



City of Yuma City Council Meeting Agenda

Wednesday, August 7, 2024

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

Those wishing to speak on an agenda item or during Call to the Public must complete a Speaker Request Form prior to the start of the meeting. Speaker Request Forms can be found on the City's website, in the Clerk's Office, as well as in the Council Chambers.

"Call to the Public" comments are limited to non-agenda items that pertain to City business under the authority and legislative functions of the City Council. The total time for "Call to the Public" is limited to 30 minutes.

Speaker Request Forms should be submitted to City clerk staff prior to the start of each meeting. All speakers, whether speaking on an agenda item or during "Call to the Public" are provided 3 minutes, with no more than 5 speakers permitted per topic/issue.

City Council Worksessions and Regular City Council Meetings can be viewed through the following platforms:

- Cable – Meetings are broadcast live on Spectrum Cable Channel 73.
- Live Stream – Residents can watch meetings on their computer or mobile device at www.yumaaz.gov/telvue. Previous Council meetings are also available on-demand.
- Virtual – Residents can watch meetings via Teams on their computer or mobile device at www.yumaaz.gov/publicmeetings. Click on "Calendar" then select the City meeting and click "Join".

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL**PRESENTATIONS**

- Recognition of Yuma Fire Department Executive Fire Officer's Certification
- Yuma Fire Department Update
- Overview of the Outdoor Lighting Code Update

I. MOTION CONSENT AGENDA

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

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

1. [MC 2024-112](#) **Special Council Meeting Draft Minutes May 14, 2024**
Attachments: [2024 05 14 SCM Minutes](#)
2. [MC 2024-113](#) **Regular Council Meeting Draft Minutes June 26, 2024**
Attachments: [2024 06 26 RCM Minutes](#)
3. [MC 2024-114](#) **Regular Council Worksession Draft Minutes July 16, 2024**
Attachments: [2024 07 16 RWS Minutes](#)

B. Executive Sessions

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

C. Approval of staff recommendations:

1. [MC 2024-098](#) **Liquor License: Estrellita Meat Market**
Approve a Series #10: Beer and Wine Store Liquor License application submitted by Maria Lopez, agent for Estrellita Meat Market located at 2100 S. 4th Avenue #1. (LL24-09) (City Administration/City Clerk) (Lynda L. Bushong)
Attachments: [1. MAP Liquor License: Estrellita Meat Market](#)

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2. [MC 2024-099](#) **Liquor License: Gozen**
Approve a Series #12: Restaurant Liquor License application submitted by Jose Rios, agent for Gozen located at 2355 S. 4th Avenue. (LL24-08) (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:** [1. MAP Liquor License: Gozen](#)
3. [MC 2024-100](#) **Liquor License: Yuma Liquor**
Approve a Series #09S: Liquor Store with Sampling Privileges Liquor License application submitted by Delon Abahad, agent for Yuma Liquor located at 2411 S. 4th Avenue. (LL24-07) (City Administration/City Clerk) (Lynda L. Bushong)
- Attachments:** [1. MAP Liquor License: Yuma Liquor](#)
4. [MC 2024-101](#) **Bid Award: Rye Grass Seed**
Authorize the purchase of rye grass seed to the lowest responsive and responsible bidder, Nutrien Ag Solutions, Tucson, Arizona for an expenditure of \$137,606.27 (including tax). (Parks and Recreation) (RFB-24-261 Eric Urfer/Robin R. Wilson)
5. [MC 2024-102](#) **Cooperative Purchase Agreement: Fire Service Apparatus**
Authorize the purchase of one Ward Apparatus 2024 Ford 450, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$254,949.19 to: Republic EVS, Huntington Beach, California (Fire Department-CPA-25-015) (Dustin Fields/Robin R. Wilson)
6. [MC 2024-103](#) **Cooperative Purchase Agreement: Emergency Preparedness and Safety Equipment**
Authorize the purchase of two fourier-transform, infrared spectrometers (FTIR) with extended warranty, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$127,481.89 to: FarrWest, Schertz, Texas (Fire Department-CPA-25-020) (Dustin Fields/Robin R. Wilson)
7. [MC 2024-104](#) **Sole Source: Technical Rescue Equipment**
Authorize the Sole Source purchase of Technical Rescue Equipment, at a cost of \$315,922.38; to: Atlas Devices, Chelmsford, Massachusetts. (Fire Department-SS-25-019) (Dustin Fields/Robin R. Wilson)

8. [MC 2024-105](#) **Transfer of Ownership: Police Canine**
Authorize the retirement and transfer of ownership of one Yuma Police Department canine to the assigned handler. (Police/Patrol) (T. Garrity)
9. [MC 2024-106](#) **Ratification: Settlement of *Solorio v. City of Yuma, et al.***
Ratify settlement of the lawsuit *Francisca Solorio v. City of Yuma, et al.* Yuma County Superior Court Case No. S1400CV202300577. (City Attorney) (Richard Files)
10. [MC 2024-107](#) **Final Plat: Cielo Verde Unit 4 Phase II Subdivision**
Approve the final plat for the Cielo Verde Unit 4 Phase II Subdivision, located at the corner of Albatross Drive and E. 35th Street. (SUBD-040902-2024) (Planning and Neighborhood Services/ Community Planning) (Alyssa Linville)
- Attachments:**
- [1. P&Z RPT Final Plat: Cielo Verde Unit 4 Phase II](#)
 - [2. PLAT Final Plat: Cielo Verde Unit 4 Phase II](#)
11. [MC 2024-108](#) **Final Plat: Cielo Verde Unit 4 Phase III Subdivision**
Approve the final plat for the Cielo Verde Unit 4 Phase III Subdivision, located at the corner of S. Eagle Drive and E. 36th Street. (SUBD-042903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:**
- [1. P&Z RPT Final Plat: Cielo Verde Unit 4 Phase III](#)
 - [2. PLAT Final Plat: Cielo Verde Unit 4 Phase III](#)
12. [MC 2024-109](#) **Final Plat: Cielo Verde Unit 6 Phase II Subdivision**
Approve the final plat for the Cielo Verde Unit 6 Phase II Subdivision, located at the corner of Ostrich Drive and E. 35th Place. (SUBD-040903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)
- Attachments:**
- [1. P&Z RPT Final Plat: Cielo Verde Unit 6 Phase II Subdivision](#)
 - [2. PLAT Final Plat: Cielo Verde Unit 6 Phase II](#)

II. RESOLUTION CONSENT AGENDA

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

1. [R2024-040](#) **Preannexation Development Agreement: 9759 S. Avenue 9E**
Authorize a Preannexation Development Agreement with Feliciano Lopez and Mallappa Neelappa for the property located at 9759 S. Avenue 9E (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. RES PDA: 9759 S. Avenue 9E](#)
 [2. AGR PDA: 9759 S. Avenue 9E](#)

III. INTRODUCTION OF ORDINANCES

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

1. [O2024-018](#) **Acceptance of Historic Properties**
Authorize the City of Yuma to acquire ownership of: (1) the Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma, Arizona, and (2) the Molina Block located at 272 Madison Avenue, Yuma, Arizona from the Arizona Historical Society. (City Administrator) (Jay Simonton)

Attachments: [1. ORD to Accept Historic Properties](#)

2. [O2024-027](#) **Text Amendment: Conditional Uses within the General Commercial District**
Amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E, to amend the list of Conditional Uses to include cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District. (Planning and Neighborhood Services) (Alyssa Linville)

Attachments: [1. P&Z REPORT Zoning Code Text Amendment: Conditional Uses within the General Commercial District](#)
 [2. ORD Zoning Code Text Amendment: Conditional Uses within the General Commercial District](#)

IV. PUBLIC HEARING AND RELATED ITEMS

1. [MC 2024-110](#) **Annexation Area No. ANEX-42924-2024: Irwin Trust**

This is a public hearing to consider the annexation of properties located in the vicinity of E. 28th Street and S. Rebecca Avenue. (ANEX-42924-2024). (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. PET Annex: Irwin Trust](#)
[2. P&Z RPT Annex: Irwin Trust](#)
[3. MAP Annex: Irwin Trust](#)

V. VARIANCE APPEAL: 9616 E. 33RD LANE

1. [MC 2024-111](#) **Variance Appeal: VAR-42542-2024 - 9616 E. 33rd Lane**

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

Attachments: [1. HO RPT Variance: 9616 E. 33rd Lane](#)
[2. Hearing Officer Minutes](#)
[3. May 9, 2024 Notice of Right to Appeal](#)
[4. May 10, 2024 Appellant's Notice to Appeal](#)
[5. May 20, 2024 Appeal Schedule](#)
[6. Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer's decision dated May 9, 2024](#)

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:

- Housing Authority 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 July 18, 2024 through August 7, 2024. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.

City Council report of upcoming meetings.

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

3. Scheduling:

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

VII. SUMMARY OF CURRENT EVENTS

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

VIII. CALL TO THE PUBLIC

Members of the public may address the City Council on matters within City Council's authority and jurisdiction that are not listed on the agenda during the "Call to the Public" segment of the meeting. All speakers must complete a Speaker Request Form and submit it to City Clerk staff no later than the "Final Call for Speaker Request Forms" is made at the beginning of each meeting.

"Call to the Public" comments are limited to non-agenda items that pertain to City business under the authority and legislative functions of the City Council.

Speakers are limited to 3 minutes, with no more than 5 speakers permitted per topic/issue. The total time for "Call to the Public" is limited to 30 minutes.

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

All City Council meetings are recorded and videotaped.

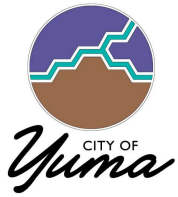
IX. EXECUTIVE SESSION

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

A. Discussion, consultation, and or direction to legal counsel regarding Article VI. and Article XI, of the Yuma City Charter. (A.R.S. 38-431.03 A(3) and A(4)).

ADJOURNMENT

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



City of Yuma
City Council Report

File #: MC 2024-112

Agenda Date: 8/7/2024

Agenda #: 1.

Special Council Meeting Draft Minutes May 14, 2024

MINUTES
SPECIAL CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 14, 2024
5:30 p.m.

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: Morales, Smith, Morris, Shoop, Shelton (telephone), and Mayor Nicholls
Councilmembers Absent: Knight (passed away 4/14/2024 – seat vacant)
Staffmembers Present: Acting City Administrator, John D. Simonton
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. DISCUSSION AND POSSIBLE ACTION

Motion (Smith/Morales): To appoint Leslie McClendon to fill the City Council position of Gary Knight, with a term to expire December 31, 2026. The appointment will become effective 24-hours after McClendon takes the oath of office for the position . Voice vote: **approved** 6-0.

II. EXECUTIVE SESSION/ADJOURNMENT

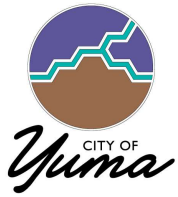
There being no further business, **Mayor Nicholls** adjourned the meeting at 5:37 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

File #: MC 2024-113

Agenda Date: 8/7/2024

Agenda #: 2.

Regular Council Meeting Draft Minutes June 26, 2024

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JUNE 26, 2024
5:30 p.m.

CALL TO ORDER

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

INVOCATION/PLEDGE

Pastor Joe Avila, Community Christian Church, gave the invocation. **Richard Files**, City Attorney, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Morris, Shoop, and Mayor Nicholls
Councilmembers Absent: McClendon, Shelton
Staffmembers Present: Acting City Administrator, John D. Simonton
Director of Finance, Douglas Allen
Chief of Police, Thomas Garrity
Neighborhood Services Manager – Grants, Nikki Hoogendoorn
Director of Parks and Recreation, Eric Urfer
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

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

Government Finance Officers Association Triple Crown Award

Allen announced that the City of Yuma was amongst 12 Arizona municipalities to receive the Government Finance Officers Association (GFOA) Triple Crown Award. This award is bestowed to municipalities who receive all three GFOA awards – the Certificate of Achievement for Excellence in Financial Reporting, the Popular Annual Financial Reporting Award, and the Distinguished Budget Presentation Award – in a single year. **Mayor Nicholls** commended the Finance Department for the positive changes made to the budget presentations, which has made the budget more tangible and increased transparency.

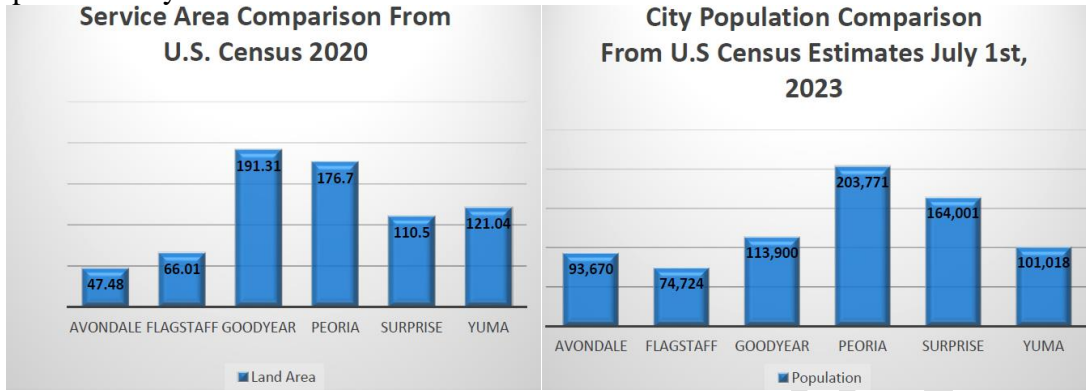
Yuma Police Department Annual Report

Chief Garrity presented the Yuma Police Department (YPD) Annual Report as follows:

- Quick Facts
 - YPD’s officers receive over 100 hours of training every year, significantly higher than the 12 hours of training that is required for police officers in Arizona
 - Current Staffing Levels
 - Sworn authorized - 167
 - Civilian authorized - 124
 - General Information
 - FY 2022-2023 Adjusted Budget - \$36,137,095

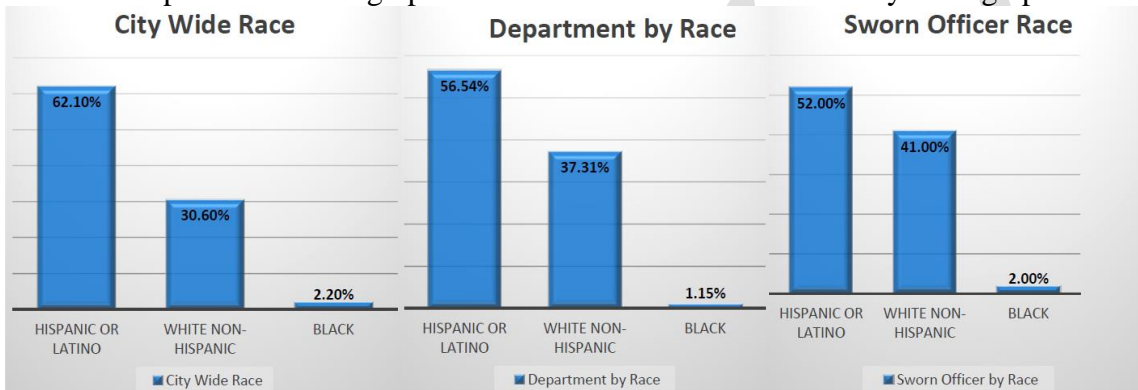
- FY 2023-2024 Adjusted Budget - \$38,098,632
 - City square miles - 121
 - Population - 101,018 full time residents
 - 1.6 officers per 1,000 residents
 - This ratio varies seasonally as it does not factor in the increase in population due to winter visitors
- 2023 Grants
 - Operation Stonegarden
 - Received \$152,052.00 in Operation Stonegarden funding
 - Purchased two 4x4 pickup trucks
 - Purchased 54 first aid kits
 - State Homeland Security Grant
 - Awarded \$44,654.00 for Intelligent Analyst Software, Digital Forensics Software, Mobile Data Computers, and training
 - Governor's Office of Highway Safety
 - Awarded \$40,000 in overtime funding to target driving under the influence (DUI) and traffic enforcement
 - U.S. Department of Justice, Bureau of Justice Assistance
 - Received \$32,279.68 from the Patrick Leahy Bulletproof Vest Partnership to continue to provide bullet resistant vests to all sworn officers
 - Edward Byrne Memorial Justice Assistance Grant
 - Awarded \$53,100.00 to cover the cost of mobile data services, increasing successful prosecutions, improving response, and field operations, enhancing real-time information sharing, and reducing violent crimes through increased productivity, resource utilization, and capabilities
 - Department of Emergency and Military Affairs – Border Security Fund
 - Awarded \$9,286,332.00 for the administration and maintenance of border security technologies, including cameras, drones, software, and other equipment:
 - Patrol Vehicles (25) - \$2,125,000
 - Tethered Drone - \$73,000
 - Portable Radios - \$420,000
 - Night Vision Headsets - \$400,000
 - Regional P25 System (IT) - \$3,357,140
 - Four-Wheel Drive All-Terrain Vehicles (2) - \$120,000
 - Investigations Vehicles (5) - \$325,000
 - Forensic Technology SafeGuard Support \$123,094
 - Department of Emergency and Military Affairs – Anti-Human Trafficking
 - Awarded \$499,998 to enhance services and programs that reduce human trafficking by providing resources for personnel, equipment, and training:
 - Anti-Human Trafficking Billboard, Pamphlets, Radio and TV Commercials - \$86,400
 - Anti-Human Trafficking Outreach and Promotional Items - \$19,800
 - Patrol Level Anti-Human Trafficking 101 Training - \$216,768
 - Out-Of-State Conference/Training - \$61,500
 - Anti-Human Trafficking Conference/Training - \$67,650
 - Forensic Computer Services Software Training - \$47,880

- Comparative City Data



- Sworn Personnel Demographics

- Sworn personnel demographics are similar to overall community demographics

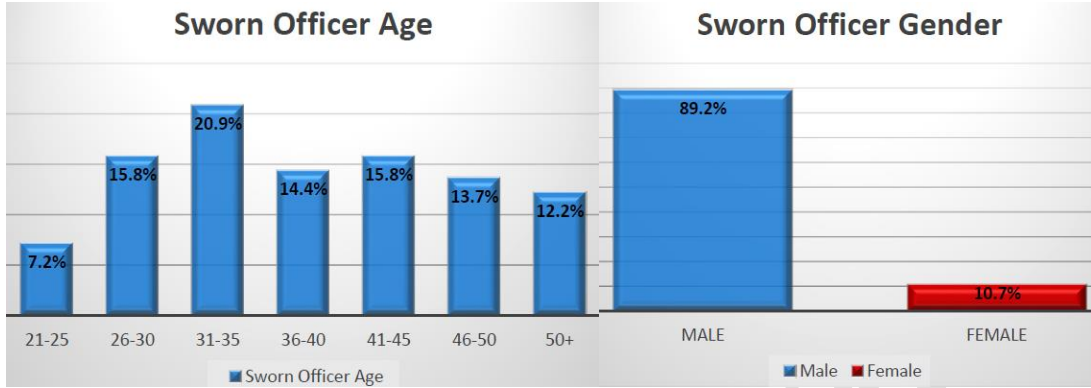


- Department-Wide Demographics



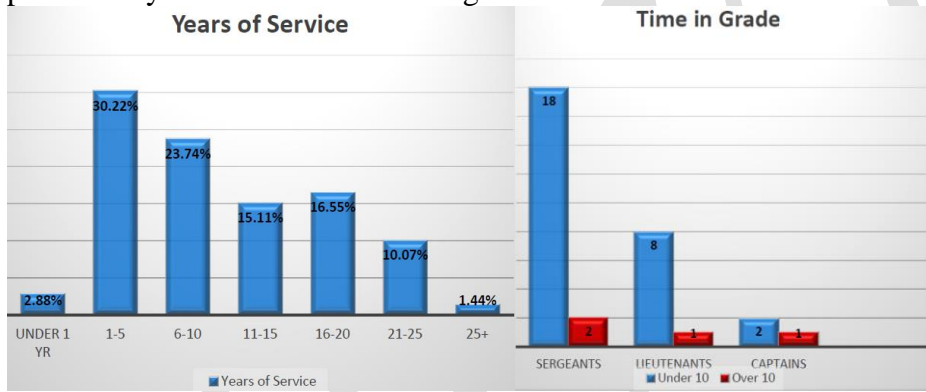
- Sworn Personnel Demographic

- Efforts are being made to recruit more women; studies have shown that more female officers reduce use of force as women think differently and tend to be less confrontational than men



- Sworn Personnel Overview

- 30% of YPD's officers have fewer than five years of experience; this is why there is a strong emphasis on training more than the minimum required hours
- Approximately one-third of YPD is eligible for retirement

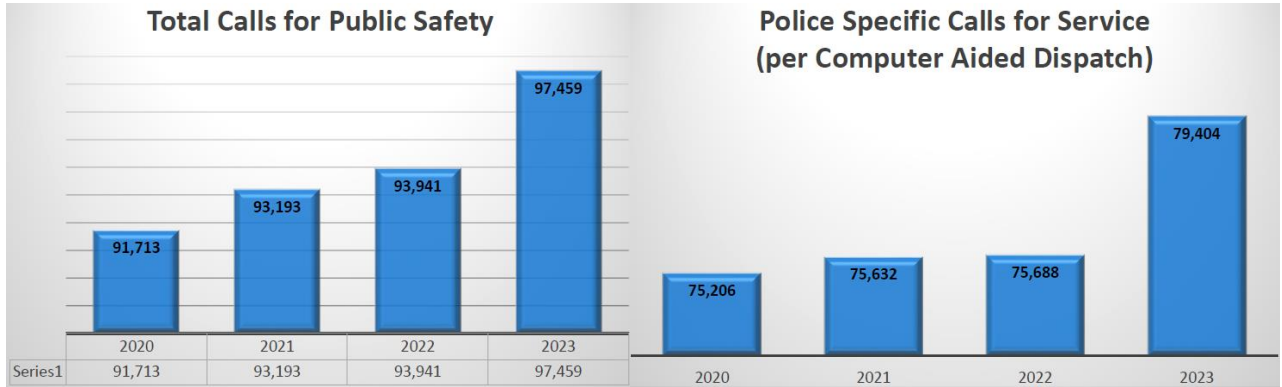


- Personnel

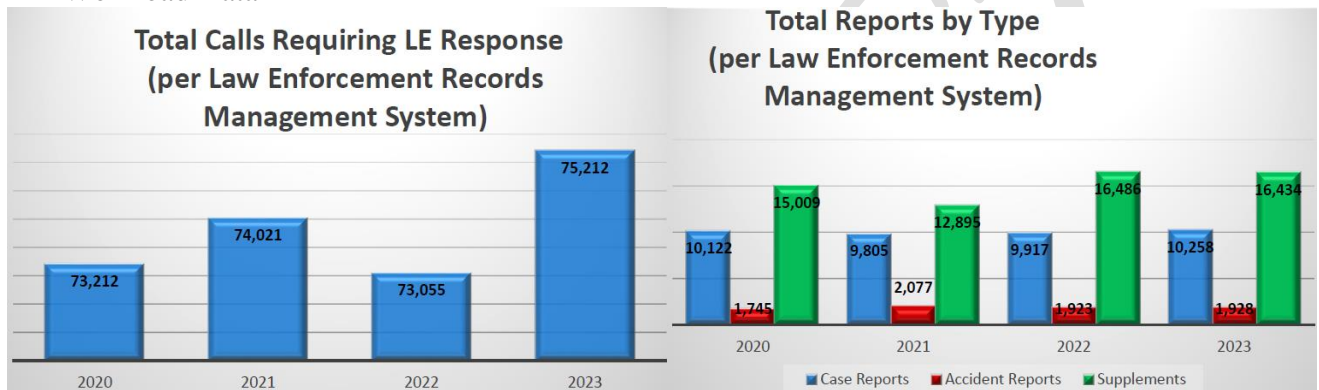
- The main reason for such a large difference between applications received and officers hired is due to the use of marijuana. Although marijuana is legal in Arizona, the Arizona Peace Officer Standards and Training Board (AZPOST) requires that marijuana not be used for a minimum of two years prior to application.



- Statistical Data – Calls for Service



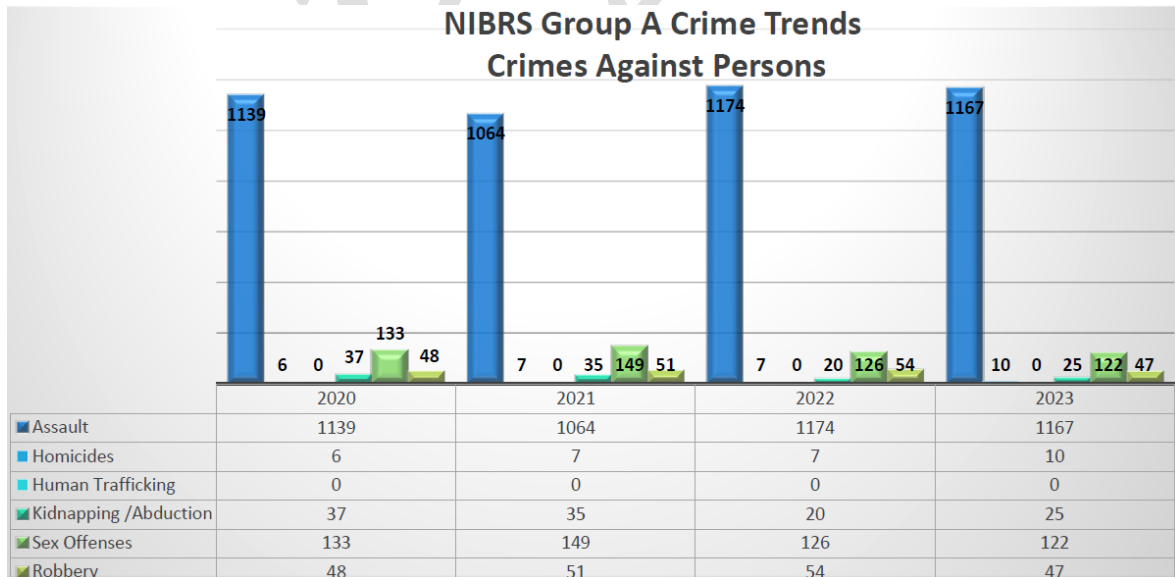
- Workload Data



- Crime Overview

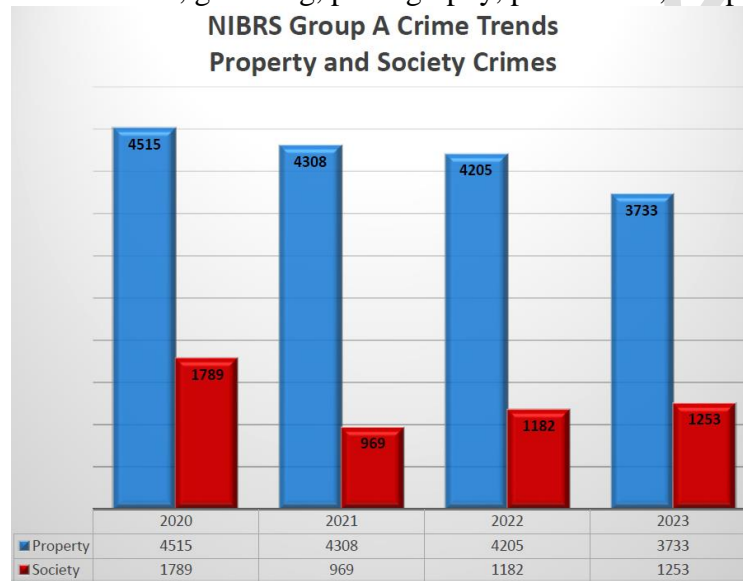
- Crimes Against Persons

- Three of the 10 homicide cases were double homicides



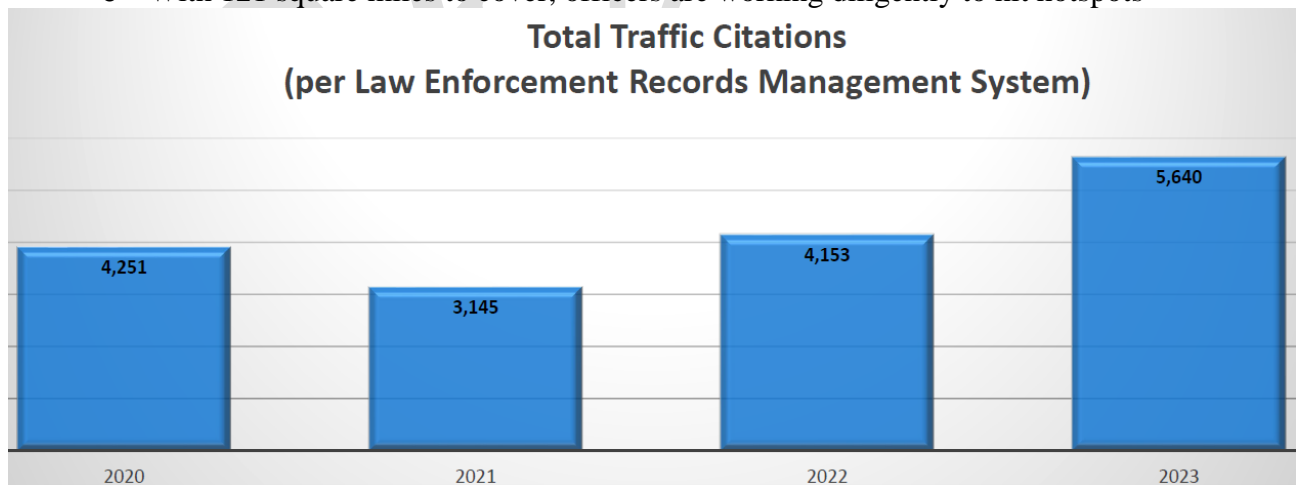
○ Property and Society Crimes

- Property crimes are on a downward trend, while society crimes have increased slightly, in part because when one type of crime decreases it gives officers more time to be proactive in another area
 - Property crimes – arson, bribery, burglary, forgery and fraud, damaged property, embezzlement, extortion, larceny, motor vehicle theft, robbery, stolen property
 - Society crimes – animal cruelty, narcotics offenses, espionage, fugitive offenses, gambling, pornography, prostitution, weapon law violations



