



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

August 4, 2021

**DEPARTMENT:**Planning and  
Neighborhood Svc.**DIVISION**

Community Planning

**STRATEGIC OUTCOMES**

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☒ Connected & Engaged
- ☐ Unique & Creative

**ACTION**

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

**TITLE:**

Zoning Code Text Amendment: Corner Markets

**SUMMARY RECOMMENDATION:**

Amend Yuma City Code, Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets. (Planning and Neighborhood Services/Community Planning) (Randall Crist)

**STRATEGIC OUTCOME:**

The proposed text amendment will expand permitted uses in residential neighborhoods, encouraging new development and redevelopment within the Infill Overlay District. This proposed amendment is in response to requests from property owners and developers to expand commercial opportunities within the district. This text amendment assists in furthering the City Council's strategic outcomes of Safe and Prosperous and Connected and Engaged.

**REPORT:**

**Clerk's Note:** Three additional changes have been made to the proposed ordinance language since receiving the recommendation from the Planning and Zoning Commission: In §154-15.17 (Section 1 of the proposed ordinance) the word "This" was substituted for "~~Which~~"; the words "~~so as~~" were deleted by strikethrough; and the sentence "~~Deliveries shall not be permitted between the hours of 8:00 pm and 6:00 am.~~" was deleted by strikethrough.

**Clerk's Note:** A motion was made at the 7/21/21 RCM to amend Ordinance No. O2021-012 in § 154-15.17(F)(13) in Section 1 to read as follows: An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator **or the Planning and Zoning Commission under this Section, shall be quasi-judicial in nature and appeal shall be made to the City Council by filing a Notice of Appeal with the Yuma City Clerk within 15 days following the determination. City Council's decision shall be final.** Ordinance O2021-012 was re-introduced as amended.

Adopted in 2018, Corner Markets within the Infill Overlay District (Corner Market Regulation) provide for limited commercial development to occur within certain residential districts. Benefits of allowing limited

commercial development include encouraging neighborhood investment, and having convenient access to goods and services within walking distance. Previously, in an effort to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood, many commercial uses were excluded from the Corner Market Regulation.

Since the adoption of the Corner Market Regulation ordinance, staff has observed an increase in the desire to expand the conditional uses allowed within the Corner Market Regulation. The proposed amendment would allow any use permitted within the Limited Commercial (B-1) District, with the exception of adult oriented businesses, as a Conditional Use for a corner market. This amendment will also provide the opportunity for additional mixed-use and commercial development to occur within the residential neighborhoods of the Infill Overlay District. The expanded uses for corner markets will provide greater opportunities to maximize the utilization, development, and/or redevelopment of properties within the Infill Overlay, in an effort to accommodate the growth of our City.

On May 24, 2021, the Planning and Zoning Commission voted to recommend APPROVAL (6-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

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

##### **QUESTIONS FOR STAFF**

None

##### **PUBLIC COMMENT**

None

##### **MOTION**

**“Motion by Barbara Beam – Planning and Zoning Commission, second by Fred Dammeyer– Planning and Zoning Commissioner, to APPROVE Case Number ZONE-34231-2021, to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.**

**“Motion carried unanimously (6-0).”**

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		6/10/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		6/8/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Alyssa Linville		06/01/2021	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Erika Peterson		5/27/2021	