



City of Yuma City Council Meeting REVISED Agenda

Wednesday, November 15, 2023

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL

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

PRESENTATIONS

- Amberly's Place Update
- Greater Yuma Economic Development Corporation Annual Presentation
- Recognition of Achievement for Excellence Award from the Government Finance Officers Association

I. MOTION CONSENT AGENDA

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

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

1. [MC 2023-185](#) **Variance Appeal - Board of Adjustments Draft Minutes November 1, 2023**

Attachments: [2023 11 01 Variance Appeal Minutes](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2023-172](#) **Liquor License: Maverik**
Approve a Series #10: Beer and Wine Store Liquor License application submitted by Lauren Merrett, agent for Maverik located at 2930 E. Gila Ridge Road. (LL23-14) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Maverik](#)

2. [MC 2023-173](#) **Liquor License: Carnitas El Taste Foothills**
Approve a Series #12: Restaurant Liquor License application submitted by Marina Barajas, agent for Carnitas El Taste Foothills located at 5836 E. 32nd Street, Suite 1. (LL23-15) (City Administration/City Clerk) (Lynda L. Bushong)

Attachments: [1. MAP Liquor License: Carnitas El Taste Foothills](#)

3. [MC 2023-174](#) **Liquor License: 928 Tacos**
Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1150 W. 24th Street. (LL23-16) (City Administration/ City Clerk) (Lynda L. Bushong)
- Attachments:** [1. MAP Liquor License: 928 Tacos](#)
4. [MC 2023-176](#) **Bid Award: 45th Avenue Multi-Use Pathway 28th Street to 24th Street**
Authorize the City Administrator to execute a construction services contract for the 45th Avenue Multi-Use Pathway, 28th Street to 24th Street Project, to the lowest responsive and responsible bidder in the amount of \$471,226.80 for the base bid, and \$56,773.20 for the alternate bid for a total of \$528,000.00 to DPE Construction, Inc., Yuma, Arizona. (Engineering - RFB-23-253) (David Wostenberg/Robin R. Wilson)
5. [MC 2023-177](#) **Cooperative Purchase Agreement: Ground and Turf Maintenance Equipment**
Authorize the purchase of various Ground and Turf Maintenance Equipment to Hillyard, Mesa, Arizona; Stotz Equipment, Avondale, Arizona; and RDO Equipment, Yuma Arizona utilizing Arizona State Contract, Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$228,417.63 (Parks and Recreation Department-CPA-24-131) (Eric Urfer/Robin R. Wilson)
6. [MC 2023-178](#) **Cooperative Purchase Agreement: Global Positioning System Receivers**
Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for the purchase of a 3D Laser Scanner with AllTerra Central, Inc., Austin, Texas for a total amount of \$104,956.51. (Police/Administration - GRT-24-136) (Thomas Garrity/Robin R. Wilson)
7. [MC 2023-184](#) **Cooperative Purchase Agreement: Playground Equipment - Shade Structure**
Authorize the purchase and delivery of two shade structures from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$94,408.69. (Park-CPA-24-108) (Eric Urfer/Robin R. Wilson)

8. [MC 2023-179](#) **Software Subscription Renewal: Tyler Technologies**
 Authorize the renewal of the annual software subscription for a total expenditure of \$161,694.18 to: Tyler Technologies, Inc., Dallas, TX (Finance/IT - RFP 2011000118) (Douglas Allen/Isaiah Kirk/Robin R. Wilson)
9. [MC 2023-180](#) **Sole Source: Integrated Ballistic Information System Warranty and Protection Plan**
 Authorize the City Administrator to execute a sole source purchase extending the Warranty and Protection Plan of the Integrated Ballistic Information System (IBIS) with Forensic Technology Inc., of Largo, Florida, for total expenditure of \$123,879.00. (Police/Administration - GRT-24-140) (Thomas Garrity/Robin R. Wilson)
10. [MC 2023-181](#) **Amendment: City of Yuma Investment Policy**
 Approve amendments to the City of Yuma Investment Policy relating to authorized investments and changing the title of the authorized director. (Finance) (Douglas Allen)
11. [MC 2023-182](#) **Final Plat: Spirit Park Subdivision**
 Approve the final plat of the Spirit Park Subdivision. The property is located at the southeast corner of Avenue 3E and 38th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. SUPP DOC Final Plat: Spirit Park Subdivision](#)

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 request or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action may be taken separately.

1. **R2023-055** **2023 City of Yuma Special Election Canvass**
 Adopt the official canvass of the November 7, 2023, City of Yuma Special Election. (City Administration/ City Clerk) (Lynda L. Bushong)

Attachments:

1. RES 2023 Spc. Election Canvass
2. EXH A 2023 Spc. Election Canvass

ADDITION

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2023-035](#)

Text Amendment: Accessory Dwelling Units

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

Attachments:

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

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

2. [O2023-036](#)

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

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

Attachments:

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

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

3. [O2023-037](#)

Yuma City Code Text Amendment: Fireworks

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

Attachments:

[1. ORD Text Amendment Fireworks](#)

IV. INTRODUCTION OF ORDINANCES

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

1. [O2023-038](#) **Declare Real Property Surplus and Authorize Sale: 150 N. Madison Avenue and 120 N. Main Street**

Declare vacant City of Yuma-owned real property surplus and authorize the sale through a request for proposal (RFP) process (or other competitive process) for the City-owned properties located at 150 N. Madison Avenue and 120 N. Main Street. (Economic Development) (Jeff Burt)

Attachments: [1. ORD Declare Surplus and Authorize Sale: Madison Ave and Main St.](#)

V. PUBLIC HEARING AND RELATED ITEMS

1. [R2023-052](#) **General Plan Amendment: 1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th Street**

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Commercial to High Density Residential, for properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. (GP-41487-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: 1749 S. Arizona Avenue and NEC of Riley Avenue and 18th Street](#)
[2. RES GP Amendment: 1749 S. Arizona Avenue and NEC of Riley Avenue and 18th Street](#)

2. [R2023-053](#) **General Plan Amendment: 1717 S. Pacific Avenue**

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Industrial to Commercial, for a portion of the property located at 1717 S. Pacific Avenue. (GP-41558-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT GP Amendment: 1717 S. Pacific Avenue](#)
[2. RES GP Amendment: 1717 S. Pacific Avenue](#)

REVISED

VI. UTILITY RATES

1. [MC 2023-183](#) **Notice of Intention to Adjust Water and Wastewater Utility Rates**
Adopt a Notice of Intention pursuant to A.R.S. § 9-511.01 to increase water and wastewater rates, reinstate the Water Resource Trust Fund surcharge, and set a public hearing on the proposed rate increase. (Utilities/Administration) (Jeremy McCall)

Attachments: [1. Notice of Intent](#)

FINAL CALL

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

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Building Advisory Board - two reappointments
- Design and Historic Review Commission - one reappointment
- Merit System Board - one reappointment
- Planning and Zoning Commission - two reappointments
- Residential Advisory Board - two reappointments
- Water and Sewer Commission - two reappointments
- Housing Authority Commission - one reappointment
- Clean and Beautiful 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 November 2, 2023 through November 15, 2023. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

3. Scheduling:

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

VIII. SUMMARY OF CURRENT EVENTS

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

IX. CALL TO THE PUBLIC

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

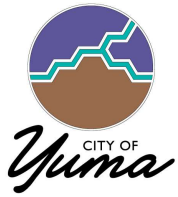
X. EXECUTIVE SESSION

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

There are no additional executive session items scheduled at this time.

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2023-185

Agenda Date: 11/15/2023

Agenda #: 1.

Variance Appeal - Board of Adjustments Draft Minutes November 1, 2023

MINUTES
VARIANCE APPEAL – BOARD OF ADJUSTMENT
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
NOVEMBER 1, 2023
5:30 p.m.

Mayor Nicholls explained that certain individuals will leave the dais and City Council will transition to a quasi-judicial body sitting as the statutory Board of Adjustment to hear Variance Appeal/VAR-41582-2023 for property at 2475 S. 43rd Trail. **Mayor Nicholls** called for a motion to recess the regular City Council meeting.

Motion (Knight/Morris) To recess the City Council Meeting and reconvene as a quasi-judicial body sitting as a statutory Board of Adjustment to hear a Variance Appeal. Voice Vote: 6-0, Smith being absent.

A three minute break was given between the Council Meeting and Variance Appeal.

CALL TO ORDER

Chairman Nicholls called the Variance Appeal/VAR-41582-2023 to order at 6:52 p.m.

ROLL CALL

Boardmembers Present: Morales, Knight, Morris, Shoop, Shelton, and Chair Nicholls
Boardmembers Absent: Smith
Staff Representation: Board’s Independent Legal Counsel, Jon Paladini
Assistant City Attorney, John LeSueur
Other various department representatives
City Clerk, Lynda Bushong

Chairman Nicholls turned the dais over to Jon Paladini, Attorney with Pierce Coleman, who sat in as legal advisor to the Board of Adjustment during the appeal process.

Paladini presented the following:

- Variance Appeal VAR-41582-2023 was requested by Appellant
- The variance request is to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 65 feet in the Low Density Residential District
- Property is located at 2475 S. 43rd Trail, Yuma AZ
- Variance application was heard by the City’s Hearing Officer, Sonia Ramirez, Esquire, who denied the application based on the finding it did not meet all four of the necessary criteria.
- The applicant is Wilson Okwuobu on behalf of Legacy healthcare.

Paladini outlined the rules of the appeal by stating each side will be allowed 15 minutes to present. Mr. Okwuobu, the Appellant, has the burden in this matter and will present first. The City, the Appellee, will be granted the same time after the Appellant. **Paladini** noted that the Appellant may wish to reserve some of his 15 minutes to rebut the presentation of the Appellee, but reiterated that each side is only allowed 15 minutes. After the presentations are made, the Board may hold a discussion on the matter, ask questions of the Appellant and/or Appellee, or may vote to adjourn into Executive Session for legal advisement for the purpose of deciding whether to affirm or overturn the Hearing Officers decision. **Paladini** turned the dais

back to **Chairman Nicholls**.

Chairman Nicholls called for the Appellant to begin his presentation. No one moved towards the dais and **Chairman Nicholls** stated that since the Appellant is not present himself or has no representation, he will allow questions/discussion from the Board.

Discussion

- No changes have been presented since the initial hearing and there is nothing to identify a hardship on behalf of the Appellant. [**Morris**]
- The Appellant was provided written notice, which is included in the agenda packet, as well as notified by several staff members reiterating the date and time of tonight’s meeting; Appellant verbally confirmed he would be in attendance. [**Shelton/LeSueur**]

NOTE: Because Appellant did not appear at the hearing and Appellant did not submit any material in support of the Appeal, the Appeal is submitted to the Board on the record without a presentation or argument from Appellee. [**Paladini**]

Motion (Morris/Shoop):

I find that one or more of the four necessary variance criteria were not present, and no other evidence has been provided to accommodate a variance of this magnitude. Therefore, I moved to affirm the hearing officers denial of the Variance VAR-41582-2023 for the property located at 2475. South 43rd Trail.

Roll Call vote: **affirmed (Hearing Officer’s denial upheld)** 6-0, Smith being absent.

Mayor Nicholls reconvened the regular City Council Meeting at 7:01 p.m.

Lynda L. Bushong, City Clerk

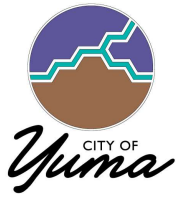
APPROVED:

Douglas J. Nicholls, Mayor

APPROVED AS TO FORM:

Jon Paladini, Esq., Counsel for Board

<p>Approved at the City Council Meeting of:</p> <p>_____</p> <p>City Clerk: _____</p>



City of Yuma

City Council Report

File #: MC 2023-172

Agenda Date: 11/15/2023

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	<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: Maverik

SUMMARY RECOMMENDATION:

Approve a Series #10: Beer and Wine Store Liquor License application submitted by Lauren Merrett, agent for Maverik located at 2930 E. Gila Ridge Road. (LL23-14) (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:

Lauren Merrett, agent for Maverik located at 2930 E. Gila Ridge Road, has applied for a Series #10: Beer and Wine Store 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 #10: Beer and Wine Store 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?

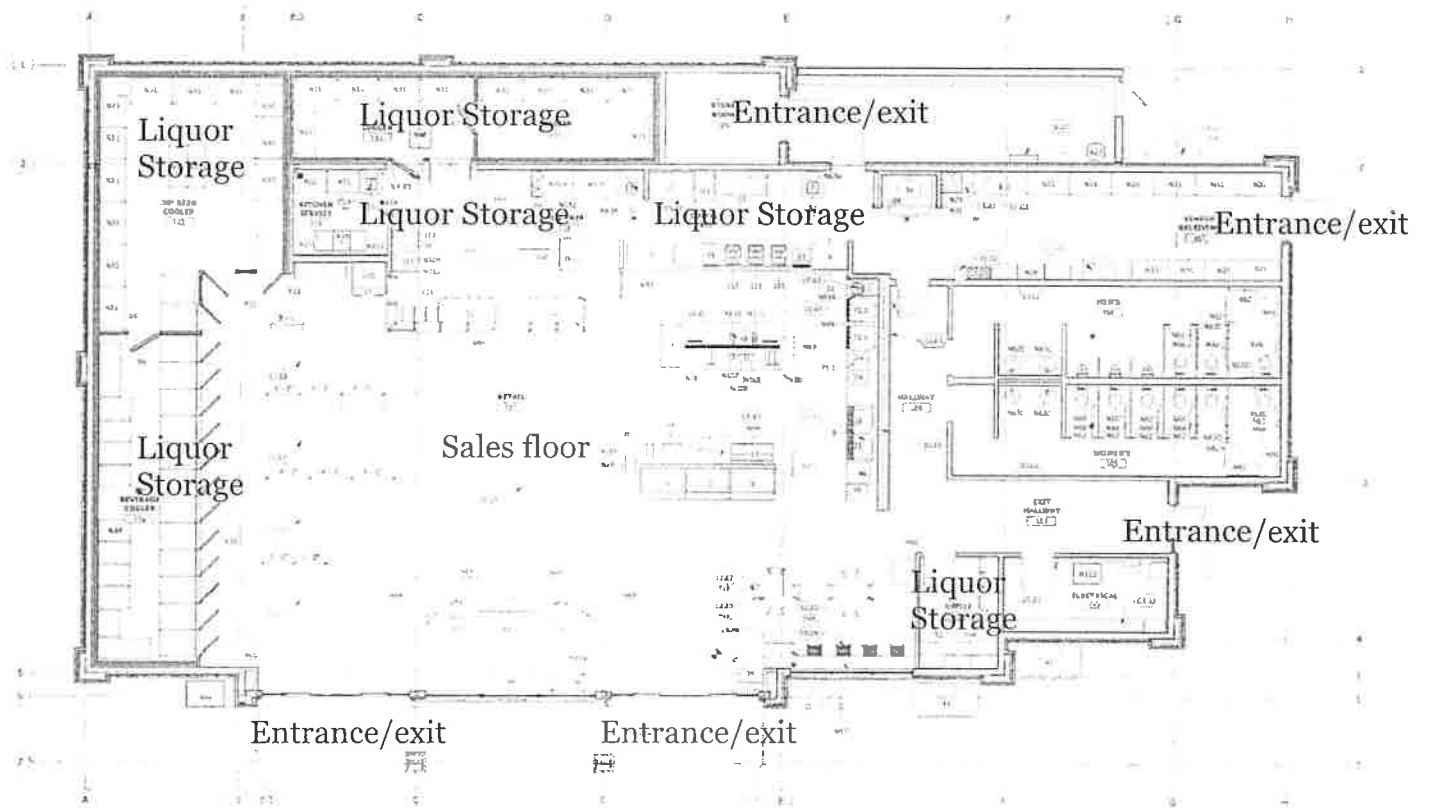
- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

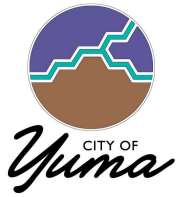
Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023

Maverik
2930 E Gila Ridge Rd.,
Yuma AZ 85365

23 OCT 3 Lique. Lic. #11114

3100 ft.²





City of Yuma

City Council Report

File #: MC 2023-173

Agenda Date: 11/15/2023

Agenda #: 2.

