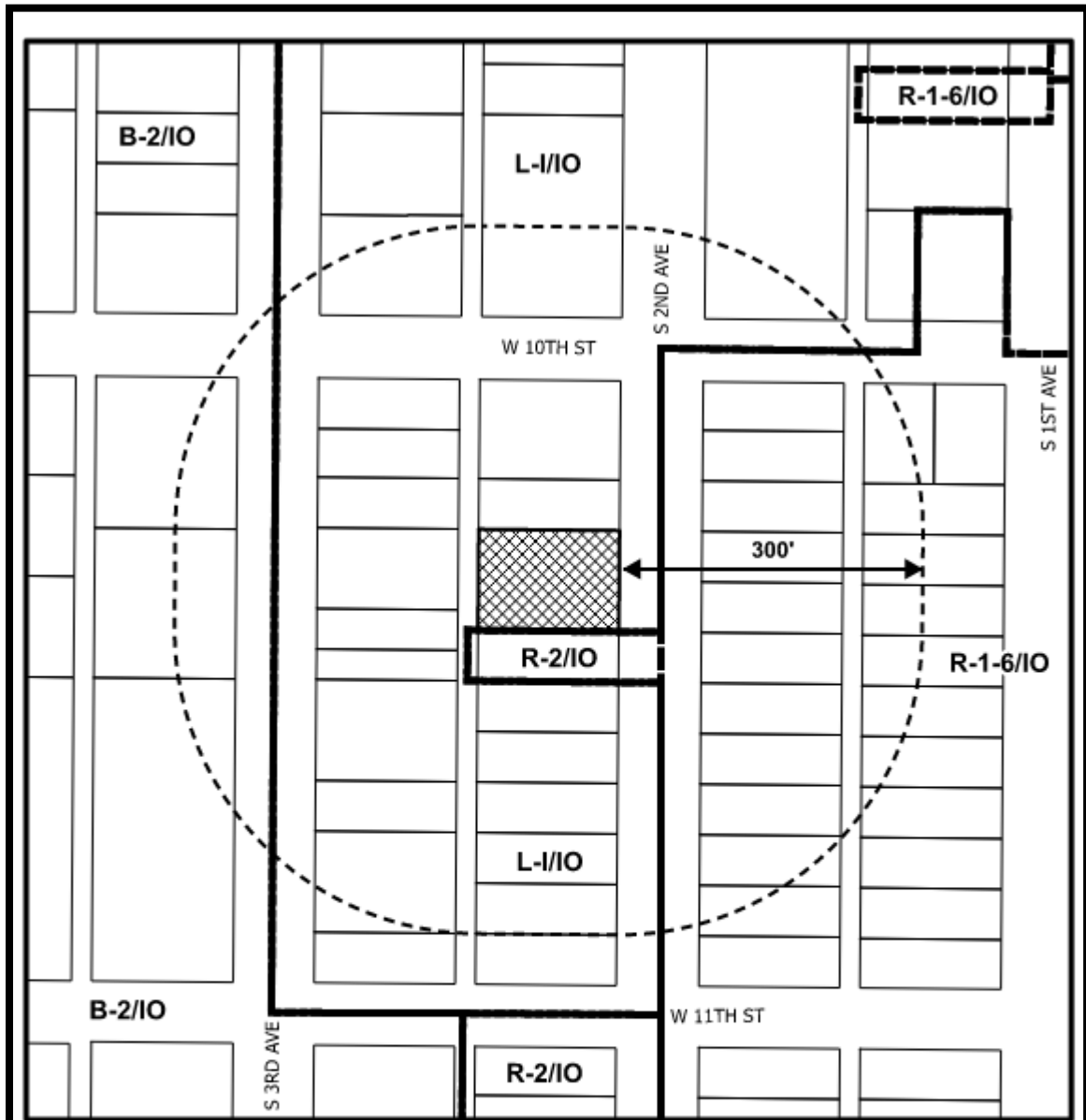
ATTESTED:

Lynda L. Bushong
City Clerk


APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: JLA



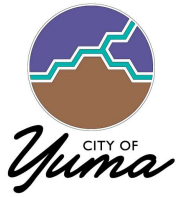
Date: 10/20/2023

Revised:

Revised:

Case #:

ZONE-41907-2023



City of Yuma

City Council Report

File #: O2024-007

Agenda Date: 2/7/2024

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 type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

TITLE:

Text Amendment: Cielo Verde Specific Plan

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, to update the list of uses within the Residential District of the Cielo Verde Specific Plan. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will facilitate and support the balance of land uses within the Cielo Verde development, supporting the City Council’s strategic outcome of Safe and Prosperous.

REPORT:

The City of Yuma City Council adopted the Cielo Verde Specific Plan (CVSP) June 20, 2001 as Ordinance O2001-53. The Specific Plan was developed to provide a planned community with a variety of land uses that supported commercial and residential development in respective zoning districts. Each Zoning District: CVSP-Commercial and CVSP-Residential was adopted with a specific list of allowed primary uses at the request of the developer. The CVSP-Commercial zoning district allows religious uses as a Primary Use. At the time the Cielo Verde Specific Plan was developed and adopted the developer intended to primarily provide residential uses within the CVSP-Residential district. Over time, the opportunity for new uses have been brought forward for consideration.

This current request is to allow a religious institution on a portion of the parcel located at the southeast corner of 36th Street and Avenue 8E. The request is similar to case Z2009-022 adopted by the City Council on February 10, 2010, as Ordinance O2010-12 which allowed a religious use at the southwest corner of 36th Street and Avenue 8½E.

Typically, the City of Yuma Zoning Code allows religious institutions within the residential zoning districts, but the Cielo Verde Specific Plan has special zoning with a specific list of Primary Uses.