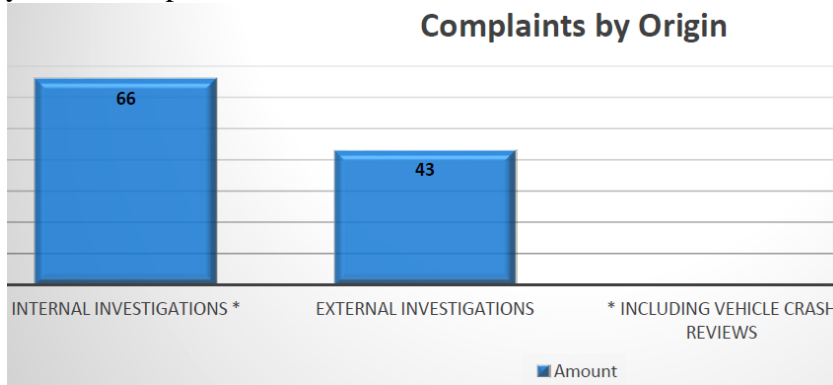
• Statistical Data – Traffic Citations

- Officers issued 1,500 more citations in 2023 compared to 2022
- With 121 square miles to cover, officers are working diligently to hit hotspots



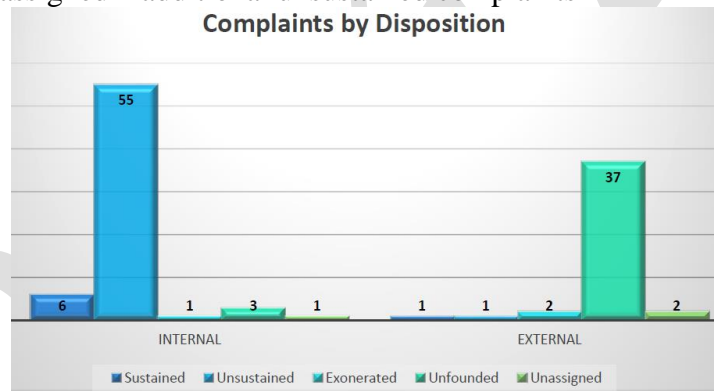
- Professional Standards

- Every complaint is investigated either by a Sergeant or Internal Affairs, depending on the severity of the complaint



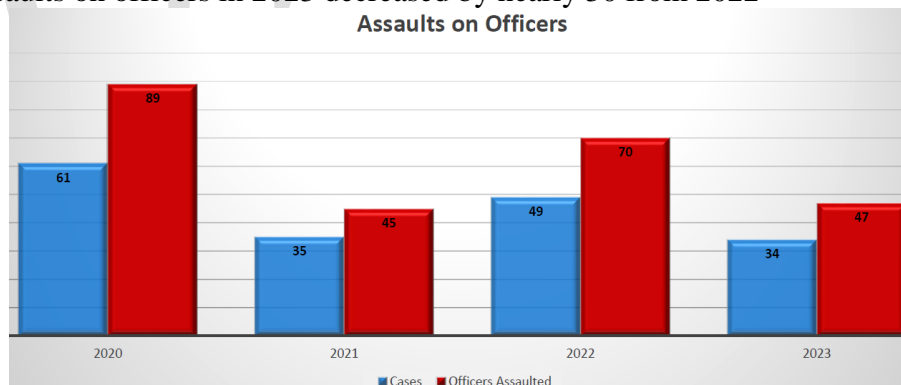
- Complaint Dispositions

- Sustained – the allegation is found to have happened and the officer was wrong
 - Unsustained – no conclusive findings; guidance or counseling is provided to do better in the future
 - Exonerated – the allegation is found to have happened, but the officer had a legal right to do what they did
 - Unfounded – there is no evidence the allegations occurred.
 - Unassigned – additional unsustained complaints

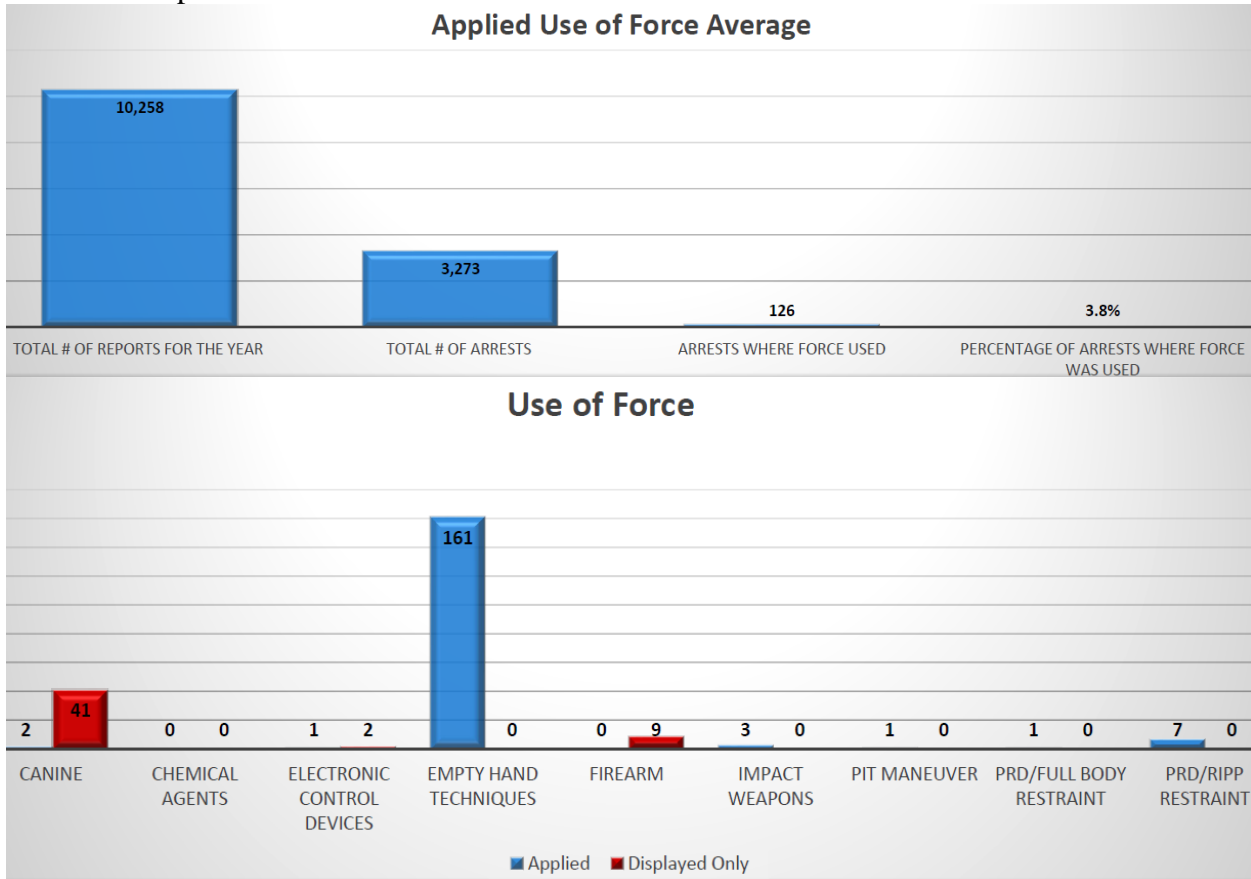


- Assaults on Officers

- Assaults on officers in 2023 decreased by nearly 30 from 2022



- Professional Standards
 - The most frequently used Use of Force technique is empty hands, meaning no tools or weapons are utilized



- 2023 Department Goals
 - Respected and Responsible
 - Ensure Officer and Professional Staff Health and Wellness
 - Connected and Engaged
 - Continue Hiring and Recruitment through Community Engagement
 - Increase Community Engagement throughout the Police Department
 - Arranged and Completed two Citizens' Police Academies
 - Unique and Creative
 - Host a Teen Academy
 - Create PSA videos with employees to keep our community informed and engaged
 - Safe and Prosperous
 - Ensure contemporary and necessary officer training while protecting the community through creative Patrol scheduling
 - Reduce crime
- Community Engagement
 - Citizens Police Academy
 - Teen Academy
 - Scary and Safe Halloween Event
 - Getting Arizona Involved in Neighborhoods (G.A.I.N.)
 - Law Enforcement Torch Run

- Looking Forward
 - Recruitment and Retention
 - Expand the Teen Academy
 - Will be adding an Explorer Program once the policy is approved
 - Officer and Professional Staff Health and Wellness
 - Develop a wellness unit
 - Will address physical, mental, and financial wellness
 - Reduction in Crime
 - Intelligence led policing
 - Intel Unit was added this year
 - Technology to enhance solvability
 - Hot spot policing
 - Current focus is gun violence
 - Re-establish Bike Patrol
 - Training
 - Develop scenario-based training
 - 25 virtual reality headsets were purchased to allow for immersive scenario-based training
 - Community Engagement
 - Facebook Live events

Discussion

- The ideal officer-to-resident ratio varies depending on the environment – urban, suburban, etc. – as well as each community’s specific needs (**Mayor Nicholls/Garrity**)
- YPD does not have a designated staff member to handle grants; it is a collaborative effort that involves staff from multiple areas (**Smith/Garrity**)
- In addition to the marijuana restriction, which eliminated an estimated 15-20 otherwise eligible applicants in 2023, the physical fitness aptitude test also eliminates a number of applicants (**Morris/Garrity**)
- The national average for female officers is around 12-15%, and YPD is aiming for 30% of officers to be female; stereotypical gender roles still play a part in the struggle to hire more female officers (**Morris/Garrity**)
- Officers are currently able to take their patrol vehicle home during the week that they work, leaving it at YPD on their last workday; the goal is to allow all officers to take their vehicle home full-time within three years, as more vehicles are purchased (**Morales/Garrity**)
- Allowing officers to take their patrol vehicle home not only gives them more time with their families because they do not need to pick up and drop off the vehicle for every shift, but it actually lengthens the life of the car because they tend to drive and care for the car more carefully (**Morales/Garrity**)
- Police officers are required to be 21 years of age or older at the time they are sworn in; the academy is about six months long, so YPD can hire recruits at 20.5 years of age (**Morales/Garrity**)
- YPD is exploring the possibility of offering physical fitness training to those who are interested in applying to ensure a larger pool of qualified candidates, but potential liability issues need to be worked out first (**Mayor Nicholls/Garrity**)

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.11 – 2024 Annual Action Plan – Community Development Block Grant and HOME Investment Partnerships Program (approval of an Annual Action Plan is required under federal guidelines for recipients of Community Development Block Grant and HOME funds) (Plng & Nbhd Svcs/Cmty Plng)

Discussion

- While the Arizona Western College Small Business Development Center (AWC-SBDC) is a good organization and is needed in our community, something like housing rehabilitation that can immediately assist a homeowner would be a more appropriate use of the Community Development Block Grant (CDBG) and HOME funding (**Morris/Morales**)
- While the funding cannot be immediately moved to another activity due to publication and public comment requirements, it could be left unprogrammed which would allow the City to go through an amendment process once an suitable program is identified (**Smith/Hoogendoorn**)
- Housing is probably the most pressing need in the Yuma community and statewide; it make sense to move this funding to a program that more directly impacts housing (**Mayor Nicholls**)

Motion (Morris/Smith): To amend the City of Yuma 2024 CDBG and HOME Investment Partnerships Program Annual Action Plan to move \$50,000 from the AWC-SBDC Micro-Enterprise Assistance Program to Unprogrammed Funds, which will be programmed into one of the approved activities at a later date. Voice vote: **approved 5-0.**

Motion (Morales/Morris): To approve the Motion Consent Agenda as amended. Voice vote: **approved 5-0.**

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

Regular Council Meeting Minutes	May 1, 2024
Regular Council Worksession Minutes	May 14, 2024
Regular Council Meeting Minutes	May 15, 2024

B. Executive Session

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

C. Approval of Staff Recommendations

1. Award to the most responsive and responsible bidder a one-year contract for concert production services with an option to renew for four additional one-year periods. The option to renew depends on the appropriation of funds and satisfactory performance. The estimated annual expenditure of \$44,948.10 is awarded to Showboss LLC, Mesa, Arizona. (RFB-24-323) (Admn/Purch)
2. Authorize the City Administrator to execute a contract for construction services at Riley Avenue and 17th Street, Sidewalk and Street Project, to the lowest responsive and responsible bidder in

the amount \$123,349.50 for the base bid and \$26,303.00 for the alternate bids for a total of \$149,652.50 to Gutierrez Canales Engineering PC, Yuma, Arizona. (RFB-24-199) (Eng/Purch)

3. Authorize the purchase of various products offered from Amazon Business utilizing Omnia Partners cooperative purchase agreement at an estimated annual amount of \$500,000.00. (CPA-25-006) (Fin/Purch)
4. Authorize the purchase of three 2025 Peterbilt Model 520/McNeilus 31-Yard Side-loaders and the purchase of one 2026 Peterbilt Model 520/McNeilus Rear-loader utilizing the cooperative purchase agreement originated by Houston-Galveston Area Council, for an estimated expenditure of \$1,941,981.00 to : Rush Truck Centers of Yuma. (CPA-24-345) (Pub Wks/Purch)
5. Authorize the purchase, delivery and installation of lighting fixtures at the Kennedy Hockey Rink to Musco Sports Lighting, LLC, utilizing Sourcewell cooperative purchase agreement for an expenditure of \$122,450.00. (CPA-25-005) (Pks & Rec/Eng/Purch)
6. Authorize the purchase of Information Technology Products and Services utilizing vendors awarded from the 15 cooperative purchasing agencies noted below, at an estimated amount of \$7,062,175.00. (CPA-25-001) (IT/Purch)
7. Authorize the purchase of Cisco Network devices, equipment, and licensing utilizing a Cooperative Purchase Agreement through the State of Arizona for an estimated total amount of \$340,00.00 (CPA-25-004) (IT/Purch)
8. Authorize the purchase of laptops, monitors, and docks utilizing a Cooperative Purchase Agreement with Dell Technologies in the estimated amount of \$475,000.00. (CPA-25-003) (IT/Purch)
9. Authorize the City Administrator to execute the required documents with Arizona Department of Administration 9-1-1 Program Office (ADOA) to disperse awarded grant funds from the Emergency Telecommunication Services Revolving Fund to pay for authorized contractual costs related to equipment and services used in the operation of 9-1-1 services in the Yuma County region. (IT/YRCS)
10. Authorize the renewal of a Software Subscription from Governmentjobs.com, dba NeoGov, El Segundo, CA, at a one-year estimated expenditure of \$125,000.00. (IT/HR-25-002) (IT/HR/Purch)
11. Approve the City of Yuma 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Annual Action Plan and authorize the City Administrator to execute funding agreements with the U.S. Department of Housing and Urban Development (HUD). (Plng & Nbhd Svcs/Cmtty Plng)
12. Approve the final plat of the Downtown Heights Subdivision. The property is located on the northwest corner of Giss Pkwy and 3rd Avenue. (Plng & Nbhd Svcs/Cmtty Plng)
13. Authorize settlement of a Notice of Claim submitted on behalf of Christian Heebink. (Atty)

14. Authorize binding of insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Excess Workers Compensation, Cyber Liability, Automobile Damage, Drone, and Deadly Weapon coverage for Fiscal Year (FY) 2025 for the total amount of \$1,982,334.86 to: Alliant Insurance Services, Inc., of Phoenix, AZ (RFB-23-110) (Atty/Purch)

II. RESOLUTION CONSENT AGENDA

Resolution R2024-035 – City Council Meeting procedures and Call to the Public Guidelines (adopt a resolution establishing updated rules and procedures for City Council Meetings) (City Admin)

Motion (Morales/Smith): To amend the first paragraph of Exhibit A of Resolution R2024-035 to strike the third sentence and replace it to read:

The City Council follows democratic processes in the proceedings of its Meetings.

Voice vote: **approved 5-0.**

Motion (Morris/Morales): To adopt the Resolution Consent Agenda as amended.

Bushong displayed the following titles:

Resolution R2024-026

A resolution of the City Council of the City of Yuma, Arizona, appointing election boards (poll workers) to serve at the City Primary and General Elections to be held on July 30, 2024 and November 5, 2024, respectively, and further approve voting centers as adopted by the Yuma County Board of Supervisors, pursuant to state statute, and the current Intergovernmental Agreement with Yuma County Election Services and The Yuma County Recorder (adopt voting centers for the convenience of the City’s citizens and appoint an election board pursuant to the Yuma City Charter, Article IX, Section 1(a), and Arizona Revised Statutes § 9-825) (Admin/Clerk)

Resolution R2024-027

A resolution of the City Council of the City of Yuma, Arizona, designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2025 Annual Expenditure Limitation report to the Arizona Auditor General (pursuant to Arizona Revised Statutes § 41-1279.07(E)) (Fin)

Resolution R2024-028

A resolution of the City Council of the City of Yuma, Arizona, adopting the annual Public Safety Personnel Retirement System (PSPRS) funding policy for the Fiscal Year 2025 (pursuant to Arizona Revised Statutes (A.R.S.) § 38-863.01) (Fin)

Resolution R2024-029

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the Memorandum of Understanding between the City of Yuma, and Unites States Customs and Border Protection, to assign Yuma Sector Border Patrol personnel to the Yuma Police Department’s Special Operations Group (to facilitate proactive enforcement and criminal investigations relative to street gangs, narcotics and dangerous drug trafficking and associated violent crimes, which often have border and international ties) (YPD)

Resolution R2024-030

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real properties located at 3731 W. 5th Street and 3731 ½ W. 5th Street (property owners intend to tie and split the lots into three, for the development of three single-family homes) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-031

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with Vereit Real Estate, L.P. for the real property located at 3320 E. Gila Ridge Road (United Rentals currently occupies part of the existing building with no plans on expanding at this time but would like to connect to City water) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-032

A resolution of the City Council of the City of Yuma, Arizona, declaring its intention to create Municipal Improvement District No. 126, serving Barkley Ranch Units 8-10, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Barkley Ranch Units 8-10 (will provide a dedicated stream of funding for the maintenance of the improvements) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-033

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 125 serving Saguaro Units 5 & 6, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities, together with appurtenant structures of Saguaro Units 5 & 6 as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements assessed upon Municipal Improvement District No. 125; improvements shall be performed under Arizona revised statutes (A.R.S) Title 48, Chapter 4, Article 2 (finalize the formation and order improvements for MID No. 125 serving Saguaro Units 5 & 6) (Plng & Nbhd Svcs/Cmty Plng)

Resolution R2024-035

A resolution of the City Council of the City of Yuma, Arizona, establishing a policy for City Council Meeting procedures and Call to the Public guidelines (update City Council Meeting Procedures and Call to the Public Guidelines to facilitate a transparent, orderly, and efficient process for receiving public input and conducting City Council meetings in compliance with the Arizona Open Meeting Law, A.R.S. §§ 38-431 to 431.09 and the 1st Amendment of the U.S. Constitution) (City Admin)

Roll call vote: **adopted** 5-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following titles:

Ordinance O2024-020

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the granting of a utility easement for the installation of new electrical facilities at City-owned property near the southeast corner of Maiden Lane and 2nd Street (to serve the new Yuma County Administration Services Building at 197 S. Main St., and the future development of Downtown Yuma) (City Admin)

Ordinance O2024-022

An ordinance of the City Council of the City of Yuma, Arizona, fixing, levying, and assessing primary property taxes upon property within the City of Yuma subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget for the Fiscal Year 2025 less the amounts estimated to be received from other sources of revenue and the unencumbered balances from the previous Fiscal Year, providing a General Fund; and fixing, levying, and assessing upon property subject to taxation within the boundaries of each of the respective Maintenance Improvement Districts numbered 100, 102, 104, 107, 108, 109, 110, 111, 112, 113, 115, 120, and also upon property subject to taxation within the boundaries of the Main Street Mall and Off Street Parking Maintenance District No. 1, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required for the operation, maintenance, repair and improvement of the facilitates of said district, all for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025 (the Fiscal Year 2025 Adopted Annual Budget is based in part upon an estimated primary property tax levy that is anticipated to raise \$16,601,516 in tax revenue) (Fin)

Roll call vote: **adopted** 5-0.

IV. INTRODUCTION OF ORDINANCES

Ordinance O2024-021 – Rezoning of Property: Northwest Corner of 28th Street and Avenue B (rezone approximately 0.51 acres of property located on the northwest corner of 28th Street and Avenue B from the Agriculture (AG) District to the Limited Commercial (B-1) District) (ZONE-42395-2024) (Plng & Nbhd Svcs/Cmty Plng)

Motion (Morales/Smith): To continue Ordinance O2024-021 to the regular City Council Meeting of July 17th at the request of the applicant Voice vote: **approved** 5-0.

Ordinance O2024-024 – Amend Yuma City Code: Regulating Parks Within the City (update current park regulations to allow for easier enforcement of violations and provide the Director of Parks and Recreation the authority and flexibility to adopt or modify rules necessary for the daily operations and maintenance of City parks) (Pks & Rec)

Urfer explained that the most significant proposed change to City park regulations are the hours of operation. The default closing time for some parks, mostly neighborhood and pocket parks, will be 9:00 p.m., while larger parks will remain open until 11:00 p.m. These times are not listed in the ordinance to allow for the hours to be modified administratively, if needed. Parks with ramadas will still be open until 11:00 p.m., and exceptions can be made for special events at smaller parks through a permitting process. **Mayor Nicholls** added that the parks that will be closing at 9:00 p.m. generally do not have lighting for nighttime, and this is a proactive way to protect those parks from destruction and illegal activities.

Speakers

The following spoke in opposition to the proposed changes to City park regulations:

- **Ricardo Gil**, City resident
- **John Ortega**, City resident
- **Charlene Young**, City resident
- **Cynthia Tovar**, City resident
- **Alea Hassin**, City resident

Ordinance O2024-025 – City of Yuma 2024 Special Election (call for a Special Election to be held in conjunction with the General Election scheduled on November 5, 2024, for the purpose of determining whether to amend the Yuma City Charter relating to City Council Compensation) (Admn/Clk)

Speaker

Gary Wright, City resident, asked what the proposed salaries are for the Mayor and Council positions. **Mayor Nicholls** noted that the proposed salaries, \$45,000 per year for Mayor and \$25,000 per year for Council, are listed on the City Council Report in the meeting packet, as well as in section two of the ordinance. **Wright** asked how those figures were determine. **Mayor Nicholls** responded that the proposed charter amendment was brought forward by a group of citizens. **Wright** asked if Mayor and Council receive insurance benefits. **Simonton** stated that Mayor and Council are eligible to receive medical insurance, if they so choose. **Wright** asked when the ballot language would be approved. **Mayor Nicholls** replied that the ballot language within this ordinance will be brough back for adoption at the next City Council Meeting.

Bushong displayed the following titles:

Ordinance O2024-024

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 17, Chapter 170 of the Yuma City Code regulating parks within the City (update current park operations and address ongoing issues in the parks) (Pks & Rec)

Ordinance O2024-025

An ordinance of the City Council of the City of Yuma, Arizona, ordering a Special Election to be held in conjunction with the 2024 General Election; designating the purpose, election date, voter registration deadline and providing for publicity pamphlets (for the purpose of determining whether to amend the Yuma City Charter, Article VI, Section 14a, relating to City Council Compensation) (Admn/Clk)

Ordinance O2024-026

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, and amending the zoning map to conform with the rezoning (approximately 6,690 square feet of property located at 1712 S. Maple Avenue) (ZONE-42472-2024) (Plng & Nbhd Svcs/Cmtly Plng)

FINAL CALL

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

V. ANNOUNCEMENTS AND SCHEDULING

Announcements

Smith, Morales, Morris, and Mayor Nicholls reported on the following meetings attended/upcoming events:

- Grand Opening of Fire Station #7
- Yuma and La Paz Pitch Competition
- Childcare Crisis Task Force
- Housing Authority of the City of Yuma (HACY) Affordable Housing Meeting
- Greater Yuma Economic Development Corporation (GYEDC) Board Meeting
- Sunset Heath Clinic Groundbreaking at Parkview Commerce Center in Somerton
- Parks, Arts, and Recreation Commission Meeting
- Clean and Beautiful Commission Meeting
- Yuma Crossing National Heritage Area (YCNHA) Board of Directors Meeting
- Visit Mexicali Expo at the Yuma Civic Center
- Juneteenth Celebration at Carver Park
- Attainable Housing Committee Meeting
- Meeting with new 4FrontED Executive Director, Remy Martinez

Smith asked if an annual report would be presented by the Yuma Fire Department (YFD). **Simonton** stated that annual reports will be coming forward from all City departments, including YFD, as requested by City Council.

Scheduling – No meetings were scheduled at this time.

VI. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- July 1 – Primary Election Voter Registration Deadline
- July 4 – 4th of July Fireworks Spectacular at Desert Sun Stadium
- July 17 – Dive-In Movie Nights: Finding Nemo at Marcus Pool

VII. CALL TO THE PUBLIC

Delsa Dixon, City resident, recited a poem she wrote titled “My Dear, ‘Young’ Military Veteran!”

Roxanne Barley, non-resident, expressed concern regarding a dangerous intersection at County 14th Street and Avenue C and requested assistance in taking action to make the intersection safer. **Mayor Nicholls** asked **Simonton** to speak with **Barley** regarding the appropriate channels to address the issue.

Elenor Lopez, City resident, spoke regarding the importance of providing safe working conditions for those who work outdoors, especially during times of excessive heat, and holding companies responsible for their employees’ safety.

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza:

- **Marie Gonzalez**, City resident
- **Charlene Young**, City resident
- **Cynthia Tovar**, City resident

VIII. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 7:27 p.m. No Executive Session was held.

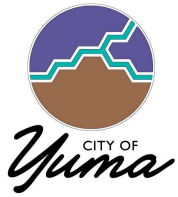
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma
City Council Report

File #: MC 2024-114

Agenda Date: 8/7/2024

Agenda #: 3.

Regular Council Worksession Draft Minutes July 16, 2024

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

CALL TO ORDER

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

Councilmembers Present: Morales, Smith, McClendon (telephone), Morris, Shoop, Shelton, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Deputy City Administrator, Jenn Reichelt
Director of Public Works, Joel Olea
Police Captain, Rodrick Hamilton
Director of Parks and Recreation, Eric Urfer
Various department heads or their representatives
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

I. GREATER YUMA WATER SAFETY ALLIANCE

Reichelt presented an overview of the Greater Yuma Water Safety Alliance (GYWSA) including its community education and outreach plan, current initiatives, and future goals as follows:

- Drowning Statistics
 - Drowning is the single leading cause of death for children ages one to four, and the second leading cause of injury related death for children up to age 14
 - 88% of child drownings occur with at least one adult present
 - 44 children died from drowning in Arizona in 2021
 - Even good swimmers can drown; it can happen when you least expect it
 - Drowning is fast and silent and can happen in as little as 20-60 seconds
 - Most teenage and adult drownings happen in natural and open waters such as lakes, rivers, ponds, and oceans
- Yuma Statistics
 - As one of the sunniest places on earth and with over 300+ sunny days a year, swimming is a popular year-round recreational activity in Yuma
 - Water safety is an essential part of our daily lives in Yuma
 - It is estimated that 22% of homes in Yuma have pools (7,692)
 - From 2013 to summer of 2024, the City issued 1,359 new residential pool permits (average of 118 a year)
 - 21 commercial permits were issued for pools during this same time
 - Since 2020, the Yuma Fire Department has responded to 39 near-drowning or drowning incidents in the Yuma community, with 12 resulting in fatalities

- GYWSA
 - GYWSA was established in the fall of 2023
 - Comprehensive approach to water safety, drowning prevention, swimming education, and water awareness
 - Collaborative initiative that brings together a diverse group of community individuals, agencies, and organizations
 - Unified water safety message and campaign
 - Opportunity to leverage individual and collective expertise and resources
- GYWSA Goals
 - Educate the community about the importance of water safety
 - Reduce and/or eliminate drownings in the community
 - Expand access to swimming lessons (scholarships)
 - Develop key strategies to keep water safety at top of mind and visible throughout the community all year long
- Current GYWSA Members
 - City of Yuma
 - City Council
 - Administration
 - Yuma Fire Department
 - Yuma Police Department
 - Parks & Recreation
 - Yuma County Public Health Services District
 - Yuma Regional Medical Center
 - Prison Hill Liquid Foundation (non-profit)
- 2024 Water Safety Community Outreach Plan
 - Developed a comprehensive multi-media campaign
 - Incorporated National Drowning Prevention Alliance (NDPA) messaging
 - Tagline – Anyone can drown. No one should.
 - Special events
 - Campaign Launch Party
 - Water Safety Day
 - Developed and installed enhanced signage along the river
 - Campaign was launched in April 2024
 - English and Spanish
- Five Layers of Protection
 - Campaign messaging focuses on the NDPA’s five layers of protection.
 - Each layer should be used together when in or around water to reduce the risk of drowning.
 1. Barriers & Alarms
 2. Supervision
 3. Water Competency/Swimming Lessons
 4. Life Jackets
 5. Emergency Preparedness
- Campaign Elements
 - Webpage
 - Printed collateral

- News releases
- Articles/newsletters
- Digital billboard
- Social media posts
- Water safety videos
- Radio and TV spots
- Water Safety Wednesdays on *Today in Yuma* radio show
- Booths at community events
- Promotional items (swag)
- Swimming scholarships
- This Year's Successes
 - Created logo and collateral
 - Water Safety Wednesdays
 - Coverage in the media
 - Booth at community events
 - Water Safety Day
 - Chamber Mixer
 - Children's Museum
 - Back to School Rodeo
 - Extensive social media campaign
 - Water Safety Day – over 1,100 attended
 - Offered 125 scholarships for swimming lessons
 - Scholarships were gone in days
 - Funded by Yuma County Health Services District, Prison Hill Liquid Foundation, and a private resident
- Future Plans
 - Expand community outreach campaign
 - Grow GYWSA membership
 - Offer cardiopulmonary resuscitation (CPR) training
 - Increase access to swimming lessons
 - Scholarships
 - Additional sessions
 - Develop mechanism to accept GYWSA donations to fund water safety initiatives
 - Seek funding opportunities
 - US Consumer Product Safety Commission grant - \$150k+
 - Continue to look for other grant opportunities

Reichelt displayed photos of campaign highlights including the installation of enhanced signage along the Colorado River, 2024 Water Safety Day, and the 2024 Campaign Launch Party.