	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	<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: Carnitas El Taste Foothills

SUMMARY RECOMMENDATION:

Approve a Series #12: Restaurant Liquor License application submitted by Marina Barajas, agent for Carnitas El Taste Foothills located at 5836 E. 32nd Street, Suite 1. (LL23-15) (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:

Marina Barajas, agent for Carnitas El Taste Foothills located at 5836 E. 32nd Street, Suite 1, 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:

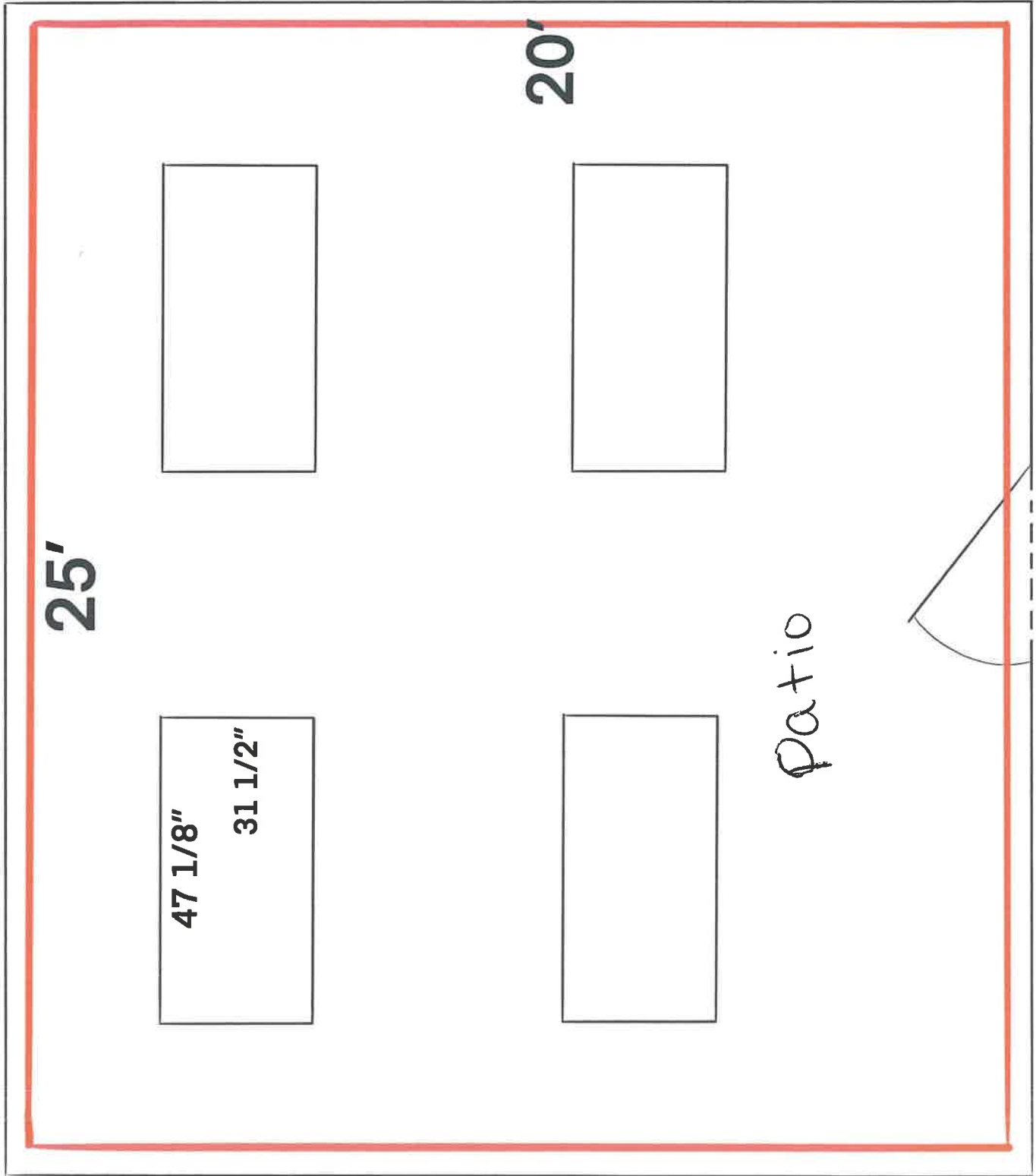
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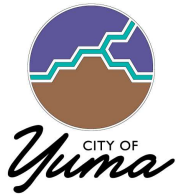
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- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



- Door
- Hoods
- Alcohol areas
- TV's



City of Yuma

City Council Report

File #: MC 2023-174

Agenda Date: 11/15/2023

Agenda #: 3.

	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	<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: 928 Tacos

SUMMARY RECOMMENDATION:

Approve a Series #07: Beer and Wine Bar Liquor License application submitted by Gerardo Nunez, agent for 928 Tacos located at 1150 W. 24th Street. (LL23-16) (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:

Gerardo Nunez, agent for 928 Tacos located at 1150 W. 24th Street, has applied for a Series #07: Beer and Wine Bar 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:

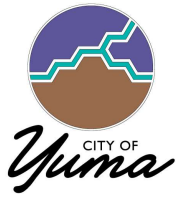
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- Department
- City Clerk's Office
- Document to be recorded
- Document to be codified

Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-176

Agenda Date: 11/15/2023

Agenda #: 4.

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

TITLE:

Bid Award: 45th Avenue Multi-Use Pathway 28th Street to 24th Street

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a construction services contract for the 45th Avenue Multi-Use Pathway, 28th Street to 24th Street Project, to the lowest responsive and responsible bidder in the amount of \$471,226.80 for the base bid, and \$56,773.20 for the alternate bid for a total of \$528,000.00 to DPE Construction, Inc., Yuma, Arizona. (Engineering - RFB-23-253) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This item supports the City Council's strategic outcome of Safe and Prosperous, as the construction of the 45th Avenue Pathway will provide a safe walk and ride for pedestrians and bicyclists and will improve the connectivity across the City by following the adopted 2018 Bike Master Plan.

REPORT:

The project consists of the construction of a 10-foot-wide pathway. The path section is on a 2-inch asphaltic concrete pavement section and will include decorative landscaping rock, trash receptacles, benches, dog waste stations, and pedestrian lighting. Additional landscaping of decorative rock will be included between the existing asphalt edge on 45th Avenue and the upcoming pathway.

Two bids were received by the following general contractors:

	Base Bid	Alternate Bid	Total
DPE	\$471,226.80	\$56,773.20	\$528,000.00
GCE	\$510,423.80	\$44,992.76	\$555,416.56

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 528,000.00	BUDGETED:	\$ 300,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 228,000.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$528,000.00

CIP City Road Tax Fund 10297-77-8110 0068- PATH21		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is included in the FY 2024 City Council Adopted Budget to award this contract.

ADDITIONAL INFORMATION:

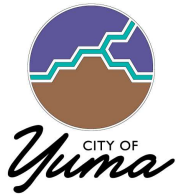
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-177

Agenda Date: 11/15/2023

Agenda #: 5.

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

TITLE:

Cooperative Purchase Agreement: Ground and Turf Maintenance Equipment

SUMMARY RECOMMENDATION:

Authorize the purchase of various Ground and Turf Maintenance Equipment to Hillyard, Mesa, Arizona; Stotz Equipment, Avondale, Arizona; and RDO Equipment, Yuma Arizona utilizing Arizona State Contract, Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$228,417.63 (Parks and Recreation Department-CPA-24-131) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

This action supports the City Council's strategic outcome of Active and Appealing by ensuring green spaces throughout the City are maintained.

REPORT:

City staff requests the below noted equipment purchases for the purpose of daily parks maintenance:

- John Deere Bunker Rake (2) (Dealer-Stotz Equipment, Avondale, Arizona)
- John Deere Gator (2) (Dealer-RDO Equipment, Yuma, Arizona)
- Tenant Ride on Sweeper (Hillyard Inc., Mesa, Arizona)
- John Deere Loader (Dealer-RDO Equipment, Yuma, Arizona)

Green spaces are essential to enhancing the quality of life for the Yuma community. The Parks and Recreation Department offers residents and visitors a wide variety of areas for recreation such as parks, golf courses, athletic fields, wetlands, and walking paths. Purchase of this equipment will ensure that City staff continues to provide professional grounds and turf management.

The aging equipment being replaced will be processed to surplus.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$228,417.63	BUDGETED:	\$237,918.00
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 \$228,417.63

General 001-50-20.8940 / Parks Maintenance		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2024 City Council approved budget to execute these purchases.

ADDITIONAL INFORMATION:

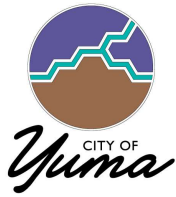
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-178

Agenda Date: 11/15/2023

Agenda #: 6.

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

TITLE:

Cooperative Purchase Agreement: Global Positioning System Receivers

SUMMARY RECOMMENDATION:

Authorize the use of a Cooperative Purchase Agreement initiated by the State of Arizona for the purchase of a 3D Laser Scanner with AllTerra Central, Inc., Austin, Texas for a total amount of \$104,956.51. (Police/Administration - GRT-24-136) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

This motion supports the use of grant funds, which furthers the City Council's strategic outcome as it relates to Safe and Prosperous. The use of a 3D Laser Scanner enhances field capabilities related to intelligence and investigative information gathering, analyzing, and sharing. This allows law enforcement employees, as well as supporting staff, to provide more responsive, effective, and transparent public safety services to the community.

REPORT:

A 3D Laser Scanner will provide Crime Scene investigators an accurate representation of all physical aspects of an investigation and increase the ease and processing time by investigators. The 3D Laser Scanner is a tool to aid law enforcement in protecting the public and police officers and assist in collecting valuable evidence. The transparency of the captured images protects not only those served by law enforcement, but also protects the integrity of the services provided by the City.

AllTerra will provide original hardware and software, training for 15 employees, and a five-year subscription to the Forensics Suite solution. Approving this motion authorizes the purchase of the 3D Laser Scanner through a statewide cooperative purchasing agreement.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 105,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 104,956.51	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$104,956.51

State Grant (Border Security) 193-60-12-BSGF.8970		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2024 City Council approved budget to make this purchase with federal grant funding.

ADDITIONAL INFORMATION:

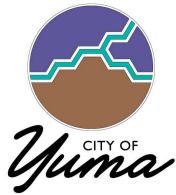
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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- Department
- City Clerk's Office
- Document to be recorded
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Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-184

Agenda Date: 11/15/2023

Agenda #: 7.

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

TITLE:

Cooperative Purchase Agreement: Playground Equipment - Shade Structure

SUMMARY RECOMMENDATION:

Authorize the purchase and delivery of two shade structures from Exerplay, Cedar Crest, MN, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an estimated expenditure of \$94,408.69. (Park-CPA-24-108) (Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

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

REPORT:

Clerk Note: Continued from the 11/1/2023 RCM by motion.

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

The newly created parks construction crew will be installing the shade structures in approximately three months.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$94,408.69	BUDGETED:	\$ 360,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$94,408.69

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

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

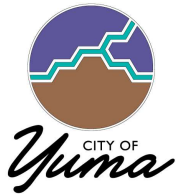
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-179

Agenda Date: 11/15/2023

Agenda #: 8.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: 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
DIVISION: Procurement	<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:
Software Subscription Renewal: Tyler Technologies

SUMMARY RECOMMENDATION:
 Authorize the renewal of the annual software subscription for a total expenditure of \$161,694.18 to: Tyler Technologies, Inc., Dallas, TX (Finance/IT - RFP 2011000118) (Douglas Allen/Isaiah Kirk/Robin R. Wilson)

STRATEGIC OUTCOME:
 Renewing the annual software subscription for Tyler Technologies financial software aligns with City Council's strategic outcome of Respected and Responsible by serving as the core software suite for managing Citywide financial services functions accurately and transparently.

REPORT:
 Tyler Technologies Enterprise Resource Planning (ERP) software is used to manage all City of Yuma daily financial business activities and transactions such as budget, payroll, procurement, accounts payable, accounts receivable, utility billing and human resources. The software is accessible through a subscription and requires annual renewal.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 161,694.18	BUDGETED:	\$ 165,777.00
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 \$161,694.18			
Various Accounts			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:
 Sufficient budget capacity is provided in the City Council approved FY 2024 budget to continue these services.

ADDITIONAL INFORMATION:

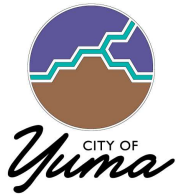
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-180

Agenda Date: 11/15/2023

Agenda #: 9.

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

TITLE:

Sole Source: Integrated Ballistic Information System Warranty and Protection Plan

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a sole source purchase extending the Warranty and Protection Plan of the Integrated Ballistic Information System (IBIS) with Forensic Technology Inc., of Largo, Florida, for total expenditure of \$123,879.00. (Police/Administration - GRT-24-140) (Thomas Garrity/Robin R. Wilson)

STRATEGIC OUTCOME:

The motion supporting the use of grant proceeds furthers the City Council’s strategic outcome of Safe and Prosperous. The use of the grant funds extends the Warranty and Protection Plan for the Yuma Police Department’s (YPD) currently installed Integrated Ballistic Information System (IBIS) on the National Integrated Ballistic Information System Network (NIBIN).

REPORT:

The IBIS system is an automated ballistic imaging and analysis system. The system populates a database of digital ballistic images of spent casings from crime guns to assist forensic experts in making preliminary identifications related to police investigations. In addition to matching evidence from an ongoing investigation, IBIS can be used to link ballistic information from prior investigations and to guns used in crimes. All IBIS systems deployed through NIBIN must meet the U.S. Department of Justice (DOJ) security requirements.

Forensic Technology Inc.’s SafeGuard Warranty includes the proprietary services that ensure YPD’s IBIS system continues to be compliant with DOJ requirements. This system enhances forensic laboratory capabilities related to intelligence and investigative information gathering, analysis and sharing. This allows YPD personnel, as well as neighboring agencies, to receive more responsive, effective, and timely preliminary ballistic results.

Approving this item authorizes the purchase of an extended Warranty and Protection Plan of the IBIS.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 123,879.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 123,879.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 0.00

193-60-12-BSGF.8970 Department of Emergency & Military Affairs (DEMA)		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Sufficient budget capacity is provided in the FY 2024 City Council approved budget to complete this purchase using federal grant funding.

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-181

Agenda Date: 11/15/2023

Agenda #: 10.

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: Administration	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Amendment: City of Yuma Investment Policy

SUMMARY RECOMMENDATION:

Approve amendments to the City of Yuma Investment Policy relating to authorized investments and changing the title of the authorized director. (Finance) (Douglas Allen)

STRATEGIC OUTCOME:

Updating the City of Yuma Investment Policy supports the City Council’s strategic outcome of Respected and Responsible.

REPORT:

The City Council adopted the City of Yuma Investment Policy on December 7, 1994 with amendments in 1995 and 2002. The policy provides the guiding principles for investing City funds with three primary objectives: 1) safety of principal, 2) liquidity, and 3) yield. Staff has recently reviewed the policy and recommends changing the title of “Director of Administrative Services” to “Director of Finance” and adding two categories of authorized investments to Section VII as follows:

8. Bonds, notes or other certificates of indebtedness of this state or any of its counties, incorporated cities or towns, school districts or special taxing districts that carry at minimum an “A” rating or better at the time of purchase from at least two nationally recognized rating companies. “A” rating is defined as A1, A2, A3 by Moody’s, A+, A, A- by Standard & Poor’s and Fitch.

9. Bonds, notes or other certificates of indebtedness of any county, municipal district, municipal utility or special taxing district of any state that are payable from revenues, earnings or a special tax specifically pledged for the payment of the principal of an interest on the obligations, that carry at minimum an “A” rating or better at the time of purchase from at least two nationally recognized rating companies, but only if a default in payment on principal or interest on the obligations to be purchased has not occurred within the prior five years.

Approving this motion authorizes the City Administrator and City staff to make these changes.

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:

This motion will allow the Finance Director and City Administrator the flexibility to invest in municipal bonds while still meeting the City’s primary goals of safety of principal, liquidity and yield.

ADDITIONAL INFORMATION:

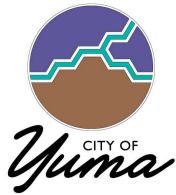
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

- 1. Amended Investment Policy

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



City of Yuma

City Council Report

File #: MC 2023-182

Agenda Date: 11/15/2023

Agenda #: 11.

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

TITLE:
Final Plat: Spirit Park Subdivision

SUMMARY RECOMMENDATION:
Approve the final plat of the Spirit Park Subdivision. The property is located at the southeast corner of Avenue 3E and 38th Street. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:
This subdivision furthers the City Council's strategic outcome of Safe and Prosperous, as the approval of the final plat will facilitate an increase in new industrial development opportunities.

REPORT:
The proposed subdivision with Light Industrial (L-I) zoning will reconfigure four existing parcels into ten lots, intended for industrial development. In its entirety, the subject area is approximately 19.31 acres in size. The principal purpose of the Light Industrial (L-I) Zoning District is to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor and dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development.