On January 8, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request for a Zoning Code Text Amendment to amend Title 15, Chapter 154, to amend the list of primary uses within the Cielo Verde Residential District, subject to the conditions of approval outlined below:

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.
- 3. Owner/Developer shall complete one of the following:
 - a. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - b. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets but will have to be tied to a development agreement that is approved by the Yuma City Council.
- 4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to ARS § 9-462.01.

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

QUESTIONS FOR STAFF - None

PUBLIC COMMENT -

“Mandy Moreno, 3656 S. Blue Grass Drive, Yuma, AZ expressed concerns on increased traffic.”

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Joshua Scott - Planning and Zoning Commissioner, to APPROVE ZONE-42037-2023 to update the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions in Attachment A.”

“Motion carried unanimously (4-0), with John Mahon - Planning and Zoning Commissioner absent and two vacancies.”

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:

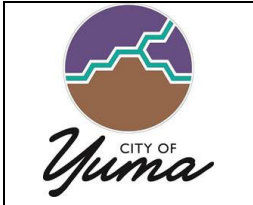
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



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

Hearing Date January 8, 2024

Case Number: ZONE-42037-2023

Project Description: This is a request by Gordon Jacobson on behalf of the Jacobson Companies Inc. for a Zoning Code Text Amendment of Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42037-2023 as presented in the staff report, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend the list of Primary Uses within the Cielo Verde Residential District to include a religious institution at the southeast corner of Avenue 8E and 36th Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The City of Yuma City Council adopted the Cielo Verde Specific Plan (CCSP) June 20, 2001 as Ordinance O2001-53. The Specific Plan was developed to provide a planned community with a variety of land uses that supported commercial and residential development in respective zoning districts. Each Zoning District: CVSP-Commercial and CVSP-Residential was adopted at the request of the developer with a specific list of allowed primary uses. The CVSP-Commercial zoning district allows religious uses as a Primary Use. At the time the Cielo Verde Specific Plan was developed and adopted the developer intended to primarily provide residential uses within the CVSP-Residential district. However over time, the opportunity for new uses have been brought forward for consideration.

This current request is to allow a religious institution on a portion of the parcel located at the southeast corner of 36th Street and Avenue 8E. The request is similar to case Z2009-022 adopted by the City Council on February 10, 2010 as O2010-12 which allowed a religious use at the southwest corner of 36th Street and Avenue 8½E.

Typically, the City of Yuma Zoning Code allows religious institution within the residential zoning districts, but the Cielo Verde Specific Plan has special zoning

districts brought forward at the request of the developer to support their future plans at the time.

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

Yes A Goal of the General Plan is to “Create a community where all uses and activities are mutually in balance”. This text amendment will help ensure the balance of uses and activities remains, while allowing a new compatible use with a location restriction.

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

Yes The overall purpose and intent of the Zoning Ordinance is to protect the public health, safety and general welfare.

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

Yes The proposed amendment will allow a religious institution as a Primary Use in a specific location.

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

No The development standards will not be amended.

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

The proposed amendment will allow a religious institution as a Primary Use at the southeast corner of 36th Street and Avenue 8E.

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 proposed amendment is consistent with the intent of the Cielo Verde Specific Plan as approved by City Council.

Public Comments Received:

Name:	Brent Mudhenke			Contact Information: (605) 203-0312				
Method of Contact:	Phone	X	FAX	Email	Letter	Other		
Concerned about traffic on 36 th Street and Avenue 8E. Very difficult to cross Avenue 8E at 36 th Street. Speed limit on Avenue 8E needs to be reduced to 35 miles per hour or less.								
Name:	Michael Owners			Contact Information: (928) 919-8187				
Method of Contact:	Phone	X	FAX	Email				
Questions about meeting schedule and process.								

External Agency Comments:

None Received

Neighborhood Meeting Comments:

See Attachment D

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed text amendment to the Cielo Verde Specific Plan:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, 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.

Department of Engineering Comments: Andrew McGarvie, Engineering Manager (928) 373-5000, x 3044:

3. Owner/Developer shall complete one of the following:
 - A. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - B. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

Community Planning: Jennifer Albers, Assistant Director of Planning, (928) 373-5180

4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District be amended to insert the bolded text and delete the strike through text:


(2) Primary Uses permitted in the Cielo Verde Residential District include the following:

- (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

**ATTACHMENT C
LOCATION MAP**



LOCATION MAP


LOCATION OF SUBJECT PROPERTY



Prepared by: DG
Checked by: JLA



Date: 11/13/2023
Revised:
Revised:

Case #:
ZONE-42037-2023

**ATTACHMENT D
AGENCY NOTIFICATION**

- Legal Ad Published - The Sun: 12/16/23
- 34 Commenting/Reviewing Agencies noticed: 11/23/23
- Neighborhood Meeting: 11/30/23
- Hearing Date: 1/8/23
- Comments due: 12/4/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	11/29/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	Yes	11/27/23	X		
Yuma County Water Users’ Assoc.	Yes	11/28/23	X		
Yuma County Planning & Zoning	Yes	11/28/23	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	NR				
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	11/28/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	11/30/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
11/30/23	See Staff Report Attachment D

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 11/30/23

Location: SWC of 36th Street and E. Oriole Drive

Attendees:

Applicant - Gordon Jacobson, Staff – Jennifer Albers

Neighbors – Michael Owens, Robert Owens, Ricki Contreras, Jesus Contreras, Ron Ceton, and Felicia Linn

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

- Applicant described proposed project: New church with 200 person capacity, buildings would be 40-50 feet tall with a spire at 130 feet. Project will be on about 9 acres and will include parking and enhanced landscaping. No activities will occur outside the building. This facility will not have a school and will not have a mission. Access will be from 36th Street but traffic analysis will occur to identify whether access to Avenue 8E will be warranted. Stated facility would be a positive addition to the neighborhood.
- Neighbors noted concerns with the following:
 - Traffic is already an issue and this new facility could make it worse
 - Activities and lighting on site could be disturbing
 - Concerned that use of site will expand over time
 - Bought in area believing this would be houses and now proposing changes
 - One neighbor noted that a religious use would have less traffic than more homes.
 - Following a question about grading, the applicant noted that the site would be graded to bring more in level with the street as there has been a buildup of sand.