Discussion

- The Colorado River mile marker signs start out upstream and stop at the City limits (**Mayor Nicholls/Reichelt**)
- The lessons offered by the City all take place at City pools; however, there are individuals and organizations that offer private swimming lessons that would take place in private/residential pools (**Shoop/Reichelt**)

- Parks and Recreation swimming lessons currently cost \$28 for residents and \$42 for non-residents; this cost is for one person per session, and there are three two-week sessions offered each summer (**Shelton/Reichelt**)
- Next year there will be significant focus on raising money to increase the number of scholarships that can be offered to further expand access to swimming lessons (**Shelton/Reichelt**)
- Anyone interested in making a donation can find contact information for GYWSA on the City's website at yumaaz.gov/watersafety (**Morris/Reichelt**)

III. REGULAR CITY COUNCIL MEETING AGENDA OF JULY 27, 2024

Motion Consent Agenda Item C.2 – Request for Proposals (RFP) Award: Offsite Fuel Card Services
(execute a two-year agreement with the option to renew for three additional one-year periods with McNeece Bros. of Yuma, Arizona for an estimated annual expenditure of \$2,000,000.00) (RFP 24-284) (Pub Wks)

Discussion

- Diesel Exhaust Fluid (DEF) is an additive that is used in larger apparatus such as solid waste and fire trucks and is typically added at a rate of approximately one gallon for every 20 gallons of diesel fuel (**Morris/Olea/Mayor Nicholls**)

Resolution R2024-038 – Intergovernmental Agreement: United States Border Patrol – Yuma (for the use of the Yuma Public Safety Training Facility) (YPD)

Discussion

- The construction of the Public Safety Training Facility (PSTF) was funded by the City, including some grant related money through Arizona Peace Officer Standards and Training Board (AZPOST); typically when other entities utilize the PSTF they are not charged directly, but any cost sharing for the use of the facility is typically covered through reciprocity (**Smith/Hamilton**)

Ordinance O2024-024 – Amend Yuma City Code: Regulating Parks Within the City (update current park operations and address ongoing issues in the parks) (Pks & Rec)

Discussion

- Individual parks and their opening and closing hours are not listed within the proposed ordinance; this information will be posted in each park and on the City's website, and will be communicated through public outreach (**Shelton/Mayor Nicholls/Urfer**)
- Updated signage will be installed after the proposed ordinance takes effect, 30 days after adoption (**Morales/Urfer**)
- Parks and Recreation has already begun to identify more popular parks without adequate lighting to prioritize the installation of lights (**Mayor Nicholls/Urfer**)
- Alcohol can be consumed in most City parks with a permit issued through Parks and Recreation; this will not be changed by the proposed ordinance (**Shelton/Urfer**)
- Before adding lights to neighborhood parks, the City needs to take into consideration any impact that lighting may have on the surrounding neighborhood (**Shelton/Urfer**)

EXECUTIVE SESSION/ADJOURNMENT

Motion (Morales/Smith): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 6:22 p.m.

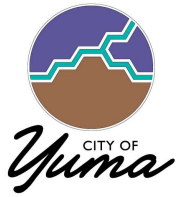
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma

City Council Report

File #: MC 2024-098

Agenda Date: 8/7/2024

Agenda #: 1.

	STRATEGIC OUTCOMES	ACTION
DEPARTMENT: City Administration	<input type="checkbox"/> Safe & Prosperous <input type="checkbox"/> Active & Appealing <input checked="" type="checkbox"/> Respected & Responsible	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution
DIVISION: City Clerk	<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: Estrellita Meat Market

SUMMARY RECOMMENDATION:

Approve a Series #10: Beer and Wine Store Liquor License application submitted by Maria Lopez, agent for Estrellita Meat Market located at 2100 S. 4th Avenue #1. (LL24-09) (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:

Maria Lopez, agent for Estrellita Meat Market located at 2100 S. 4th Avenue #1, 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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024

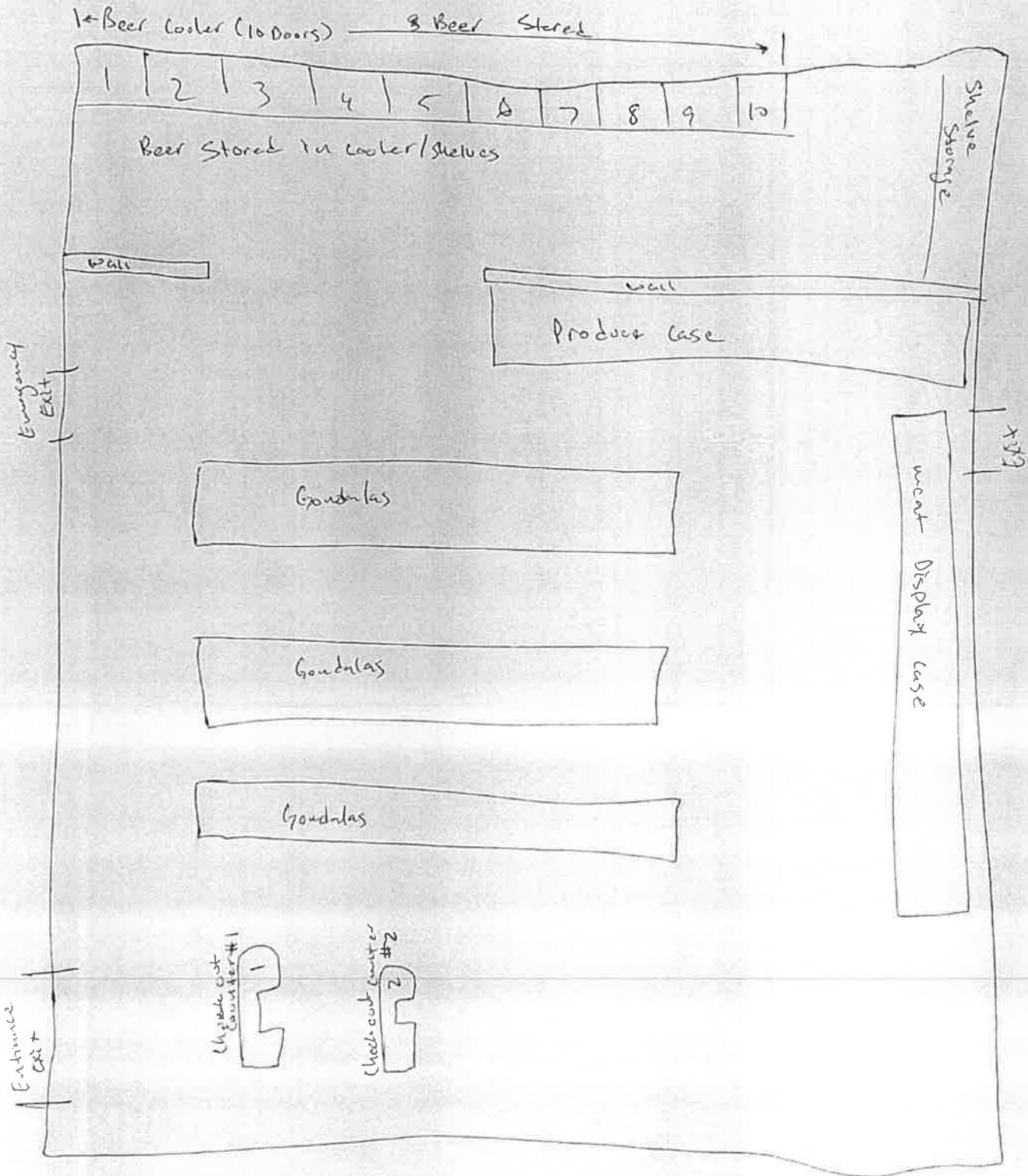
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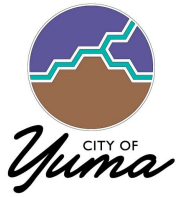
Estrellita Meest Market
2100 S 4th Ave #1
Yuma AZ 85364

2140 Square feet

Liquor license
#10

Beer purchased in premises
and consumed off premises





City of Yuma

City Council Report

File #: MC 2024-099

Agenda Date: 8/7/2024

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

TITLE:

Liquor License: Gozen

SUMMARY RECOMMENDATION:

Approve a Series #12: Restaurant Liquor License application submitted by Jose Rios, agent for Gozen located at 2355 S. 4th Avenue. (LL24-08) (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:

Jose Rios, agent for Gozen located at 2355 S. 4th Avenue, has applied for a Series #12: Restaurant Liquor License.

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

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

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

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

-			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Application Fee: \$250.00

ADDITIONAL INFORMATION:

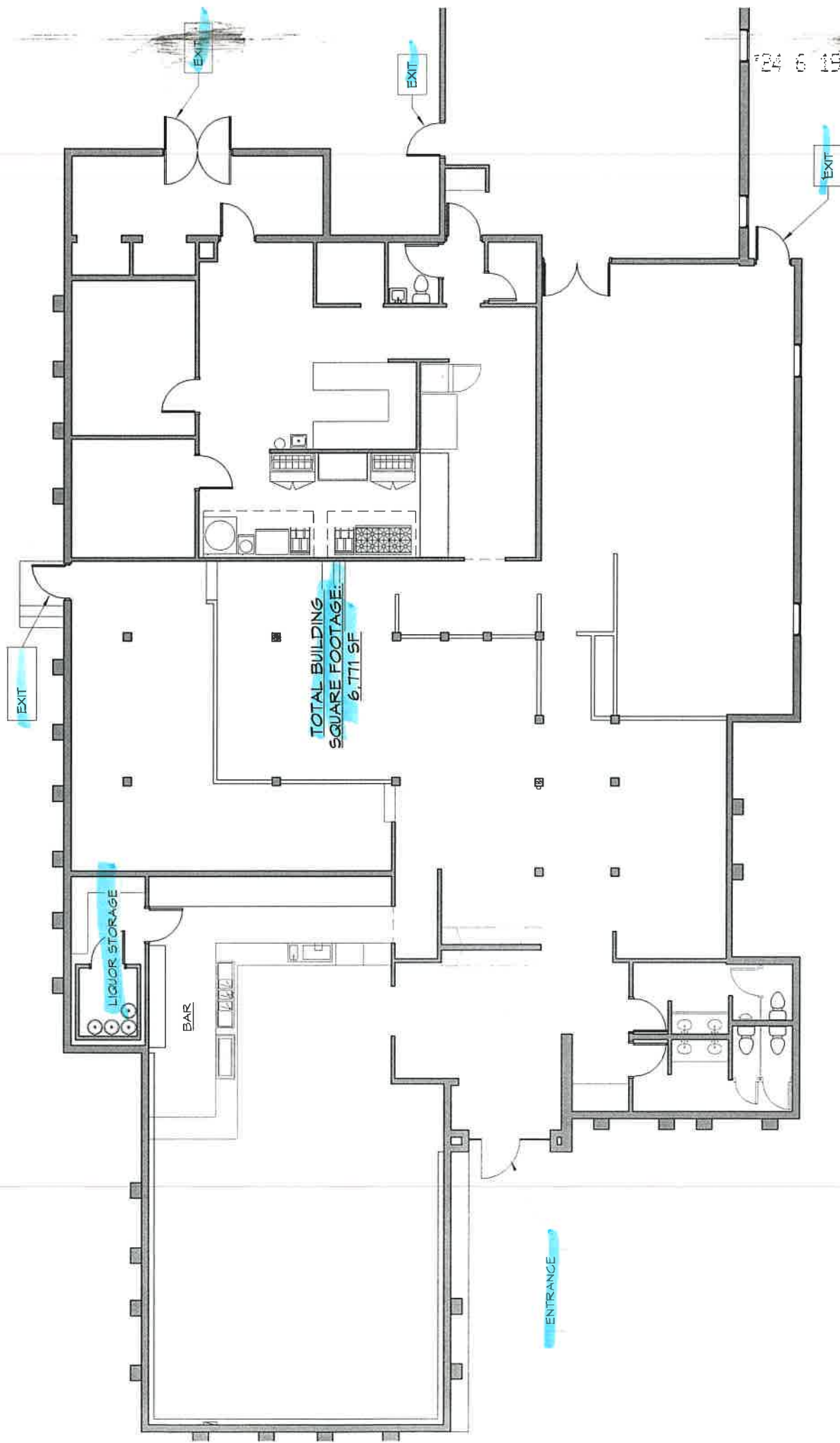
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

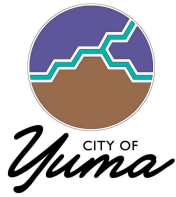
Series #12: Restaurant Liquor License application

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024





City of Yuma

City Council Report

File #: MC 2024-100

Agenda Date: 8/7/2024

Agenda #: 3.

DEPARTMENT: City Administration	STRATEGIC OUTCOMES <input type="checkbox"/> Safe & Prosperous <input 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: City Clerk		

TITLE:

Liquor License: Yuma Liquor

SUMMARY RECOMMENDATION:

Approve a Series #09S: Liquor Store with Sampling Privileges Liquor License application submitted by Delon Abahad, agent for Yuma Liquor located at 2411 S. 4th Avenue. (LL24-07) (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:

Delon Abahad, agent for Yuma Liquor located at 2411 S. 4th Avenue, has applied for a Series #09S: Liquor Store with Sampling Privileges 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: There is no application fee due to AZDLLC policy, and this Sampling license is in conjunction with the Series #9 license currently on this property.

ADDITIONAL INFORMATION:

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

Series #09S: Liquor Store with Sampling Privileges 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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024

NO.	DATE	DESCRIPTION



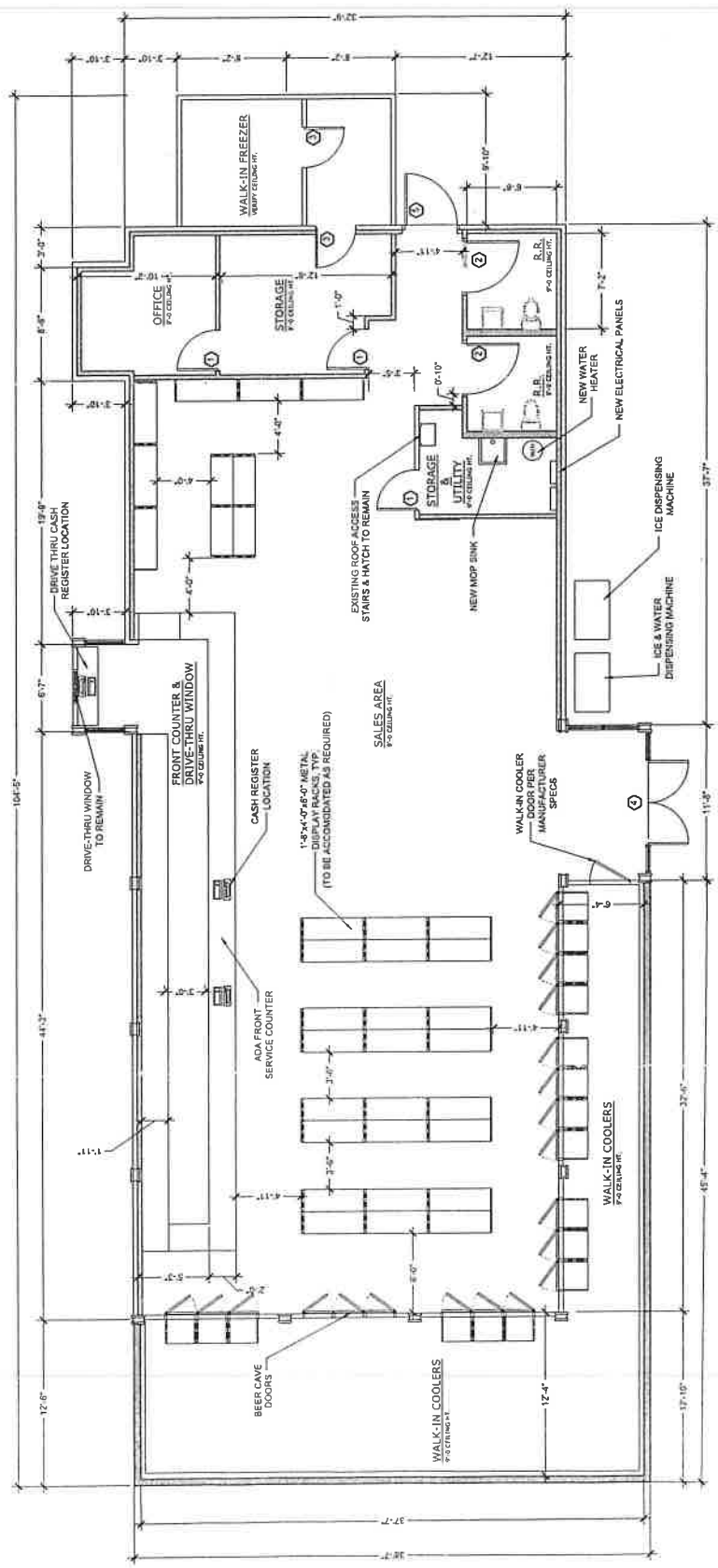
OSMAN ENGINEERING, P.L.L.C.
 183 E 24TH STREET, SUITE 6 YUMA, AZ 85364
 Tel: (928) 314-1737 FAX: (928) 314-1738

NEW FLOOR PLAN

TENANT IMPROVEMENTS
 FOR
YUMA LIQUOR STORE
 2411 S 4TH AVENUE
 YUMA, ARIZONA 85364

DATE	BY	CHKD BY

SHEET
A3.0 OF
9



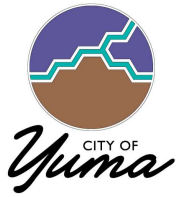
WALL LEGEND

	EXISTING CMU WALL
	NEW 2x WALL

SQ. FT. AREA BREAKDOWN

SALES AREA	• 2,105.00 SQ. FT.
WALK-IN COOLERS	• 688.00 SQ. FT.
WALK-IN FREEZER	• 100.00 SQ. FT.
RESTROOMS	• 94.00 SQ. FT.
OFFICE	• 100.00 SQ. FT.
STORAGE & UTILITY	• 88.00 SQ. FT.
EXIST. WALK-IN COOLER	• 140.00 SQ. FT.
TOTAL AREA	• 3,855.00 SQ. FT.

FLOOR PLAN
 SCALE: 1/8"=1'-0"



City of Yuma

City Council Report

File #: MC 2024-101

Agenda Date: 8/7/2024

Agenda #: 4.

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

TITLE:

Bid Award: Rye Grass Seed

SUMMARY RECOMMENDATION:

Authorize the purchase of rye grass seed to the lowest responsive and responsible bidder, Nutrien Ag Solutions, Tucson, Arizona for an expenditure of \$137,606.27 (including tax). (Parks and Recreation) (RFB-24-261 Eric Urfer/Robin R. Wilson)

STRATEGIC OUTCOME:

This motion supports the City Council’s strategic outcomes of Respected and Responsible and Active and Appealing. Awarding this purchase to the lowest responsible and responsive bidder will provide winter landscaping for City golf courses, grass in City parks for activities, and ensures the City has utilized funds in a respected and responsible manner.

REPORT:

This contract provides for the purchase and delivery of grass seed utilized by Parks and Recreation at various City parks, golf courses, and other sports fields. The bid is based on estimated quantities of seed applied per acre totaling 104,900 pounds. The identified locations for over-seeding are consistent with the use patterns of the Parks and Recreation Department. Specifically, seeding will be reduced to tees, greens and fairways at the Desert Hills Golf Course. Tees, greens and surrounds will be over-seeded at the Par 3 Golf Course, as well as athletic fields and a few open spaces throughout the Parks system.

This solicitation ensures optimum germination: all grass seed furnished and delivered under this contract must have a harvest date, which does not exceed eight months in age from the date the purchase order is placed. Eight bid responses were received from the following vendors:

AV Seeds - \$198,922.00	Nutrien Ag Solutions - \$126,929.00
Ewing Irrigation Products, Inc.-\$150,468.56	SiteOne Landscape Supply - \$176,232.00
Harrell’s LLC - \$134,272.00	Taza Supplies, Inc. - \$192,092.88
Millborn Seeds - \$153,678.50	Wilbur Ellis - \$146,860.00

Approving this motion will award the contract to Nutrien Ag Solutions.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 137,606.27	BUDGETED:	\$200,000.00
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	\$137.606.27	The General Fund and the Two Percent Special R Fund	
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the FY 2025 City Council approved budget.

ADDITIONAL INFORMATION:

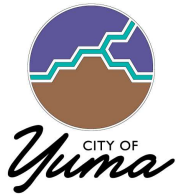
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

None

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-102

Agenda Date: 8/7/2024

Agenda #: 5.

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

TITLE:

Cooperative Purchase Agreement: Fire Service Apparatus

SUMMARY RECOMMENDATION:

Authorize the purchase of one Ward Apparatus 2024 Ford 450, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$254,949.19 to: Republic EVS, Huntington Beach, California (Fire Department-CPA-25-015) (Dustin Fields/Robin R. Wilson)

STRATEGIC OUTCOME:

This action supports the City Council’s strategic outcome of Safe and Prosperous by providing the needed resources to first responders to best serve the community.

REPORT:

This apparatus will be designed to safely seat four firefighters and carry the needed equipment for emergency medical response, hazardous material responses, technical rescue, and automobile extrication responses. The apparatus purchase is necessary due to the heavy wear and tear of the current ladder truck currently being used in response to medical calls throughout the City. Reducing non-fire-related calls for service by the ladder truck will extend the ladder truck’s useful life.

This response unit is expected to take approximately 15 months to build, and staff is requesting to secure the current price and avoid a price increase before October of this year.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$254,949.19	BUDGETED:	\$254,950.00
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 \$254,949.19			
001-70-21.8930 - General Fund			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Budget authority is provided in the City Council approved FY 2025 budget for this purchase. Funds will be encumbered, reserved and carried forward to FY 2026 to complete this purchase.

ADDITIONAL INFORMATION:

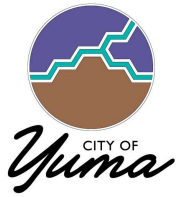
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None

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-103

Agenda Date: 8/7/2024

Agenda #: 6.

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:

Cooperative Purchase Agreement: Emergency Preparedness and Safety Equipment

SUMMARY RECOMMENDATION:

Authorize the purchase of two fourier-transform, infrared spectrometers (FTIR) with extended warranty, utilizing the cooperative purchase agreement originated by the Houston-Galveston Area Council, at a cost of \$127,481.89 to: FarrWest, Schertz, Texas (Fire Department-CPA-25-020) (Dustin Fields/Robin R. Wilson)

STRATEGIC OUTCOME:

This action supports the City Council's strategic outcome of Safe and Prosperous by providing the needed resources to first responders to best serve the community.

REPORT:

The analyzers have a wide range of applications, including the detection, analysis, and identification of unknown substances. One spectrometer analyzes samples in a solid, liquid, powder, or gel phase and the other analyzes gas and vapor samples.

This equipment is a part of a Border Security Fund grant received by the City. The emphasis of this grant equipment is the detection, analysis, and identification of illicit substances being smuggled through the international border with Mexico. These substances include, but are not limited to, narcotics, explosives, chemical warfare agents, and other instruments of terrorism.

The entirety of this purchase will be paid through State grant funds. City funds will be expended during procurement but reimbursed by DEMA.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 0.00	BUDGETED:	\$127,482.00
STATE FUNDS:	\$ 127,481.89	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$127,481.89			
193-70-21- BAFBT1.8970 - Border Security Fund Grant			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Funds are available in the City Council approved FY 2025 budget 193-70-21-BSFBT1 for this equipment purchase. The equipment is included in the authorized Border Security Fund grant. The City will make the purchase and then is reimbursed by DEMA upon completion of the grant.

ADDITIONAL INFORMATION:

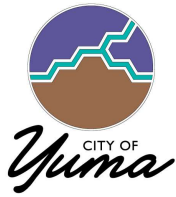
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None

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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-104

Agenda Date: 8/7/2024

Agenda #: 7.

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: Technical Rescue Equipment

SUMMARY RECOMMENDATION:

Authorize the Sole Source purchase of Technical Rescue Equipment, at a cost of \$315,922.38; to: Atlas Devices, Chelmsford, Massachusetts. (Fire Department-SS-25-019) (Dustin Fields/Robin R. Wilson)

STRATEGIC OUTCOME:

This action supports the City Council’s strategic outcome of Safe and Prosperous by providing the needed resources to first responders to best serve the community.

REPORT:

This sole source purchase allows for the purchase of a range of specialized rescue equipment that are only available from the designated vendor, Atlas Devices. The equipment package includes a rescue-load capable ascender/winch kit; patented magnetic anchors that are Defense Advanced Research Projects Agency (DARPA) technology; line and rope launching equipment; and rated, scalable, collapsible, and ultralight ladders designed for use in an austere environment. The equipment has significant technological advancements that enhance both efficiency and safety. The equipment is proprietary and patented and has a wide range of applications to fire department rescue operations.

This equipment is a part of a Border Security Fund grant received by the City. The emphasis of this grant equipment is the access and rescue of individuals stuck on the border fence. The equipment is used by the United States military in maritime scenarios such as boarding and, search and seizure operations. The equipment has distinct relevance to above-grade rescues such as those off the border fence.

The entirety of this purchase will be paid through State grant funds. City funds will be expended during procurement but reimbursed by DEMA. Approximately \$3,299.98 of City funds will also be spent on training of City personnel on use of the equipment.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$3,299.98	BUDGETED:	\$315,923.00
STATE FUNDS:	\$ 312,622.40	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$315,922.38

193-70-21-BSFBT1.8970 - Border Security Fund Grant		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

Funds are available in the City Council approved FY 2025 budget for this equipment purchase. The equipment is included in the authorized Border Security Fund grant. The City will make the purchase and then is reimbursed by DEMA upon completion of the grant.

Equipment training and travel costs of \$3,299.98 are funded by the General Fund and not part of the grant.

ADDITIONAL INFORMATION:

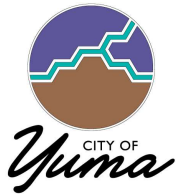
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-105

Agenda Date: 8/7/2024

Agenda #: 8.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
Police	<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: Patrol	<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:

Transfer of Ownership: Police Canine

SUMMARY RECOMMENDATION:

Authorize the retirement and transfer of ownership of one Yuma Police Department canine to the assigned handler. (Police/Patrol) (T. Garrity)

STRATEGIC OUTCOME:

This transfer of ownership is in accordance with the City Council's Respected and Responsible strategic outcome. The transfer allows the handler of the police canine to responsibly and safely assume legal ownership of the animal.

REPORT:

The City of Yuma Police Department (YPD) owns a 6-year-old male Belgian Malinois named Messi, who has served the Police Department since May of 2022. Messi is a certified dual-purpose Patrol Service Dog able to locate and apprehend persons. YPD recommends Messi retire due to his age, length of duty, and rotation of his handler, Sergeant Zachary Miner, to another assignment. Because Messi is not a typical domestic canine, Messi should not be sold to or adopted by the general public.

Messi has lived with his handler, Sergeant Zachary Miner, and his family since YPD acquired him. Messi has since established bonds with Sergeant Miner and his family. Sergeant Miner wishes to obtain ownership of Messi and has agreed to sign a waiver of liability and assume all expenses associated with Messi. Messi has been a loyal and faithful servant to the City of Yuma and should be allowed to maintain a high quality of life in retirement.

By approving this motion, the Mayor and Council authorize the sale and transfer of legal ownership of this one City-owned canine to his respective handler, as outlined 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:

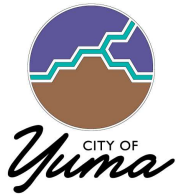
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-106

Agenda Date: 8/7/2024

Agenda #: 9.

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

Ratification: Settlement of *Solorio v. City of Yuma, et al.*

SUMMARY RECOMMENDATION:

Ratify settlement of the lawsuit *Francisca Solorio v. City of Yuma, et al.* Yuma County Superior Court Case No. S1400CV202300577. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:

The resolution of this claim supports the City Council's Respected and Responsible strategic outcome.

REPORT:

This lawsuit stems from a traffic collision that occurred on October 4, 2022 at Highway 95 and Avenue 5E involving a former City employee driving a City of Yuma vehicle.

Ms. Solorio sought \$3 million to settle her personal injury and property damage claims. After a half-day mediation, the Parties agreed to a full and final settlement of \$160,000.00 to completely resolve the lawsuit. The City Attorney's Office believes this settlement is fair and reasonable considering the facts and the potential costs of further litigation.

Adoption of this motion ratifies the settlement of the Solorio lawsuit for \$160,000.00 for personal injuries and property damage.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 160,000.00	BUDGETED:	\$ 0.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 160,000.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$ 0.00			
502-20-10.6305			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

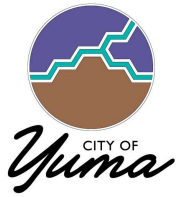
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



City of Yuma

City Council Report

File #: MC 2024-107

Agenda Date: 8/7/2024

Agenda #: 10.