While there are a variety of uses permitted within the Light Industrial (L-I) District, there may be limitations on specific uses as the subject area is located within the 70-75 dB noise contour of the Airport Overlay (AD) District. The Airport Overlay (AD) District will also require additional sound attenuation to be incorporated into the design and construction of all new buildings.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma's Zoning Code. These development requirements include paved parking, access, setbacks, landscaping, and lighting.

In accordance with Yuma City Code §153-19, subdivisions which contain ten or fewer lots are not required to process and/or receive approval for a preliminary plat by the Planning and Zoning Commission. This expedited process has reduced the subdivision timeline by eight weeks.

Approval of the final plat for the Spirit Park 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 Owner’s signature on the application of this land use action shall serve as an acknowledgement regarding potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The 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.
5. 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.
6. 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.
7. 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.

The City Council’s approval of this motion accepts the final plat of the Spirit Park Subdivision, including the conditions of approval set forth above.

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

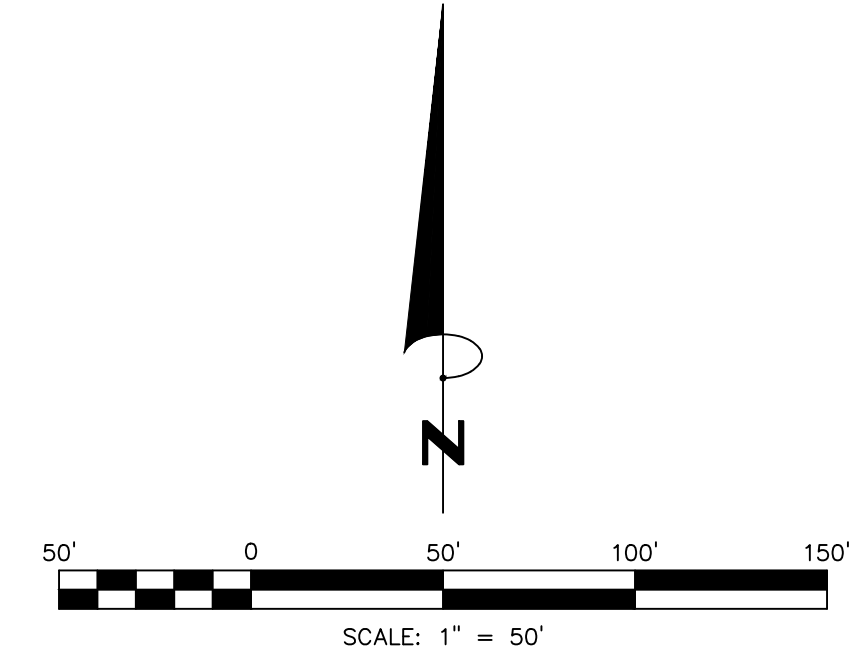
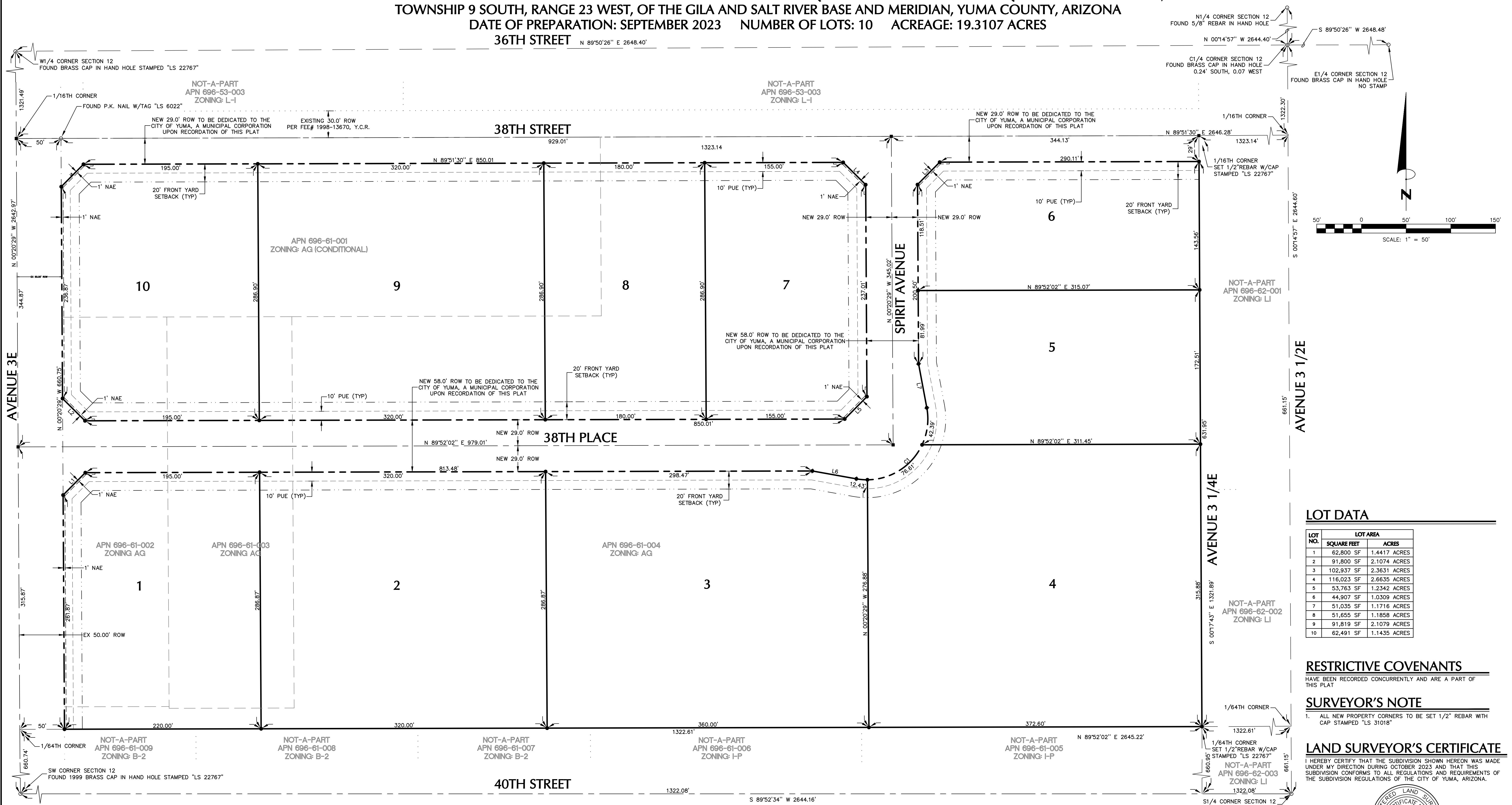
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Acting City Administrator: John D. Simonton	Date: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023

SPIRIT PARK

A SUBDIVISION OF A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12,
TOWNSHIP 9 SOUTH, RANGE 23 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA
DATE OF PREPARATION: SEPTEMBER 2023 NUMBER OF LOTS: 10 ACREAGE: 19.3107 ACRES



LOT DATA

LOT NO.	LOT AREA	
	SQUARE FEET	ACRES
1	62,800 SF	1.4417 ACRES
2	91,800 SF	2.1074 ACRES
3	102,937 SF	2.3631 ACRES
4	116,023 SF	2.6635 ACRES
5	53,763 SF	1.2342 ACRES
6	44,907 SF	1.0309 ACRES
7	51,035 SF	1.1716 ACRES
8	51,655 SF	1.1858 ACRES
9	91,819 SF	2.1079 ACRES
10	62,491 SF	1.4335 ACRES

RESTRICTIVE COVENANTS

HAVE BEEN RECORDED CONCURRENTLY AND ARE A PART OF THIS PLAT

SURVEYOR'S NOTE

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

LAND SURVEYOR'S CERTIFICATE

HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING OCTOBER 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

 1560 S. 9th Avenue
 Yuma, AZ 85364
 Phone: (928) 819-0825
 Fax: (928) 819-0826
 www.dahlrobinson.com
 DRA Job: 23075

DEDICATION
 STATE OF ARIZONA }
 COUNTY OF YUMA }
 KNOW ALL MEN BY THESE PRESENTS:
 THAT CHRISTOPHER GEORGE MERZIOSI TRUST DATED MARCH 29, 2001, HAS CAUSED THE FOLLOWING DESCRIBED PROPERTY: THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 23 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS AND STREETS UNDER THE NAME OF "SPIRIT PARK" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAID "SPIRIT PARK" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER AND THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT CHRISTOPHER GEORGE MERZIOSI TRUST DATED MARCH 29, 2001, 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 CHRISTOPHER GEORGE MERZIOSI TRUST DATED MARCH 29, 2001, HAVE CAUSED HIS NAME TO BE SIGNED ON THIS _____ DAY OF _____, 2023
 CHRISTOPHER GEORGE MERZIOSI, TRUSTEE

ACKNOWLEDGMENT
 STATE OF ARIZONA }
 COUNTY OF YUMA }
 ON THIS _____ DAY OF _____, 2023
 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED CHRISTOPHER GEORGE MERZIOSI, TRUSTEE OF CHRISTOPHER GEORGE MERZIOSI TRUST DATED MARCH 29, 2001, EXECUTED THE DEDICATION INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING HIS NAME
 IN WITNESS WHEREOF
 I HERETO SET MY HAND AND OFFICIAL SEAL
 NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

APPROVED
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 CITY OF YUMA ENGINEER
 STATE OF ARIZONA }
 COUNTY OF YUMA }
 THIS SUBDIVISION, AS SHOWN HEREON, HAS BEEN APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUMA, ON THIS _____ DAY OF _____, 2023
 MAYOR ATTEST:
 CITY CLERK

LEGEND
 CENTERLINE
 RIGHT-OF-WAY LINE
 SUBDIVISION BOUNDARY
 LOT LINE
 BUILDING SETBACK LINE
 EASEMENT LINE
 EXISTING MONUMENT (TYPE AS NOTED)
 SET 1/2" REBAR WITH CAP "LS 22767"
 NEW CITY OF YUMA STANDARD STREET MONUMENT NO. 4-080
 RIGHT-OF-WAY
 YUMA COUNTY RECORDS
 CITY OF YUMA
 SUBDIVISION LOT NUMBER
 ASSESSOR'S PARCEL NUMBER
 PUBLIC UTILITY EASEMENT
 NON-ACCESS EASEMENT

DRAINAGE NOTE
 THE HYDROLOGIC DESIGN OF SUBDIVISION REQUIRES THAT EACH INDIVIDUAL LOT MAKE PROVISIONS TO RETAIN THE STORM WATER FALLING ON THAT LOT AND THE RUNOFF GENERATED FROM 1/2 OF THE ADJACENT STREET RIGHT-OF-WAY.

OWNER
 CHRISTOPHER GEORGE MERZIOSI TRUST DATED MARCH 29, 2001
 8530 AVENDA COSTA NORTE
 SAN DIEGO, CA 92154

CURRENT ZONING
 LIGHT INDUSTRIAL DISTRICT (LI)

BASIS OF BEARINGS
 BEARINGS ARE RELATIVE TO NAD 83 ARIZONA WEST STATE PLANE COORDINATE SYSTEM AS MEASURED BY GPS KINEMATIC SURVEY AS OBSERVED CONTROL POINTS.

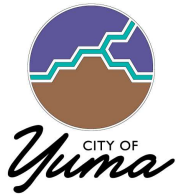
FLOOD ZONE DESIGNATION
 THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE X DESIGNATION.
 ZONE X - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
 REFERENCE - FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 04027C1540E NOT PRINTED.

CURVE DATA

NUMBER	DELTA	TANGENT	RADIUS	CHORD	LENGTH
C1	110°44'28"	98.46'	68.00'	111.91'	131.43'

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 44°45'47" E	35.29'
L2	N 45°14'13" W	35.42'
L3	N 44°45'31" E	35.29'
L4	S 45°14'29" E	35.42'
L5	S 44°45'47" W	35.29'
L6	S 79°51'59" E	50.00'
L7	N 10°36'28" W	50.00'



City of Yuma

City Council Report

File #: R2023-055

Agenda Date: 11/15/2023

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 type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution
DIVISION: City Clerk	<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:
2023 City of Yuma Special Election Canvass

SUMMARY RECOMMENDATION:
 Adopt the official canvass of the November 7, 2023, City of Yuma Special Election. (City Administration/ City Clerk) (Lynda L. Bushong)

STRATEGIC OUTCOME:
 Canvassing the election at a public meeting aligns with City Council’s Respected and Responsible strategic outcomes as it provides formal notification in a public setting and is required by state laws and the City Charter.

REPORT:
 The City of Yuma Special Election was held on Tuesday, November 7, 2023, for the purpose of referring the following three questions to the qualified electors pursuant to the recommendation made by the Charter Review Committee:

- Proposition 419 - Amend the Charter of the City of Yuma to designate that the City Attorney serve at the pleasure of, be appointed by, and have their compensation fixed by the Mayor and City Council instead of the City Administrator.
- Proposition 420 - Amend the Charter of the City of Yuma to adjust the compensation of the Mayor from \$12,000 a year to 60% of the compensation provided to the Yuma County Supervisors and each Councilmember from \$3,600 a year to 30% of the compensation provided to the Yuma County Supervisors.
- Proposition 421 - Amend the Charter of the City of Yuma to allow City Council the discretion to pay the City Administrator, upon removal from employment, with or without cause, a sum not exceeding six-months salary as severance pay, instead of two.

As required by the Yuma City Charter, Article IV, Section 9, and Arizona Revised Statutes (A.R.S.), § 16-642 (A), the City Council shall declare by resolution the results of the election not less than six days and not more than 20 days following the election. A.R.S. § 16-646 requires the official canvass to contain certain information, which has been included in the resolution.

The resolution declares that Proposition 419 passed and Propositions 420 and 421 failed.

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

Click or tap here to enter funding - 11pt Arial		
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To total; right click number & choose "Update Field"	
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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:
Reviewed by City Attorney: Richard W. Files	Date:

RESOLUTION NO. R2023-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING AND ADOPTING THE OFFICIAL CANVASS OF THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 7, 2023

WHEREAS, a Special Election was held on November 7, 2023, for the purpose of referring three questions, titled Proposition 419, 420 and 421, to the qualified electors of the City of Yuma; and,

WHEREAS, notice of the Special Election was duly and regularly given in time, form and manner as provided by law; that an all mail ballot election was properly established; and that in all respects the election was held and conducted and the votes were cast and received and the return made and declared in time, form and manner as required by the provisions of state election laws for the holding of elections in cities; and,

WHEREAS, Article IV of the Yuma City Charter and Arizona Revised Statutes §§ 16-642 and 16-646 require the City Council of the City of Yuma to canvass and declare the results of the Special Election.

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

SECTION 1: That the City Clerk shall enter on the records of the City of Yuma a statement, known and designated as the Official Canvass, which shall recite:

1. The number of ballots cast in each precinct
2. The number of ballots rejected in each precinct
3. The number and a brief title of the measure(s)
4. The number of votes by precinct for and against the measure(s)

SECTION 2: That the number of votes cast at each precinct and the number of votes cast in the City of Yuma Special Election are listed in the attached Exhibit “A”, which is hereby declared and adopted as the Official Canvass.

SECTION 3: That the total number of ballots cast in the City of Yuma Special Election was 8,348.

SECTION 4: That the votes cast as to Proposition 419, requesting to amend the Charter of the City of Yuma to designate that the City Attorney serve at the pleasure of, be appointed by, and have their compensation fixed by the Mayor and City Council instead of the City Administrator:

- 8,187 total votes cast
- 4,986 votes cast in support
- 3,201 votes cast in opposition

Therefore, Proposition 419 is hereby declared to have passed.

SECTION 5: That the votes cast as to Proposition 420, requesting to amend the Charter of the City of Yuma to adjust the compensation of the Mayor from \$12,000 a year to 60% of the compensation provided to the Yuma County Supervisors and each Councilmember from \$3,600 a year to 30% of the compensation provided to the Yuma County Supervisors:

- 8,204 total votes cast
- 3,850 votes cast in support
- 4,354 votes cast in opposition

Therefore, Proposition 420 is hereby declared to have failed.