ORDINANCE NO. O2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO CIELO VERDE SPECIFIC PLAN TO UPDATE THE LIST OF USES WITHIN THE CIELO VERDE RESIDENTIAL DISTRICT

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 January 8, 2024 in Case No: ZONE-42037-2023 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 December 16, 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-42037-2023 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, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District is amended to insert the bolded text and delete the strike through text:

- (2) Primary Uses permitted in the Cielo Verde Residential District include the following:
 - (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

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.
3. Owner/Developer shall complete one of the following:
 - a. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - b. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

SECTION 3: 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.

SECTION 4: 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 _____, 2024.

APPROVED:

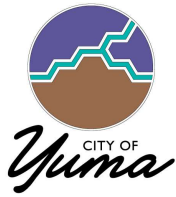
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-008

Agenda Date: 2/7/2024

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 checked="" 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:

Rezoning of Property: Located at 430 and 440 S. Magnolia Avenue

SUMMARY RECOMMENDATION:

Rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High Density Residential (R-3) District, for the properties located at 430 and 440 S. Magnolia Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

Approval of this rezone will support residential development in the City that will be responsibly constructed, meeting all codes and requirements. This rezone assists in furthering the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

The undeveloped properties are located along S. Magnolia Avenue and total 1.17 acres in size. The applicant is requesting to rezone the property from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, while maintaining the Infill Overlay (IO) District. The property owner, Arizona Housing Development Corporation (AHDC), intends to develop a multi-family housing project on the subject properties and is currently in the process of combining the parcels prior to the development of the site.

Below are some of the development standards which apply to the High-Density Residential (R-3) District:

- The maximum lot coverage in the High-Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings;
- The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet;
- A minimum rear yard setback of 10 feet; and
- A maximum building height of 40 feet, however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low-Density Residential District.

In accordance with the current City Codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all the development standards for

the High-Density Residential District (R-3) are met.

The potential residential development could contain between 15 and 35 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District is in conformance with the General Plan.

On December 11, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (4-0, with three absent) of the request to rezone approximately 1.17 acres from the Medium Density Residential (R-2) District to the High-Density Residential (R-3) District, while maintaining the Infill Overlay (IO) District, for the properties located at 430 and 440 S. Magnolia Avenue, subject to the conditions of approval outlined below:

1. The conditions listed below are in addition to the City codes, rules, fees and regulations that are applicable to this section.
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.
3. 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 the site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to A.R.S. § 9-462.01.

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

Questions for Staff:

“John Mahon - Planning and Zoning Commissioner stated that the site plan showed a two-story building, but that the R-3 Zoning was limited to one story maximum and asked for clarification from staff.

“Jennifer Albers - Assistant Director of Planning said that the applicant could pursue a variance to change that, but that the City was also considering a Text Amendment that would allow the 40-foot distance as opposed to a 60-foot distance, allowing for a two-story building.

“Lorraine Arney - Planning and Zoning Commissioner asked if the apartments would be affordable housing or market rate.

“Zenia Fiveash - Assistant Planner confirmed that the units would be affordable.

APPLICANT/APPLICANT'S REPRESENTATIVE

“Christopher Thompson, 675 W. 16th Street, Yuma, AZ confirmed that the apartments would be affordable housing.

“Arney asked if the apartments would be like the Mesa Heights Apartments.

“Thompson confirmed.

PUBLIC COMMENT

None

“Motion by Edgar Olvera - Planning and Zoning Commissioner, second by Mahon to APPROVE ZONE-

41394-2023 as presented. Motion carried unanimously, (4-0) with three 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			
-			
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: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ZENIA FIVEASH**

Hearing Date: December 11, 2023

Case Number: ZONE-41394-2023

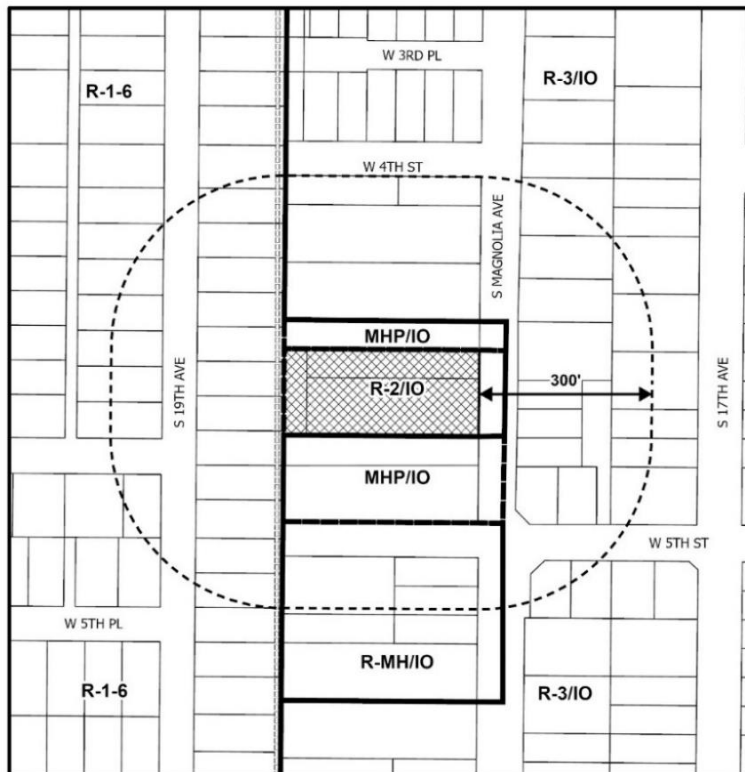
Project

Description/Location:

This is a request by Thompson Design Architects PC, on behalf of Arizona Housing Development Corporation to rezone two parcels, approximately 1.17 acres, from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for the properties located at 430 & 440 Magnolia Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Medium Density Residential/Infill Overlay (R-2/IO) District	Undeveloped Land	High Density Residential
North	Manufactured Housing Park/Infill Overlay (MHP/IO) District	Single Family Residence	Medium Density Residential
South	Manufactured Housing Park/Infill Overlay (MHP/IO) District	Manufactured Home	Medium Density Residential
East	High Density Residential/Infill Overlay (R-3/IO) District	Single Family Residence & Duplex	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single Family Residence	Low Density Residential

Location Map



Prior site actions: Annexation: Ordinance 605, West Yuma (February 6, 1954); Subdivision: Townsend Tract Subdivision (March 23, 1905); Lot Split: Robles Lot Tie (October 28, 1999); General Plan Amendment: Resolution No. R2023-042 (Medium Density Residential to High Density Residential, September 20, 2023); Lot Tie: AHDC Magnolia Apartments Lot Tie (In process)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-41394-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to High Density Residential/Infill Overlay (R-3/IO) District for the property located at 430 & 440 Magnolia Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject properties are located along S. Magnolia Avenue. In total, the subject properties are approximately 1.17 acres in size and are currently undeveloped.

The applicant is requesting to rezone the property from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District. The property owner, Arizona Housing Development Corporation, intends on developing a multi-family housing project on the subject properties. In addition, the property owner is currently in the Lot Tie process to combine both parcels prior to the development of the site.

Below, are some of the development standards which apply to the High Density Residential (R-3) District:

High Density Residential (R-3) District:

- The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;
- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet; and
- A minimum rear yard setback of 10 feet;
- A maximum building height of 40 feet, however, the maximum building height is reduced to 20 feet (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

The surrounding properties are developed with site-built, manufactured, and multi-family residences. The proposed rezone request is in character with the surrounding neighborhood.

The potential residential development could contain between 15 and 35 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element? Yes.

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

2. Are there any dedications or property easements identified by the Transportation Element? Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Magnolia Avenue Local	40 FT H/W ROW	40 FT H/W ROW				
5 th Street - Local	40 FT H/W ROW	40 FT H/W ROW				
Bicycle Facilities Master Plan	Magnolia Avenue – Existing Bike Route					
YCAT Transit System	Purple Route 6/6A					
Issues:	None					

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan? Yes

Parks, Recreation and Open Space Element:						
Parks and Recreation Facility Plan						
Neighborhood Park:		Existing: Kiwanis Park			Future: Kiwanis Park	
Community Park:		Existing: Carver Park Complex			Future: Carver Park Complex	
Linear Park:		Existing: East Main Canal			Future: East Main Canal	
Issues:		None				
Housing Element:						
Special Need Household:		N/A				
Issues:		None				
Redevelopment Element:						
Planned Redevelopment Area:		Carver Park				
Adopted Redevelopment Plan:		North End:		Carver Park:	X	None:
Conforms:		Yes	X	No		
Conservation, Energy & Environmental Element:						
Impact on Air or Water Resources		Yes		No	X	
Renewable Energy Source		Yes		No	X	
Issues:		None				
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	Police	Water		Wastewater
	<i>Multi-Family</i>		Population	Impact	Consumption		Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	35	1.9	67	0.13	13,766	15.4	4,655
Minimum							
15		1.9	29	0.05	5,900	6.6	1,995
Fire Facilities Plan:	Existing: Fire Station No. 1			Future: Fire Station No. 1			
Water Facility Plan:	Source:	City	X	Private	Connection:	10" Water	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 6" Sewer	
Issues:	None						
Safety Element:							
Flood Plain Designation:	X			Liquefaction Hazard Area:	Yes	X	No
Issues:	None						
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:	None						

4. Does the proposed rezoning conform to the adopted facilities plan? Yes.

5. Does the proposed rezoning conform to Council’s prior approval of rezonings, development agreements or subdivisions for this site? Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment D.

Proposed conditions delivered to applicant on: 11-13-23

Final staff report delivered to applicant on: 11-30-23

Applicant agreed with all of the conditions of approval on: 11-13-23

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Conceptual Site Plan	Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Zenia Fiveash* **Date:** 11/30/2023
 Zenia Fiveash
 Assistant Planner Zenia.Fiveash@yumaaz.gov (928)373-5000, x3040

Reviewed By: *Jennifer L. Albers* **Date:** 11/21/23
 Jennifer L. Albers
 Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 11/30/2023
 Alyssa Linville
 Director, Planning and Neighborhood Services