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

TITLE:

Final Plat: Cielo Verde Unit 4 Phase II Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for the Cielo Verde Unit 4 Phase II Subdivision, located at the corner of Albatross Drive and E. 35th Street. (SUBD-040902-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by supporting the development of new housing opportunities that will be responsibly constructed and will meet all City codes and development requirements.

REPORT:

The subject property is intended to be Unit 4 Phase II of the Cielo Verde Subdivision. The property is approximately 7.9 acres and is located at the corner of Albatross Drive and E. 35th Street.

The intent is to create 38 single-family residential lots ranging in size from 5,980 square feet to 6,837 square feet.

The subject property is in the Cielo Verde Specific Plan (CVSP) District. The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

1. The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
2. A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
3. A minimum side yard setback of: 7 feet; multi-family can be zero feet.
4. A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
5. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) was established for the maintenance of required subdivision landscaping.

Approval of the final plat for the Cielo Verde Unit 4 Phase II Subdivision, shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District No. 1 to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision, was approved by the Planning and Zoning Commission on May 11, 2020.

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Janice Edgar - Planning and Zoning Commissioner, to APPROVE case number SUBD-29684-2020 subject to the Conditions of Approval as listed in the Staff Report.

“Motion carried unanimously (5-0, with 2 absent).”

Planning Commission Preliminary Plat Staff Report - Attached

The City Council’s approval of this motion accepts the final plat of the Cielo Verde Unit 4 Phase II Subdivision as submitted, including the conditions of approval set forth.

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:

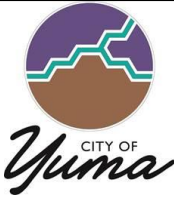
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- City Clerk’s Office
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- Document to be codified

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS

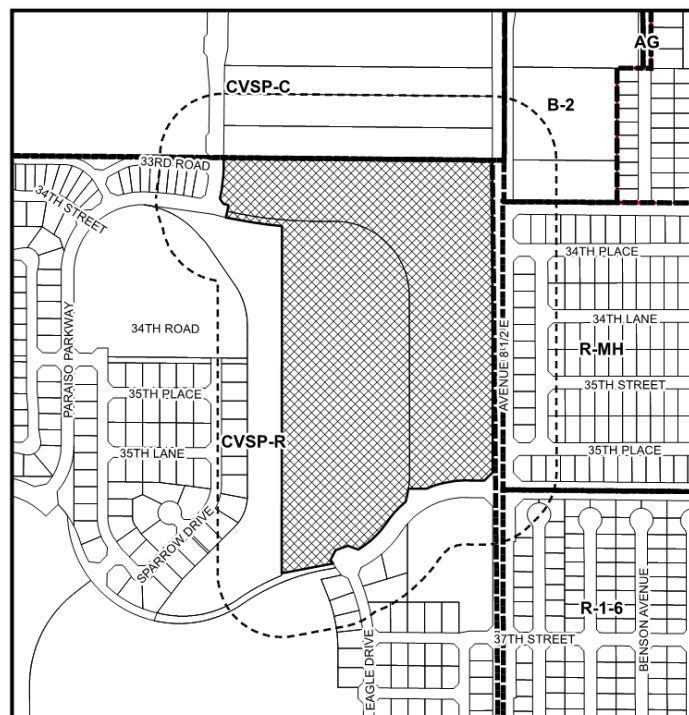
Hearing Date: May 11, 2020

Case Number: SUBD-29684-2020

Project Description/Location: This is a request by Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc., for approval of the preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision. This subdivision contains approximately 40.89 acres and is proposed to be divided into 177 residential lots, ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Location Map



Prior site actions: Annexation: O97-075 (12/19/97); Development Agreement: Cielo Verde Specific Plan (R2001-30).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for Cielo Verde Units 2B, 4 and 6 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-29684-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Cielo Verde Units 2B, 4 and 6 Subdivision, which includes 177 lots ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: Cielo Verde Units 2B, 4 and 6 Subdivision is proposed for site-built single-family dwellings on lots 4,513 square feet or greater on vacant land, located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E.

Access will be via S. Avenue 8 ½ E and S. Cielo Verde Drive. The portion of E. 36th Street from S. Avenue 8 E to S. Avenue 8 ½ E will be completed along with the subdivision, allowing additional access.

The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

- The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
- A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
- A minimum side yard setback of: 7 feet; multi-family can be zero feet.
- A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
- A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) will be established for the maintenance of required subdivision landscaping. If developed in phases, the MID for each phase will need to be established prior to the issuance of any residential building permits.

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

Yes This preliminary plat meets CVSP development standards.

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

Yes

3. Does the subdivision comply with the Transportation Element, plans and policies?

Yes

Transportation Element	Planned	Existing	Difference	Requested
Avenue 8 ½ E – 2 Lane Collector	40 FT H/W	40 FT H/W	0 FT	0 FT

4. Is the subdivision the site of any public facility in the General Plan?

No

Public Comments Received None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: None held.

Proposed conditions delivered to applicant on: April 9, 2020

Final staff report delivered to applicant on: April 29, 2020

- Applicant agreed with all of the conditions of approval on: April 9, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Aerial Photo	Staff Research

Prepared By: 
 Robert M. Blevins, Principal Planner (928) 373-5189

Date: 4/14/20
 Robert.Blevins@yumaaz.gov

Approved By: 
 Alyssa Linville,
 Assistant Director Community Development

Date: 04/14/2020

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

City Attorney Comments: (928) 373-5058:

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

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

6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8 1/2E and E. 40th Street. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

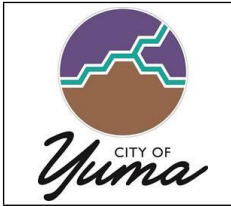
Community Planning Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.

9. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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

**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH –PRELIMINARY PLAT

**CASE #: SUBD-29684-2020
CASE PLANNER: BOB BLEVINS**

I. PROJECT DATA

Project Location:	NWC E. 36 th Street and S. Avenue 8 1/2E										
Parcel Number(s):	699-34-012, 699-41-155, & 699-49-002										
Parcel Size(s):	012: 867,393 SF; 155: 903,761; 002: 10,067 SF										
Total Acreage:	40.8912										
Proposed Dwelling Units:	177										
Address:	Not yet assigned										
Applicant:	Stewart Title and Trust of Phoenix, Inc.										
Applicant's Agent:	Jacobson Companies, Inc.										
Land Use Conformity Matrix:	Conforms:		Yes	X	No						
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	Use(s) on-site	General Plan Designation
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	O97-075 (12/19/97)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes	X	No	Cielo Verde Specific Plan (R2001-30)
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	PDM-16262-2016 (12/06/16)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee #2001-34657
Land Division Status:	Parcels are legal lots of record.			
Irrigation District:	None			
Adjacent Irrigation Canals & Drains:	N/A			
Water Conversion: (5.83 ac ft/acre)	N/A			
Water Conversion Agreement Required	Yes		No	X

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision				Conforms				
	Lot Size	Minimum:	4,513.1 SF		Maximum:	17,257.4 SF		Yes	X
Lot Depth	Minimum:	71.66 SF		Maximum:	172.48 SF		Yes	X	No
Lot Width/Frontage	Minimum:	40 FT		Maximum:	208.52 FT		Yes	X	No
Setbacks	Front:	15		Rear:	10		Side:	7	
District Size	40.89	Acres				Yes	X	No	
Density	4.32	Dwelling units per acre				Yes	X	No	
Issues: None									

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes	X	No		N/A	
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues: None						

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
Double Frontage	Yes	X	No		N/A	
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

IV. CITY OF YUMA GENERAL PLAN

Land Use Element:

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

Transportation Element:

FACILITY PLANS

TRANSPORTATION MASTER PLAN	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 8 1/2E- 2 Lane Collector	40 FT H/W	49 FT H/W				
Bicycle Facilities Master Plan	Avenue 8 1/2E Bike Lane					

YCAT Transit System	None											
Issues:	None											
Parks, Recreation and Open Space Element:												
Parks and Recreation Facility Plan												
Neighborhood Park:	Existing: Saguaro Park					Future: Saguaro Park						
Community Park:	Existing: Kennedy Park					Future: Aqua Viva Park						
Linear Park:	Existing: East Main Canal Linear Park					Future: Gila Gravity Main Canal Linear Park						
Issues:	None											
Housing Element:												
Special Need Household:	N/A											
Issues:	None											
Redevelopment Element:												
Planned Redevelopment Area:	N/A											
Adopted Redevelopment Plan:	North End:			Carver Park:			None:			X		
Conforms:	Yes		No		N/A		X					
Conservation, Energy & Environmental Element:												
Impact on Air or Water Resources	Yes		No		X							
Renewable Energy Source	Yes		No		X							
Issues:	None											
Public Services Element:												
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected		Police		Water		Wastewater			
	<i>Single Family</i>		Population		Impact		Consumption		Generation			
	Proposed	Per Unit			Officers		GPD	AF	GPD			
	177	2.8	496		0.94		148,680	166.6	49,560			
Fire Facilities Plan:	Existing: Fire Station No. 5					Future: Fire Station No. 7						
Water Facility Plan:	Source:	City	X	Private	Connection		8" PVC at Eagle Drive					
Sewer Facility Plan:	Treatment:	City	X	Septic	Private		12" PVC at Eagle Drive					
Issues:	None											
Safety Element:												
Flood Plain Designation:	Zone X			Liquefaction Hazard Area:				Yes		No		X
Issues:	None											
Growth Area Element:												
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.					
	North End		Pacific Ave & 8 th St			Estancia		None		X		
Issues:	None											

NOTIFICATION

- Legal Ad Published: The Sun 04/17/20
- 300' Vicinity Mailing: 03/23/20
- 34 Commenting/Reviewing Agencies noticed: 03/26/20
- Site Posted: 03/25/20
- Neighborhood Meeting: n/a
- Hearing Dates: 05/11/20
- Comments Due: 04/06/20

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.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	03/31/20	X		
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	03/30/20	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Franklin, Fire	YES	03/26/20	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/03/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				

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

PUBLIC COMMENTS RECEIVED: NONE

CIELO VERDE UNIT 4 PHASE II

A SUBDIVISION OF A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND A PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, OF THE YUMA COUNTY RECORDER'S OFFICE, LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HAS THIS DAY _____ OF _____, 2024, CAUSED A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, AT THE YUMA COUNTY RECORDERS OFFICE, AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS, AND STREETS UNDER THE NAME OF CIELO VERDE UNIT 4 PHASE II, AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF SAID LOTS, AND STREETS CONSTITUTING SAID CIELO VERDE UNIT 4 PHASE II, AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER, THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HEREBY DEDICATES TO THE CITY OF YUMA FOR ITS USE AND BENEFIT THE STREETS, AND THE EASEMENTS ARE DEDICATED TO THE USE SHOWN FOR ITS USE DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH.

IN WITNESS WHEREOF, STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE, UNDER TRUST No. 2007-100, HAS CAUSED ITS CORPORATE NAME TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF ITS ASSISTANT SECRETARY, THEREUNTO DULY AUTHORIZED.

STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE

TAMMY J. LEWIS, ASSISTANT SECRETARY

ACKNOWLEDGEMENT

STATE OF ARIZONA } SS
COUNTY OF YUMA

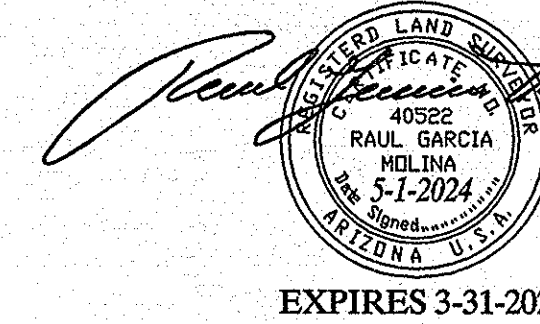
ON THIS _____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TAMMY J. LEWIS WHO ACKNOWLEDGED HERSELF TO BE ASSISTANT SECRETARY OFFICER OF STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AND THAT SHE AS SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE CORPORATION, BY HERSELF, AS ASSISTANT SECRETARY. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____
DATE

NOTARY PUBLIC

LAND SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF TWO (2) SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING OCTOBER, 2019; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDATION OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.



REGISTERED LAND SURVEYOR NO. 40522
RAUL GARCIA MOLINA

APPROVALS

STATE OF ARIZONA }
COUNTY OF YUMA } SS

THIS SUBDIVISION AS SHOWN HEREON HAS BEEN APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA ON THIS _____ DAY OF _____ 2024.

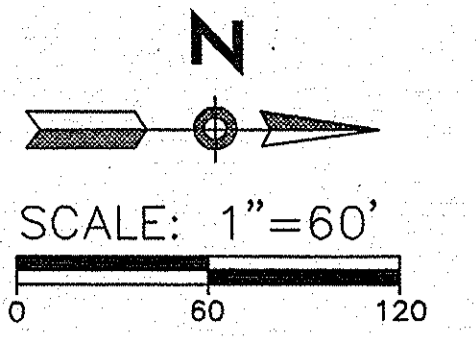
APPROVED _____
CITY OF YUMA PLANNING DIRECTOR DATE _____ MAYOR

APPROVED _____ ATTEST _____
CITY OF YUMA ENGINEER DATE _____ CITY OF YUMA CLERK

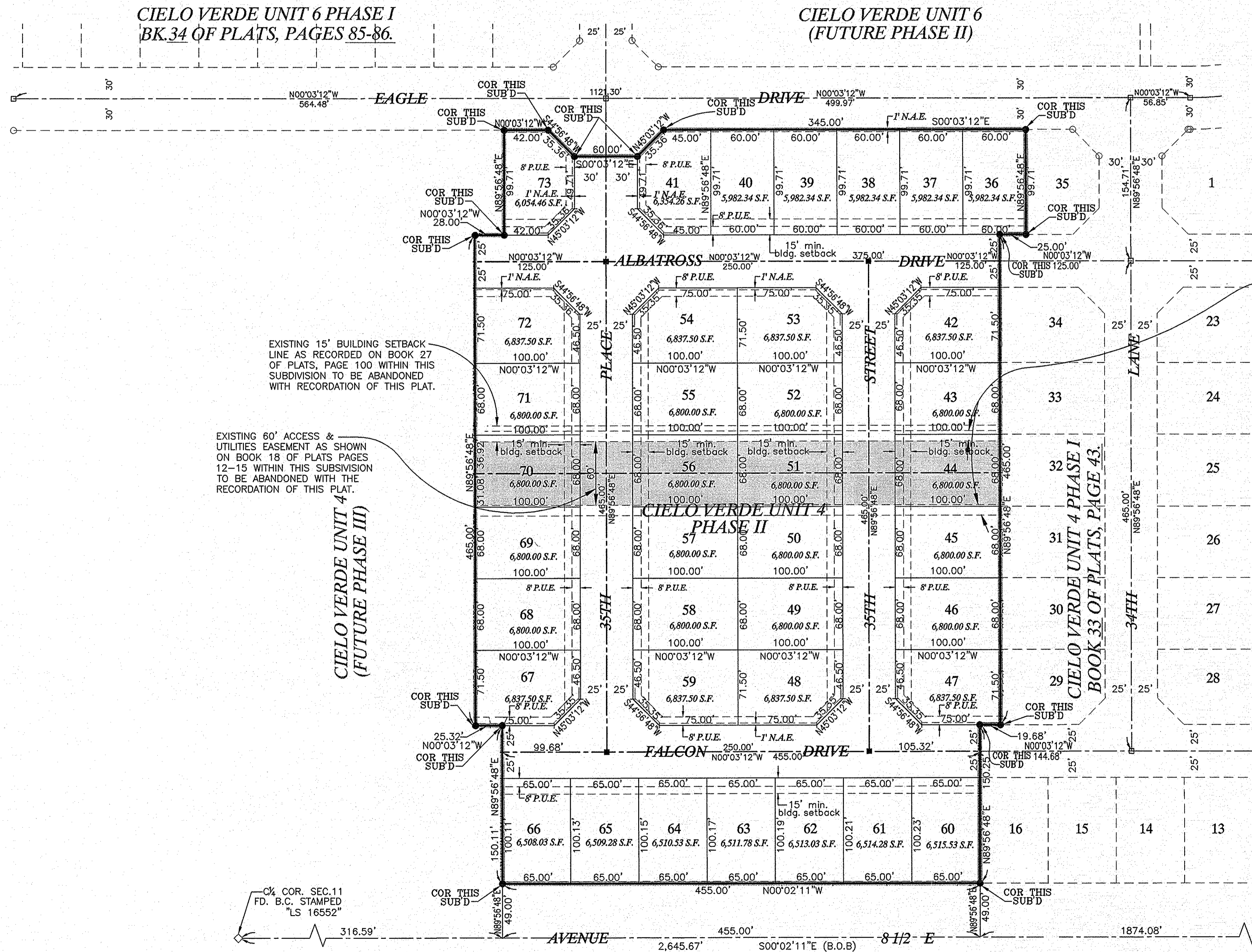
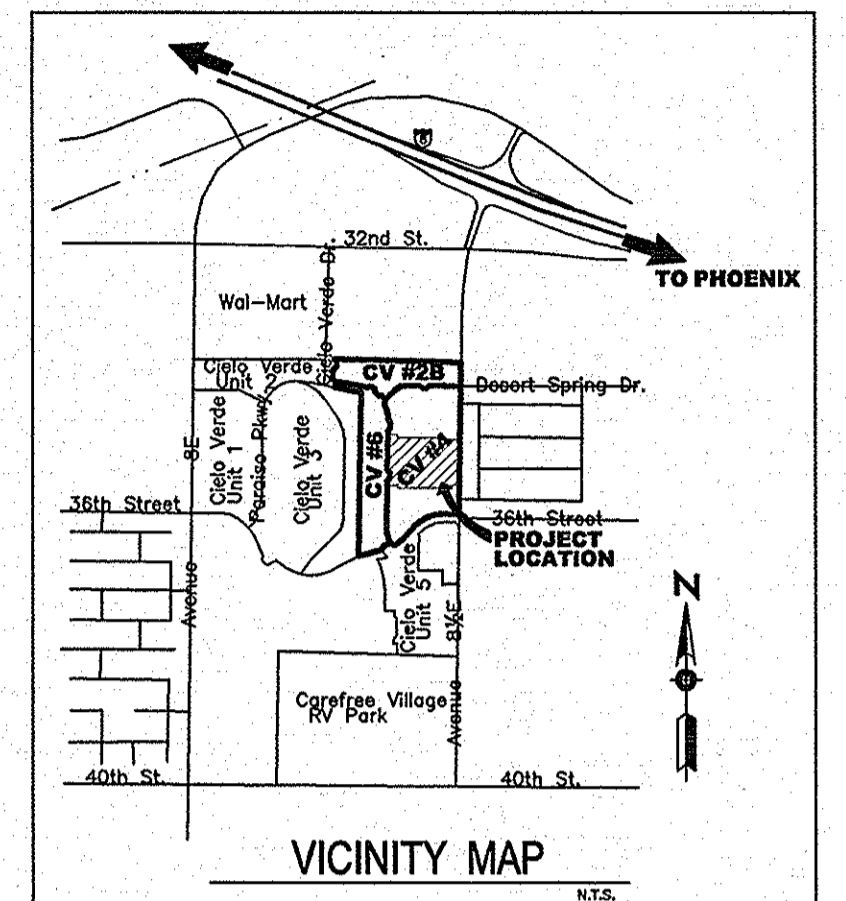
THE USE OF THE SUBDIVIDED PROPERTY IS SUBJECT TO THE CONVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED CONCURRENTLY HEREWITH.

FINAL PLAT FOR CIELO VERDE UNIT 4 PHASE II

A SUBDIVISION OF A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND A PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, OF THE YUMA COUNTY RECORDER'S OFFICE, LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA



Area=7.9663 Acres



EXISTING 10' BUILDING SETBACK LINE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15 WITHIN THIS SUBDIVISION TO BE ABANDONED WITH RECORDATION OF THIS PLAT.

EXISTING 15' BUILDING SETBACK LINE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 WITHIN THIS SUBDIVISION TO BE ABANDONED WITH RECORDATION OF THIS PLAT.

EXISTING 60' ACCESS & UTILITIES EASEMENT AS SHOWN ON BOOK 18 OF PLATS PAGES 12-15 WITHIN THIS SUBDIVISION TO BE ABANDONED WITH THE RECORDATION OF THIS PLAT.

OWNER:
STEWART TITLE & TRUST OF PHOENIX, Inc, as Trustee, under Trust No. 2007-100
1540 S. 2ND AVENUE YUMA, ARIZONA 85364

ENGINEER:
JACOBSON ENGINEERING
1334 S. 5TH AVENUE YUMA, ARIZONA 85364
(928) 782-1801

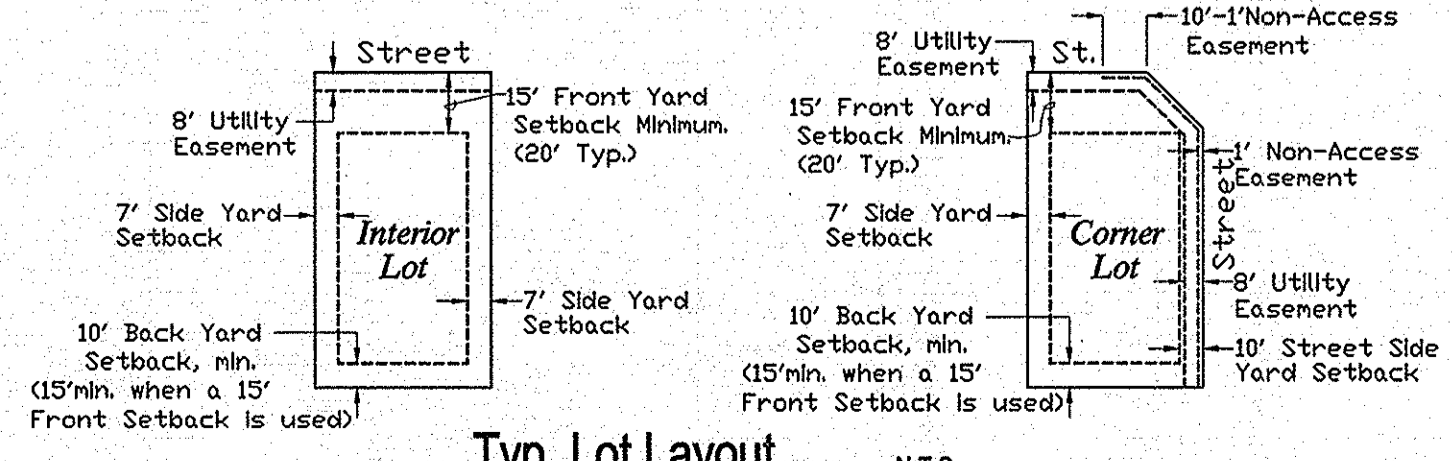
FLOOD ZONE:
FLOOD ZONE FOR PROJECT LOCATION IN ZONE 'X' AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 04027C1585E DATED AUGUST 28, 2008.

- LEGEND**
- - FOUND AS NOTED
 - - SET CITY OF YUMA STANDARD MONUMENT NO. 4-030 OR AS NOTED
 - - SET CITY OF YUMA STANDARD STREET MONUMENT NO. 4-080 STAMPED L.S. 16552
 - ◆ - SET CITY OF YUMA STANDARD MONUMENT NO. 4-050 STAMPED L.S.16552
 - - FOUND CITY OF YUMA STANDARD MONUMENT NO. 4-050 OR AS NOTED
 - - SET 1/2" REBAR WITH CAP AT ALL LOT CORNERS
 - * - FINISH FLOOR ELEVATION TO BE 12" ABOVE TOP OF CURB FRONTING THE LOT
- B.O.B. - Basis of Bearing.
The East line of the Northwest quarter of Section 11, Township 9 South, Range 22 West Gila & Salt River Base & Meridian Yuma County, Arizona as shown on the recorded Cielo Verde unit 2B, Book 33 of plats Pages 15 & 16. Nately: S00°02'11"E
- (R) - RECORDED.
 - (M) - MEASURED.
 - (C) - CALCULATED.
 - 1'NAE - One foot non-access easement.
 - 8'P.U.E - 8 feet Public Utilities Easement.
 - COR THIS SUB'D - Corner of this Subdivision.

NOTES

- A COPY OF THE CC&RS WILL BE RECORDED CONCURRENTLY WITH THIS PLAT.
- HATCHED AREA REPRESENTS PART OF THE EXISTING ACCESS & UTILITIES EASEMENT AS SHOWN ON BOOK 18 OF PLATS PAGES 12-15 TO BE ABANDONED WITH THE RECORDATION OF THIS PLAT.

ZONING:
CIELO VERDE SPECIFIC PLAN - RESIDENTIAL



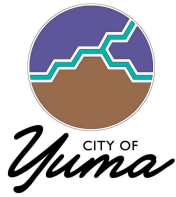
Typ. Lot Layout
N.T.S.

EXPIRES 3-31-2025

DATE: 3/24 JOB No: 2561

PREPARED BY:

JACOBSON ENGINEERING
 CIVIL ENGINEERS/PLANNERS/SURVEYORS
 1334 S. 5TH AVENUE, YUMA, ARIZONA 85364



City of Yuma

City Council Report

File #: MC 2024-108

Agenda Date: 8/7/2024

Agenda #: 11.

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

TITLE:

Final Plat: Cielo Verde Unit 4 Phase III Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for the Cielo Verde Unit 4 Phase III Subdivision, located at the corner of S. Eagle Drive and E. 36th Street. (SUBD-042903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by supporting the development of new housing opportunities that will be responsibly constructed and will meet all City codes and development requirements.

REPORT:

The subject property is intended to be Unit 4 Phase III of the Cielo Verde Subdivision. The property is approximately 6.1 acres and is located at the corner of S. Eagle Drive and E. 36th Street.

The intent is to create 26 single-family residential lots ranging in size from 6,344 square feet to 16,034 square feet.

The subject property is in the Cielo Verde Specific Plan (CVSP) District. The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

1. The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
2. A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
3. A minimum side yard setback of: 7 feet; multi-family can be zero feet.
4. A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
5. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) was established for the maintenance of required subdivision landscaping.

Approval of the final plat for the Cielo Verde Unit 4 Phase III Subdivision, shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District No. 1 to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision, was approved by the Planning and Zoning Commission on May 11, 2020.

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Janice Edgar - Planning and Zoning Commissioner, to APPROVE case number SUBD-29684-2020 subject to the Conditions of Approval as listed in the Staff Report.

“Motion carried unanimously (5-0, with 2 absent).”

Planning Commission Preliminary Plat Staff Report - Attached

The City Council’s approval of this motion accepts the final plat of the Cielo Verde Unit 4 Phase III Subdivision as submitted, including the conditions of approval set forth.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

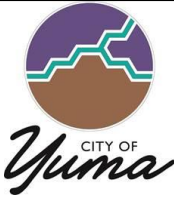
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS

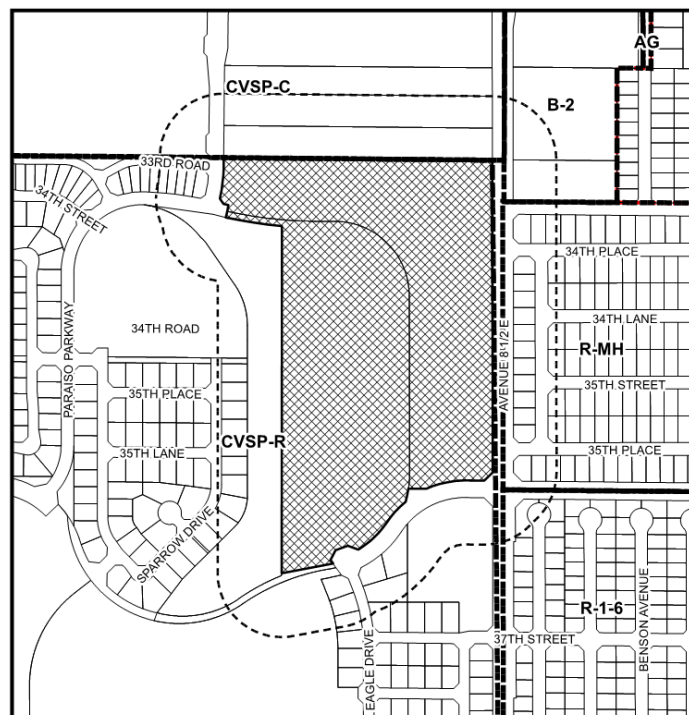
Hearing Date: May 11, 2020

Case Number: SUBD-29684-2020

Project Description/Location: This is a request by Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc., for approval of the preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision. This subdivision contains approximately 40.89 acres and is proposed to be divided into 177 residential lots, ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Location Map



Prior site actions: Annexation: O97-075 (12/19/97); Development Agreement: Cielo Verde Specific Plan (R2001-30).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for Cielo Verde Units 2B, 4 and 6 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-29684-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Cielo Verde Units 2B, 4 and 6 Subdivision, which includes 177 lots ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: Cielo Verde Units 2B, 4 and 6 Subdivision is proposed for site-built single-family dwellings on lots 4,513 square feet or greater on vacant land, located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E.

Access will be via S. Avenue 8 ½ E and S. Cielo Verde Drive. The portion of E. 36th Street from S. Avenue 8 E to S. Avenue 8 ½ E will be completed along with the subdivision, allowing additional access.

The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

- The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
- A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
- A minimum side yard setback of: 7 feet; multi-family can be zero feet.
- A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
- A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) will be established for the maintenance of required subdivision landscaping. If developed in phases, the MID for each phase will need to be established prior to the issuance of any residential building permits.

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

Yes This preliminary plat meets CVSP development standards.