SECTION 6: That the votes cast as to Proposition 420, requesting to amend the Charter of the City of Yuma to allow City Council the discretion to pay the City Administrator, upon removal from employment, with or without cause, a sum not exceeding six-months salary as severance pay, instead of two:

- 8,253 total votes cast
- 2,324 votes cast in support
- 5,929 votes cast in opposition

Therefore, Proposition 421 is hereby declared to have failed.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor


ATTEST:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**Resolution R2023-055
Exhibit A**

		Precinct																
		001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017
	Registered Voters (Active)	97	243	2,975	2,477		456	2,565	1,994	1,143	2,614	2,717	2,260	2,487	2,078	683	1,178	2,115
	Ballots Cast	9	29	365	351	0	149	377	403	202	304	439	516	448	284	86	155	368
	Turnout Percentage	9.3%	11.9%	12.3%	14.2%	#DIV/0!	32.7%	14.7%	20.2%	17.7%	11.6%	16.2%	22.8%	18.0%	13.7%	12.6%	13.2%	17.4%
	018	019	020	021	022	023	024	030	031	032	033	034	035	045	047			
Registered Voters (Active)	3,116	2,371	1,839	2,183	2,063	3,575	458	2,043	2,211	903	0	1	0	0	0			
Ballots Cast	381	468	463	465	639	559	113	353	231	191	0	0	0	0	0			
Turnout Percentage	12.2%	19.7%	25.2%	21.3%	31.0%	15.6%	24.7%	17.3%	10.4%	21.2%	0.0%	0.0%	0.0%	0.0%	0.0%			

	Registered Voters	Ballots Cast	Turnout Percentage
Total	48,845	8,348	17.1%

Proposition 419

Proposition 419		
	Votes Cast	Percentage
Yes	4,986	60%
No	3,201	38%
Total	8,187	

	Precinct																	
	001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017	
Yes	4	18	208	202	0	96	214	235	108	176	246	287	275	160	55	93	225	
No	5	10	150	144	0	50	161	162	76	119	174	219	164	122	31	57	128	
	018	019	020	021	022	023	024	030	031	032	033	034	035	045	047			
Yes	221	289	312	281	444	321	76	213	125	102	0	0	0	0	0			
No	152	172	147	175	190	229	37	136	103	88	0	0	0	0	0			

Proposition 420

Proposition 420		
	Votes Cast	Percentage
Yes	3,850	46%
No	4,354	52%
Total	8,204	

	Precinct																	
	001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017	
Yes	3	13	153	163	0	85	171	193	90	114	192	222	230	118	35	68	180	
No	6	13	206	179	0	60	206	202	95	180	234	288	204	163	51	86	176	
	018	019	020	021	022	023	024	030	031	032	033	034	035	045	047			
Yes	160	221	226	230	333	272	47	142	99	90	0	0	0	0	0			
No	215	239	231	230	299	285	66	208	131	101	0	0	0	0	0			

Proposition 421

Proposition 421		
	Votes Cast	Percentage
Yes	2,324	28%
No	5,929	71%
Total	8,253	

	Precinct																	
	001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017	
Yes	2	9	121	85	0	48	106	108	49	84	117	127	164	89	19	40	113	
No	7	19	242	259	0	100	271	289	141	214	314	379	280	192	65	115	248	
	018	019	020	021	022	023	024	030	031	032	033	034	035	045	047			
Yes	123	109	134	133	170	166	21	89	58	40	0	0	0	0	0			
No	255	352	326	328	467	391	90	261	173	151	0	0	0	0	0			

Rejected Ballots

OFFICIAL RESULTS - November 7, 2023 - Special Election

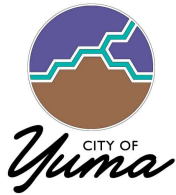
**Resolution R2023-055
Exhibit A**

Total	
Rejected	Percentage
1,029	12.3%

Precinct																
001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017
1	8	64	49	0	13	54	70	21	32	35	34	76	55	12	30	72
018	019	020	021	022	023	024	030	031	032	033	034	035	045	047		
43	30	54	59	59	89	5	27	31	6	0	0	0	0	0		

OFFICIAL RESULTS - November 7, 2023 - Special Election

OFFICIAL RESULTS - November 7, 2023 - Special Election



City of Yuma

City Council Report

File #: O2023-035

Agenda Date: 11/1/2023

Agenda #: 1.

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

TITLE:
Text Amendment: Accessory Dwelling Units

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

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

REPORT:
 The City of Yuma adopted the Accessory Dwelling Unit (ADU) ordinance on May 3, 2017, as Ordinance O2017-013. The purpose of the ADU ordinance is to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.
 Since adoption of the first ADU ordinance, City staff has considered amendments to the code with the intent to facilitate increased options for ADU’s. This proposed text amendment addresses three issues that have arisen over time: placement, size and height. The goal of the text amendment is to address those issues and facilitate the construction of new dwelling units.

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

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

Size

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

Height

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

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

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

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

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

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

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

PUBLIC COMMENT - None

MOTION

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

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

Pendleton - Planning and Zoning Commissioner absent.”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

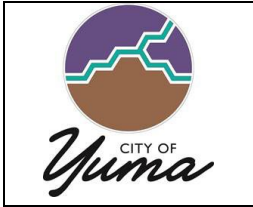
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

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



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

Hearing Date September 25, 2023

Case Number: ZONE-41689-2023

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

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

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

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

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

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

Placement

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

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

Size

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

Height

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

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

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

ATTACHMENT A
DRAFT TEXT

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

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

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

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

**ATTACHMENT B
AGENCY NOTIFICATION**

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

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

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received

**ATTACHMENT C
AGENCY COMMENTS**

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

ORDINANCE NO. O2023-035

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

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

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

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

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

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

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

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

(5) *Unit size.*

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

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

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

Adopted this _____ day of _____, 2023.

APPROVED:

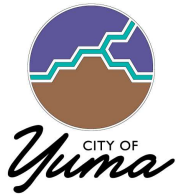
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-036

Agenda Date: 11/1/2023

Agenda #: 2.

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

TITLE:

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

SUMMARY RECOMMENDATION:

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

STRATEGIC OUTCOME:

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

REPORT:

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

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

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

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

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

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

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

QUESTIONS FOR STAFF

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

PUBLIC COMMENT - None

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

“Motion carried unanimously (5-0), with Edgar Olvera - Planning and Zoning Commissioner and Ashlie Pendleton - Planning and Zoning Commissioner absent.”

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

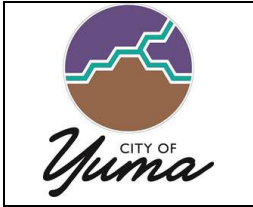
OFFICE OF THE CITY CLERK:

NONE

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

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

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



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

Hearing Date September 25, 2023

Case Number: ZONE-41688-2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N/A

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

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

**ATTACHMENT A
DRAFT TEXT**

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

§154-01.07 Definitions.

(B)

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

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

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

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

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

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

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

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

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

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

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

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

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

- (6) Residential care home;**

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

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

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

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

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

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

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

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

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

- (4) Residential care home;**

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

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

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

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

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

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

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

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

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

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

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

- (13) Residential care **home facility**, ~~small;~~
- ~~(14) Residential care facility, large;~~
- ~~(18) Nursing and personal care, small;~~
- (19) Nursing and personal care **facility**, ~~large;~~

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

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

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

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

**ATTACHMENT B
AGENCY NOTIFICATION**

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

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

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received

ORDINANCE NO. O2023-036

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

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

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

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

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

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

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

§154-01.07 Definitions.

(B)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the bolded text, and renumber accordingly:

(4) **Residential care home;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this _____ day of _____, 2023.

APPROVED:

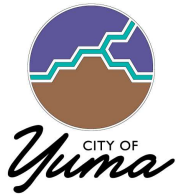
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-037

Agenda Date: 11/1/2023

Agenda #: 3.

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

TITLE:
Yuma City Code Text Amendment: Fireworks

SUMMARY RECOMMENDATION:

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

STRATEGIC OUTCOME:

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

REPORT:

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

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

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

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE.

ADDITIONAL INFORMATION:

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

NONE

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

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

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

ORDINANCE NO. O2023-037

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

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

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

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

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

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

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

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

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

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

§ 139-004 Use of Permissible Consumer Fireworks.

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

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

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

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

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

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

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

§ 139-006 Posting of Signs; Penalty.

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

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

State of Arizona

Consumer Fireworks Regulations

Arizona Revised Statutes § 36-1601, et al.

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

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

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

May 20 - July 6 and December 10 - January 3

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

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

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

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

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

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

SECTION 2: Penalty

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

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

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

Adopted this _____ day of _____ 2023.

APPROVED:

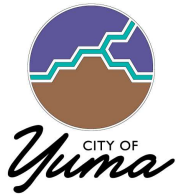
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2023-038

Agenda Date: 11/15/2023

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 type="checkbox"/> Motion <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance - Introduction
DIVISION: Economic Development	<input type="checkbox"/> Connected & Engaged <input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing

TITLE:

Declare Real Property Surplus and Authorize Sale: 150 N. Madison Avenue and 120 N. Main Street

SUMMARY RECOMMENDATION:

Declare vacant City of Yuma-owned real property surplus and authorize the sale through a request for proposal (RFP) process (or other competitive process) for the City-owned properties located at 150 N. Madison Avenue and 120 N. Main Street. (Economic Development) (Jeff Burt)

STRATEGIC OUTCOME:

This action supports City Council’s Respected and Responsible strategic outcome as the sale of surplus City property brings the City revenue, creates infill development opportunities for private development, converts unused parcels to a productive use, and generates property tax revenue for the City, school district, and other taxing entities.

REPORT:

The City owns the vacant parcels located at 150 N. Madison Avenue (Parcel 1) and 120 N. Main Street (Parcel 2). The City acquired Parcel 2 which included an office structure. The building was renovated and used to house the City’s Financial Services and Human Resource Departments until they were relocated to the new City Hall in 2002. Parcel 1 was acquired by the City in furtherance of North End Redevelopment.

Since 2005, the subject parcels were encumbered under a Master Development and Disposition Agreement which the parties terminated pursuant to a partial termination agreement in July 2022. Parcel 1 consists of approximately 52,607 square feet and Parcel 2 totals 14,404 square feet. Both parcels of real property are no longer required by the City and can be returned through a competitive process to private ownership and placed on the property tax roll.

It is contemplated the parcels will be offered for sale to the public utilizing a project-based request for proposal (RFP) or other competitive process, each subject to a real property sale and development agreements to be approved by City Council resolution. The agreements will include the terms relating to the timing of development as well as other development requirements, the purchase price and closing instructions. General Plan Conformity Reports will be prepared for the parcels to confirm the proposed uses of the parcels are in conformance with the City’s General Plan. The RFP or other competitive process will allow City Council to base its award decision on a project basis and to consider uses most suitable to downtown redevelopment.

The return of Parcel 1 and 2 to the tax rolls will be in the best interest of the public as the properties are no longer needed by the City and create ongoing maintenance requirements including insurance.

The attached proposed ordinance declares Parcel 1 and Parcel 2 surplus and authorizes City staff to proceed with the sale of the properties as described.

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:

The City would receive a one-time revenue of the purchase price of each parcel and a revenue increase associated with property tax collections. The City will also realize a cost savings by no longer maintaining or insuring the parcels.

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023

ORDINANCE NO. O2023-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, DECLARING CERTAIN CITY-OWNED REAL PROPERTIES, HEREAFTER DESCRIBED, SURPLUS FOR CITY USE AND AUTHORIZING THE SALE OF EACH OF THE SURPLUS PROPERTIES THROUGH SEPARATE OR COLLECTIVE COMPETITIVE PROCESSES SUCH AS REQUESTS FOR PROPOSALS

WHEREAS, the City of Yuma (City) is authorized, pursuant to the Yuma City Charter, Article III, Section 2, to acquire and dispose of real property; and,

WHEREAS, the City acquired certain real properties, one parcel of which is located at the northwest corner of N. Madison Avenue and W. 1st Street (Parcel 1), legally described and depicted in Exhibit A; and,

WHEREAS, the second parcel is located at 120 N. Main Street (Parcel 2), legally described and depicted in Exhibit B; and,

WHEREAS, since 2005, the described properties were encumbered under a Master Development and Disposition Agreement which the parties terminated pursuant to a partial termination recorded as Yuma County Recorder's Fee #2022-23700; and,

WHEREAS, both parcels of real property are no longer required by the City and can be returned through a competitive process to private ownership and placed on the property tax roll as a productive use within the City.

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

SECTION 1: The real properties described in Exhibit A and Exhibit B, attached and by this reference made a part of this Ordinance, are declared surplus for use by the City and the sale of the surplus properties will serve the public interest of the City and would be of public benefit.

SECTION 2: City staff is authorized and directed to perform all acts necessary to effectuate the exchange or sale of the City Property through the use of separate or collective Request For Proposals or other competitive processes, with the award of the sale documented in a real property sale and development agreement approved by City Council resolution that, among other things, includes conditions relating to the timing of the development of each surplus parcel, project description, and other development related considerations, all in accordance with the conditions of this ordinance.

SECTION 3: The City Administrator is authorized to execute all necessary documents on behalf of the City of Yuma to affect the sale and transfer of the City surplus properties identified in Exhibit A and Exhibit B.

Adopted this _____ day of _____, 2023.

APPROVED

Douglas J. Nicholls
Mayor

ATTEST:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM

Richard W. Files
City Attorney

Exhibit A to Ordinance No.02023-038

Legal Description

APN: 633-36-259

Old APN: 633-36-258

GIS Address: 150 N. Madison Avenue

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as:

Lot 8 of the Pivot Point Yuma subdivision, dated 12/17/2013, FEE# 2013-33774, recorded in Book 26 of Plats, Pages 92 through 96, Yuma County Records.

Containing 52,607 square feet or 1.2077 acres, more or less.

City Engineer's Approval of Legal Description	Date:



NOTE: THIS MAP IS PREPARED TO
SHOW GENERAL SITE LOCATION ONLY.

EXHIBIT "A"
APN: 633-36-259

Prepared by: JOHN NYE

CITY OF YUMA
ENGINEERING DEPARTMENT

Date: 7-5-2023
SCALE: N.T.S.



Exhibit B to Ordinance No.02023-038

Legal Description

APN: 633-36-262

Old APN: 633-36-207, 633-36-208, 633-36-209, 633-36-210

New GIS Address: 120 N. Main Street

A portion of Section 35, Township 16 South, Range 22 East of the San Bernardino Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as:

Lot 7 of the Amended Map of KGH Lot Split, dated 2/5/2018, FEE# 2018-03035, recorded in Book 29 of Plats, Page 63, Yuma County Records.

Containing 14,404 square feet or 0.3307 of an acre, more or less.

City Engineer's Approval of Legal Description	Date:



NOTE: THIS MAP IS PREPARED TO
SHOW GENERAL SITE LOCATION ONLY.

EXHIBIT "B"
APN: 633-36-262



Prepared by: JOHN NYE	CITY OF YUMA ENGINEERING DEPARTMENT
-----------------------	--

Date: 7-5-2023
SCALE: N.T.S.



City of Yuma

City Council Report

File #: R2023-052

Agenda Date: 11/15/2023

Agenda #: 1.

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

TITLE:

General Plan Amendment: 1749 S. Arizona Avenue and the Northeast Corner of Riley Avenue and 18th Street

SUMMARY RECOMMENDATION:

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Commercial to High Density Residential, for properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street. (GP-41487-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc., on behalf of Bruce and Linda Butcher, to change the land use designation from Commercial to High Density Residential for approximately 2.8 acres located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street.

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

The proposed High Density Residential land use designation (13 to 30 dwelling units per acre) supports the following types of zoning: High Density Residential District (R-3), Residence-Manufactured Housing District (R-MH), Recreational Vehicle Subdivision District (RVS) and Manufactured Housing Park District (MHP).

The applicant’s intent in changing the land use designation is to develop a multi-family residential development within the High-Density Residential District (R-3).

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

Residential. As required by state statute, the City of Yuma Planning and Zoning Commission held an earlier September 11, 2023 public hearing on this item in order to take additional public comment.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (09/11/23):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

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

QUESTIONS FOR STAFF

“Chris Hamel - Planning and Zoning Commissioner asked if the property was vacant.

“Erika Peterson - Associate Planner confirmed.

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Ashley Pendleton - Planning and Zoning Commissioner to APPROVE GP-41487-2023 as presented.

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

(This is a Major Amendment to the City of Yuma General Plan. Per A.R.S. 9-461.06 H “...a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality.”)