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

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

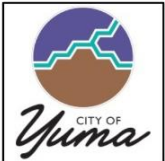
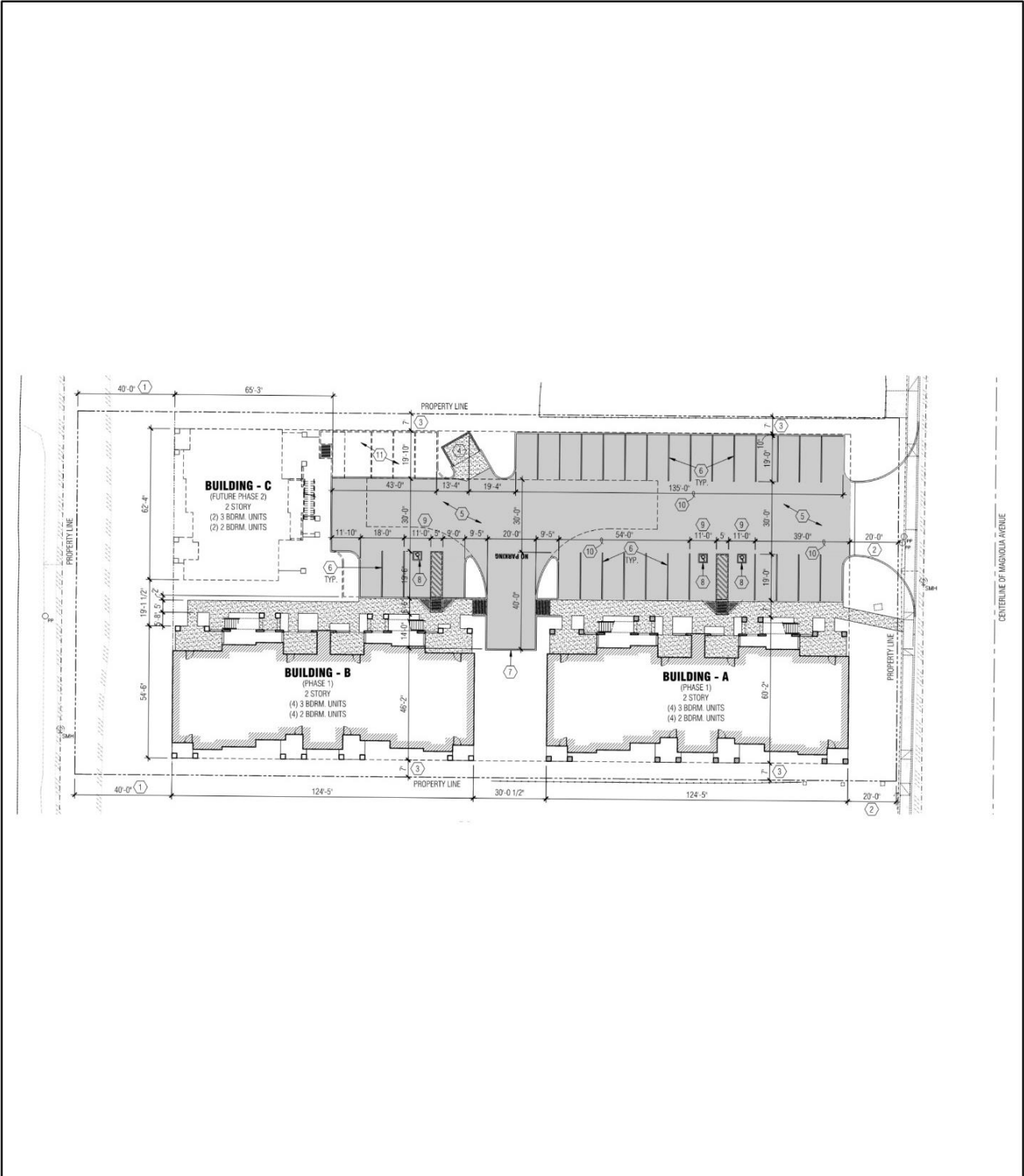
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Zenia Fiveash, Assistant Planner, (928) 373-5000 x3040

3. 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.

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 CONCEPTUAL SITE PLAN

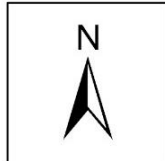


Prepared by:
DG
Date:
10/26/2023

ZONE-41394-2023
APNs 632-54-180 & 632-54-181

Site Plan

Plan/Case:
41394



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/17/23)
- **300' Vicinity Mailing:** (10/23/23)
- **34 Commenting/Reviewing Agencies noticed:** (11/06/23)
- **Site Posted on:** (12/04/23)
- **Neighborhood Meeting:** (6/13/23)
- **Hearing Date:** (12/11/23)
- **Comments due:** (11/06/23)