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

Yes

3. Does the subdivision comply with the Transportation Element, plans and policies?

Yes

Transportation Element	Planned	Existing	Difference	Requested
Avenue 8 ½ E – 2 Lane Collector	40 FT H/W	40 FT H/W	0 FT	0 FT

4. Is the subdivision the site of any public facility in the General Plan?

No

Public Comments Received None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: None held.

Proposed conditions delivered to applicant on: April 9, 2020

Final staff report delivered to applicant on: April 29, 2020

- Applicant agreed with all of the conditions of approval on: April 9, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Aerial Photo	Staff Research

Prepared By: 
Robert M. Blevins, Principal Planner (928) 373-5189

Date: 4/14/20
Robert.Blevins@yumaaz.gov

Approved By: 
Alyssa Linville,
Assistant Director Community Development

Date: 04/14/2020

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

City Attorney Comments: (928) 373-5058:

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

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

6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8 1/2E and E. 40th Street. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

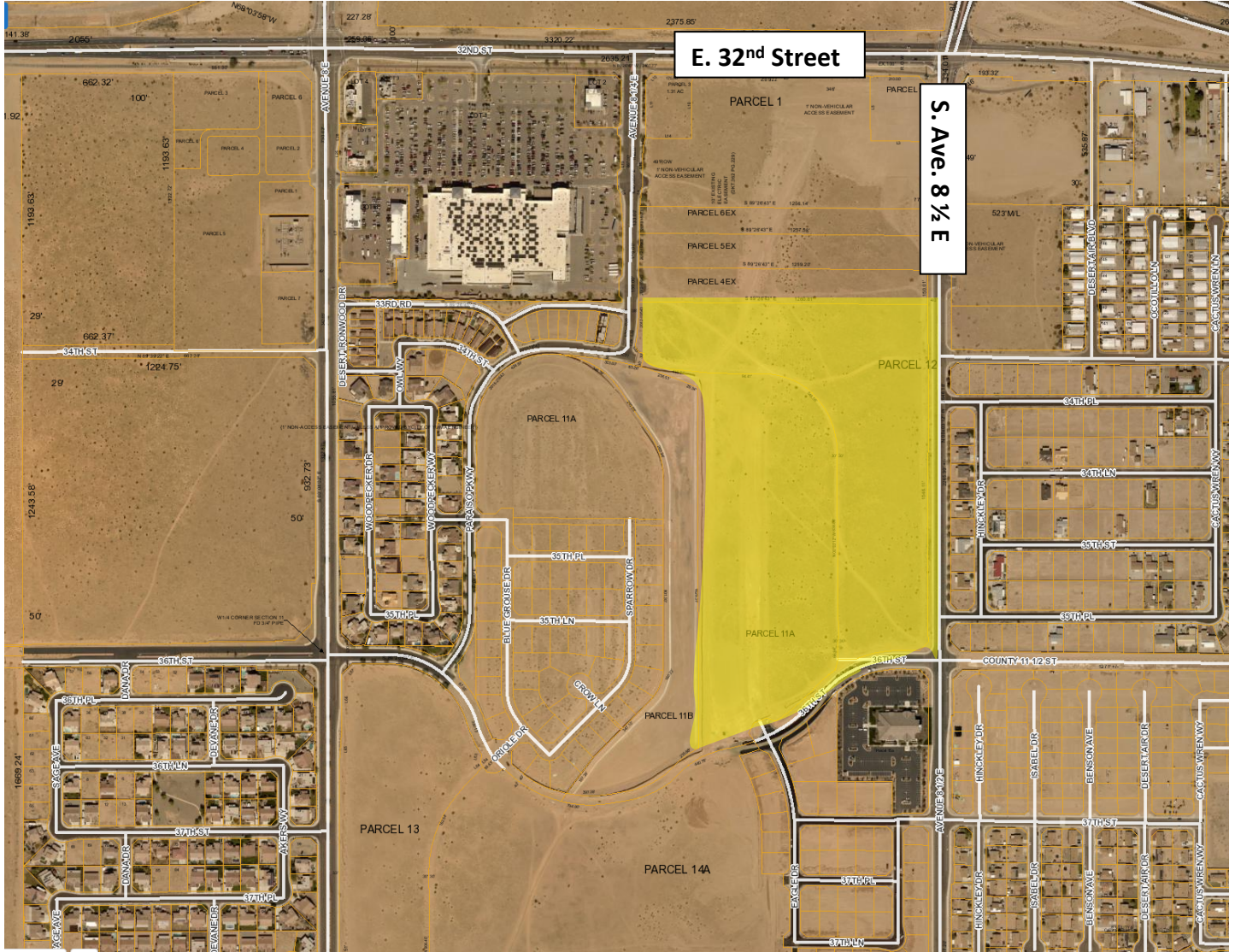
Community Planning Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.

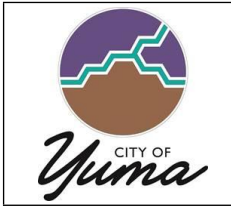
9. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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

ATTACHMENT C
AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH –PRELIMINARY PLAT

CASE #: SUBD-29684-2020
CASE PLANNER: BOB BLEVINS

I. PROJECT DATA

Project Location:	NWC E. 36 th Street and S. Avenue 8 1/2E										
Parcel Number(s):	699-34-012, 699-41-155, & 699-49-002										
Parcel Size(s):	012: 867,393 SF; 155: 903,761; 002: 10,067 SF										
Total Acreage:	40.8912										
Proposed Dwelling Units:	177										
Address:	Not yet assigned										
Applicant:	Stewart Title and Trust of Phoenix, Inc.										
Applicant's Agent:	Jacobson Companies, Inc.										
Land Use Conformity Matrix:	Conforms:		Yes	X	No						
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	Use(s) on-site	General Plan Designation
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	O97-075 (12/19/97)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes	X	No	Cielo Verde Specific Plan (R2001-30)
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	PDM-16262-2016 (12/06/16)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee #2001-34657
Land Division Status:	Parcels are legal lots of record.			
Irrigation District:	None			
Adjacent Irrigation Canals & Drains:	N/A			
Water Conversion: (5.83 ac ft/acre)	N/A			
Water Conversion Agreement Required	Yes		No	X

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision				Conforms					
	Lot Size	Minimum:	4,513.1 SF		Maximum:	17,257.4 SF		Yes	X	No
Lot Depth	Minimum:	71.66 SF		Maximum:	172.48 SF		Yes	X	No	
Lot Width/Frontage	Minimum:	40 FT		Maximum:	208.52 FT		Yes	X	No	
Setbacks	Front:	15		Rear:	10		Side:	7		
District Size	40.89	Acres					Yes	X	No	
Density	4.32	Dwelling units per acre						Yes	X	No
Issues: None										

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes	X	No		N/A	
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues: None						

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
Double Frontage	Yes	X	No		N/A	
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

IV. CITY OF YUMA GENERAL PLAN

Land Use Element:										
Land Use Designation:				Low Density Residential/Commercial/Medium Density Residential						
Issues:				None						
Historic District:	Brinley Avenue			Century Heights			Main Street		None	X
Historic Buildings on Site:				Yes		No	X			
Transportation Element:										
FACILITY PLANS										
TRANSPORTATION MASTER PLAN				Planned	Existing	Gateway	Scenic	Hazard	Truck	
Avenue 8 1/2E- 2 Lane Collector				40 FT H/W	49 FT H/W					
Bicycle Facilities Master Plan				Avenue 8 1/2E Bike Lane						

YCAT Transit System	None									
Issues:	None									
Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Saguaro Park					Future: Saguaro Park				
Community Park:	Existing: Kennedy Park					Future: Aqua Viva Park				
Linear Park:	Existing: East Main Canal Linear Park					Future: Gila Gravity Main Canal Linear Park				
Issues:	None									
Housing Element:										
Special Need Household:	N/A									
Issues:	None									
Redevelopment Element:										
Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:			Carver Park:			None:		X	
Conforms:	Yes		No		N/A	X				
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources	Yes		No	X						
Renewable Energy Source	Yes		No	X						
Issues:	None									
Public Services Element:										
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected	Police	Water		Wastewater			
	<i>Single Family</i>		Population	Impact	Consumption		Generation			
	Proposed	Per Unit		Officers	GPD	AF	GPD			
	177	2.8	496	0.94	148,680	166.6	49,560			
Fire Facilities Plan:	Existing: Fire Station No. 5					Future: Fire Station No. 7				
Water Facility Plan:	Source:	City	X	Private		Connection	8" PVC at Eagle Drive			
Sewer Facility Plan:	Treatment:	City	X	Septic		Private	12" PVC at Eagle Drive			
Issues:	None									
Safety Element:										
Flood Plain Designation:	Zone X			Liquefaction Hazard Area:			Yes		No	X
Issues:	None									
Growth Area Element:										
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.			
	North End		Pacific Ave & 8 th St			Estancia		None	X	
Issues:	None									

NOTIFICATION

- Legal Ad Published: The Sun 04/17/20
- 300' Vicinity Mailing: 03/23/20
- 34 Commenting/Reviewing Agencies noticed: 03/26/20
- Site Posted: 03/25/20
- Neighborhood Meeting: n/a
- Hearing Dates: 05/11/20
- Comments Due: 04/06/20

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.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	03/31/20	X		
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	03/30/20	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Franklin, Fire	YES	03/26/20	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/03/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				

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

PUBLIC COMMENTS RECEIVED: NONE

CIELO VERDE UNIT 4 PHASE III

A SUBDIVISION OF A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND A PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, OF THE YUMA COUNTY RECORDER'S OFFICE, LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HAS THIS DAY _____ OF _____, 2024, CAUSED A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, AT THE YUMA COUNTY RECORDERS OFFICE, AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS, AND STREETS UNDER THE NAME OF CIELO VERDE UNIT 4 PHASE III, AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF SAID LOTS, AND STREETS CONSTITUTING SAID CIELO VERDE UNIT 4 PHASE III, AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER, THE STREETS BY THE NAME GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HEREBY DEDICATES TO THE CITY OF YUMA FOR ITS USE AND BENEFIT THE STREETS, AND THE EASEMENTS ARE DEDICATED TO THE USE SHOWN FOR ITS USE DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH.

IN WITNESS WHEREOF, STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE, UNDER TRUST No. 2007-100, HAS CAUSED ITS CORPORATE NAME TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF ITS ASSISTANT SECRETARY, THEREUNTO DULY AUTHORIZED.

STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE

TAMMY J. LEWIS, ASSISTANT SECRETARY

ACKNOWLEDGEMENT

STATE OF ARIZONA } SS
COUNTY OF YUMA

ON THIS _____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TAMMY J. LEWIS WHO ACKNOWLEDGED HERSELF TO BE ASSISTANT SECRETARY OFFICER OF STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AND THAT SHE AS SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE CORPORATION, BY HERSELF, AS ASSISTANT SECRETARY. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____
DATE

NOTARY PUBLIC

LAND SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF TWO (2) SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING OCTOBER, 2019; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDATION OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.



REGISTERED LAND SURVEYOR NO. 40522
RAUL GARCIA MOLINA

APPROVALS

STATE OF ARIZONA }
COUNTY OF YUMA } SS

THIS SUBDIVISION AS SHOWN HEREON HAS BEEN APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA ON THIS _____ DAY OF _____ 2024.

APPROVED _____
CITY OF YUMA PLANNING DIRECTOR DATE

MAYOR

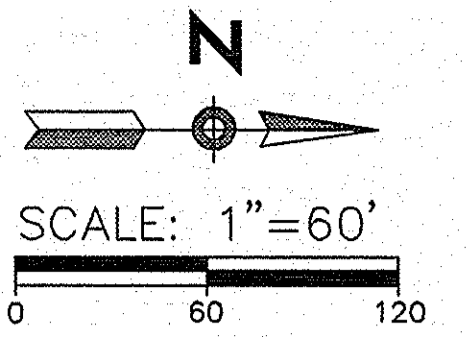
APPROVED _____
CITY OF YUMA ENGINEER DATE

ATTEST _____
CITY OF YUMA CLERK

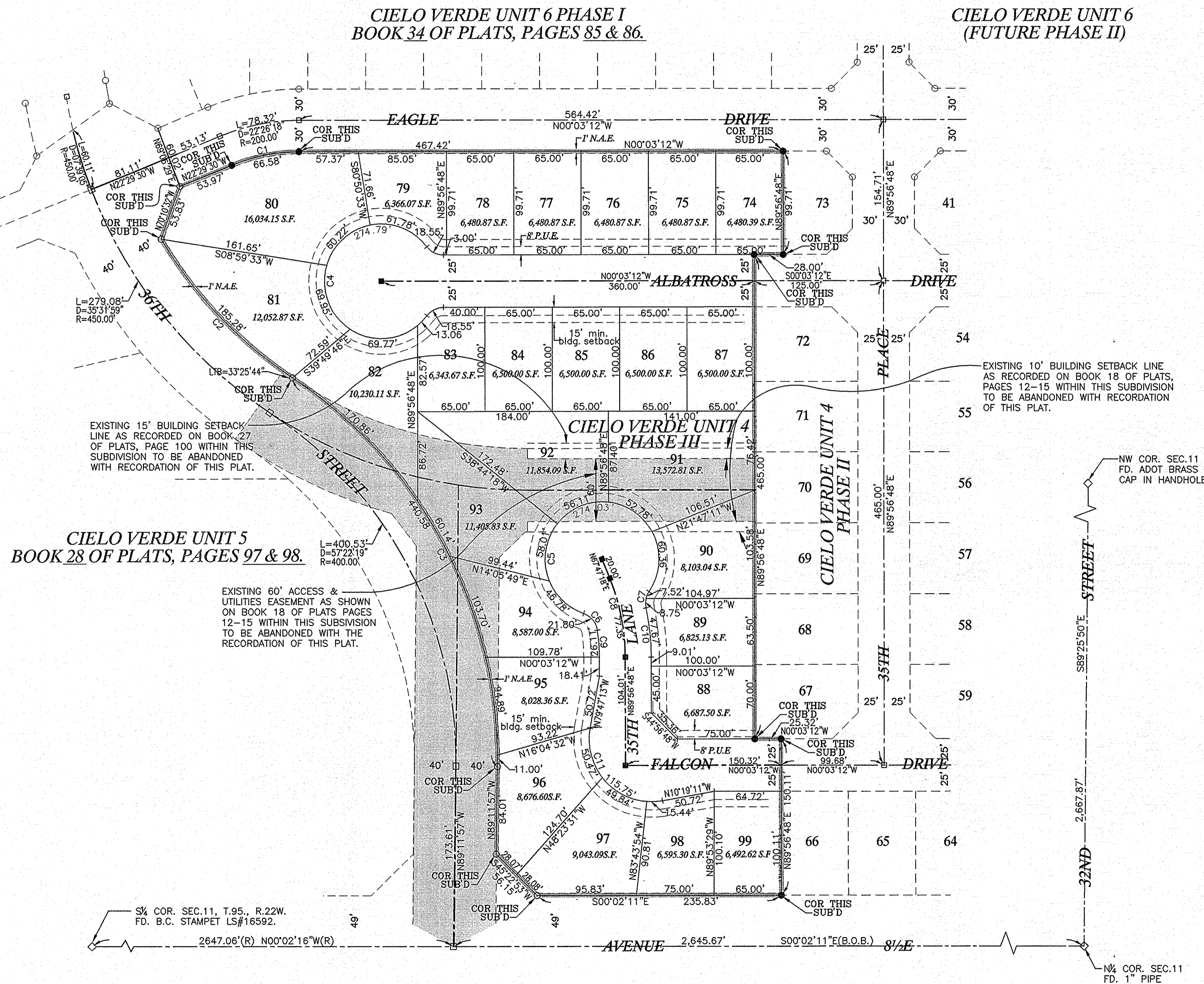
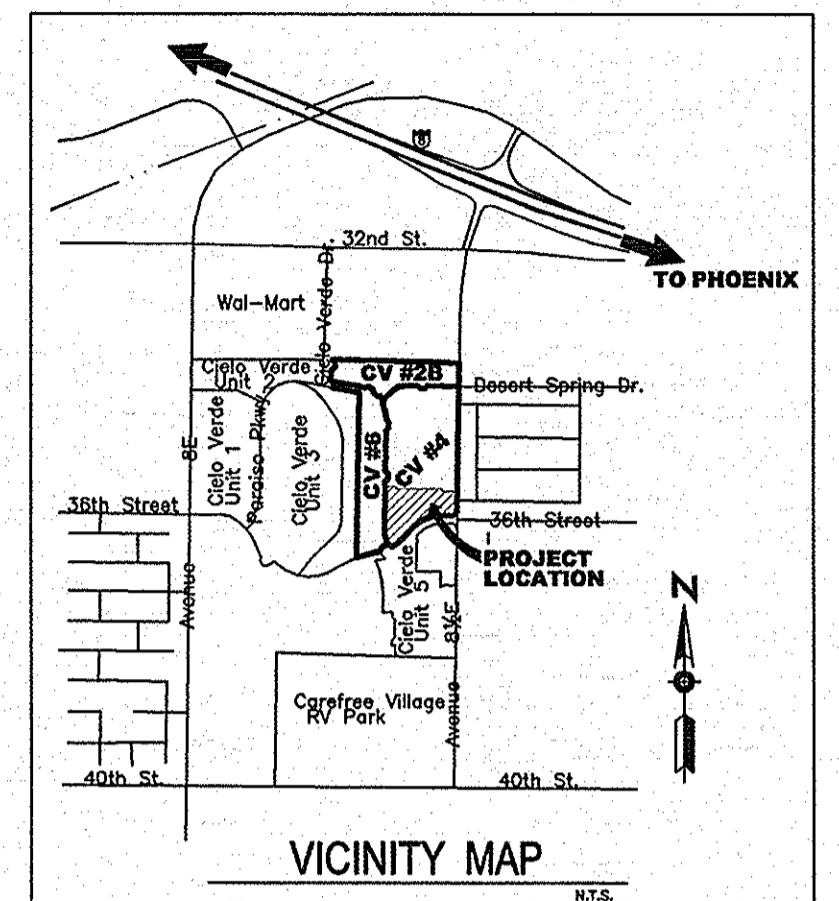
THE USE OF THE SUBDIVIDED PROPERTY IS SUBJECT TO THE CONVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED CONCURRENTLY HEREWITH.

FINAL PLAT FOR CIELO VERDE UNIT 4 PHASE III

A SUBDIVISION OF A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AND A PORTION OF PARCEL 12, CIELO VERDE AS RECORDED ON BOOK 18 OF PLATS, PAGES 12-15, OF THE YUMA COUNTY RECORDER'S OFFICE, LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA



Area=6.1011 Acres



CIELO VERDE UNIT 5
BOOK 28 OF PLATS, PAGES 97 & 98.

CIELO VERDE UNIT 6 PHASE I
BOOK 34 OF PLATS, PAGES 85 & 86.

CIELO VERDE UNIT 6
(FUTURE PHASE II)

CURVE TABLE CV4 PHASE III

CURVE	DELTA ANGLE	RADIUS	LENGTH
C1	22°26'18"	170.00'	66.58'
C2	25°53'29"	410.00'	185.28'
C3	57°22'19"	440.00'	440.58'
C4	286°15'37"	55.00'	274.79'
C5	285°28'16"	55.00'	274.03'
C6	62°27'37"	20.00'	21.80'
C7	46°36'04"	20.00'	16.27'
C8	22°09'30"	200.00'	77.35'
C9	08°32'53"	175.00'	26.11'
C10	12°08'17"	225.00'	47.67'
C11	110°31'58"	60.00'	115.75'

NOTES

- A COPY OF THE CC&RS WILL BE RECORDED CONCURRENTLY WITH THIS PLAT.
- HATCHED AREA REPRESENTS PART OF THE EXISTING ACCESS & UTILITIES EASEMENT AS SHOWN ON BOOK 18 OF PLATS PAGES 12-15 TO BE ABANDONED WITH THE RECORDATION OF THIS PLAT.

ZONING:

CIELO VERDE SPECIFIC PLAN - RESIDENTIAL

OWNER:

STEWART TITLE & TRUST OF PHOENIX, Inc. as Trustee, under Trust No. 2007-100
1540 S. 2ND AVENUE YUMA, ARIZONA 85364

ENGINEER:

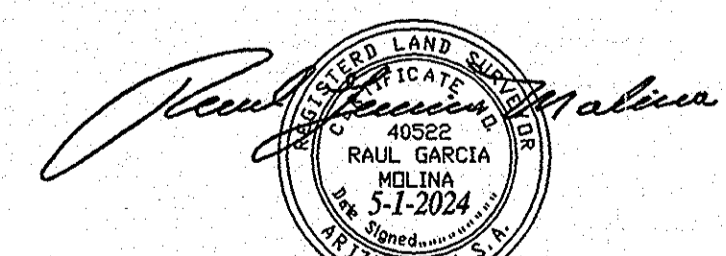
JACOBSON ENGINEERING
1334 S. 5TH AVENUE YUMA, ARIZONA 85364
(928) 782-1801

FLOOD ZONE:

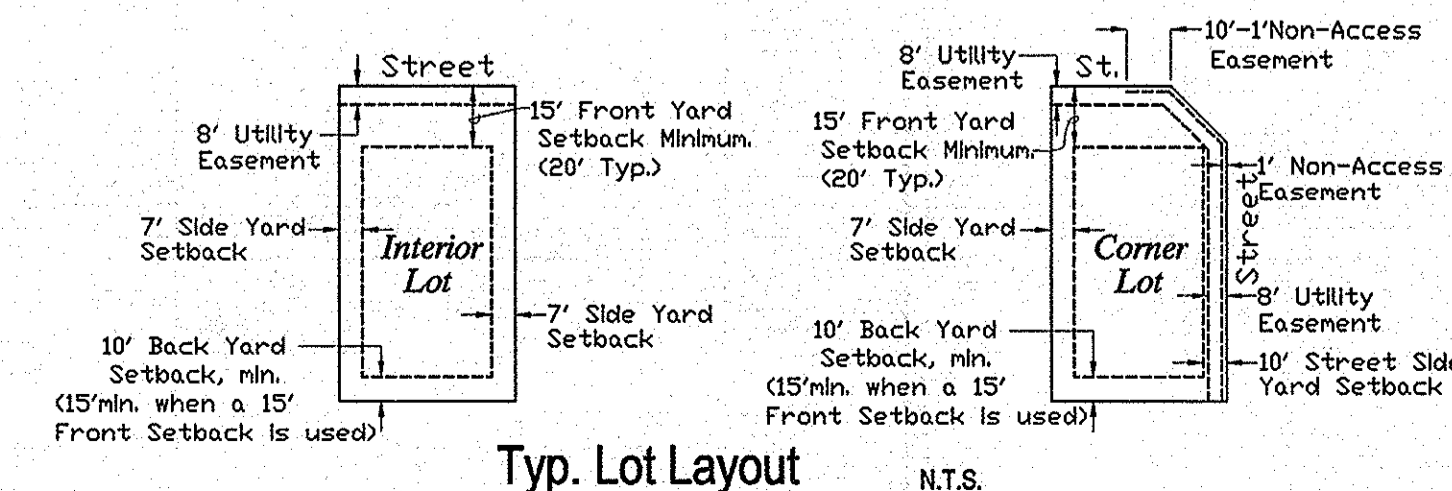
FLOOD ZONE FOR PROJECT LOCATION IN ZONE "X" AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 04027C1565E DATED AUGUST 28, 2008.

LEGEND

- - FOUND AS NOTED
- - SET CITY OF YUMA STANDARD MONUMENT NO. 4-030 OR AS NOTED
- - SET CITY OF YUMA STANDARD STREET MONUMENT NO. 4-080 STAMPED L.S. 16552
- ◆ - SET CITY OF YUMA STANDARD MONUMENT NO. 4-050 STAMPED L.S.16552
- - FOUND CITY OF YUMA STANDARD MONUMENT NO. 4-050 OR AS NOTED
- - SET 1/2" REBAR WITH CAP AT ALL LOT CORNERS
- * - FINISH FLOOR ELEVATION TO BE 12" ABOVE TOP OF CURB FRONTING THE LOT
- B.O.B. - Basis of Bearing. The East line of the Northwest quarter of Section 11, Township 9 South, Range 22 West Gila & Salt River Base & Meridian Yuma County, Arizona as shown on the recorded Cielo Verde unit 2B, Book 33 of plats Pages 15 & 16. Namely: S00°02'11"E
- (R) - RECORDED.
- (M) - MEASURED.
- (C) - CALCULATED.
- 1'NAE - One foot non-access easement.
- 8'PUE - 8 feet Public Utilities Easement.
- COR THIS SUB'D - Corner of this Subdivision.



EXPIRES 3-31-2025



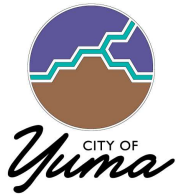
Typ. Lot Layout N.T.S.

DATE: 3/24
PREPARED BY:

JOB No: 2561

JACOBSON ENGINEERING
CIVIL ENGINEERS/PLANNERS/SURVEYORS
1334 S. 5TH AVENUE, YUMA, ARIZONA 85364

SHEET 2 OF 2



City of Yuma

City Council Report

File #: MC 2024-109

Agenda Date: 8/7/2024

Agenda #: 12.

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

TITLE:

Final Plat: Cielo Verde Unit 6 Phase II Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for the Cielo Verde Unit 6 Phase II Subdivision, located at the corner of Ostrich Drive and E. 35th Place. (SUBD-040903-2024) (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This subdivision furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by supporting the development of new housing opportunities that will be responsibly constructed and will meet all City codes and development requirements.

REPORT:

The subject property is intended to be Unit 6 Phase II of the Cielo Verde Subdivision. The property is approximately 3.4 acres and is located at the corner of Ostrich Drive and E. 35th Place.

The intent is to create 20 single-family residential lots ranging in size from 4,692 square feet to 17,257 square feet.

The subject property is in the Cielo Verde Specific Plan (CVSP) District. The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

1. The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
2. A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
3. A minimum side yard setback of: 7 feet; multi-family can be zero feet.
4. A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
5. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) was established for the maintenance of required subdivision landscaping.

Approval of the final plat for the Cielo Verde Unit 6 Phase II Subdivision, shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District No. 1 to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Cielo Verde Unit 6 Phase II Subdivision, was approved by the Planning and Zoning Commission on May 11, 2020.

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

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION:

“Motion by Lorraine Arney - Planning and Zoning Commissioner, second by Janice Edgar - Planning and Zoning Commissioner, to APPROVE case number SUBD-29684-2020 subject to the Conditions of Approval as listed in the Staff Report.’

“Motion carried unanimously (5-0, with 2 absent).’

Planning Commission Preliminary Plat Staff Report - Attached

The City Council’s approval of this motion accepts the final plat of the Cielo Verde Unit 6 Phase II Subdivision as submitted, including the conditions of approval set forth.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

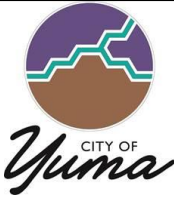
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS**

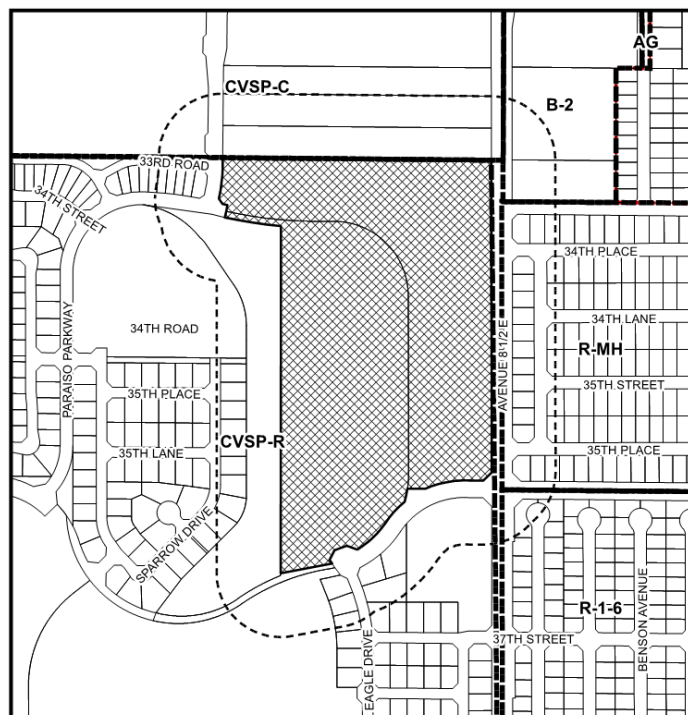
Hearing Date: May 11, 2020

Case Number: SUBD-29684-2020

Project Description/Location: This is a request by Jacobson Companies, Inc., on behalf of Stewart Title and Trust of Phoenix, Inc., for approval of the preliminary plat for the Cielo Verde Units 2B, 4 and 6 Subdivision. This subdivision contains approximately 40.89 acres and is proposed to be divided into 177 residential lots, ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Location Map



Prior site actions: Annexation: O97-075 (12/19/97); Development Agreement: Cielo Verde Specific Plan (R2001-30).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for Cielo Verde Units 2B, 4 and 6 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-29684-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Cielo Verde Units 2B, 4 and 6 Subdivision, which includes 177 lots ranging in size from approximately 4,513 square feet to 17,257 square feet, for the property located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: Cielo Verde Units 2B, 4 and 6 Subdivision is proposed for site-built single-family dwellings on lots 4,513 square feet or greater on vacant land, located at the northwest corner of E. 36th Street and S. Avenue 8 ½ E.

Access will be via S. Avenue 8 ½ E and S. Cielo Verde Drive. The portion of E. 36th Street from S. Avenue 8 E to S. Avenue 8 ½ E will be completed along with the subdivision, allowing additional access.