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



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

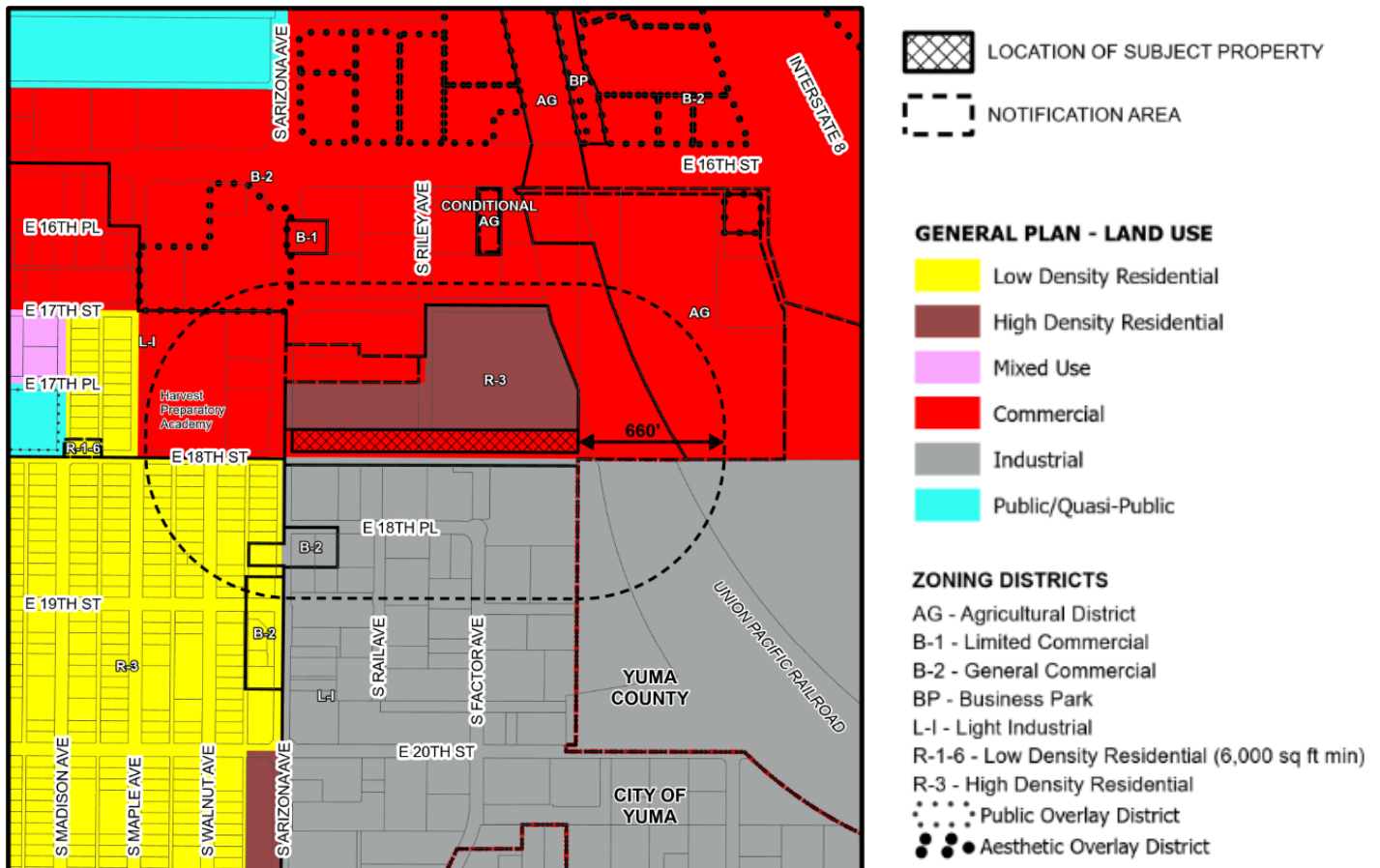
Hearing Date: October 9, 2023

Case Number: GP-41487-2023

Project Description/Location: This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc. on behalf of Bruce and Linda Butcher, to change the land use designation from Commercial to High Density Residential for approximately 2.8 acres, for a portion of the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Undeveloped	Commercial
North	High Density Residential (R-3)	Undeveloped	High Density Residential
South	Light Industrial (L-1)	Retail and industrial uses	Industrial
East	General Commercial (B-2)	Union Pacific Railroad	Commercial
West	Light Industrial (L-1)	Church	Commercial

Location Map



Prior site actions: Pre-Development Meeting: 9/29/202; Annexation: Ord. O2023-004 (3/17/2023)

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 2.8 acres from Commercial to High Density Residential.

Suggested Motion: Move to APPROVE the request to change the land use designation for 2.8 acres from Commercial to High Density Residential.

Staff Analysis: This is a Major General Plan Amendment request by Dahl, Robins & Associates, Inc. on behalf of Bruce and Linda Butcher, to change the land use designation from Commercial to High Density Residential for approximately 2.8 acres, for a portion of the properties located at 1749 S. Arizona Avenue and the northeast corner of Riley Avenue and 18th Street.

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

The proposed High Density Residential land use designation supports the following types of zoning: High Density Residential (R-3), Residence-Manufactured Housing (R-MH), Recreational Vehicle Subdivision (RVS), and Manufactured Home Park (MHP) districts.

The proposed land use designation will allow the applicant to pursue a rezoning of the site to High Density Residential (R-3) to develop a multi-family residential development.

Density

The current land use designation of Commercial would allow the development of a commercial development.

The proposed High Density Residential land use designation would allow from 36 to 84 dwelling units. The proposed land use designation would allow the applicant to pursue a rezoning that would support a future multi-family residential development.

Population

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

- Commercial:
Zero homes - Expected population: 0
- High Density Residential:
Minimum 36 homes – Expected population: 68
Maximum 84 homes – Expected population: 157

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

- Commercial:
Zero homes – School Age: 0

- High Density Residential:
Minimum expected population: 68 – School Age: 14
Maximum expected population: 157 – School Age: 31

Transportation

The property is located along Arizona Avenue and 18th Street. Access to the property will be from Arizona Avenue and 18th Street. There is an existing bus stop at Arizona Avenue and 18th Street, for Bus Route Green – 4A and a proposed bike lane on Arizona Avenue.

According to the City of Yuma Transportation Master Plan, Arizona Avenue operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2022 as 12,052 vehicles on Arizona Avenue near the E. 19th Street intersection. Arizona Avenue is currently a 2-lane roadway and is identified in the Transportation Master Plan as a Collector road.

Housing

The Housing Element of the City of Yuma 2022 General Plan addresses the need to provide safe, decent, sanitary, and affordable housing for all residents. And specifically Objective 1.3 notes providing a variety of housing types:

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

An Action Item of the Housing Element is to consider rezoning land for higher density residential development to promote additional rental and lower cost ownership options.

The General Plan amendment request is to provide a housing choice other than Low Density Residential single-family homes, which is the predominant housing option in the City of Yuma.

Public Services

It is a requirement of State Statute for a General Plan to identify public schools and other public buildings. The City of Yuma General Plan Public Services Element identifies the location of public/charter schools within the 3 school districts in the General Plan area. The request is located within the district boundaries of the Yuma Elementary School District One and the Yuma Union High School District.

According to the Yuma Elementary School District One Boundary Map, the elementary students in the subject area are within the boundary of CW McGraw Elementary School located at 2345 S. Arizona Avenue and junior high school students are within the boundary of Gila Vista Junior High School at 2245 S. Arizona Avenue.

According to the Yuma Union High School District, the high school students are within the boundary of Yuma High School located at 400 S. 6th Avenue.

Growth Areas

Arizona Avenue and 16th Street

The Growth Areas chapter identifies those parts of the Planning Area ideal for a concentration of a variety of land uses, including higher densities and intensities or

uses. Equally essential is the need for growth to occur close to existing or planned public facilities and services.

The General Plan request is located within the Arizona Avenue and 16th Street Growth Area. This growth area has a great deal of infrastructure, transportation, office and retail already in place. As well as a number of large undeveloped or under-developed parcels.

An increase in residents in this area would enhance and strengthen the existing commercial development and transportation network that already exists while opening up more prospects to create a walkable neighborhood. The YCAT bus system has several fixed routes through this area with a focus on the Yuma Mesa Shopping Center.

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

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

Transportation Element:

FACILITY PLANS		
Transportation Master Plan	Planned	Existing
Arizona Avenue- 2 Lane Collector	40 FOOT HW	33 FOOT HW
18 th Street- Local	29 FOOT HW	30 FOOT HW
Median Disclosure	Yes	

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

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

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

Yes This area has been designated with the Commercial land use designation since the adoption of the 1983 City of Yuma General Plan on January 5, 1983 (Resolution No. 2292).

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: September 11, 2023
- City of Yuma Planning and Zoning Commission: October 9, 2023
- City of Yuma City Council: November 15, 2023

Public Comments Received: See Attachment A

Agency Comments: See Attachment B

Neighborhood Meeting Comments: None Received

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

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

Attachments

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

Prepared By: Erika Peterson **Date:** 9/20/2023

Erika Peterson,
Associate Planner Erika.Peterson@YumaAZ.Gov (928) 373-5000, x1234

Reviewed By: Jennifer L. Albers **Date:** 9/20/23

Jennifer L. Albers, AICP
Assistant Director of Planning

Approved By: Alyssa Linville **Date:** 09/28/2023

Alyssa Linville,
Director, Planning and Neighborhood Services

**ATTACHMENT A
PUBLIC COMMENTS**

Name:	Maria Valenzuela			Contact Information:	(217) 461-2038					
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
<p>Comment: Mrs. Valenzuela does not speak English and wanted to know what the letter was about. After explaining the request, she expressed that she was not concerned or was not opposed to the requested general plan amendment.</p>										
Name:	Dan Mikles			Contact Information:	(520) 256-9587					
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
<p>Comment: Wanted to know the location of the neighborhood meeting.</p>										
Name:	Joanne			Contact Information:	(928) 246-0710					
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
<p>Comment: Wanted to know if the second Planning and Zoning Commission meeting would be held on October 9th as it falls on the Columbus holiday.</p>										

**ATTACHMENT B
AGENCY COMMENTS**

DATE:	7/6/2023	NAME:	Julie Engel	TITLE:	President/CEO - Chief Economic Architect - President/CEO
AGENCY:	Greater Yuma EDC			PHONE:	928-782-7774 x12 928-210-5153 Cell
<i>Enter comments below:</i>					
We support this amendment.					

**ATTACHMENT C
STAFF WORKSHEET**



STAFF RESEARCH – GENERAL PLAN AMENDMENT

**CASE #: GP-41487-2023
CASE PLANNER: ERIKA PETERSON**

I. PROJECT DATA

Project Location:	1749 S. Arizona Avenue and NEC of Riley and 18 th Street									
Parcel Number(s):	665-37-031 (part) AND 665-37-028 (part)									
Parcel Size(s):	4.1 and 9 acres									
Total Acreage:	2.8									
Proposed Dwelling Units:	Maximum: 84			Minimum: 36						
Address:										
Applicant:	Bruce and Linda D. Butcher Living Trust dated April 13, 2001									
Applicant's Agent:	Kevin Dahl - Dahl, Robins and Associates, Inc.									
Land Use Conformity Matrix:	Current Zoning District Conforms:			Yes	No	X				
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X		
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE		

	Existing Zoning	Current Use	General Plan Designation
Site	General Commercial (B-2)	Undeveloped	Commercial
North	High Density Residential (R-3)	Undeveloped	High Density Residential
South	Light Industrial (L-I)	Retail and industrial uses	Industrial
East	General Commercial (B-2)	Union Pacific Railroad	Commercial
West	Light Industrial (L-I)	Church	Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Adopted 3/17/2023, O2023-004
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 9/29/2022
Enforcement Actions	Yes		No	N/A

Land Division Status:	Legal lots of record				
Irrigation District:	None				
Adjacent Irrigation Canals & Drains:	None				
Water Conversion: (5.83 ac ft/acre)	16.32 Acre Feet a Year				
Water Conversion Agreement Required	Yes		No	X	

II. CITY OF YUMA GENERAL PLAN

Land Use Element:	
Land Use Designation:	Commercial

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				
Arizona Avenue-Collector		40 FT HW	33 FT HW				X				
18 th Street- Local		29 FT HW	30 FT HW								
Bicycle Facilities Master Plan		Arizona Avenue- Proposed bike lane									
YCAT Transit System		Arizona Avenue- Green Route 4A									
Issues:											
Parks, Recreation and Open Space Element:											
Parks and Recreation Facility Plan											
Neighborhood Park:	Existing: Joe Henry Optimist Park				Future: Joe Henry Optimist Park						
Community Park:	Existing: Kennedy Park				Future: Kennedy Park						
Linear Park:	Existing: East Mesa Canal Linear Park				Future: "B" Canal Linear Park						
Issues:											
Housing Element:											
Special Need Household:	N/A										
Issues:											
Redevelopment Element:											
Planned Redevelopment Area:											
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X					
Conforms:		Yes	No								
Conservation, Energy & Environmental Element:											
Impact on Air or Water Resources	Yes	No	X								
Renewable Energy Source	Yes	No	X								
Issues:											
Public Services Element:											
<u>Population Impacts</u>		Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation			
Population projection per 2017-2021 American Community Survey		<i>Multi-Family</i>									
Police Impact Standard: 1 officer for every 530 citizens;		Maximum	Per Unit		Officers	GPD	AF	GPD			
2020 Conservation Plan: Water demand: 207 gallons/day/person;		84	1.9	160	0.30	33,037	37.0	11,172			
Wastewater generation: 70 gallons per day per person		Minimum									
		36	1.9	68	0.13	14,159	15.9	4,788			
Fire Facilities Plan:	Existing: Fire Station No. 3				Future: Fire Station No. 3						
Water Facility Plan:	Source:	City	X	Private	Connection:	8" PVC on Riley Ave., 36" PVC on 18 th St. and 24" on Arizona Ave.					
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC on 17 th St. and 12" PVC on Riley Ave.					
Issues:											
Safety Element:											
Flood Plain Designation:	500 Year Flood			Liquefaction Hazard Area:			Yes	No	X		
Growth Area Element:											
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		X	Avenue B & 32 nd St.					
	North End		Pacific Ave & 8 th St		Estancia		None				

NOTIFICATION

- Legal Ad Published: The Sun 8/26/2023
- Display Ad Published: 8/26/2023
- 660' Vicinity Mailing: 4/3/2023
- 54 Commenting/Reviewing Agencies noticed: 6/27/23
- Site Posted: 7/17/2023
- Neighborhood Meeting: 7/25/2023
- Hearing Dates: 9/11/2023 & 10/9/2023
- Comments Due: 8/26/2023

External List	Response Received	Date Received	"No Comment"	Written Comments
Yuma Metropolitan Planning Organization <small>(ARS)</small>	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning <small>(ARS)</small>	NR			
Yuma County Public Works	NR			
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	YES	7/6/2023		X
Yuma County School Superintendent	NR			
YUHS District #70 <small>(ARS)</small>	NR			
Yuma Elementary School District #1 <small>(ARS)</small>	NR			
Crane School District #13 <small>(ARS)</small>	NR			
City of San Luis <small>(ARS)</small>	NR			
City of Somerton <small>(ARS)</small>	NR			
Imperial County, California <small>(ARS)</small>	NR			
Qwest Communications <small>(ARS)</small>	NR			
Arizona Public Service <small>(ARS)</small>	NR			
Time Warner Cable <small>(ARS)</small>	NR			
Southwest Gas <small>(ARS)</small>	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce <small>(ARS)</small>	NR			
Arizona State Attorney General <small>(ARS)</small>	NR			
Arizona Dept. of Water Resources <small>(ARS)</small>	NR			
Arizona State Land Department <small>(ARS)</small>	NR			
MCAS / C P & L Office <small>(ARS)</small>	YES	7/21/2023	X	
Bureau of Land Management <small>(ARS)</small>	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	NR			
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			