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.	11-06-23		X		
Yuma County Planning & Zoning	10-30-23				X
Yuma County Assessor	NR				
Yuma Proving Ground	10-30-23		X		
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 Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	10-26-23		X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	11-01-23				X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code		
ALFARO MANUEL A & SILVIA RIVAS	153 N 21ST AVE	YUMA	AZ	85364
ALVAREZ FRANCISCO & EDITH S JT	414 S 19TH AVE	YUMA	AZ	85364
AMBRIZ JOSE & JESSIE JT	472 S 17TH AVE	YUMA	AZ	85364
ARIZONA HOUSING DEVELOPMENT CORP	420 S MADISON AVE	YUMA	AZ	85364
BEDELL CHRISTOPHER H & TINA M TRUST 3-8-2006	430 S 19TH AVE	YUMA	AZ	85364
BEECROFT ROBERT K	501 S 19TH AVE	YUMA	AZ	85364
BUROS LESLIE C	8039 W DILLON WASH RD	PRESCOTT	AZ	86305
CABRERA BERNABE T	949 S 12TH AVE	YUMA	AZ	85364
CAMINO OTERO REAL ESTATE INVESTMENTS LLC	340 W 32ND ST #504	YUMA	AZ	85364
CAMPUZANO ALFRED C & CLARA M JT	417 S 19TH AVE	YUMA	AZ	85364
CARVAJAL CARLOS AND IRENE B TR 12-14-09	433 S 19TH AVE	YUMA	AZ	85364
CARVER PARK TOWNHOMES AZ LLC	420 S MADISON AVE	YUMA	AZ	85364
CHAVEZ EDUARDO & ROSEMARIE	504 S MAGNOLIA AVE	YUMA	AZ	85364
CHAVEZ LUPE R	502 S MAGNOLIA AVE	YUMA	AZ	85364
CORDOVA FRANCISCO	1901 W 5TH ST	YUMA	AZ	85364
DAVIS MELVA G	420 S MAGNOLIA AVE	YUMA	AZ	85364
DOMINGUEZ ADRIANA	413 S 19TH AVE	YUMA	AZ	85364
DURAN ANA MARTHA GARCIA	1775 W 5TH ST	YUMA	AZ	85364
EMBREE KATHLEEN M	509 S 19TH AVE	YUMA	AZ	85364
FELIX ZEFERINO & MARIA ESTHER JT	425 S 19TH AVE	YUMA	AZ	85364
FLORES JOHN A	1855 W 5TH ST	YUMA	AZ	85364
GARCIA MIGUEL ANGEL AND NORMA ALICIA JT	PO BOX 25492	YUMA	AZ	85367
GASTELUM JESUS M & MARTHA JT	4156 W 17TH ST	YUMA	AZ	85364
GODOY OCTAVIO & GRACIELA JT	1845 W 4TH ST	YUMA	AZ	85364
GUTHRIE TRUST 7-9-2019	429 S 19TH AVE	YUMA	AZ	85364
HOLMAN GARTH S/S	409 S 19TH AVE	YUMA	AZ	85364
HUBBARD JOHNNY L & VANDORIA L JT	450 S 17TH AVE	YUMA	AZ	85364
INFINITI PROPERTIES AZ LLC	PO BOX 4077	YUMA	AZ	85366
LAZO MIGUEL & MARIA JT	501 S MAGNOLIA AVE	YUMA	AZ	85364
LEE VERLAN & JEANNE R LVNG TR 02-23-98	505 S 19TH AVE	YUMA	AZ	85364
MARTINEZ JOEL A	3876 W 26TH PL	YUMA	AZ	85364
MONTANA THOMAS P TRUST 11-01-2011	517 S 19TH AVE	YUMA	AZ	85364
MOTTER ANNA MARIE	452 S 17TH AVE	YUMA	AZ	85364
NAVARRO GRISELDA	402 S MAGNOLIA AVE	YUMA	AZ	85364
ORELLANA GUADALUPE	1902 W 5TH PL	YUMA	AZ	85364
PERRY THOMAS J TRUST 10-24-2003	3128 EL CAJON BLVD	DIEGO	CA	92104
RANGEL SERGIO R	405 S MAGNOLIA AVE	YUMA	AZ	85364
RIVERA SAMUEL & MATILDE	426 S 19TH AVE	YUMA	AZ	85364
RUBIO JESUS R	513 S 19TH AVE	YUMA	AZ	85364
SHAW JIMMIE C & MARY A JT	448 S 17TH AVE	YUMA	AZ	85364
SMITH ARTHUR E	422 S 19TH AVE	YUMA	AZ	85364
SNOOK EDWARD W & TAMMY JT	1905 W 5TH ST	YUMA	AZ	85364
TORRES ALEX C & LUCILLE R	408 S 19TH AVE	YUMA	AZ	85364
TORRES JESUS	407 S 19TH AVE	YUMA	AZ	85364

TRUJILLO RAYMOND J & IDA JT
ZAVALA JOEL V & ELIZABETH G CPWROS

404 S 17TH AVE YUMA
2499 S DANETTE WAY YUMA

AZ 85364
AZ 85365

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by Thompson Design Architects PC, on behalf of Arizona Housing Development Corporation to rezone two parcels, approximately 1.1667 acres, from the Medium Density Residential/Infill Overlay (R-2/IO) District to the High Density Residential/Infill Overlay (R-3/IO) District, for the properties located at 430 & 440 Magnolia Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-41394-2023**

PUBLIC HEARING
12/11/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 430 & 440 Magnolia Ave, Yuma, AZ. 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 Zenia Fiveash by phone at (928) 373-5000 ext. 3040 or by email at Zenia.Fiveash@Yumaaz.gov

ATTACHMENT G
AERIAL PHOTO



ORDINANCE NO. O2024-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT TO THE HIGH-DENSITY RESIDENTIAL (R-3) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 11, 2023 in Zoning Case no: ZONE-41394-2023 in the manner prescribed by law for the purpose of rezoning parcels of real property hereafter described to the High- Density Residential (R-3) District as provided in Chapter 154 of the Yuma City 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 November 13, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41394-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: The following described real property, depicted in Exhibit A, attached:

That portion of the Northeast quarter of the Southwest quarter of Section 20, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the midsection line monument (Found 3" Brass Cap "LS 19329) at the intersection of 4th (Jessie) Street and Magnolia Avenue with a Basis of Bearings to the midsection line monument (Found 3" Brass Cap "LS 38886, 2009" flush with AC) at the intersection of 5th (Pearl) Street and Magnolia Avenue of South 00°00'00" East;

thence South 00°00'00" East along said midsection line a distance of 379.96 feet;

thence North 89°58'18" West a distance of 43.19 feet to a point on the West Right-of-Way line of Magnolia Avenue and the TRUE POINT OF BEGINNING;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 99.99 feet;

thence North 89°58'04" West along the South line of the North half of Lots 5 and 8 of Block 27 of Townsend Tract as recorded in Book 1 of Plats, Page 14, Records of Yuma County a distance of 338.88 feet;

thence North 00°00'49" East along the centerline of vacated Olive Avenue of said Townsend Tract a distance of 149.96 feet;

thence South 89°58'18" East along the North line of Lots 4 and 9 of said Townsend Tract a distance of 338.86 feet to a point on the West Right-of-Way line of Magnolia Avenue;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 49.99 feet to the TRUE POINT OF BEGINNING;

Aforementioned area contains 50,820 square feet, 1.1667 acres, more or less.

shall be placed in the High Density Residential (R-3) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the High Density Residential (R-3) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the High Density Residential (R-3) District, and

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

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.