The following are some of the development standards required in the Cielo Verde Specific Plan (CVSP) District:

- The maximum lot coverage in the Cielo Verde Specific Plan (CVSP) District shall not exceed 50% of the lot area.
- A minimum front yard setback of: 20 feet; or 15 feet with an increased rear yard.
- A minimum side yard setback of: 7 feet; multi-family can be zero feet.
- A minimum rear yard setback of 10 feet; or 15 feet if front yard reduced.
- A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

A Municipal Improvement District (MID) will be established for the maintenance of required subdivision landscaping. If developed in phases, the MID for each phase will need to be established prior to the issuance of any residential building permits.

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

Yes This preliminary plat meets CVSP development standards.

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

Yes

3. Does the subdivision comply with the Transportation Element, plans and policies?

Yes

Transportation Element	Planned	Existing	Difference	Requested
Avenue 8 ½ E – 2 Lane Collector	40 FT H/W	40 FT H/W	0 FT	0 FT

4. Is the subdivision the site of any public facility in the General Plan?

No

Public Comments Received None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: None held.

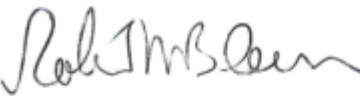
Proposed conditions delivered to applicant on: April 9, 2020

Final staff report delivered to applicant on: April 29, 2020

- Applicant agreed with all of the conditions of approval on: April 9, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Aerial Photo	Staff Research

Prepared By: 
 Robert M. Blevins, Principal Planner (928) 373-5189 **Date:** 4/14/20
 Robert.Blevins@yumaaz.gov

Approved By: 
 Alyssa Linville,
 Assistant Director Community Development **Date:** 04/14/2020

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

City Attorney Comments: (928) 373-5058:

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

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

6. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 8 1/2E and E. 40th Street. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

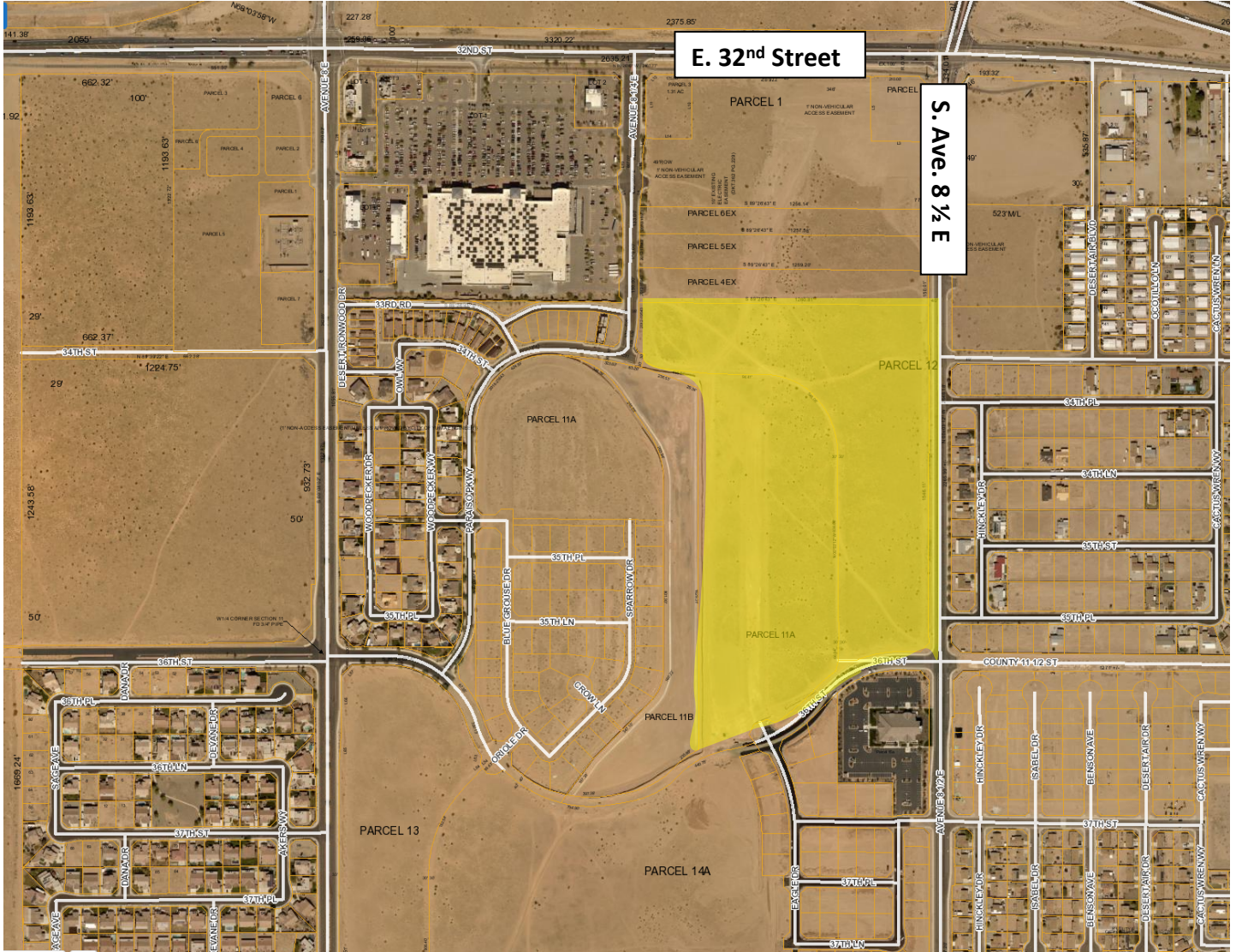
Community Planning Conditions: Robert M. Blevins, Principal Planner (928) 373-5189:

7. A time frame of build-out for the subdivision shall be submitted to the Yuma School District One, to enable the district to adequately plan for future school facilities.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recordation of the final plat.

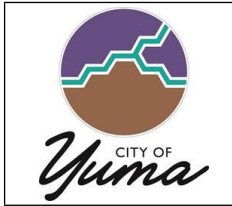
9. The Owner shall submit a final plat within one (1) year of Preliminary Plat approval. Should a Final Plat not be submitted within one (1) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

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

ATTACHMENT C AERIAL PHOTO



**ATTACHMENT D
STAFF RESEARCH**



STAFF RESEARCH –PRELIMINARY PLAT

**CASE #: SUBD-29684-2020
CASE PLANNER: BOB BLEVINS**

I. PROJECT DATA

Project Location:	NWC E. 36 th Street and S. Avenue 8 1/2E										
Parcel Number(s):	699-34-012, 699-41-155, & 699-49-002										
Parcel Size(s):	012: 867,393 SF; 155: 903,761; 002: 10,067 SF										
Total Acreage:	40.8912										
Proposed Dwelling Units:	177										
Address:	Not yet assigned										
Applicant:	Stewart Title and Trust of Phoenix, Inc.										
Applicant's Agent:	Jacobson Companies, Inc.										
Land Use Conformity Matrix:	Conforms:		Yes	X	No						
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	Use(s) on-site	General Plan Designation
Site	Cielo Verde Specific Plan (CVSP-R)	Vacant desert	Low Density Residential/Commercial Medium Density Residential
North	Cielo Verde Specific Plan (CVSP-C)	Vacant desert	Commercial/ Medium Density Residential
South	Cielo Verde Specific Plan (CVSP-R)	Cielo Verde Unit 5	Low Density Residential
East	Residence-Manufactured Home (R-MH)	Savant Estates	Low Density Residential
West	Cielo Verde Specific Plan (CVSP-R)	Retention basin	Low Density Residential/ Commercial

Prior Cases or Related Actions:				
Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	O97-075 (12/19/97)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes	X	No	Cielo Verde Specific Plan (R2001-30)
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes	X	No	PDM-16262-2016 (12/06/16)
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee #2001-34657
Land Division Status:	Parcels are legal lots of record.			
Irrigation District:	None			
Adjacent Irrigation Canals & Drains:	N/A			
Water Conversion: (5.83 ac ft/acre)	N/A			
Water Conversion Agreement Required	Yes		No	X

II. ZONING CODE AND DISTRICT DEVELOPMENT STANDARDS

Standard	Subdivision				Conforms				
	Lot Size	Minimum:	4,513.1 SF		Maximum:	17,257.4 SF		Yes	X
Lot Depth	Minimum:	71.66 SF		Maximum:	172.48 SF		Yes	X	No
Lot Width/Frontage	Minimum:	40 FT		Maximum:	208.52 FT		Yes	X	No
Setbacks	Front:	15		Rear:	10		Side:	7	
District Size	40.89	Acres				Yes	X	No	
Density	4.32	Dwelling units per acre				Yes	X	No	
Issues: None									

III. SUBDIVISION CODE DEVELOPMENT STANDARDS

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes	X	No		N/A	
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes	X	No		N/A	
Business or Industrial	Yes		No		N/A	X
Issues: None						

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes	X	No		N/A	
Double Frontage	Yes	X	No		N/A	
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						

IV. CITY OF YUMA GENERAL PLAN

Land Use Element:										
Land Use Designation:				Low Density Residential/Commercial/Medium Density Residential						
Issues:				None						
Historic District:	Brinley Avenue			Century Heights			Main Street		None	X
Historic Buildings on Site:				Yes		No	X			
Transportation Element:										
FACILITY PLANS										
TRANSPORTATION MASTER PLAN				Planned	Existing	Gateway	Scenic	Hazard	Truck	
Avenue 8 1/2E- 2 Lane Collector				40 FT H/W	49 FT H/W					
Bicycle Facilities Master Plan				Avenue 8 1/2E Bike Lane						

YCAT Transit System	None							
Issues:	None							
Parks, Recreation and Open Space Element:								
Parks and Recreation Facility Plan								
Neighborhood Park:	Existing: Saguaro Park			Future: Saguaro Park				
Community Park:	Existing: Kennedy Park			Future: Aqua Viva Park				
Linear Park:	Existing: East Main Canal Linear Park			Future: Gila Gravity Main Canal Linear Park				
Issues:	None							
Housing Element:								
Special Need Household:	N/A							
Issues:	None							
Redevelopment Element:								
Planned Redevelopment Area:	N/A							
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X		
Conforms:	Yes		No		N/A	X		
Conservation, Energy & Environmental Element:								
Impact on Air or Water Resources	Yes		No	X				
Renewable Energy Source	Yes		No	X				
Issues:	None							
Public Services Element:								
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected	Police	Water		Wastewater	
	<i>Single Family</i>		Population	Impact	Consumption		Generation	
	Proposed	Per Unit		Officers	GPD	AF	GPD	
	177	2.8	496	0.94	148,680	166.6	49,560	
Fire Facilities Plan:	Existing: Fire Station No. 5			Future: Fire Station No. 7				
Water Facility Plan:	Source:	City	X	Private	Connection	8" PVC at Eagle Drive		
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	12" PVC at Eagle Drive		
Issues:	None							
Safety Element:								
Flood Plain Designation:	Zone X		Liquefaction Hazard Area:			Yes	No	X
Issues:	None							
Growth Area Element:								
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.			
	North End	Pacific Ave & 8 th St		Estancia	None	X		
Issues:	None							

NOTIFICATION

- Legal Ad Published: The Sun 04/17/20
- 300' Vicinity Mailing: 03/23/20
- 34 Commenting/Reviewing Agencies noticed: 03/26/20
- Site Posted: 03/25/20
- Neighborhood Meeting: n/a
- Hearing Dates: 05/11/20
- Comments Due: 04/06/20

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.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	03/31/20	X		
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	03/30/20	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Franklin, Fire	YES	03/26/20	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/03/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				

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

PUBLIC COMMENTS RECEIVED: NONE

CIELO VERDE UNIT 6 PHASE II

A SUBDIVISION OF A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT/ LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 OF THE YUMA COUNTY RECORDER'S OFFICE LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HAS THIS DAY _____ OF _____, 2024, CAUSED A PORTION OF PARCEL 11a, CIELO VERDE RETENTION BASIN LOT SPLIT / LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 AT THE YUMA COUNTY RECORDERS OFFICE, AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS, STREETS AND TRACTS UNDER THE NAME OF CIELO VERDE UNIT 6 PHASE II, AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF SAID LOTS, STREETS AND TRACTS CONSTITUTING SAID CIELO VERDE UNIT 6 PHASE II, AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER, THE STREETS BY THE NAME AND THE TRACTS BY THE LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AS TRUSTEE, UNDER TRUST No. 2007-100, HEREBY DEDICATES TO THE CITY OF YUMA FOR ITS USE AND BENEFIT THE STREETS, TRACTS "B" AND "C" ARE DEDICATED TO THE CITY OF YUMA FOR LANDSCAPE AND STORM WATER SEWER SYSTEM, WALKWAYS & UTILITIES PURPOSES, AND THE EASEMENTS ARE DEDICATED TO THE USE SHOWN FOR ITS USE DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH.

IN WITNESS WHEREOF, STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE, UNDER TRUST No. 2007-100, HAS CAUSED ITS CORPORATE NAME TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF ITS ASSISTANT SECRETARY, THEREUNTO DULY AUTHORIZED.

STEWART TITLE & TRUST OF PHOENIX, INC., AS TRUSTEE

TAMMY J. LEWIS, ASSISTANT SECRETARY

ACKNOWLEDGEMENT

STATE OF ARIZONA } ss
COUNTY OF YUMA }
ON THIS _____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TAMMY J. LEWIS WHO ACKNOWLEDGED HERSELF TO BE ASSISTANT SECRETARY OF STEWART TITLE & TRUST OF PHOENIX, INC., A DELAWARE CORPORATION, AND THAT SHE AS SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE CORPORATION, BY HERSELF, AS ASSISTANT SECRETARY. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____
DATE

NOTARY PUBLIC

LAND SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF TWO (2) SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING OCTOBER, 2019; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDATION OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.



REGISTERED LAND SURVEYOR NO. 40522
RAUL GARCIA MOLINA

APPROVALS

STATE OF ARIZONA }
COUNTY OF YUMA } ss
THIS SUBDIVISION AS SHOWN HEREON HAS BEEN APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA ON THIS _____ DAY OF _____ 2024.

APPROVED _____
CITY OF YUMA PLANNING DIRECTOR DATE

MAYOR

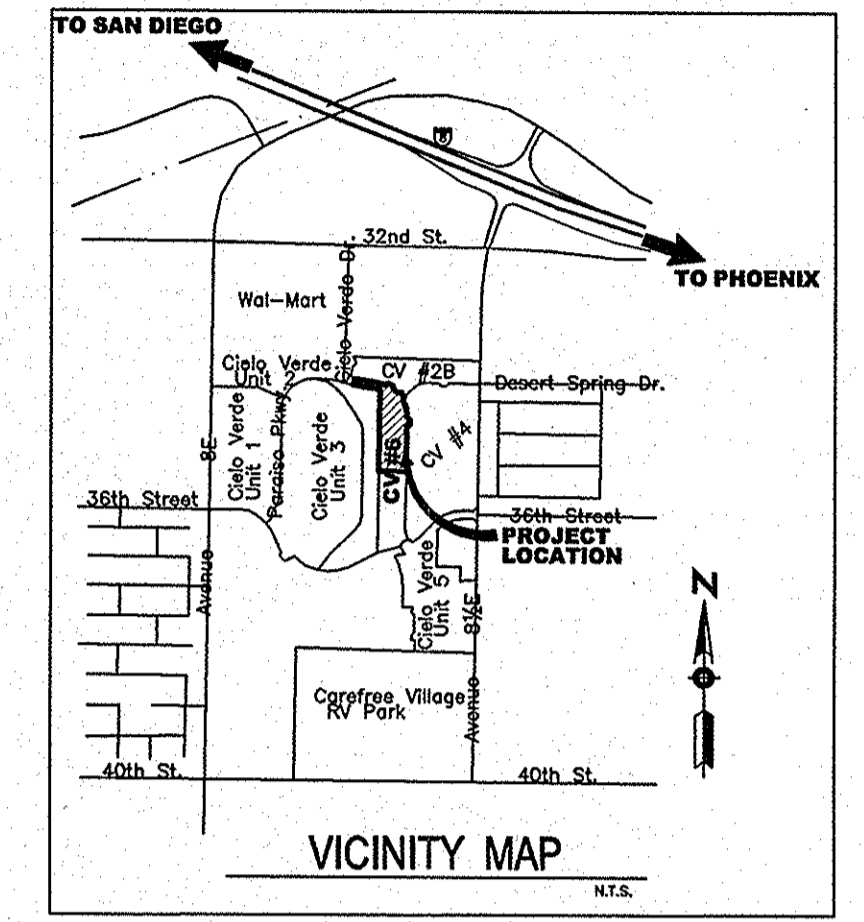
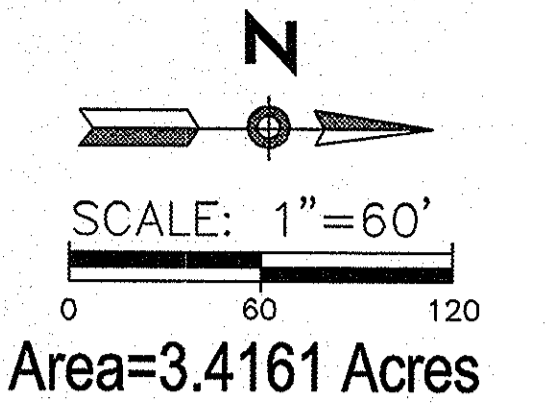
APPROVED _____
CITY OF YUMA ENGINEER DATE

ATTEST _____
CITY OF YUMA CLERK

THE USE OF THE SUBDIVIDED PROPERTY IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED CONCURRENTLY HEREWITH.

FINAL PLAT FOR CIELO VERDE UNIT 6 PHASE II

A SUBDIVISION OF A PORTION OF PARCEL 11a, OF CIELO VERDE RETENTION BASIN LOT SPLIT/ LOT TIE AS RECORDED ON BOOK 27 OF PLATS, PAGE 100 OF THE YUMA COUNTY RECORDER'S OFFICE LOCATED IN PORTION OF SECTION 11, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA



CIELO VERDE UNIT #2
RECORDED IN BOOK 25, PAGES 69 & 70

APN 699-42-900
EXISTING
RETENTION BASIN
BK.27 OF PLATS, PG.100

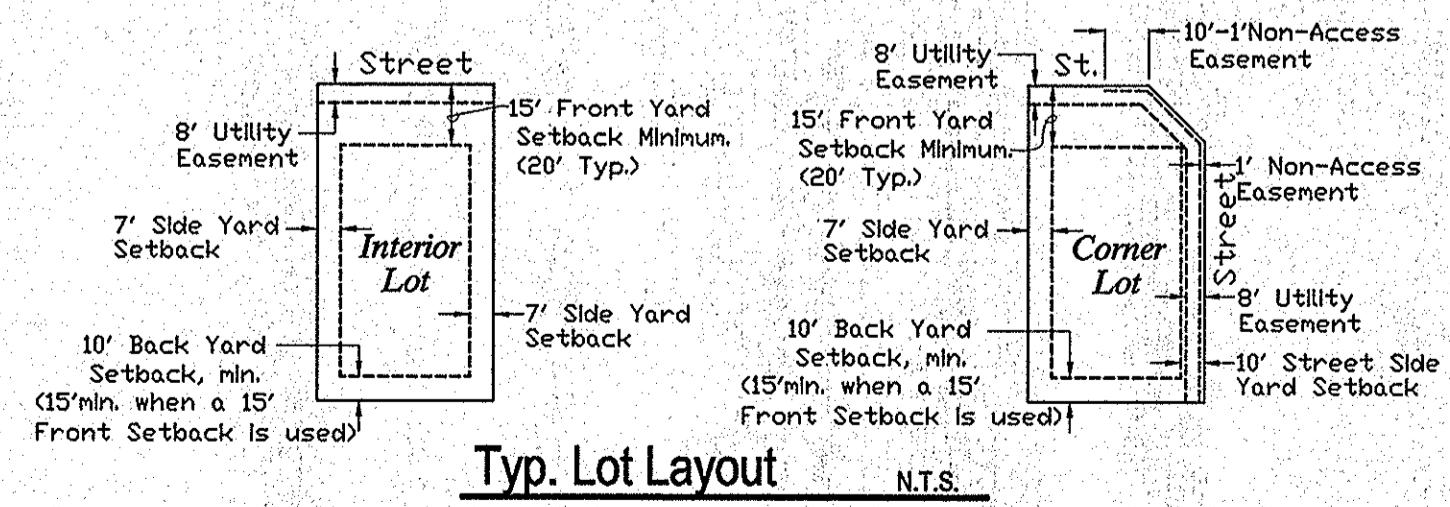
APN 699-42-900
CIELO VERDE UNIT 6 PHASE I
BK.34 OF PLATS, PAGES 85-86.

APN 699-41-155
UNDEVELOPED
CIELO VERDE SPECIFIC PLAN

CIELO VERDE UNIT 4 PHASE II
AS RECORDED IN BOOK 33 OF PLATS
PAGE 43.

CIELO VERDE UNIT #5
BOOK 28 OF PLATS, PAGE 97 & 98
APN 699-50-001

CURVE TABLE				LINE TABLE		
CURVE	DELTA ANGLE	RADIUS	LENGTH	LINE	BEARING	LENGTH
C1	55°46'16"	25.00'	24.33'	L1	N45°03'12"W	35.36'
C2	291°32'32"	55.00'	279.86'	L2	N44°56'48"E	35.36'
C3	08°27'41"	2000.00'	295.36'	L3	N26°47'29"E	52.18'
C4	84°07'28"	300.00'	440.48'			
C5	77°53'54"	270.00'	367.09'			
C6	22°26'18"	200.00'	78.32'			
C7	35°31'59"	450.00'	279.08'			
C8	57°22'19"	400.00'	400.53'			
C9	22°26'18"	230.00'	90.07'			



- LEGEND**
- - FOUND AS NOTED
 - - SET CITY OF YUMA STANDARD MONUMENT NO. 4-050 OR AS NOTED
 - - SET CITY OF YUMA STANDARD STREET MONUMENT NO. 4-080 STAMPED L.S. 16552
 - ◆ - SET CITY OF YUMA STANDARD MONUMENT NO. 4-050 STAMPED L.S. 16552
 - ◇ - FOUND CITY OF YUMA STANDARD MONUMENT NO. 4-050 OR AS NOTED
 - - SET 1/2" REBAR WITH CAP AT ALL LOT CORNERS
 - * - FINISH FLOOR ELEVATION TO BE 12" ABOVE TOP OF CURB FRONTING THE LOT
- B.O.B.** - Basis of Bearing.
The East line of the Southwest quarter of Section 11, Township 9 South, Range 22 West Gila & Salt River Base & Meridian Yuma County, Arizona as shown on the recorded "Cielo Verde Lot Split" on Book 25 of Plats Page 73.
Namely: S00°02'16"E
- (R) - RECORDED
 - (M) - MEASURED
 - (C) - CALCULATED
 - 1'NAE - One foot non-access easement.
 - 8'PUE - 8 feet Public Utilities Easement.
 - COR THIS SUB'D - Corner of this Subdivision.

ZONING:
CIELO VERDE SPECIFIC PLAN - RESIDENTIAL

NOTES
1.- A COPY OF THE CC&RS WILL BE RECORDED CONCURRENTLY WITH THIS PLAT.

OWNER:
STEWART TITLE & TRUST OF PHOENIX, Inc. as Trustee, under Trust No. 2007-100
1540 S. 2ND AVENUE YUMA, ARIZONA 85364

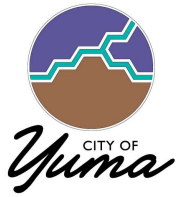
ENGINEER:
JACOBSON ENGINEERING
1334 S. 5TH AVENUE YUMA, ARIZONA 85364
(928) 782-1801

FLOOD ZONE:
FLOOD ZONE FOR PROJECT LOCATION IN ZONE 'X' AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 04027C1656E DATED AUGUST 28, 2008.

Raul Garcia
RAUL GARCIA
M.L.N.A.
5-1-2024
ATLANTA, U.S.A.
EXPIRES 3-31-2025

DATE: 3/24 JOB No: 2980
PREPARED BY:

JACOBSON ENGINEERING
CIVIL ENGINEERS/PLANNERS/SURVEYORS
1334 S. 5TH AVENUE, YUMA, ARIZONA 85364



City of Yuma

City Council Report

File #: R2024-040

Agenda Date: 8/7/2024

Agenda #: 1.

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

TITLE:

Preannexation Development Agreement: 9759 S. Avenue 9E

SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement with Feliciano Lopez and Mallappa Neelappa for the property located at 9759 S. Avenue 9E (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The approval of this Preannexation Development Agreement will facilitate the connection of City services for the already developed site. This request furthers City Council’s strategic outcomes of Safe and Prosperous and Connected and Engaged.

REPORT:

Feliciano Lopez and Mallappa Neelappa own the parcel located at 9759 S. Avenue 9E (APN 669-61-005) (Property). The Owners have requested a Preannexation Development Agreement to connect to City of Yuma services. The property is currently developed and features a single-family residence. In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with Feliciano Lopez and Mallappa Neelappa for the property shown on the location map.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

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

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024

RESOLUTION NO. R2024-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH FELICIANO LOPEZ AND MALLAPPA NEELAPPA FOR THE REAL PROPERTY LOCATED AT 9759 S. AVENUE 9E

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

WHEREAS, the owners of certain real property located at 9759 S. Avenue 9E (the Property) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

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

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

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

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

SECTION 1: The Preannexation Development Agreement between Feliciano Lopez and Mallappa Neelappa and the City of Yuma, attached as Exhibit A and incorporated as part of this resolution by reference, is approved according to its terms.

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

Adopted this _____ day of _____ 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**EXHIBIT A
RESOLUTION NO. R2024-040**

PREANNEXATION DEVELOPMENT AGREEMENT

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between Feliciano Lopez and Mallappa Neelappa (“Owner”), as the owners of the real property located at 9759 S. Avenue 9E (APN 669-61-005), more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owners and City shall be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

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

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

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

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

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

2. Term. In consideration of the City’s commitment to furnish water service and, if sanitary sewer service should become available in the City’s normal course of construction, sanitary sewer service to any existing or future buildings on the Property, it is the intent of the Parties that this Agreement will commence and become operative on the date of its execution (the “Effective Date”), and terminate when the obligations of the Parties with respect to annexation are fully complied with, or the Parties mutually provide for termination in writing, whichever occurs first. Normal course of construction shall be interpreted to mean when such sanitary sewer service is available in the City’s absolute discretion and on the City’s schedule. In accordance with the Parties’ intent, the furnishing of water service shall begin on the Effective Date, either prior to or after annexation.

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

3.1. Owner and any subsequent owners of the Property agree that within ten (10) days of written request by an authorized representative of the City of Yuma, Owner or any subsequent owners or Owners successors will sign an annexation petition seeking to annex the entire Property into the City of Yuma

municipal boundaries. Upon receipt of the signed annexation petition, the City agrees to proceed with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.* and, if determined to be in the best interest of the City, adopt the final ordinance annexing the property into the City of Yuma corporate limits.

3.2. Upon annexation of the Property, City staff will bring forward to City Council a request for rezoning the Property to a zoning district in the City's Zoning Code that is consistent with A.R.S. § 9-471 (L) which will permit densities and uses no greater than those permitted by Yuma County immediately before annexation.

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

5. City of Yuma Development Fees and Water and Sewer Capacity Charges. A material consideration for the Parties' willingness to enter into this Agreement is to make City utility service available to the Property on the same terms and conditions as any other development within the City. To accomplish this, beginning on the Effective Date, any development and use of the Property shall require the payment to the City of all City of Yuma Development Fees for any new construction (defined as any building construction commenced within two years prior to or any time after the Effective Date), including the streets facilities development fee, the police facilities development fee, the fire facilities development fee, the general government facilities development fee, water and sanitary sewer capacity and connection charges, water system development charges, sanitary sewer interceptor charge, any water or sewer payback amounts, and a payment to the City in lieu of tax ("PILOT") on any new construction that would otherwise have been due to the City if the building permit had been issued and the construction had occurred after annexation, equivalent to 1.7% of 65% of the total construction cost. Payment of all capacity, PILOT and development fees to the City under this Section 5 shall be made prior to City issuance of any water meter, connection to City water and/or sewer, or issuance of a City building permit. In order to calculate the PILOT, Owner shall require each contractor and subcontractor having taxable activities in connection with development of the Property furnish the City with a worksheet showing all gross income received by them for the construction. If Owner provides satisfactory documentation showing that the City tax on construction has already been paid, no payment in lieu of City taxes on construction shall be due. Until such time as annexation is complete, Owner and City acknowledge that Sanitation (solid waste), Emergency Medical Service, Police, and Emergency Fire Response to the Property shall be through a Yuma County provider, but that upon annexation, such services shall be provided by the City of Yuma in accordance with Applicable Laws. Upon Owner's execution of this Agreement, prior to or upon annexation of the Property, water service to the Property shall be available in accordance with Applicable Laws and the terms of this Agreement. Monthly water and any sanitary sewer service charges shall be paid in accordance with and governed by the City of Yuma Utility Regulations.

6. Additional Requirements. Prior to conveyance or transfer of any portion of the Property to a third party or the issuance of any water meter, fire service (water) connection, sewer connection, or any other permit for the Property, Owner shall record against title to the Property, utilizing the City's standard forms for such matters:

6.1 Avenue 9E Right-of-Way Dedication. Owner shall dedicate to the City by delivery of a warranty deed, right-of-way along the Property's Avenue 9E frontage to meet the requirements of a Minor Arterial.

6.2 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S.

Marine Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

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

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

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

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

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

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

9. City and Owner Cooperation.

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

plans, specifications, plats or other development approvals shall be required.