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

City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Development Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	7/11/2023	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
7/25/2023	N/A
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	Zip Code
USA	7341 E 30TH ST STE A	YUMA	AZ	85365
ERWIN MICHAEL S	1875 S ARIZONA AVE	YUMA	AZ	85365
FRANKLIN DWAIN R & GRACE TRUST 4-29-85	1845 S ARIZONA AVE	YUMA	AZ	85365
ALL SECURE SELF STORAGE	575 E 18TH PL	YUMA	AZ	85364
FRANKLIN DWAIN R & GRACE K TRS 4-29-99	1845 S ARIZONA AVE	YUMA	AZ	85365
UNZUETA JOSE A & BLANCA E JT	2361 S 6TH AVE	YUMA	AZ	85364
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
BARKLEY SEED INC AZ CORP	PO BOX 5540	YUMA	AZ	85366
ZAKM HOGAN LLC	3615 S 18TH AVE	YUMA	AZ	85364
BEJ FAMILY AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
UNDERHILL TRANSFER CO	PO BOX 562	YUMA	AZ	85366
DI-MARK OF YUMA AZ LLC	660 E 18TH PL STE A	YUMA	AZ	85365
PACE JEANIE N TRUST 4-8-89	1490 W 18TH PL	YUMA	AZ	85364
BEJ FAMILY LLC AZ LLC	1821 S ARIZONA AVE	YUMA	AZ	85364
SANT SOUTH WEST EQUITIES INC AZ CORP	3219 E CAMELBACK RD STE 840	PHOENIX	AZ	85018
MC CAIN MARTHA LOU	690 E 18TH PL	YUMA	AZ	85365
CITIZENS TITLE & TRUST # 94	72 PAR LANE	NOVATO	CA	94949
YUMA INDUSTRIAL BUILDINGS AZ LLC	PO BOX 1107	LAKE FOREST	CA	92609
YUMA COUNTY FLOOD CONTROL DISTRICT	2351 W 26TH ST	YUMA	AZ	85364
KINGMAN HOTEL PARTNERS LLC	1700 EUREKA RD STE 160	ROSEVILLE	CA	95661
NAVY FEDERAL CREDIT UNION	PO BOX 24626	MERRIFIELD	VA	22119
A-1 HOTELS INC	1691 S RILEY AVE	YUMA	AZ	85365
7TH AVENUE & BELL AZ LLC	2302 E INDIAN SCHOOL RD	PHOENIX	AZ	85012
CITIZENS TITLE & TRUST NO 398	1101 W 16TH ST	YUMA	AZ	85364
ORTIZ MARCO A & CARMEN M CPWROS	8795 E 24TH LN	YUMA	AZ	85365
RODRIGUEZ JOSUE	1809 S MAPLE AVE	YUMA	AZ	85364
MEDRANO ANDRES JR	1819 S MAPLE AVE	YUMA	AZ	85364
POLINO SALVADOR BANUELOS & MARIA SOCORRO	1827 S MAPLE AVE	YUMA	AZ	85364
GALVAN ALEJANDRA & DANIEL	1608 S ATHENS AVE	YUMA	AZ	85364
BRIONES EVA AVILA	1843 S MAPLE AVE	YUMA	AZ	85364

AVILA BRIONES ARTURO	1855 S MAPLE AVE	YUMA	AZ	85364
RAMIREZ JOSE M & GUADALUPE JT	1806 S WALNUT AVE	YUMA	AZ	85364
GARIBAY GABRIEL & ROSA C JT	740 S CARROLL AVE	STOCKTON	CA	95215
FAVORS TRUST 2-14-2023	1818 S WALNUT AVE	YUMA	AZ	85364
NAGY RICK ROBERT & LUEVANOS GREGORIO	1830 S WALNUT AVE	YUMA	AZ	85364
MARQUEZ MIGUEL A	11530 S SOMERTON AVE	SOMERTON	AZ	85350
SAFFARI LLC	1630 S 11TH AVE	YUMA	AZ	85364
VERDUZCO ISRAEL FRIAS	1852 S WALNUT AVE	YUMA	AZ	85364
HUTCHESON DOUGLAS E & NANCY I JT	1805 S WALNUT AVE	YUMA	AZ	85364
E & C NEGRONI LLC	1813 S WALNUT AVE	YUMA	AZ	85364
VALENZUELA MARIA DE JESUS &	2616 N OAKMONT DR	FLAGSTAFF	AZ	86004
RODRIQUEZ GABRIEL	PO BOX 223	BEARDSTO WN	IL	62618
THOMPSON MAE IONE	9475 LAKE CAYNON RD	SANTEE	CA	92071
WESCH LYNDA & PETER	1845 S WALNUT AVE	YUMA	AZ	85364
MORENO CECILIA	8921 ARROYO DR	COLTON	CA	92324
NUNEZ JESUS & MARGARITA JT	PO BOX 2748	SOMERTON	AZ	85350
T3AZ LLC	1886 S WALNUT AVE	YUMA	AZ	85364
YUMA CITY OF	5840 E 27TH PL	YUMA	AZ	85365
MCNEEL KAREN J ETAL	ONE CITY PLAZA	YUMA	AZ	85364
S & R MGT LLC	1466 S 8TH AVE	YUMA	AZ	85364
RIVERA LIVING TRUST 4-1-97	2305 E PALO VERDE ST STE B	YUMA	AZ	85365
BUSTAMANTE GABRIEL	2300 W COUNTRY LN	YUMA	AZ	85365
POWER HOUSE CHURCH OF YUMA INC	PO BOX 7565	VAN NUYS	CA	91406
HARVEST POWER COMMUNITY DEVELOPMENT	1798 S ARIZONA AVE	YUMA	AZ	85364
CARRUTHERS JAMES R & JACQUELINE	350 E 18TH ST	YUMA	AZ	85364
WESTERN NEWS&INFO INC AZ CORP	800 E COUNTRY CLUB DR UNIT 18	YUMA	AZ	85365
CATPRO LLC	8303 E HWY 69	PRESCOTT VALLEY	AZ	86314
WEST COAST LODGING LLC	1891 RAIL AVE	YUMA	AZ	85364
FTS AUTOMOTIVE CENTER INC	1640 S ARIZONA AVE	YUMA	AZ	85364
	1701 S ARIZONA AVE	YUMA	AZ	85364

ATTACHMENT E
AERIAL PHOTO



RESOLUTION NO. R2023-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN, TO CHANGE THE LAND USE DESIGNATION FROM COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR PROPERTIES LOCATED AT 1749 S. ARIZONA AVENUE AND THE NORTHEAST CORNER OF RILEY AVENUE AND 18TH STREET

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

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 11, 2023, and October 9, 2023 for General Plan Amendment Case No. GP-41487-2023, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on August 26, 2023, and September 23, 2023; and,

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

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

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

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

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

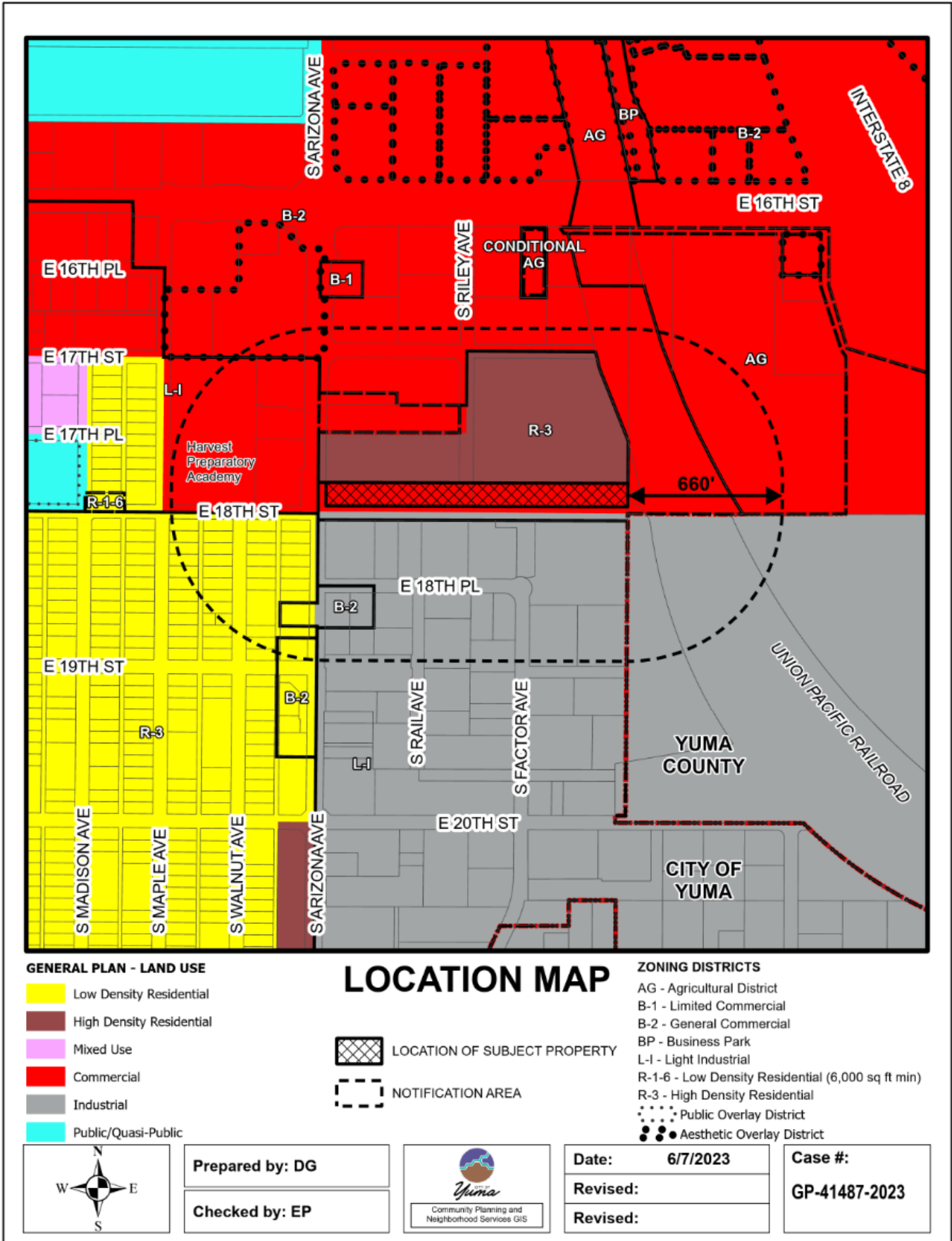
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

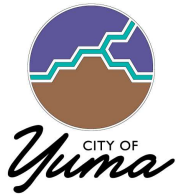


Prepared by: DG
 Checked by: EP



Date: 6/7/2023
 Revised:
 Revised:

Case #:
 GP-41487-2023



City of Yuma

City Council Report

File #: R2023-053

Agenda Date: 11/15/2023

Agenda #: 2.

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

TITLE:

General Plan Amendment: 1717 S. Pacific Avenue

SUMMARY RECOMMENDATION:

Following a public hearing, approve the Major Amendment request to amend the City of Yuma General Plan to change the land use designation from Industrial to Commercial, for a portion of the property located at 1717 S. Pacific Avenue. (GP-41558-2023) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

This is a Major General Plan Amendment request by Christopher Colyer with Snell & Wilmer, on behalf of Powerhouse Management, LLC, to change the land use designation from Industrial to Commercial for approximately 7.48 acres, for a portion of the property located at 1717 S. Pacific Avenue

The existing Industrial land use designation supports the following types of zoning: Light Industrial (L-I), Heavy Industrial (H-I), and Industrial Park (I-P) districts.

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

The proposed land use designation will allow the applicant to pursue a rezoning of the site to General Commercial (B-2) to develop a commercial retail space within a multi-tenant shopping center following annexation.

On October 9, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the General Plan amendment request to change the land use designation from Industrial to Commercial. As required by state statute, the City of Yuma Planning and Zoning Commission held an earlier public hearing on this item on September 11, 2023, in order to take additional public comment.

Public Comments - Excerpt from Planning and Zoning Commission Minutes (09/11/23):

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

“Chris Colyer, 1E Washington Street, Phoenix, AZ was available for questions.

“Chris Hamel - Planning and Zoning Commissioner asked if there was only one entry point onto the property.

“Colyer replied that the property would have two entry points from Pacific Avenue.

PUBLIC COMMENT

None

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

QUESTIONS FOR STAFF

“Chris Hamel - Planning and Zoning Commissioner asked if the northeast corner of the property was included.

“Erika Peterson - Associate Planner stated that the northeast portion of the property would remain Industrial, and the balance of the property would change to Commercial.

APPLICANT/APPLICANT’S REPRESENTATIVE

“Chris Colyer, 1E Washington Street, Phoenix, AZ was available for questions.

“Hamel asked that if apart from the entrance and exit off Pacific Avenue, there were no other flows of traffic in other areas of the property.

“Colyer confirmed.

PUBLIC COMMENT

None

“Motion by Branden Freeman - Planning and Zoning Commissioner, second by Lorraine Arney - Planning and Zoning Commissioner to APPROVE case GP-41558-2023 as presented.

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

(This is a Major Amendment to the City of Yuma General Plan. Per A.R.S. 9-461.06 H “...a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the governing body of the municipality.”)

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:

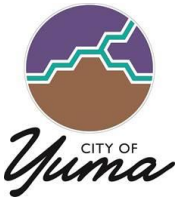
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



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

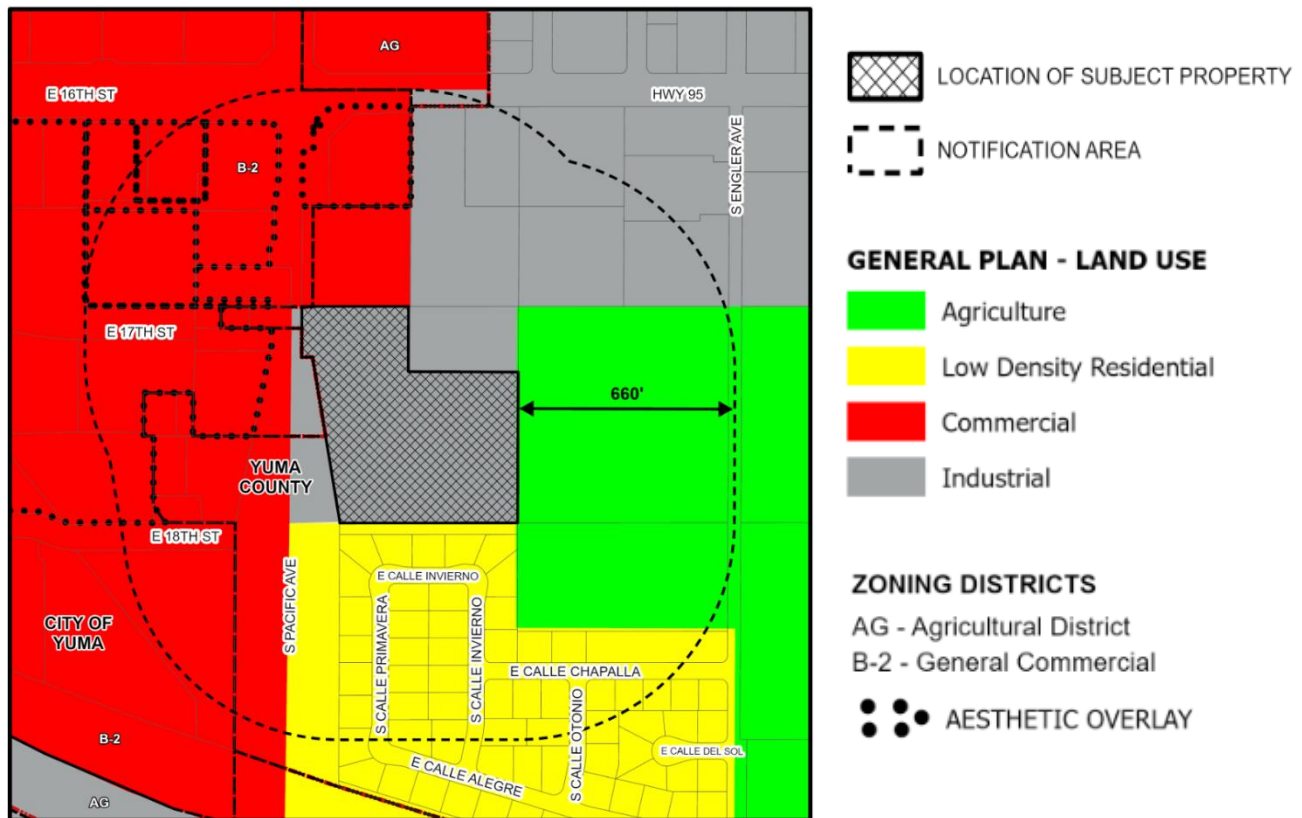
Hearing Date: October 9, 2023

Case Number: GP-41558-2023

Project Description/Location: This is a Major General Plan Amendment request by Christopher Colyer with Snell & Wilmer, on behalf of Powerhouse Management, LLC, to change the land use designation from Industrial to Commercial for approximately 7.48 acres, for a portion of the property located at 1717 S. Pacific Avenue.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	County - Light Industrial (LI)	Vacant building	Industrial
North	County - General Commercial (C-2)	Used auto sales	Commercial
South	County – High Density Residential (R-3)	Single-family residences	Low Density Residential
East	County - Rural Area 20 acres (RA-20)	Agriculture farming	Agriculture
West	General Commercial (B-2)/ County Light Industrial (LI)	Commercial/Single-family residence	Commercial

Location Map



Prior site actions: Preannexation Development Agreement: Resolution No. R2023-013 (4/19/2023)

Staff Recommendation: Staff recommends the Planning and Zoning Commission APPROVE the request to change the land use designation for approximately 7.48 acres from Industrial to Commercial.