SECTION 3: 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 or 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 A.R.S. §9-462.01.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

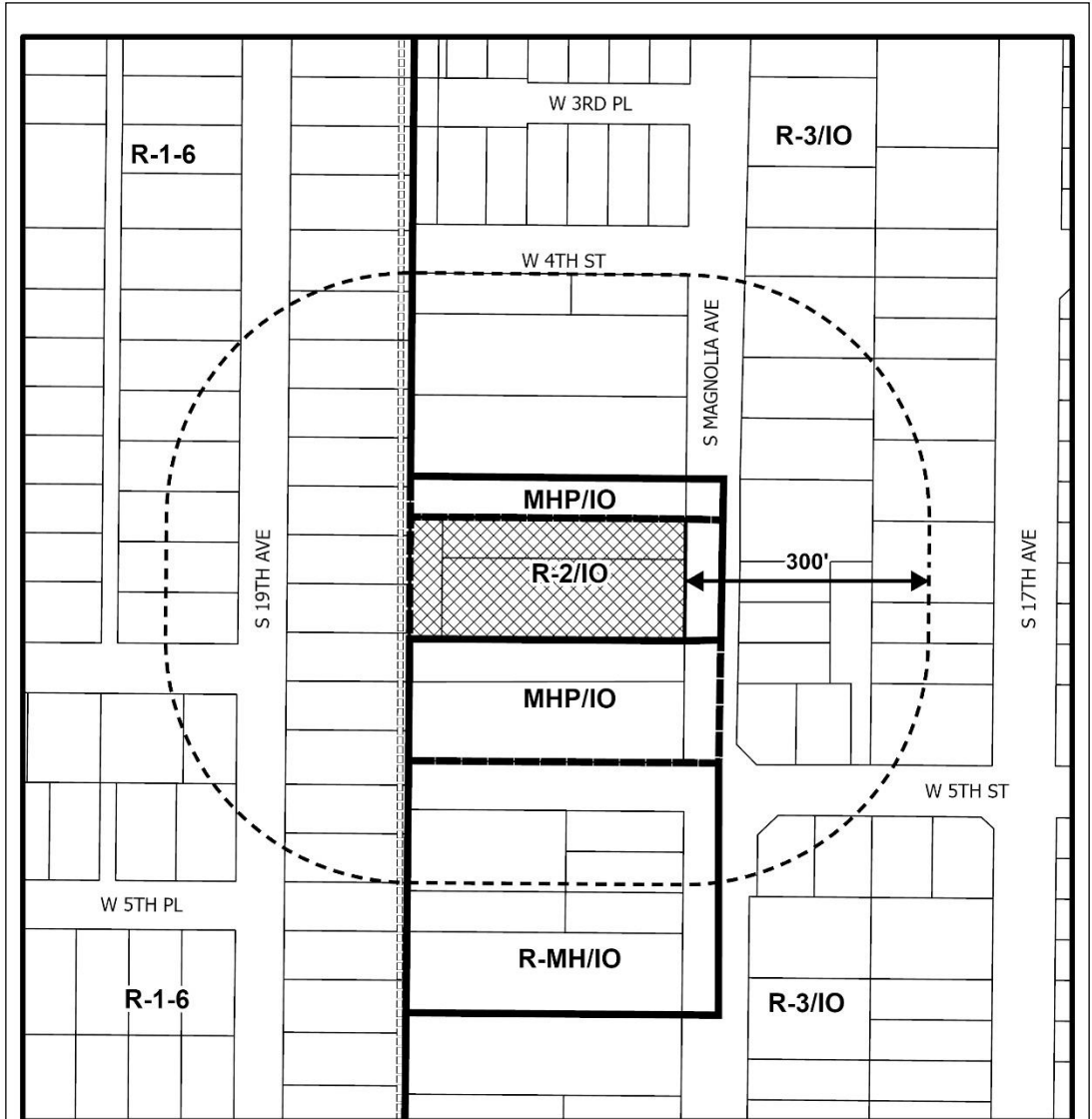
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: JLA



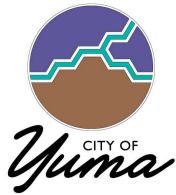
Date: 10/26/2023

Revised:

Revised:

Case #:

ZONE-41394-2023



City of Yuma

City Council Report

File #: R2024-002

Agenda Date: 2/7/2024

Agenda #: 1.

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

TITLE:

Expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1

SUMMARY RECOMMENDATION:

Following a public hearing, approve the expansion of the Main Street Mall and Off Street Parking Maintenance District No. 1 (MMD) to include parcels owned by the City of Yuma. (City Attorney) (Richard W. Files)

STRATEGIC OUTCOME:

Inclusion of the parcels within the MMD advances the City's Safe and Prosperous strategic outcome by facilitating a thriving Downtown Yuma. Inclusion of the parcels within the MMD will ensure they are assessed and pay into the MMD to help finance and pay for shared parking and landscaping within the MMD as the parcels are developed.

REPORT:

In 1968/1969, the Yuma City Council created the MMD to provide revenue for maintenance, repair and improvements of the pedestrian mall, parking facilities and parkways in the historic downtown area. Property owners within the MMD pay into the MMD through an assessment on their property tax bill and in exchange receive the benefit of shared parking and landscaping within the MMD. The City's financial support of the MMD is approximately 50-55% of the total MMD cost with the balance currently paid from property owners within the district.

The City owns several parcels, described as Parcel 1 and Parcel 2 below, that City staff proposes to include in the MMD. (See map attached to the proposed resolution).

Parcel 1 (Assessor's Parcel Number (APN) 633-36-240) is located on 1st Street and includes the Yuma North End Community Center at 160 E 1st Street, Yuma, AZ. Parcel 1 is contiguous to the Northeast boundary of the MMD and owned by the City.

Parcel 2 includes all of Block 18, as described in White's 1894 Survey Map, that is not currently included within the MMD.

Parcel 2, as defined above, includes APN 633-44-148, APN 633-44-149, APN 633-44-150, APN 633-44-151 (each of which is owned by the City of Yuma) and any other portions of Block 18 (if any) that are not already included in the MMD. Inclusion of Parcel 2 will result in all the land bounded by 3rd Street to the north, Gila

Street to the east, Giss Parkway to the south, and Maiden Lane to the west being in the MMD.

Parcel 1 and Parcel 2 are both adjacent to the MMD.