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

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

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

To Owners:
Feliciano Lopez
P.O. Box 279
San Luis, AZ 85349

Mallappa Neelappa
2204 W. 12th Street
Yuma, AZ 85364

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

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

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

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

11.2 Delays; Waivers. Except as otherwise expressly provided in this Agreement, any delay by any Party in asserting any right or remedy under this Agreement shall not operate as a waiver of any such rights or limit such rights in any way; and any waiver in fact made by such Party with respect to any default by the other Party shall not be considered as a waiver of rights with respect to any other default by the Non-Defaulting Party or with respect to the particular default except to the extent specifically waived in writing. It is the intent of the Parties that this provision will enable each Party to avoid the risk of being limited in the exercise of any right or remedy provided in this Agreement by waiver, laches or otherwise at a time when it may still hope to resolve the problems created by the default involved.

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

12. Owner Representations. Owner represents and warrants that:

- a. Owner has the full right, power and authorization to enter into and perform this Agreement and the obligations and undertakings of Owner under this Agreement, and the execution, delivery and performance of this Agreement by Owner has been duly authorized, agreed to, and is in compliance with any organizational documents of Owner.
- b. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.
- c. Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.
- d. As of the date of this Agreement, Owner knows of no litigation, proceeding or investigation pending or threatened against or affecting Owner, which could have a material adverse effect on Owner's performance under this Agreement that has not been disclosed in writing to City.
- e. This Agreement (and each undertaking of Owner contained herein) constitutes a valid, binding and enforceable obligation of Owner according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.
- f. The execution, delivery and performance of this Agreement by Owner is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which Owner is a party or to which owner is otherwise subject.

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

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

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

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

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

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

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

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

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

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

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

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

16. Attorneys' Fees. In the event of commencement of a legal action in an appropriate forum by a Party to enforce any covenant or any of such Party's rights or remedies under this Agreement, including any action

for declaratory or equitable relief, the prevailing Party in any such action shall be entitled to reimbursement of its reasonable attorneys' fees and court costs, including, but not limited to, its costs of expert witnesses, transportation, lodging and meal costs of the Party and witnesses, costs of transcript preparation and other reasonable and necessary direct and incidental costs of such dispute.

17. Miscellaneous.

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

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

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

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

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

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

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

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

17.9 Further Acts. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments

as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement or confirm the status of (i) this Agreement as in full force and effect, and (ii) the performance of the obligations hereunder at any time.

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

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

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

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

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

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

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

[Remainder of page intentionally left blank]

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

Dated this _____ day of _____, 2024.

CITY:
CITY OF YUMA

OWNERS:
Feliciano Lopez and Mallappa Neelappa

By _____
John D. Simonton
Acting City Administrator

By _____
Feliciano Lopez
Property Owner

By _____
Mallappa Neelappa
Property Owner

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Richard W. Files
City Attorney

ACKNOWLEDGEMENTS

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Feliciano Lopez.

NOTARY PUBLIC

COMMISSION EXPIRATION:

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Mallappa Neelappa.

NOTARY PUBLIC

COMMISSION EXPIRATION:

EXHIBIT 1

Legal Description and Depiction of Property

A portion of land located in the Southwest Quarter of the Southwest Quarter of Section 36, Township 8 South, Range 22 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;

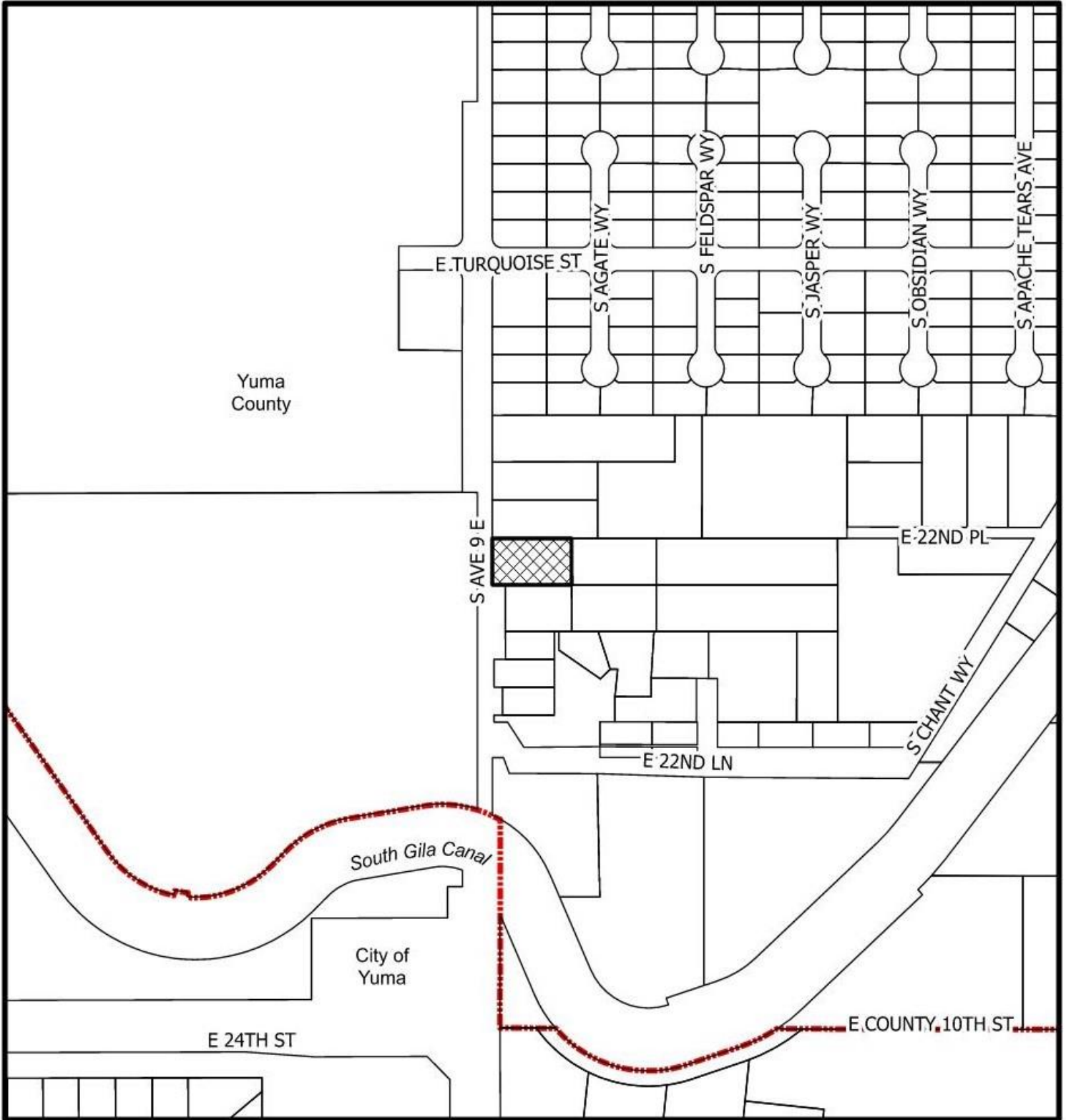
The West 213.00' feet of the South 395.00' feet of the North Half of the Southwest Quarter of the Southwest Quarter of said Section 36;

EXCEPT the South 295.00' feet thereof; and

EXCEPT the West 33.00' feet thereof; and

EXCEPT all gas, oil, metals and mineral rights as reserved to the State of Arizona in Patent recorded in Docket 358, Page 416

Containing 18,000.00 sq. ft. or 0.41 of an acre more or less.



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



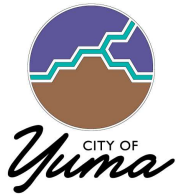
Date: 5/9/2024

Revised:

Revised:

Case #:

AGR-42726-2024



City of Yuma

City Council Report

File #: O2024-018

Agenda Date: 8/7/2024

Agenda #: 1.

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

TITLE:

Acceptance of Historic Properties

SUMMARY RECOMMENDATION:

Authorize the City of Yuma to acquire ownership of: (1) the Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma, Arizona, and (2) the Molina Block located at 272 Madison Avenue, Yuma, Arizona from the Arizona Historical Society. (City Administrator) (Jay Simonton)

STRATEGIC OUTCOME:

This item furthers City Council’s strategic outcome of Connected and Engaged.

REPORT:

On March 25, 2024, Governor Hobbs approved SB 1441 directing the Arizona Historical Society to convey to the City of Yuma ownership of the following land and buildings:

1. The Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma, Arizona, and
2. The Molina Block located at 272 Madison Avenue, Yuma, Arizona.

SB 1441 requires the City of Yuma to use the transferred land and buildings “for public purposes perpetually” and forbids the property from being “sold, exchanged or bartered.”

The president of the Arizona Historical Society is required to deliver a properly signed and recorded deed to the City of Yuma within 15 days after SB 1441 becomes effective, which will be 91 days after the current legislative session is over.

For the City of Yuma to acquire these properties, Yuma City Charter, Article VII, Section 6(g) requires City Council to adopt an ordinance authorizing the acquisition and agreeing to the conditions imposed by SB 1441.

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 fiscal impact of this proposed ordinance is expected to be limited to the cost of maintaining and insuring the historic properties.

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: 07/29/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/29/2024

ORDINANCE NO. O2024-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUMA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF
CERTAIN HISTORIC PROPERTIES**

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

WHEREAS, Governor Hobbs recently approved SB 1441 directing the Arizona Historical Society to convey ownership of the following land and buildings (“Historic Properties”) to the City:

1. The Sanguinetti House Museum and Gardens and Jack Mellon House located at 240 South Madison Avenue, Yuma, Arizona, and
2. The Molina Block located at 272 Madison Avenue, Yuma, Arizona; and,

WHEREAS, SB 1441 requires the City to use the Historic Properties “for public purposes perpetually” and forbids the Historical Properties from being “sold, exchanged, or bartered;” and,

WHEREAS, the president of the Arizona Historical Society is required to deliver a properly signed and recorded deed to the City of Yuma within fifteen days after SB 1441 becomes effective, which will be on or before September 29, 2024; and,

WHEREAS, to acquire the Historic Properties the Yuma City Charter, Article VII, Section 6(g), requires City Council to adopt an ordinance authorizing the acquisition and agreeing to the conditions imposed by SB 1441.

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

SECTION 1: The City Administrator is authorized and directed to accept ownership of the Historic Properties to be conveyed to the City with the conditions imposed by SB 1441.

Adopted this __ day of August, 2024.

APPROVED:

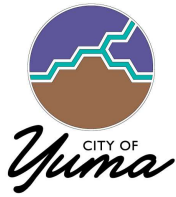
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: O2024-027

Agenda Date: 8/7/2024

Agenda #: 2.

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

TITLE:

Text Amendment: Conditional Uses within the General Commercial District

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E, to amend the list of Conditional Uses to include cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District. (Planning and Neighborhood Services) (Alyssa Linville)

STRATEGIC OUTCOME:

The proposed text amendment will address the need to create a community where all uses and activities are mutually in balance. The proposed amendment supports the City Council’s strategic outcome of Respected and Responsible.

REPORT:

The current City of Yuma Zoning Code allows cemeteries as conditional uses in several districts, including the Agriculture District, Suburban Ranch Districts, Residential Estate Districts, Low Density Residential Districts, Medium Density Residential Districts, and High Density Residential Districts. The Yuma City Code does not specify a minimum acreage requirement for cemetery development within these districts, nor does the Yuma City Code allow cemeteries as a conditional use in the General Commercial (B-2) District.

The two cemeteries situated within the City of Yuma were developed in the late 1800’s and early 1900’s in what is now a General Commercial (B-2) District. The proposed text amendment will permit cemeteries in the B-2 District with a minimum area of 15 acres, subject to approval through a Conditional Use permit.

On June 24, 2024, the Planning and Zoning Commission voted to recommend APPROVAL (4-0) of the request by Arick Dombrowski on behalf of Yuma Memorial Park, LLC, for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 8, Section 4, General Commercial District, Subsection E to amend the list of Conditional Uses to include cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District.

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

QUESTIONS FOR STAFF

“Joshua Scott - Planning and Zoning Commissioner asked if the request would apply to a specific location

or Citywide.

“Erika Peterson - Associate Planner said it would be a Citywide text amendment.

“Scott then asked, if once the applicant had a location and applied for a Conditional Use Permit, would the neighboring properties have an opportunity to submit comments.

“Peterson confirmed.

APPLICANT/APPLICANT’S REPRESENTATIVE

“Arick Dombrowski, 3880 S. 4th Avenue, Yuma, AZ was available for questions.

“Chelsea Malouff - Planning and Zoning Commissioner asked the applicant for the location of the subject property.

“Dombrowski said that the location was North of 40th Street near 3880 S. 4th Avenue.

PUBLIC COMMENT

None

MOTION

“Motion by Ashlie Pendleton - Planning and Zoning Commissioner, second by Malouff to APPROVE ZONE-42689-2024 as presented.

“Motion carried unanimously, (4-0).’

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	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:

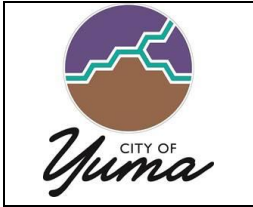
NONE

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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



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

Hearing Date June 24, 2024

Case Number: ZONE-42689-2024

Project Description: This is a request by Arick Dombrowski, on behalf of Yuma Memorial Park, LLC, for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E to amend the list of Conditional Uses to include Cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E to amend the list of Conditional Uses to include Cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-42689-2024 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 amend Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E to amend the list of Conditional Uses to include Cemeteries on a minimum area of 15 acres as a Conditional Use within the General Commercial (B-2) Zoning District.

Staff Analysis: The current City of Yuma Zoning Code allows cemeteries as conditional uses in several districts, including the Agriculture District, Suburban Ranch Districts, Residential Estate Districts, Low Density Residential Districts, Medium Density Residential District, and High Density Residential District. However, the code does not specify a minimum acreage requirement for cemetery development within these districts.

While the community primarily experiences residential and commercial development, it's essential to maintain a balance and consider expanding certain uses to other zoning districts. The proposed text amendment aims to broaden the conditional uses permitted in the General Commercial (B-2) District. Currently, this district allows mortuaries, crematories, funeral parlors, and columbariums as conditional uses, but not cemeteries. The amendment would permit cemeteries with a minimum area of 15 acres, subject to approval through a Conditional Use permit.

The two cemeteries situated within the City of Yuma were developed in the late 1800's and early 1900's. They are both located within the General Commercial (B-2) District.

The proposed text amendment was provided to local agencies for review. The Yuma County Water Users' Association (YCWUA) commented that they will review

and provide feedback on any land located within the YCWUA managed areas when Conditional Use Permit applications are submitted.

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

Yes. The City of Yuma General Plan Land Use Chapter Goal 1.0 addresses the need to create a community where all uses and activities are mutually in balance.

Goal 1.0: Create a community where all uses and activities are mutually in balance.

Objective 1.1: Ensure sufficient land suitably located and serviced to accommodate a desirable mix of residential, business, recreational, industrial, and public activities within the community.

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

Yes. This amendment fits the overall purpose and intent of the zoning ordinance.

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

Yes. This amendment will expand the conditional uses within the General Commercial zoning district.

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

No. This proposed text amendment will not change the development standards of the zoning or subdivision ordinances.

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

There are no potential impacts that have been 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?

N/A

Public Comments Received: None Received.

External Agency Comments: Attachment C.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

No Conditions of Approval

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By: *Erika Peterson*

Date: 5/28/2024

Erika Peterson
Associate Planner

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

Reviewed By: *Jennifer L. Albers*

Date: 5/30/24

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: 06/13/24

Alyssa Linville
Director, Planning and Neighborhood Services

**ATTACHMENT A
DRAFT TEXT**

**Draft Text Amendment
General Commercial (B-2) District – Conditional Use**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection E Conditional uses, be amended to insert the bolded text and delete the strike through text:

- (12) **Cemeteries on a minimum area of 15 acres.**
- ~~(12)~~ (13) Multiple food trucks on one property.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 5/31/2024
- 34 Commenting/Reviewing Agencies noticed: 5/9/2024
- Neighborhood Meeting: N/A
- Hearing Date: 6/24/2024
- Comments due: 5/20/2024

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	YES	5/10/2024	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	5/9/2024	X		
Yuma County Water Users’ Assoc.	NR	5/10/2024		X	
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	5/13/2024	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	5/9/2024	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	5/13/2024	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

**ATTACHMENT C
AGENCY COMMENTS**

5/10/2024

Hi Erika,

The YCWUA does not have any comments about this case. We will be addressing and making comments when individual cases are provided for comments involving land within/involving the YCWUA managed area.

Please let me know about any questions.

Thanks!!

Omar Peñuñuri
Yuma County Water Users' Association

ORDINANCE NO. O2024-027

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA,
AMENDING THE LIST OF CONDITIONAL USES WITHIN THE GENERAL
COMMERCIAL ZONING DISTRICT IN CHAPTER 154 OF THE YUMA CITY CODE**

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 June 24, 2024 in Case No: ZONE-42689-2024 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 May 31, 2024; 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-42689-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 8, Section 4, General Commercial District, Subsection E, Conditional Uses, is amended to insert the bolded text and delete the strike through text:

(12) **Cemeteries on a minimum area of 15 acres.**

~~(12)~~ (13) Multiple food trucks on one property.

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

Adopted this _____ day of _____, 2024.

APPROVED:

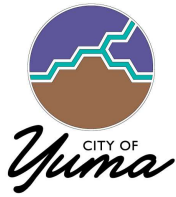
Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney



City of Yuma

City Council Report

File #: MC 2024-110

Agenda Date: 8/7/2024

Agenda #: 1.

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

TITLE:

Annexation Area No. ANEX-42924-2024: Irwin Trust

SUMMARY RECOMMENDATION:

This is a public hearing to consider the annexation of properties located in the vicinity of E. 28th Street and S. Rebecca Avenue. (ANEX-42924-2024). (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

The approval of this annexation will provide access to City resources and services. This annexation assists in furthering the City Council’s strategic outcome as it relates to Respected and Responsible.

REPORT:

The annexation area consists of two parcels of real property and the adjacent 28th Street right-of-way. The annexation area totals approximately 29.4 acres. The properties are owned by the Irwin Catherine H Trust dated 4-09-86 and the Irwin Testamentary Trust respectively. It is the property owners intent to sell the properties for future industrial development.

These properties are the subject of a Pre-annexation Development agreement adopted by the City Council on March 16, 2007 (R2007-15). The Pre-annexation Development Agreement identifies specific responsibilities of both the property owners and the City of Yuma. A responsibility of the property owners is to agree to annexation at such time as the City of Yuma may initiate that action. Development of the property is currently under discussion and as a result, the City has initiated this annexation to ensure development is in accordance with City development standards.

In accordance with Arizona law, a blank petition with a legal description and a map of the area to be annexed was filed with the Yuma County Recorder on July 18, 2024. There is a 30-day waiting period after recording the map and petition with the County Recorder before signatures can be obtained. During that time, a public hearing must be held by the City Council within the last 10 days of the 30-day waiting period. All appropriate and necessary notice and posting requirements have been met. After the 30-day waiting period and the public hearing, the following procedures must be followed.

The signatures of property owners must be obtained such that at least one-half of the value of real and personal property is represented and such that more than one-half of the parcel owners are

represented.

Within one year after the last day of the 30-day waiting period, completed petitions must be filed with the County Recorder.

An ordinance must be adopted by the City Council effectively changing the City boundaries to include the annexation area. The ordinance will become effective 30 days after adoption. No modifications, including increases or decreases to the territory to be annexed, may be made after the first property owner in the area signs the petition. This public hearing is held to comply with the annexation law, Section 9-471 of the Arizona Revised Statutes. The purpose is to notify all property owners of the proposed annexation and take public comment.

Pending receipt of the signed petition from the property owners after the annexation hearing, it is anticipated that the annexation ordinance will be heard by the City Council for introduction on September 4, 2024, with adoption on September 18, 2024.

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: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024

ANNEXATION PETITION ANEX-42924-2024
Irwin Trust Annexation

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF YUMA, ARIZONA:

We, the undersigned, owners of real and personal property, being the real property hereinafter described and all personal property that we may own in the area to be annexed, request the City of Yuma to annex our property, said property being located in a territory contiguous to the City of Yuma, Arizona, and being located within the following described area:

A portion of the Northeast Quarter of the Southwest Quarter of Section 6, Township 9 South, Range 22 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona, being more particularly described as follows;

Beginning at the West Quarter Corner of said Section 6, Township 9 South, Range 22 West,

Thence North $89^{\circ}53'00''$ East along the East West Mid-Section line of said Section 6 a distance of 1311.50' feet to a point on the Northwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 6 also being the Northeast Corner of Lot 12 of the Curtis Industrial Park (Phase 1), Plat, Fee# 1998, Dated 2-10/1998, and the TRUE POINT OF BEGINNING;

Thence South $00^{\circ}21'50''$ West along the West line of the Northeast Quarter of the Southwest Quarter of said Section 6 also being the East line of Lots 12-16 of said Curtis Industrial Park (Phase 1) Plat, a distance of 1321.20' feet to a point on the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 6,

Thence North $89^{\circ}47'40''$ East along the South line of the Northeast Quarter of the Southwest Quarter of said Section 6 also known as the North line of Lots 20-26 of said Curtis Industrial Park (Phase 1) Plat, a distance of 1317.76' feet to a point on the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 6,

Thence North $00^{\circ}21'00''$ West along the North-South Mid-Section line of said Section 6 a distance of 659.54' feet to a point on the Northeast Corner of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 6,

Thence Westerly along the North line of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter a distance of $658.38\pm$ feet to a point on the Northwest Corner of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 6,

Thence Northerly along the West line of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 6 a distance of $660.02\pm$ feet to a point on the North line of the Northeast Quarter of the Southwest Quarter also known as the East-West Mid-Section line of said Section 6,

Thence Westerly along the East-West Mid-Section line of said Section 6 a distance of 657.61± feet to the Northwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 6 also known as the Northeast Corner of said Lot 12 of the Curtis Industrial Park (Phase 1) Plat and being the TRUE POINT OF BEGINNING.

Containing 1,280,228.40 Sq. Ft. or 29.39 acres more or less.

In addition to the above description, any and all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the proposed annexation are part of the territory proposed to be annexed and will be included in any ordinance of annexation adopted as a result of this petition.

The City Council may determine the exact boundary of said territory to be annexed; provided, however, that said annexation area lies wholly within the above described area, and provided further, that the provisions of Section 9-471, Arizona Revised Statutes, are fully observed and complied with.

DATE	SIGNATURE	MAILING ADDRESS	PARCEL ID/ LEGAL DESCRIPTION

(Legal description can be Lot/Block/Subdivision; Book/Map/Parcel; or Metes and Bounds)

Print Name of Signatory above: _____

Property Owner:



ATTACHMENT A
STAFF RESEARCH – ANNEXATION
CASE #: ANEX-42924-2024
CASE PLANNER: JENNIFER ALBERS

I. PROJECT DATA

Project Location:		Vicinity of E. 28 th Street and S. Rebecca Drive							
Parcel Number(s):		197-06-033 and 197-06-035							
Parcel Size(s):		19.4 acres and 10 acres							
Total Acreage:		29.4							
Proposed Dwelling Units:		Maximum: 0		Minimum: 0					
Address:									
Applicant:		City of Yuma on behalf Irwin Catherine H Trust 4-09-86 and Irwin Testamentary Trust							
Applicant's Agent:									
Land Use Conformity Matrix:		Current Zoning District Conforms:		Yes	X	No			
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X	
Airport	Noise Contours	65-70	70-75	X	75+	APZ1	APZ2	CLEAR ZONE	

	Existing Zoning	Current Use	General Plan Designation
Site	County Heavy Industrial (HI-1)	Agriculture	Industrial
North	City Heavy Industrial (HI) and County Light Industrial (LI)	Undeveloped	Industrial
South	City Light Industrial (LI)	Industrial uses	Industrial
East	City Heavy Industrial (HI)	Undeveloped and Industrial uses	Industrial
West	City Light Industrial (LI) and City Heavy Industrial (HI)	Industrial uses	Industrial

Prior Cases or Related Actions:				
<u>Type</u>	<u>Conforms</u>			<u>Cases, Actions or Agreements</u>
Pre-Annexation Agreement	Yes	X	No	R2007-15 adopted 3/16/07 amended by R2007-27 adopted 5/30/07
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		No	Date: N/A
Enforcement Actions	Yes		No	N/A
Land Division Status:	Legal lots of record			
Irrigation District:	None			
Adjacent Irrigation Canals & Drains:	None			
Water Conversion: (5.83 ac ft/acre)	0.00 Acre Feet a Year			
Water Conversion Agreement Required	Yes		No	X

II. CITY OF YUMA GENERAL PLAN

Land Use Element:															
Land Use Designation:				Industrial											
Issues:															
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	
32 nd Street – Principal Arterial				62' HW		100' HW								X	
Bicycle Facilities Master Plan				32 nd Street - Proposed Shared Use Bike Path											
YCAT Transit System				32 nd Street – Orange Route											
Issues:															
Parks, Recreation and Open Space Element:															
Parks and Recreation Facility Plan															
Neighborhood Park:		Existing: None					Future: None								
Community Park:		Existing: None					Future: None								
Linear Park:		Existing: None					Future: None								
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:															
Population Impacts Population projection per 2016-2020 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan: Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person				Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation			
				<i>Non-residential</i>						Officers		GPD		AF	
				Maximum	Per Unit										
				0	0	0		0.00		0		0.0		0	
Minimum															
0	0	0		0.00		0		0.0		0					
Fire Facilities Plan:		Existing: Fire Station No. 5					Future: Fire Station No. 8								
Water Facility Plan:		Source:	City	X	Private	Connection:		Shari Avenue & Rebecca Avenue 8"							
Sewer Facility Plan:		Treatment:	City	X	Septic	Private		Connection: Ave 4E & 36 th St. 15"							
Issues:															
Safety Element:															
Flood Plain Designation:		500 Year Flood				Liquefaction Hazard Area:		Yes		No	X				
Issues:															

Growth Area Element:

Growth Area:	Araby Rd & Interstate 8	Arizona Ave & 16 th St	Avenue B & 32 nd St.		
Issues:	North End	Pacific Ave & 8 th St	Estancia	None	X

AERIAL







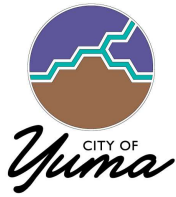
**Annexation Map Produced
Pursuant to A.R.S. §9-471**

NOT TO SCALE
COMMUNITY PLANNING AND
NEIGHBORHOOD SERVICES GIS

**City of Yuma, Arizona Annexation
Area No. ANEX-042924-2024**

-  City of Yuma
-  Annexation Area

The City of Yuma shall maintain the rights-of-way and roadways that are within the annexation boundaries. Yuma County shall maintain the rights-of-way and roadways that are contiguous to and outside the annexation boundaries.



City of Yuma

City Council Report

File #: MC 2024-111

Agenda Date: 8/7/2024

Agenda #: 1.

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

TITLE:

Variance Appeal: VAR-42542-2024 - 9616 E. 33rd Lane

SUMMARY RECOMMENDATION:

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

STRATEGIC OUTCOME:

NOT APPLICABLE

REPORT:

This appeal concerns the denial of a variance application sought by Appellant Mohamad Hasan. The variance was heard on May 9, 2024 before Hearing Officer Raymond Urias, who found that the request for variance did not meet the four (4) criteria necessary to grant a variance. The four criteria are found in Y.C.C. § 154-03.04 (D) and A.R.S. § 9-462.06.

BACKGROUND

Appellant Hasan sought the Hearing Officer’s approval of VAR-42542-2024 to increase the allowable fence height in the front yard setback from 30 inches to 7 feet. The Department of Planning and Neighborhood Services staff report for Appellant’s requested variance is attached to this City Council Report (Council Report) and recommends denial.

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

. . . shall grant a variance(s) only when findings of fact are made that all of the following conditions exist:

- (a) There is a special circumstance(s) or condition(s) that applies to the property,

building, or use referred to in the application, that does not apply to most other properties in the district.

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

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

PROCEDURE

The public hearing on Appellant's variance application was heard by Hearing Officer Raymond Urias. After taking testimony on Appellant's variance application, Hearing Officer Urias denied the Applicant's request to increase the allowable fence height in the front yard setback from 30 inches to 7 feet because the variance application failed to meet the four (4) criteria as required by Y.C.C. § 154-03.04(D). The minutes from the May 9, 2024 Hearing Officer Meeting are attached to this City Council Report.

After the variance hearing, City staff notified Appellant of the right to appeal the decision. Appellant indicated interest in lodging an appeal. On May 9, 2024, City staff provided information on the appeal to Appellant and Appellant timely filed the appeal. The May 9, 2024 Notice from the City and the May 10, 2024 response Notification of Appeal from Appellant are attached to this City Council Report.

On May 20, 2024, City staff sent Appellant Hasan the schedule for this appeal as well as deadlines for submission of any additional material by either the Appellee Department of Planning and Neighborhood Services or by Appellant Hasan. In that schedule, this appeal is scheduled for the regular City Council meeting on Wednesday, July 17, 2024; however, Appellant Hasan requested to continue this appeal to the next meeting date - August 7, 2024. Appellant's deadline to submit any additional material was June 10, 2024. Appellee Planning and Neighborhood Services deadline to submit any additional material was June 20, 2024. The May 20, 2024 schedule is attached to this City Council Report.

As of the date of this Council Report, Appellant Hasan opted not to submit any additional material before the Appellant's deadline and no attorney has entered an appearance on behalf of the Appellant. On June 20, 2024, Senior Planner, Amelia Domy, submitted a timely brief in support of the Hearing Officer's decision. The Department of Planning and Neighborhood Services brief is attached to this City Council Report.

STANDARD OF REVIEW

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

A.R.S. § 9-462.06(G)(2).

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

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

City Council will have an independent attorney representing the City Council in a quasi-judicial manner for the appeal hearing and decision of this matter. The appellant Hasan has the burden of proof. Discuss who will present first and how much time available to each side.