Suggested Motion: Move to APPROVE the request to change the land use designation for approximately 7.48 acres from Industrial to Commercial.

Staff Analysis: This is a Major General Plan Amendment request by Christopher Colyer with Snell & Wilmer, on behalf of Powerhouse Management, LLC, to change the land use designation from Industrial to Commercial for approximately 7.48 acres, for a portion of the property located at 1717 S. Pacific Avenue

The existing Industrial land use designation supports the following types of zoning: Light Industrial (L-I), Heavy Industrial (H-I), and Industrial Park (I-P) districts.

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

The proposed land use designation will allow the applicant to pursue a rezoning of the site to General Commercial (B-2) to develop a commercial retail space within a multi-tenant shopping center following annexation.

Land Use

The Land Use Element of the City of Yuma 2022 General Plan is a guide for the appropriate locations for residential, commercial, and industrial development. Objective 2.4 notes providing additional opportunities for employment:

Objective 2.4: Achieve a diversified economy that is open to new opportunities and resistant to seasonal employment fluctuations.

Yuma’s economy is primarily based on three economic engines: agribusiness, tourism and the military. Both agricultural and tourism reduce activity during the summer months, increasing the unemployment rate. The proposed commercial land use change would allow for more commercial development increasing the number of jobs available year-round.

Density

The current land use designation of Industrial would allow the development of business, industrial or scientific research centers, assembly or fabrication of products, warehousing, automotive and equipment repair development.

The proposed Commercial land use designation would allow for the development of retail, commercial, and office development.

Population

The change in land use designation from Industrial to Commercial is not anticipated to result in any population changes.

Transportation

The property is located along Pacific Avenue. Access to the property will be from Pacific Avenue. There is an existing bus stop on Pacific Avenue at 16th Street, for Bus Route Green – 4 and Orange Route 2 and a proposed bike path on Pacific Avenue.

According to the City of Yuma Transportation Master Plan, 16th Street operates at a Level of Service (LOS) of C or above, meaning that there are stable conditions with movements somewhat restricted due to higher volumes but not objectionable to motorists. The Yuma Metropolitan Planning Organization identifies average annual daily traffic counts for 2022 as 22,261 vehicles on Pacific Avenue north of the E. 16th Street intersection. Pacific Avenue is currently a 4-lane roadway and is identified in the Transportation Master Plan as a Minor Arterial.

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

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

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing
Pacific Avenue- 4 Lane Minor Arterial	50 FOOT HW	33 FOOT HW- varies
16 th Street- 4 Lane Principal Arterial	50 FOOT HW	50 FOOT HW
Median Disclosure	Yes	

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

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

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

No The proposed amendment is not in conflict with Council’s prior actions. City Council adopted a Preannexation Development Agreement (R2023-013 adopted 4/19/2023) supporting development of the property.

Scheduled Public Hearings:

- City of Yuma Planning and Zoning Commission: September 11, 2023
- City of Yuma Planning and Zoning Commission: October 9, 2023
- City of Yuma City Council: November 15, 2023

Public Comments Received: None

Agency Comments: See Attachment A

Neighborhood Meeting Comments: See Attachment C

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

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

Attachments

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

Prepared By: Erika Peterson

Date: 9/20/2023

Erika Peterson,
Associate Planner

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

Reviewed By: Jennifer L. Albers

Date: 9/20/23

Jennifer L. Albers, AICP
Assistant Director of Planning

Approved By: Alyssa Linville

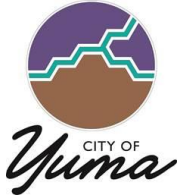
Date: 09/28/2023

Alyssa Linville,
Director, Planning and Neighborhood Services

**ATTACHMENT A
AGENCY COMMENTS**

DATE:	8/9/2023 & 8/10/2023	NAME:	Anson Lihosit	TITLE:	Senior Planner
AGENCY:	Yuma County Department of Development Services/Planning & Zoning Division			PHONE:	(928)817-5090
<i>Enter comments below:</i>					
<p>8/9/2023: In regards to Major Amendment case GP-41558-2023:</p> <p>Parcel APN 666-33-012, 1717 S. Pacific Avenue is located within Yuma County jurisdiction.</p> <p>The owner and agent have previously received approval of Special Use Permit case number 22-04, for the establishment of restaurant facilities, a multi-tenant shopping center focused on health and wellness, and a marijuana establishment. They also received approval of Variance case number 23-06, to allow a marijuana establishment within a 500 foot radius.</p> <p>A land division permit (LDP23-14) was submitted to Yuma County on May 26, 2023, proposing to divide the parcel into five lots.</p> <p>8/10/2023: The Variance was for minimum distance from a residence.</p>					

**ATTACHMENT B
STAFF WORKSHEET**

	<p>STAFF RESEARCH – GENERAL PLAN AMENDMENT</p> <p>CASE #: GP-41558-2023 CASE PLANNER: ERIKA PETERSON</p>
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I. PROJECT DATA

Project Location:		1717 S. Pacific Avenue							
Parcel Number(s):		666-33-012 (part)							
Parcel Size(s):		7.48							
Total Acreage:		7.48							
Proposed Dwelling Units:		Maximum: 0		Minimum: 0					
Address:		1717 S. Pacific Avenue							
Applicant:		Powerhouse Management, LLC							
Applicant's Agent:		Christopher Colyer- Snell & Wilmer							
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes	No	X			
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE		

	Existing Zoning	Current Use	General Plan Designation
Site	County Light Industrial	Vacant building	Industrial
North	County General Commercial (C-2)	Used auto sales	Commercial
South	County High Density Residential (R-3)	Single-family residences	Low Density Residential
East	County Rural Area (RA-20)	Agriculture farming	Agriculture
West	General Commercial (B-2)/ County Light Industrial (LI)	Commercial/Single-family residence	Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No	Adopted: 4/19/2023 (Resolution No. R2023-013)
Annexation	Yes		No	N/A
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	Date: 5/9/2023
Enforcement Actions	Yes		No	N/A

Land Division Status:	Legal lots of record
Irrigation District:	None
Adjacent Irrigation Canals & Drains:	None
Water Conversion: (5.83 ac ft/acre)	0.00 Acre Feet a Year
Water Conversion Agreement Required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Industrial						
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	
Pacific Avenue- 4 Lane Minor Arterial	50 FOOT HW	33 FOOT HW- varies	X				X
16 th Street- 4 Lane Principal Arterial	50 FOOT HW	50 FOOT HW					X
Bicycle Facilities Master Plan	Pacific Avenue- Proposed bike path						
YCAT Transit System	Pacific Avenue- Orange Route 2 and Green Route 4						
Issues:							

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Joe Henry Optimist Park	Future: Joe Henry Optimist Park
Community Park:	Existing: Kennedy Park	Future: Kennedy Park
Linear Park:	Existing: East Main Canal Linear Park	Future: "B" Canal Linear Park
Issues:		

Housing Element:

Special Need Household:	N/A
Issues:	

Redevelopment Element:

Planned Redevelopment Area:	N/A						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes		No				

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X	
Renewable Energy Source	Yes		No	X	
Issues:					

Public Services Element:

Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	0	1.9	0	0.00	0	0.0	0
	Minimum						
0	1.9	0	0.00	0	0.0	0	
Fire Facilities Plan:	Existing: Fire Station No. 3			Future: Fire Station No. 3			
Water Facility Plan:	Source:	City X	Private	Connection:	12" AC on east side of Pacific Ave.		
Sewer Facility Plan:	Treatment:	City X	Septic	Private	Connection: 10" PVC on west side of Pacific Ave.		
Issues:							

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

NOTIFICATION

- Legal Ad Published: The Sun 8/26/2023
- Display Ad Published: 8/26/2023
- 660' Vicinity Mailing: 4/3/2023
- 54 Commenting/Reviewing Agencies noticed: 6/27/2023
- Site Posted: 7/17/2023
- Neighborhood Meeting: 8/31/2023
- Hearing Dates: 9/11/2023 & 10/9/2023
- Comments Due: 8/26/2023

<i>External List</i>	<i>Response Received</i>	<i>Date Received</i>	<i>"No Comment"</i>	<i>Written Comments</i>
Yuma Metropolitan Planning Organization (ARS)	NR			
Yuma County Engineering	NR			
Yuma County Flood Control District	NR			
Yuma County Planning & Zoning (ARS)	YES	8/10/2023		X
Yuma County Public Works	NR			
Yuma County Airport Authority	NR			
Yuma County Chamber of Commerce	NR			
Yuma County Assessor	NR			
Greater Yuma Econ. Development Corp.	NR			
Yuma County School Superintendent	NR			
YUHS District #70 (ARS)	NR			
Yuma Elementary School District #1 (ARS)	NR			
Crane School District #13 (ARS)	NR			
City of San Luis (ARS)	NR			
City of Somerton (ARS)	NR			
Imperial County, California (ARS)	NR			
Qwest Communications (ARS)	NR			
Arizona Public Service (ARS)	NR			
Time Warner Cable (ARS)	NR			
Southwest Gas (ARS)	NR			
Arizona Department of Transportation	NR			
Arizona Game & Fish Dept.	NR			
Arizona Department of Commerce (ARS)	NR			
Arizona State Attorney General (ARS)	NR			
Arizona Dept. of Water Resources (ARS)	NR			
Arizona State Land Department (ARS)	NR			
MCAS / C P & L Office (ARS)	YES	7/21/2023	X	
Bureau of Land Management (ARS)	NR			
US Border Patrol	NR			
US Postal Service	NR			
Quechan Tribal Office	NR			
Cocopah Indian Tribe	NR			
Yuma County Water Users' Association	NR			
Yuma Irrigation District	NR			
Yuma Mesa Irrigation Drainage District	NR			
Unit B Irrigation District	NR			
Yuma County Association of Realtor's	NR			
Yuma County Contractor's Association	NR			
AZ Society of Military Engineers (ASME)	NR			
AZ Society of Civil Engineers (ASCE)	NR			
AZ Society of Professional Engineers (ASPE)	NR			
El Paso Natural Gas Co.	NR			

Western Area Power Administration	NR			
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City of Yuma Internal List	Response Received	Date Received	“No Comment”	Written Comments
Thomas Garrity, Police	NR			
Eric Urfer, Parks and Rec – Admin	NR			
David Wostenberg, City Engineer	NR			
Scott Nodes, Traffic Engineer	NR			
Andrew McGarvie, Development Engineering	NR			
Kayla Franklin, Fire – Prevention	YES	7/11/2023	X	
Randall Crist, Building Safety	NR			
Jeremy McCall, Utilities	NR			
Joel Olea, Public Works	NR			
NR=None Received	NR			

Neighborhood Meeting	Comments Available
7/31/2023	See Attachment C
Prop. 207 Waiver	
Received by Owner’s signature on the application for this land use action request.	

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: 7/31/2023

Location: 1717 S. Pacific Avenue

Attendees: Richard Durazo, Milland Grove, Maria J. Grove, Gerald DeCarolis

Agents: Christopher Robins, Chris Colyer, Maggie Delow

Staff: Erika Peterson

SUMMARY OF ATTENDEE'S COMMENTS RELATED TO THE PROJECT:

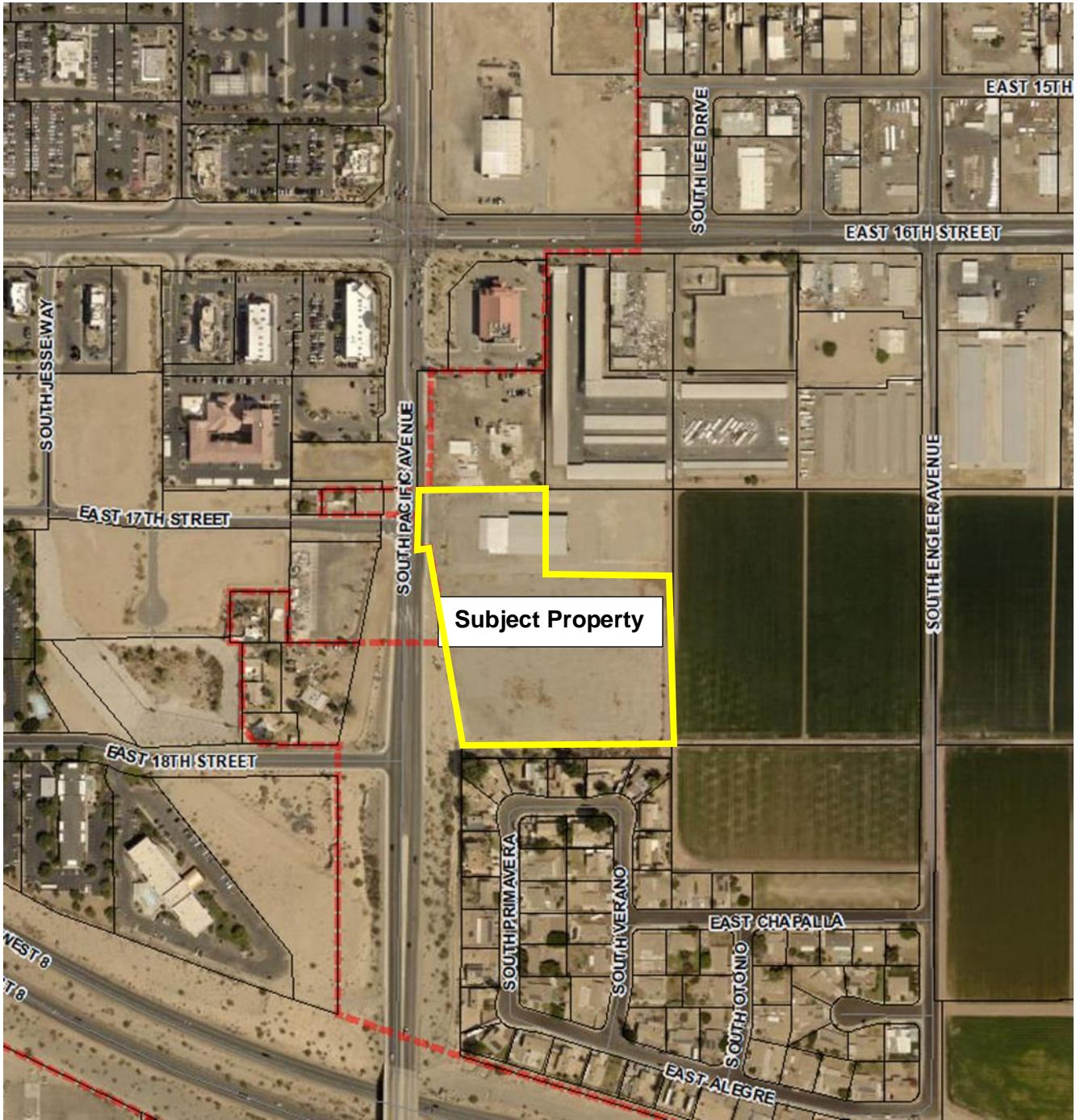
- Neighbors concerned about potential traffic increase in residential neighborhood and on Pacific Avenue
- Neighbors wanted to know the placement of commercial buildings near residential
- Neighbors had questions regarding the County lot split
- Inquiry on the timeline for the proposed request
- Colyer- development will include commercial retail with health and wellness aspect in mind
- Colyer/Robins- Timeline is approximately 1 ½ years for design and development, 3 phases total
- Colyer- No connection/road outside of proposed development connecting to existing residential development to the south
- Colyer/Robins- Access to the development will be limited to Pacific Avenue
- Colyer- All development will meet City of Yuma development standards to include, lighting, parking, and sound attenuation
- Robins- There will be a fence, meeting COY development standards, around the exterior property lines
- Colyer/Robins- Traffic study currently being conducted, and it will also include winter traffic fluctuations