Municipal improvement districts, like the MMD, are regulated by A.R.S. § 48-571. If the governing body (city or town council) opines that an adjacent property would benefit from being part of the municipal improvement district, A.R.S. § 48-574(J) sets forth the following criteria for adding an adjacent property into a municipal improvement district:

J. If, in the opinion of the governing body, territory adjacent to a district formed under this section would benefit from being a part of the district, the governing body, by resolution, may include the territory in the district formed under this section if the following conditions are met:

1. Improvements that meet the standards and specifications established by the governing body have been constructed in the territory and will be used for the purposes of the district.
2. Any required public dedications of property have been made or will be made before the inclusion of the territory in the district.
3. Including the territory in the district will not adversely affect the district.
4. Notice of the proposed inclusion of the territory in the district has been published in five consecutive issues of a daily newspaper or two consecutive issues of a weekly or semiweekly newspaper of general circulation published in the municipality and a public hearing has been held to consider the inclusion of the territory in the district.
5. Notice has been sent by first class mail at least ten days prior to the hearing specified in paragraph 4 of this subsection with an accurate map of the territory proposed for inclusion in the district to each owner of real and personal property within the district and in the proposed area of inclusion as shown on the statement furnished pursuant to subsection K of this section that is now or would be subject to taxation by the district in the event of inclusion of the proposed area.

With the exception of holding a public hearing and making the finding required by subsection J(3), all criteria have been met.

City Staff recommends opening a public hearing for expanding the MMD, and provided that City Council concludes that the expansion will not adversely affect the district, adopting a Resolution to include Parcel 1 and Parcel 2 within the MMD.

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:

Names and addresses of property owners receiving the notice required by A.R.S. § 48-571(J)(5).

Acting City Administrator: John D. Simonton	Date: 01/28/2024
Reviewed by City Attorney: Richard W. Files	Date: 01/28/2024

RESOLUTION NO. R2024-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE INCLUSION OF NEW PARCELS WITHIN THE MAIN STREET MALL AND OFF STREET PARKING MAINTENANCE DISTRICT NO. 1

WHEREAS, the City of Yuma (“City”) owns Parcel 1 and Parcel 2 as described and depicted in the legal description and map attached and incorporated as Exhibit “A;” and,

WHEREAS, both parcels are adjacent to the Main Street Mall and Off Street Parking Maintenance District No. 1 (“MMD”); and,

WHEREAS, the Yuma City Council (“City Council”) created the MMD to provide for the maintenance, repair, and improvements of the pedestrian mall, parking facilities, and parking and parkways in the historic downtown area; and,

WHEREAS, City Council may include adjacent property within the MMD by following the process set forth in Arizona Revised Statutes (“A.R.S.”) § 48-574(J); and,

WHEREAS, City staff recommends the inclusion of Parcel 1 and Parcel 2 within the MMD; and,

WHEREAS, City Council finds that inclusion of Parcel 1 and Parcel 2 within the MMD would benefit the parcels and not adversely affect the district.

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

SECTION 1: The City Administrator is authorized and directed to take all necessary steps to expand the MMD to include Parcel 1 and Parcel 2 as described and depicted in Exhibit “A.”

SECTION 2: Pursuant to A.R.S. § 48-574(L), the City Administrator is directed to file a copy of this Resolution with the Yuma County Recorder’s Office within ten (10) days of the adoption of this Resolution.

Adopted this _____ day of February, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

Legal Description of Parcel 1 and Parcel 2

Parcel No. 1 (APN 633-36-240)

A portion of the East half of Section 35, T16S, R23E of the San Bernardino Base and Meridian, City of Yuma, Yuma County, Arizona and being more particularly described as follows:

A portion of Lot 11 and all of Lots 13-16, Block 7 and Lots 8-11, Block 8, according to the White's Official Survey, filed April 4, 1894, and filed in the Yuma County Recorder's Office, also described as Parcel "A" in City of Yuma Water Treatment Plant/ Adult Center Lot Tie and Lot Split as recorded in Yuma County Recorder's Office, Yuma Arizona, in Book 14 of Plats, Pages 75-76, Dated May 13, 1996;

Excepting therefrom that portion of Lot 11, Block 7.

Containing 49,945 Square Feet or 1.147 Acres, more or less.

Parcel No. 2 (APNs 633-44-148 to 633-44-151)

A portion of Lot 5 and Lots 6-8, Block 18, according to the White's Official Survey, filed April 4, 1894, and filed in the Yuma County Recorder's Office, and described further in the Hunt Property Lot Tie/Lot Split and Street dedication, dated 9/6/2002, FEE #: 2002-25557, recorded in Book 17 of Plats, Pages 72 to 74, Yuma County Recorder's Office, and more particularly described as follows:

Commencing at the Northeast Corner of said Lot 6, also being the **True Point of Beginning**,

Thence South 01°20'34" East along the East line of said Lot's 6 and 7 a distance of 275.18' feet to the Southeast Corner of said Lot 7,

Thence South 86°20'06" West along the South line of said Lot's 7 and 8, a distance of 170.75' feet to the Southwest Corner of said Lot 8,

Thence North 09°09'37" West along the West line of said Lot's 8 and 7, a distance of 178.23 feet to the Northwest corner of said Lot 7,

Thence continuing North 09°09'37" West along the West line of said Lot 5, a distance of 80.79 feet, more or less to a point,

Thence North 81°37'52" East along a southwesterly extension of the North line of said Lot's 5 and 6, a distance of 117.23' feet, more or less to the Southerly Northeast Corner of said Lot 5,

Thence continuing North 81°37'52" East along the North line of Lot 6, a distance of 93.02 feet to the Northeast of said Lot 6, also being the **True Point of Beginning**.

Containing 51,218 sq. ft. or 1.17 acres, more or less.

Description Verified By:	Andrew McGarvie
City Engineering Department	12/6/23

Mall Maintenance District