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	Zip Code
AAA ALLIANCE SELF STORAGE OF YUMA NV LLC	242 W SOUTHERN AVE	TEMPE	AZ	85282
ANGLO AMERICAN HOLDINGS 2 LLC	11146 E 26TH LN	YUMA	AZ	85367
ARIZONA PUBLIC SERVICE CO	PO BOX 53999	PHOENIX	AZ	85072
BAGLEY STEVEN	1381 RIDGECOURT	EATON	CO	80615
BALDERAS HUMBERTO & JOAKINA B JT	8128 E LORENZO LN	YUMA	AZ	85365
BARBARA ANN CATTLE COMPANY	PO BOX 6491	YUMA	AZ	85366
BARBARA ANN CATTLE COMPANY	PO BOX 6491	YUMA	AZ	85366
BARBARA ANN CATTLE COMPANY	PO BOX 6491	YUMA	AZ	85366
BENEKE RUSSELL	2193 E CALLE CHAPALLA	YUMA	AZ	85365
BOURIS FAMILY TRUST 2-27-2001	6000 FILBERT AVE	ORANGEVALE	CA	95662
CARLON BENJAMIN H	PO BOX 5241	YUMA	AZ	85366
CHICK-FIL-A INC GA CORP	6057 E GRANT RD STE 100	TUCSON	AZ	85712
CJ&C INVESTMENTS INC	964 MORI COURT	LIVINGSTON	CA	95334
DECAROLIS GERARD	1874 S CALLE VERANO	YUMA	AZ	85365
DECAROLIS GERARD M	1895 S CALLE VERANO	YUMA	AZ	85365
DUGGAN THOMAS	62 OAK RD	CANTON	MA	02021
DURAZO RICHARD M & CHRISTINE M	1642 S PACIFIC AVE	YUMA	AZ	85365
ESCOTO JESUS & PATRICIA JT	1897 S CALLE PRIMAVERA	YUMA	AZ	85365
ESTRADA VICENTE & KAREN	1636 S PACIFIC AVE	YUMA	AZ	85364
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367
GARCIA VALERIA	2503 W 21ST ST	YUMA	AZ	85364
GDP MANAGEMENT LLC	2246 UNIVERISTY PARK BLVD	LAYTON	UT	84401
GONZALEZ FERNANDO MEDRANO	1884 S CALLE VERANO	YUMA	AZ	85365
GRACIANO HERIBERTO DUARTE	1859 S CALLE PRIMAVERA	YUMA	AZ	85365
GROVE MILLAND R JR	1841 S CALLE VERANO	YUMA	AZ	85364
GUZMAN FRANCISCO & IRENE TRUST 12-2-08	1149 S 14TH AVE	YUMA	AZ	85364
HECK DAILE R	1848 S CALLE VERANO	YUMA	AZ	85365
HILINE YUMA LLC	5141 N 40TH ST	PHOENIX	AZ	85018
HINSLEY FAMILY TRUST 6-5-92	1896 S CALLE OTONIO	YUMA	AZ	85365
JOHNSTON LEE ANN	1897 S CALLE OTONIO	YUMA	AZ	85365
KNIGHT PROPERTIES AZ LLC	6341 E 41ST LN	YUMA	AZ	85365
KUYKENDALL BETTY A	2263 E CALLE CHAPALLA	YUMA	AZ	85365
LQ INVESTMENTS PORTFOLIO III LLC	15495 EAGLE NEST LN NO. 210	MIAMI LAKES	FL	33014
LUEVANO ROSITA	PO BOX 4084	YUMA	AZ	85366
MARQUEZ MARTHA	2224 E CALLE CHAPALA	YUMA	AZ	85365

MCRT YUMA LLC	1503 LBJ FREEWAY, SUITE 300	DALLAS	TX	75234
MENDOZA CARLOS	2174 E CALLE INVIERNO	YUMA	AZ	85365
NAKASAWA LAND MANAGEMENT LP	1644 S ENGLER AVE	YUMA	AZ	85365
NORIEGA ANESIA M & OSCAR JT	1885 CALLE PRIMAVERA	YUMA	AZ	85365
OROZCO JESUS I &	1847 CALLE PRIMAVERA	YUMA	AZ	85365
ORTIZ FRANCISCO ANTONIO	1829 S CALLE VERANO	YUMA	AZ	85365
POWERHOUSE MANAGEMENT LLC	1862 N HIGLEY RD	MESA	AZ	85205
PULIDO JESUS M & ALMA R JT	1888 S CALLE PRIMAVERA	YUMA	AZ	85365
REYES VERONICA	1636 S PACIFIC AVE	YUMA	AZ	85364
SANCHEZ CATARINO & LAURA E JT	1830 S CALLE PRIMAVERA	YUMA	AZ	85365
SANCHEZ DAVID S	1873 S CALLE PRIMAVERA	YUMA	AZ	85365
SANCHEZ RICARDO CANO & MARIA I JT	1835 S CALLE PRIMAVERA	YUMA	AZ	85365
SANDBAR BOAT STORAGE LLC AZ	13245 E 44TH ST	YUMA	AZ	85367
SANDBAR BOAT STORAGE LLC AZ	13245 E 44TH ST	YUMA	AZ	85367
SANDOVAL FRANCISCO J & SANDRA C JT	1860 S CALLE VERANO	YUMA	AZ	85365
STEWART GLENN A & KELLY L JT	2205 E CALLE CHAPALA	YUMA	AZ	85365
TAPIA OSVALDO B	2136 E CALLE INVIERNO	YUMA	AZ	85365
TIBBITTS MONICA R	2217 E CALLE CHAPALLA	YUMA	AZ	85365
TIDABACK TIMOTHY & DONNA JT	18304 WOODLAND DR	TRIANGLE	VA	22172
VALDEZ BERTHA	530 E PALO VERDE ST	YUMA	AZ	85365
VELASCO MARTIN ETAL	2208 E CALLE CHAPALLA	YUMA	AZ	85365
WALKER JAMES CURTIS & DONNA J	79 C R 755	JONESBORO	AR	72401
WHITE SCOTT A & CHRISTY A JT	2146 E CALLE INVIERNO	YUMA	AZ	85365
WILSON KRISTIE M	1872 S CALLE PRIMAVERA	YUMA	AZ	85365
WINN JOHN R & DIOGENES A	2184 E CALLE INVIERNO	YUMA	AZ	85365
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364
YUMA PACIFIC AVE	7406 W MCDOWELL RD	PHOENIX	AZ	85035
YUMA PACIFIC AVE LLC	7406 W MC DOWELL RD	PHOENIX	AZ	85035
YUMA PLAZA DE LLC	5670 WILSHIRE BLVD STE 1250	LOS ANGELES	CA	90036
ZAMBRANO JULIO A & ZEILA C JT	1842 S CALLE PRIMAVERA	YUMA	AZ	85364
ZAMBRANO JULIO A & ZEILA C JT	1842 S CALLE PRIMAVERA	YUMA	AZ	85364
ZHEN XING HUA	PO BOX 2008	SAN LUIS	AZ	85349

ATTACHMENT E
AERIAL PHOTO



RESOLUTION NO. R2023-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING RESOLUTION R2022-011, THE CITY OF YUMA 2022 GENERAL PLAN, TO CHANGE THE LAND USE DESIGNATION FROM INDUSTRIAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT 1717 S. PACIFIC AVENUE

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

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 11, 2023, and October 9, 2023 for General Plan Amendment Case No. GP-41558-2023, regarding the request to amend the General Plan; and,

WHEREAS, due and proper notice of the public hearings were given in the time, form, substance and manner as provided by law, including publication of such notice in The Sun on August 26, 2023, and September 23, 2023; and,

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

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

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

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

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

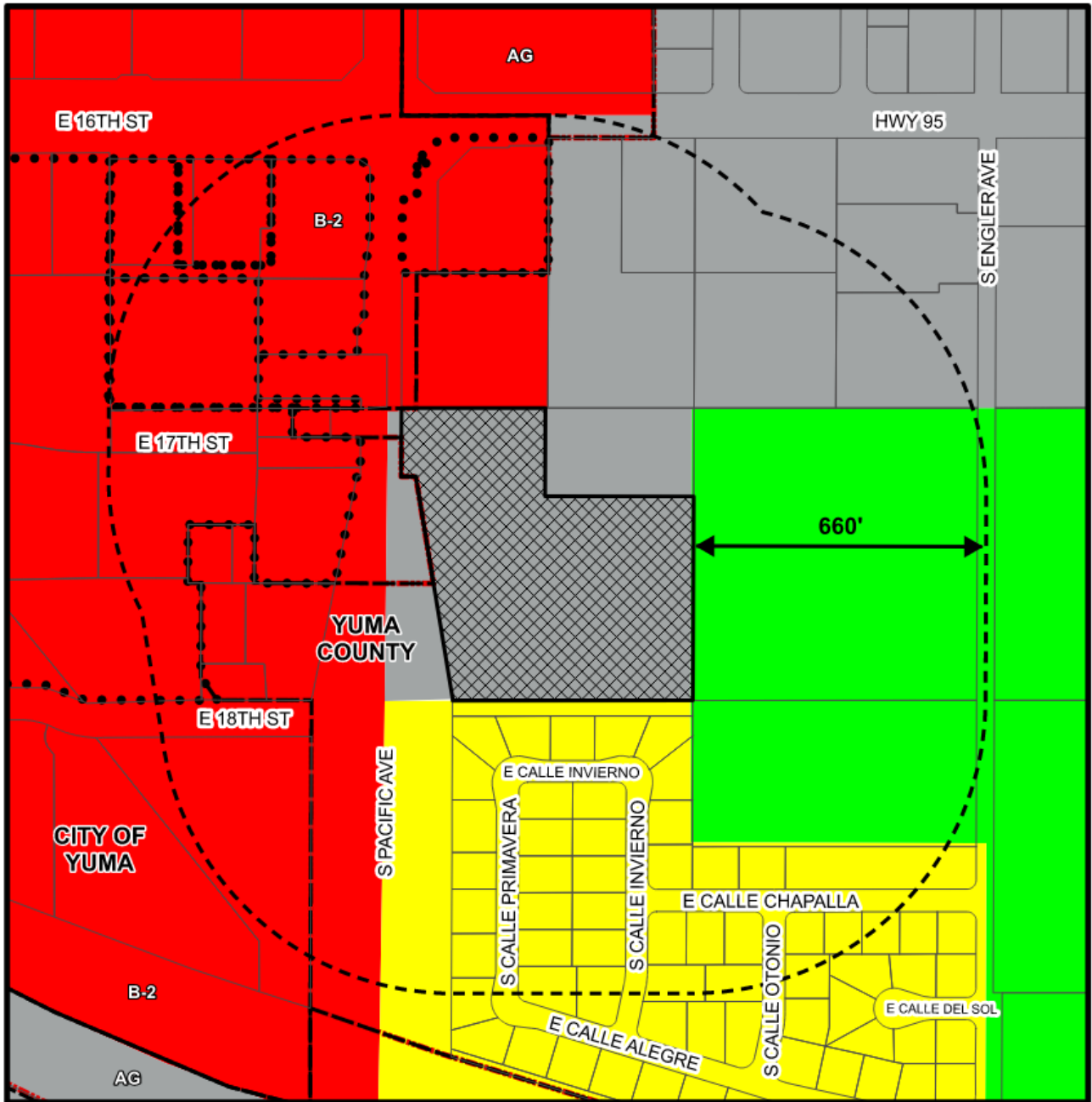
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

GENERAL PLAN - LAND USE

- Agriculture
- Low Density Residential
- Commercial
- Industrial

ZONING DISTRICTS

- AG - Agricultural District
- B-2 - General Commercial

- LOCATION OF SUBJECT PROPERTY
- NOTIFICATION AREA

- AESTHETIC OVERLAY



Prepared by: DG

Checked by: EP



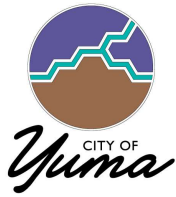
Date: 6/16/2023

Revised: 7/11/2023

Revised:

Case #:

GP-41558-2023



City of Yuma

City Council Report

File #: MC 2023-183

Agenda Date: 11/15/2023

Agenda #: 1.

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

TITLE:
Notice of Intention to Adjust Water and Wastewater Utility Rates

SUMMARY RECOMMENDATION:
 Adopt a Notice of Intention pursuant to A.R.S. § 9-511.01 to increase water and wastewater rates, reinstate the Water Resource Trust Fund surcharge, and set a public hearing on the proposed rate increase. (Utilities/Administration) (Jeremy McCall)

STRATEGIC OUTCOME:
 This action item supports the City Councils strategic outcome of Safe and Prosperous by ensuring the future reliability and quality of the City’s water and wastewater systems.

REPORT:
 The City of Yuma Utilities Department proposes to increase water and wastewater utility rates as a result of the 2023 Integrated Master Plan and the 2023 Water and Wastewater Rate Study and Long Term Financial Plan findings.

The City of Yuma’s last evaluation of water and wastewater rates occurred in 2014. The 2014 rate study recommended implementing a five-year rate plan which, began in 2015 and ended in 2019. In January 2015, City Council approved the adoption of Resolution R2015-02, which established water and wastewater rates.

The City has not adjusted water and wastewater rates since January of 2019. In 2023, the Utilities Department completed an Integrated Master Plan evaluation, which assessed the utilities operational and capital infrastructure needs. The master plan identified the need to revise and increase utility rates to meet the future fiduciary requirements of the utility. The Utilities Department contracted with Willdan Financial Services to independently evaluate the financials of the utility and make recommendations if needed. The 2023 Water and Wastewater Rate Study and Long-term Financial Plan recommended the adoption of a new rate plan that incorporates annual adjustments over the next five years.

The Utilities Department proposes establishing new water and wastewater rate charges as identified by both the 2023 Utility Rate Study and 2023 Integrated Master Plan.

Additionally, it is recommended to reinstate the Water Resource Trust Fund Surcharge. Several Federal reservoir and water management decisional documents and agreements that govern the operation of the Colorado River facilities and management of the Colorado River are scheduled to expire in 2026. These

include the U.S. Bureau of Reclamation 2007 Interim Guidelines to provide shortage guidelines for the Colorado River and coordinating criteria for operating Lake Powell and Lake Mead (2007 Interim Guidelines), the 2019 Drought Contingency Plans (DCP), as well as international agreements between the U.S. and Mexico entered into via the 1944 Water Treaty with Mexico. The post-2026 process has already begun and the City of Yuma needs to engage, educate, and possibly litigate, to protect its current water rights. The Yuma City Council created the Water Resources Trust Fund Surcharge in 1988 through Resolution R2558. Reinstating the modest surcharge will generate revenues for a restricted fund used to protect Yuma’s water supply assets.

A.R.S. § 9-511.01 requires City Council to adopt a Notice of Intention to increase water or wastewater rates, rate components, fees, or service charges at least sixty (60) days prior to holding a public hearing on the proposed increase. In addition, the Notice of Intention must be published at least once in a newspaper of general circulation within the boundaries of the municipality not less than twenty (20) days prior to the public hearing.

Attached is a copy of the Notice of Intention, which states the City will conduct two public hearings on the proposed increase in water and wastewater rates and reinstatement of the Water Resource Trust Fund Surcharge at the following dates and locations:

1. January 16, 2024, at 5:00 p.m., Water and Sewer Commission meeting, Thomas F. Allt Utilities Complex Training Room, 270 W. 13th Street, Yuma, Arizona 85364.
2. January 17, 2024, at 5:30 p.m., City Council meeting, City Council Chambers, One City Plaza, Yuma, Arizona 85364.

If adopted by City Council, a copy of the Notice of Intention will be published in the Yuma Sun on November 19, 2023, and again on December 9, 2023. A copy of the 2023 Utility Rate Study and 2023 Integrated Master Plan will be on file with the City Clerk and available to the public via the City’s website. The reports will also be available for review at the Utilities Department, 270 W. 13th Street, Yuma, Arizona 85364.

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:

1. 2023 Utility Rate Study
2. 2023 Integrated Master Plan

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: 11/06/2023
Reviewed by City Attorney: Richard W. Files	Date: 11/03/2023



**CITY OF YUMA NOTICE OF INTENTION
TO INCREASE WATER AND WASTEWATER UTILITY RATES AND FEES**

NOTICE IS HEREBY GIVEN, pursuant to A.R.S. § 9-511.01 that the City of Yuma intends to increase water and wastewater utility rates and fees and to reinstate the Water Resource Trust Fund. The proposed increase in water and wastewater rates is supported by the City's 2023 Integrated Master Plan, a 2023 Water and Wastewater Rate Study and Long Term Financial Plan that was prepared for the City by an independent financial consultant, and a Proposal to Reinstate the Water Resource Trust Fund. Copies of the 2023 Integrated Master Plan, the 2023 Rate Study, and Proposal to Reinstate the Water Resource Trust Fund are available for review at the City Clerk's Office, One City Plaza, Yuma, Arizona, 85364. The Clerk's Office is open Monday through Friday, except on those alternate Fridays when City Hall is closed. The reports are also available via the City's website and at the Utilities Department, 270 West 13th Street, Yuma, Arizona 85364.

Two Public Hearings will be held on the proposed increase in water and wastewater rates and the Proposal to Reinstate the Water Resource Trust Fund at the following times and locations:

1. January 16, 2024, at 5:00 p.m., Water and Sewer Commission meeting, Thomas F. Allt Utilities Complex Training Room, 270 W. 13th Street, Yuma, Arizona 85364.
2. January 17, 2024, at 5:30 p.m., City Council meeting, City Council Chambers, One City Plaza, Yuma, Arizona 85364.