Hearing Officer Staff Report - Attached

Hearing Officer Minutes - Attached

May 9, 2024 Notice of Right to Appeal - Attached

May 10, 2024 Appellant’s Notice of Appeal - Attached

May 20, 2024 Appeal Schedule - Attached

Appellee Department of Planning and Neighborhood Services brief in support of the Hearing Officer’s decision dated June 20, 2024 - Attached

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

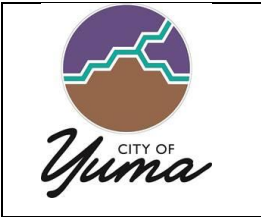
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 07/23/2024
Reviewed by City Attorney: Richard W. Files	Date: 07/22/2024



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

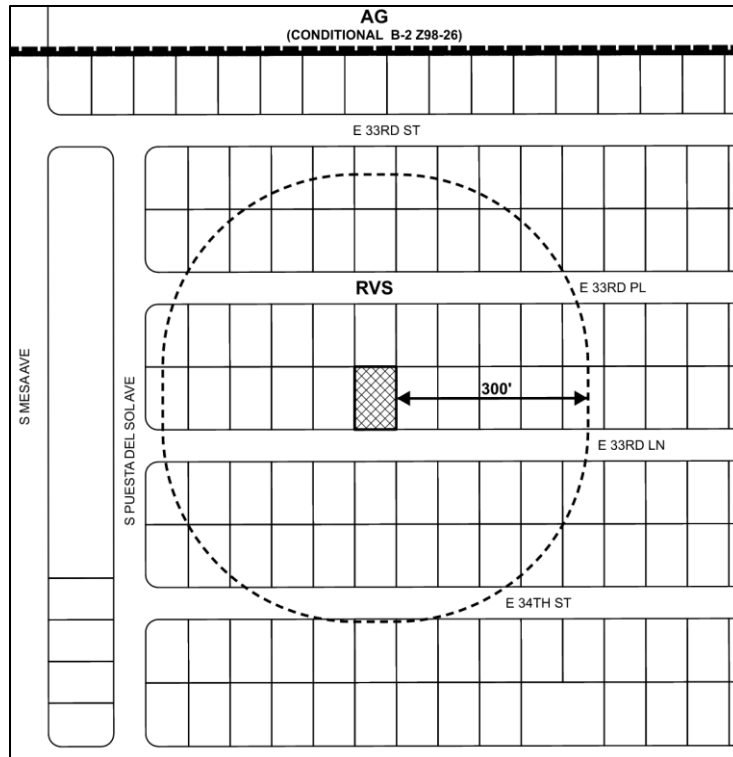
Hearing Date: MAY 9, 2024

Case Number: VAR-42542-2024

Project Description/Location: This is a request by Mohamad Hasan, for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Recreation Vehicle Subdivision (RVS) District	Residential	High Density Residential
North	Recreation Vehicle Subdivision (RVS) District	Residential	High Density Residential
South	Recreation Vehicle Subdivision (RVS) District	Residential	High Density Residential
East	Recreation Vehicle Subdivision (RVS) District	Residential	High Density Residential
West	Recreation Vehicle Subdivision (RVS) District	Residential	High Density Residential

Location Map:



Prior site actions: Annexation: Ord. O98-67 (September 17, 1998); Subdivision: Vista Del Sol Unit 1 (March 31, 1999); Code Enforcement Case No. CODE-BS-009089-2024

Staff recommendation:

Staff recommends **DISAPPROVAL** of the request to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ, because it does not meet the criteria of §154-03.04 of the Yuma City Code.

Although staff is not recommending approval, if a variance is granted staff recommends that the variance be conditioned to include conditions listed in Attachment A.

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

Staff Analysis:

The subject property is located along 33rd Lane, within the Vista Del Sol Unit 1 Subdivision. The property was Annexed in 1998 and subdivided in 1999.

The parcel is approximately 6,370 square feet in size and zoned Recreation Vehicle Subdivision (RVS) District. The property is subject to the following development standards: minimum 10 foot front yard setback, 5 foot side yard setback, and 10 foot rear yard setback. Additionally, no fence higher than 30 inches is permitted within a street setback or visibility triangle.

According to Yuma County assessor records, the property owner purchased the property on April 15, 2022. The applicant contacted City Staff prior to constructing the wall to discuss fence height requirements within the Vista Del Sol Unit 1 Subdivision. At the time, the property owner was informed about the 30 inch fence height limitation within the front yard setback. The property owner proceeded with the construction of a wrought iron addition to the existing brick wall within the front yard setback, resulting in a 7 foot tall wall along the front property line. After the wall was constructed, Code Enforcement initiated a code violation case (CODE-BS-009089-2024). On March 3, 2024, the property owner was mailed a notice of violation for the construction of a 7 foot tall wall within the front yard setback.

The property owner is now requesting a variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet to keep the existing fence along the front property line.

A neighborhood meeting was held on April 18, 2024, in which several neighbors were in attendance. Two neighbors noted that they did not have any concerns with the wall; however, a majority of the neighbors had concerns with fire department access to the property, safety, and traffic.

After analyzing the subject property, staff has determined that there are no special circumstances regarding this property in relation to its size, shape, or elevation. Additionally, the applicant has not demonstrated a special circumstance that applies to the property that would warrant a variance. The applicant has also constructed 7 foot tall block wall outside the front yard setback, which is permitted in the zoning code. The existing 7 foot tall block wall outside the setback provides the security the property owner is requesting.

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

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

Is this statement correct for this application?

Yes No

Applicant Response: “The city of Yuma is aware of a lot of similar properties violations in the vicinity of the same zoning area, but the entire focus is only on me!”

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance or condition does not apply to the property that does not apply to most other properties within the district and surrounding development. This property has the same size, topography, and shape as most other properties within the neighborhood. Because there is no special circumstance that applies to this property, approval of this variance would grant special privileges to the property owner. In addition, approval of this variance may set a precedent for other variances to be pursued within this neighborhood and zoning district.

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

Is this statement correct for this application?

Yes No

Applicant Response: “No”

Staff Analysis: There is no special circumstance that applies to this property. The property owner was informed of the 30 inch fence height requirement in the front yard setback within the Recreational Vehicle Subdivision (RVS) District and proceeded to construct the fence.

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

Is this statement correct for this application?

Yes No

Applicant Response: “The variance is an extreme necessity for all property owners for the following reasons:

“1- I have an email from the Electricity Company (APS) stating that the Electric Pedestal” if vandalized or attacked under any case will be my responsibility to pay for a replacement cost of about \$5,000 which means that protecting it by me is a must which is prohibited by “City of Yuma” to protect it as I’m herein doing this.

“2 - The 30” maximum height is making the attack on the property by any criminal specially if there is unrest, widespread protest or looting a lot easier to trespass the property which will force the property owner to use the deadly force right away on everyone attacking which will lead to bigger legal problems that could have been prevented from the beginning if the City of Yuma would have allowed this variance.”

Staff Analysis: The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. All property owners within the Vista Del Sol Unit No. 1 are required to comply with the development standards of the Recreation Vehicle Subdivision (RVS) District, including fence height requirements. Properties within the neighborhood have similar electric pedestals and are similar in size as the subject property. The granting of the variance should not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the district.

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

Is this statement correct for this application?

Yes No

Applicant Response: “The “Building Safety” code claiming this is a “Visibility” issue while I don’t see it how and couldn’t find anyone to answer this question under the normal “Logics and Sense”.

Staff Analysis: The granting of the variance will be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, and to the public health, safety, and general welfare. The 7’ tall fence along the front property line could impede visibility and would significantly alter the character of the neighborhood.

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

Public Comments Received: Yes (Attachment E).

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment.

Proposed conditions delivered to applicant on: April 29, 2024

Final staff report delivered to applicant on: May 2, 2024

Applicant agreed with all of the conditions of approval on: April 29, 2024

Attachments

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

Prepared By: *Amelia Domby*

Amelia Domby

Senior Planner

Amelia.Domby@yumaaz.gov

Date: April 30, 2024

(928) 373-5000, x3034

Approved By: *Jennifer L. Albers*

Jennifer L. Albers

Assistant Director of Planning

Date: 4/30/24

**ATTACHMENT A
CONDITIONS OF APPROVAL**

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

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

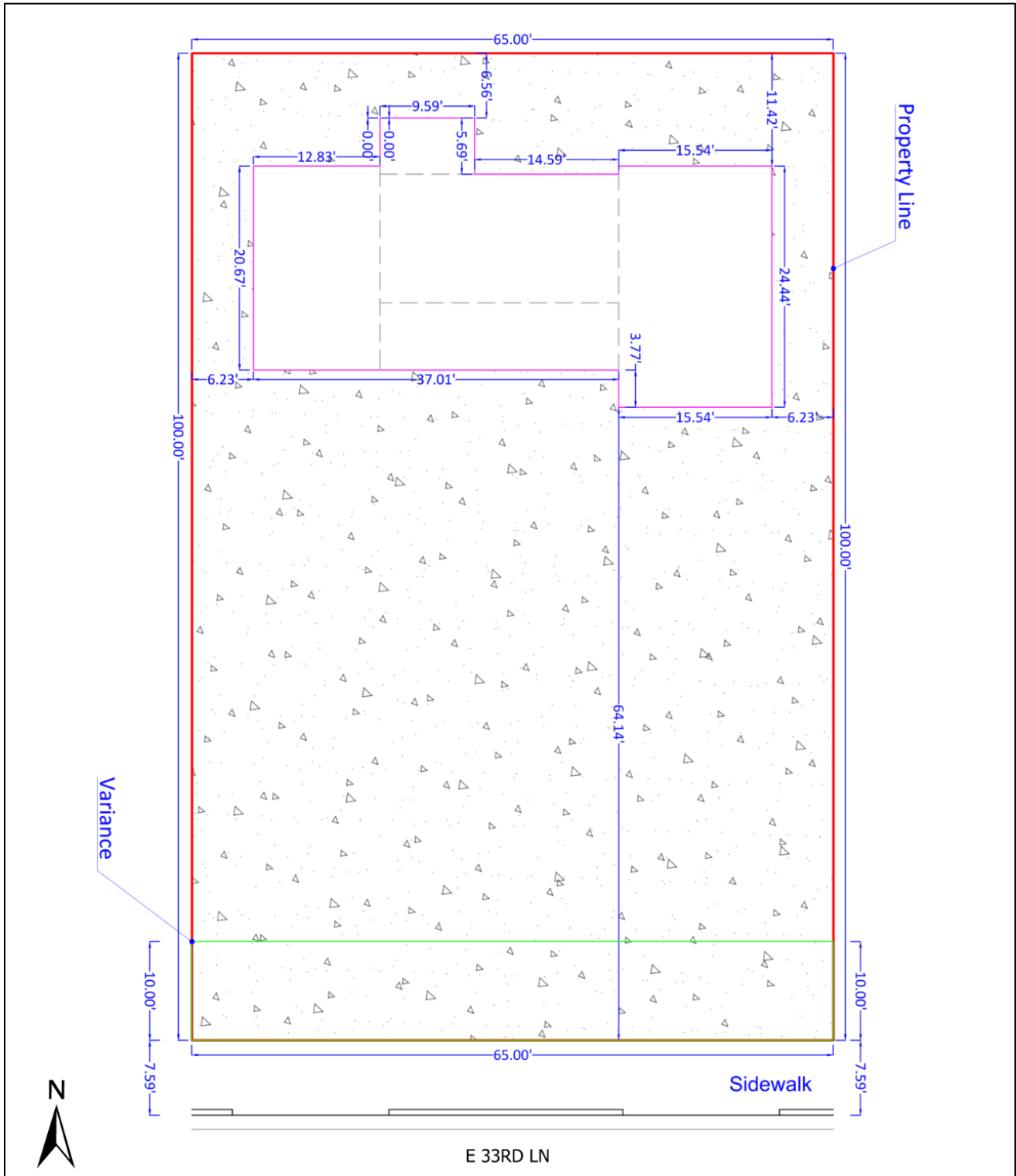
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

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

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

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

ATTACHMENT B
SITE PLAN



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- o **Legal Ad Published: The Sun** 04/19/24
- o **300' Vicinity Mailing:** 04/10/24
- o **Site Posted on:** 04/05/24
- o **34 Commenting/Reviewing Agencies Noticed:** 04/10/24
- o **Neighborhood Meeting Date:** 04/18/24
- o **Hearing Date:** 05/09/24
- o **Comments Due:** 4/22/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	04/10/24			
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	04/10/24			
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	04/11/24	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	04/10/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Date Held: April 18, 2024

Location: On-site

Attendees: Applicant: Mohamad Hasan, Staff: Amelia Domby, Senior Planner and Randall Crist, Director of Building Safety

17 neighbors were in attendance: Lisa & David Denney, Judith McGuire, Joe & Mary Walton, Paul Michael Hoyos, Margene & Willie Harrell, Debby Hamman, Frank Reisinger, Barbara & Frank Mills, Deanna Wheeler, Connie Statzer, Betty Hunt, Rod Croley, and Glenda Ekstrom

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

- Staff explained the Variance request and Variance process
- The applicant, Mohamad Hasan, explained why he was requesting the Variance and stated he wanted to protect the APS pedestal, an extra layer of security, and additional privacy.
- The neighbors in attendance stated they did not have crime issues in the neighborhood and suggested installing security cameras. The applicant stated he had security cameras.
- The neighbors were also concerned with fire access and the potential of a fire spreading to the neighboring properties if the fire department can not access the property. Additionally, the neighbors were concerned with emt access.
- Randall Crist, Building Safety Director explained that the Fire Department would access his property in case of an emergency.
- The neighbors stated applicant reiterated that
- A neighbor stated he did not have any issues with the fence.
- The neighbors also expressed their concerns with the appearance of the fence and stated it looks unfriendly.
- Neighbors questioned why the applicant did not check with the city for wall height requirements. The applicant stated it was not clear to him what materials could be used to increase the fence height within the front yard setback.

**ATTACHMENT E
PUBLIC COMMENTS**

Name:	Jon Narowski			Contact Information: (775) 224-2522						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
Resides next door to variance request. Property owner is a good neighbor, no concerns.										

Name:	Janet Rieben			Contact Information: (757) 659-1352						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
The fence is awful, out of character, and does not belong in the neighborhood. The property owner painted the fence and house lemon yellow and detracts from the color scheme in the neighborhood.										

Name:	Dorothy Huter			Contact Information: (509) 534-5016						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
Opposed to the variance request. Rules and regulations need to be followed and Vista Del Sol is a nice neighborhood.										

Name:	Denver Wheeler			Contact Information: (928) 342-3218						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
Stated he owns several properties within Vista Del Sol, including a property next door to the variance request. Opposed to the Variance request and expressed concerns about the activity going on at the subject property. Asked about the City codes and regulations and the Variance process. Staff explained the Variance process. Mr. Wheeler was also concerned about losing renters within this neighborhood because of this fence. Stated his daughter would attend the neighborhood meeting on his behalf.										

April 9, 2024

From: Rose Mc Intyre
9657 E 33rd Lane
Yuma, AZ 85365
To: City of Yuma

RE: 9616 E. 33rd Lane Variances Permit

Dear City of Yuma, Hearing Officer

I live on 33rd Lane and am opposed to the approval of a variance for the above said Property. They set a code compliance when our lots were established. The codes followed with the erections of our homes and fences around our properties.

I also own on 34th Place and attempted to build the brick higher and step down at the front of the property. While my brick layer was working on the property, the enforcement officer for the City of Yuma came by and told them they could not build the wall any higher than what I had originally wanted.

Reason: The property is on the corner and the road noise was loud and disrupted to my elderly Mother. The projected height was not going to be 7 feet. It was going to be 5 feet on the side and in front no changes. We complied with respect of the officer and respect for our neighbors and the City codes

Now, I am on 33rd Lane with an owner building a 7 ft. wall and painting it a BRIGHT LEMON YELLOW IS not only violating the City building codes.

it is extremely offensive to the neighbors and the neighborhood.

I ask of you **to deny this permit and request the fence to be in total compliance with the City codes as set forward and recorded for our area of Yuma.**

NOTE: If this owner is allow to come into the neighborhood and build **a 7 ft. fence of cinder blocks** what can we expect in the coming future? Our neighborhood them become a conglomeration of unsightly structures and no respect for City codes.

I ask again, that you deny this variance and remove the wall to coincide with the City Codes and the neighborhood.

Regards,

Rose Darby-Mc Intyre

From: kmstorrer@cox.net
Sent: Tuesday, April 16, 2024 7:42 AM
To: Amelia Domy
Subject: Case #VAR-42542-2024

You don't often get email from kmstorrer@cox.net. [Learn why this is important](#)

CAUTION: External Email

We just received the notice in the mail yesterday. We are back in Kansas and cannot attend the meeting on 04-18-2024. We are "Strongly Against" the variance to increase the fence height from 30 inches to 7 feet. We have seen the fence that Mr. Hasan has put up and it does nothing but take away from the beautiful neighborhood that we share in that area. It would be terrible to see this kind of fence put up. The value of our homes can only decrease. We sincerely hope that you can see that such a fence would not help our neighborhood.

Kenneth & Marsha Storrer
1815 New Mexico Rd.
Iola, KS. 66749-3077
AZ. address:
9655 E. 33rd. Place

From: Don McPhee and Donna Hagan <clanmac@cciwireless.ca>
Sent: Wednesday, April 17, 2024 9:10 AM
To: Amelia Domy
Subject: re Variance request for 9616 E. 33 Lane Yuma AZ

You don't often get email from clanmac@cciwireless.ca. [Learn why this is important](#)

CAUTION: External Email

Good Morning Amelia

My husband and I are owners of 9666 E 33 Place, Yuma AZ

from the diagram on the 300 foot radius our lot is on the cusp of the circle for notification.

We are currently at our summer residence and not able to attend the on site meeting scheduled for April 18, 2024 to lodge our objection to granting a variance on the noted lot.


The wall is horrendous and distracts from the neighbourhood in total, it must be removed and brought into line with the guidelines that exist, being a maximum height of 3 feet.

Don McPhee and Donna Hagan
9666 E 33 Place
Yuma, AZ 85365

alternatively
RR1
Rocky Mountain House, Alberta
Canada
T4T 2A1

From: periches@juno.com
Sent: Wednesday, April 17, 2024 12:58 PM
To: Amelia Domby
Subject: Case#Var-42542-2024

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

 **CAUTION:** External Email

April 16/2024

To Whom it may Concern:

We live at 9589 E 33rd Lane which is across the street from the property at 9616 E 33rd Lane which is in question. Since the fence is transparent from 36 inches up, we have no issues with the fence or that property at all. The only problem we have is "why are you having this meeting when the majority of the people around this property are seasonal/snowbirds and most of them will be absent from this meeting". It would be better to have this meeting in late November or December when snowbirds are back. Apparently you have mailed out some info regarding this meeting but many of us will not get it, until after the meeting date due to slow mail. This situation has caused a lot of disturbance on our street, plus a lot of traffic which was not the property owners fault. Please would you submit and read this at the meeting on our behalf. Thank you very much

Property Owners
Donald Periche
Sheila Martin

From: Lisa A. Holter <lholter@carlaprop.com>
Sent: Wednesday, April 17, 2024 8:32 AM
To: Amelia Dombly
Cc: Karen Salvey
Subject: RE: 9616 E 33rd Lane, Yuma, AZ

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

CAUTION: External Email

Hello,

I just received the notice about the Variance to increase the allowable fence height for the above-mentioned address.

I own a house (9637 E 33rd Lane) that is within 300' of the above-mentioned address and I don't agree with increasing the allowable fence height in the front yard setback.

The way it has been built, how would emergency responders be able to access the property, mainly the fire department? This would put the properties surrounding the property in danger should there be a fire.



Besides how horrible it looks; it really devalues our neighborhood!

I think had the owner requested the variance prior to building it and used the existing style of brick used throughout the subdivision, there might not have been a lot of controversy over the wall.

1

I hope that the City of Yuma won't approve this variance, but if they do, I hope that they would make it a requirement that they need to replace the existing "wall" with the brick that is used throughout the subdivision!

Thank you,

Lisa Holter | Bookkeeper

Carla Properties, LTD

Tel 503.227.6501 x2120 Fax 503.227.6525

633 NW 19th Ave Portland, OR 97209

www.carlaprop.com

ATTACHMENT F
SITE PHOTOS



**ATTACHMENT G
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City	State	ZIP
ACHTER AL AND JOAN JT	2811 TRUESDALE DR	REGINA	SK	S4V 0V2
ADAM JANE VIOLET & JAMES DENOVAN	4303 43 AVE	LEDUC	AB	T9E 6G9
BARELA WILLIAM & SUE	9569 E 33RD LN	YUMA	AZ	85367
BELTRAN JOSE ABEL LAMB & SALINAS GUILLERMINA JT	9575 E 33RD PL	YUMA	AZ	85365
BERG ERWIN PAUL & JOYCE EDNA	PO BOX 2336 610 46TH AVE W	CLARESH OLM	AB	T0L 0T0
BURNAT TIMOTHY & BRENDA	9647 E 33RD PL	YUMA	AZ	85365
CALLEJAS JOSE T	9574 E 33RD PL	YUMA	AZ	85365
CAMPBELL MILTON G & DAISY M JT	9570 E 34TH ST	YUMA	AZ	85365
CASTRO ALMA	9585 E 33RD ST	YUMA	AZ	85365
CLARK GERALD & KAROL	9658 E 34TH ST	YUMA	AZ	85365
DAHL BONNIE L TRUST 10-12-2022	7548 195TH SW	ROCHEST ER	WA	98579
DENNEY ROBERT C	9648 E 33RD LN	YUMA	AZ	85365
EKSTROM GLENDA	9619 E 34TH ST	YUMA	AZ	85365
GAMBLE LINDA K TRUST 8-21-2007	9634 E 33RD PL	YUMA	AZ	85365
GOMEZ DENNIS C & SOCORRO CPWROS	9646 E 33RD PL	YUMA	AZ	85365
GRIMALDI SONJA	9670 E 34TH ST	YUMA	AZ	85365
GUIDRY ANDREW JOSEPH III	9645 E 33RD ST	YUMA	AZ	85365
HAMMAN JOHNNIE A & DORA L JT	9656 E 33RD LN	YUMA	AZ	85365
HARRELL WILLIE & MARGENE TRUST 5-17- 2016	9617 E 33RD LN	YUMA	AZ	85365
HASAN MOHAMAD A	9616 E 33RD LN	YUMA	AZ	85365
HILL DARYN & JOANNE	13613 N REGAL CT	MEAD	WA	99021
HILL TERESA	PO BOX 308	SILETZ	OR	97380
HOHF ROBERT C & SUSAN E TRUST 10-19- 2001	9564 E 33RD PL	YUMA	AZ	85365
HOYOS PAUL MICHAEL TRUST 09-29-2011	9577 E 33RD LN	YUMA	AZ	85364
HUTCHISON CHARLES LEE	9573 E 33RD ST	YUMA	AZ	85365
HUTER RAYMOND L & DOROTHY JT	2419 E DEERWOOD CT	SPOKANE HOMELAN	WA	99223
JIMENEZ GUADALUPE & IMELDA	31220 ROBERTSON ST	D	CA	92548
JONES SCOTT D & JILL K	PO BOX 207	KINGSTON	ID	83839
JONES WESLEY & WANDA FAY TRUST 1-30- 98	6580 PONY DR	ANDERSO N	CA	96007
KING GARY W & ALANE M JT	9492 E STETSON ST	YUMA	AZ	85365
KIRKLAND VIRGINIA L	9590 E 34TH ST	YUMA	AZ	85365
KOEPKE WALTER & MEREDITH L JT	141 LASSEN CIR	VACAVILL E	CA	95687
KRALEVICH NICHOLAS & DONA	4308 N ARTHUR ST	COEUR D ALENE	ID	83815
LOHRER LIVING TRUST 7-20-2018	24618 birch pl	OCEAN PARK	WA	98640
MADISON CODY RYAN & RINDY CHEY	126 WOODLAND DR	PRINCETO N	MN	55371

MCGUIRE JUDITH F & TEETSEL RAYMOND	9586 E 33RD PL	YUMA	AZ	85365
MCINTYRE ROSE	819 CANYON VIEW LOOP	HAMILTON ROCKY MOUNTAIN HOUSE	MT	59840
MCPHEE DONALD A	RRI	HAMILTON ROCKY MOUNTAIN HOUSE	AB	T4T 2A1
MEHELIC FAMILY LIVING TRUST 2022	1646 W SAN MADELE	FRESNO	CA	93711
MILLS FRANK & BARBARA	9555 E 33RD PLACE	YUMA	AZ	85365
NAROWSKI JOSEPH M	9628 E 33RD LN	YUMA	AZ	85365
NIKKARI BRANDEN MATHIAS	9625 E 33RD ST	YUMA	AZ	85365
PENNINGTON JERRY BROOKS & PATRICIA LEE CPWROS	204 PINEWOOD WAY	EAST WENATCH EE	WA	98802
PERICHE DON & MARTIN SHEILA JT	38224 RANGE RD 23	RED DEER COUNTY	AB	T4E 2P3
PETERSON DIANA & DONALD	9667 E 33RD PL	YUMA	AZ	85365
PLAMBECK FAMILY TRUST 6-11-2015	2601 INA AVE	CODY	WY	82414
PROVORSE JERRY A JR	308 E HOGAN DR	COPPERA S COVE	TX	76522
REAVES TRUST 12-10-2020	9554 E 33RD PL	YUMA	AZ	85367
REISINGER JERRY L & CINDY JT	28 MONTGOMERY ST	POMEROY BORREGO SPRINGS	WA	99347
RIEBEN JANET	2189 HWY 78	SPRINGS	CA	92004
RODGERS BESSIE	9614 E 33RD PL	YUMA	AZ	85365
SALVEY KAREN JO	30029 BARKER RD	RAINIER	OR	97048
SANCHEZ JESUS REYNALDO	9534 E 34TH ST	YUMA	AZ	85365
STAIR CRAIG S	9726 E 34TH ST	YUMA	AZ	85365
STORRER KENNETH R & MARSHA K TRUST 12-23-2010	1815 NEW MEXICO RD	IOLA	KS	66749
STROUD GILBERT JR	9591 E 34TH ST	YUMA	AZ	85365
TORRES ISAAC	9613 E 33RD ST	YUMA	AZ	85365
TROPICAL PROPERTIES LLC	4587 E NINE IRON LANE	YUMA	AZ	85365
WALTON JOE S & MARY C JT	9547 E 33RD PL	YUMA	AZ	85365
WEISS ROBERT HAROLD & FREIDA TRUST 05-19-1992	PO BOX 26209	YUMA	AZ	85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WHEELER TRUST 7-19-2013	9689 E 33RD LANE	YUMA	AZ	85365
WHEELER TRUST 7-19-2013	9689 E 33RD LN	YUMA	AZ	85365
WILKINS ALBERT	9625 E 33RD PL	YUMA	AZ	85365

**ATTACHMENT H
NEIGHBOR MAILING**

This is a request by Mohamad Hasan, for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-42542-2024**

**NEIGHBORHOOD MEETING
04/18/2024 @ 5:00PM
ON-SITE**

**PUBLIC HEARING
05/09/2024 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of 9616 E. 33rd Lane, Yuma, AZ., you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Domby by phone at (928)373-5000 ext. 3034 or by email at Amelia.Domby@YumaAz.gov

**ATTACHMENT I
AERIAL PHOTO**



**Hearing Officer Meeting Minutes
May 9, 2024**

A meeting of the City of Yuma Hearing Officer was held on Thursday, May 9, 2024, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Ray Urias.

CITY OF YUMA STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Jenn Reichelt, Deputy City Administrator; Isaiah Kirk, Chief Information Officer; Amelia Dombay, Senior Planner; Meredith Burns, Assistant Planner; John LeSueur, Assistant City Attorney; Lizbeth Sanchez, Administrative Specialist and Alejandro Marquez, Administrative Specialist.

Hearing Officer Ray Urias called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Ray Urias approved the minutes of April 11, 2024.

PUBLIC HEARINGS

VAR-42508-2024: *This is a request by Robin and Ronda Varner for a Variance to reduce the side periphery setback from 7 feet to 3 feet 3 inches to allow for a shed and carport in the Manufactured Housing Park (MHP) District for the property located at 9351 E. 28th Street, Lot 186, Yuma, AZ.*

Meredith Burns, Assistant Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias summarized the four criteria of the Yuma City Code, and then asked staff if any of the criteria had been met. **Burns** replied yes, all four had been met. **Hearing Officer Urias** then asked if there had been any comments in opposition to the Variance request. **Burns** replied no.

APPLICANT/APPLICANTS REPRESENTATIVE

Ronda Varner, 9351 E. 28th Street Lot 186, Yuma, AZ, stated she was not made aware of the City's codes and regulations, and that she did not mean to disturb any of the neighboring homeowners with the building of the storage shed.

Robin Varner, 9351 E. 28th Street Lot 186, Yuma, AZ, stated that the realtor had notified him that there were similar homes with similar setbacks with sheds in the neighborhood, and he thought that the shed was in compliance with those setbacks.

PUBLIC COMMENT

Connie Moore, 9351 E. 28th Street Lot 170, Yuma, AZ, commented that the applicant's shed matches others in the neighborhood, and that she was not opposed to the Variance.

DECISION

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

VAR-42542-2024: This is a request by Mohamad Hasan, for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

Amelia Dombly, Senior Planner, summarized the staff report and recommended **DISAPPROVAL**.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias referred to a yellow sheet that was presented to him prior to the beginning of the hearing, and then asked if staff was aware of the letter. **Dombly** replied yes, the letter was emailed after the Final Report had been distributed.

Hearing Officer Ray Urias summarized the four criteria of the Yuma City Code, and then asked staff if any of the criteria had been met. **Dombly** replied that none of the criteria had been met. **Hearing Officer Urias** then asked if three of the four criteria are not met the variance could not be granted. **Dombly** replied correct.

APPLICANT/APPLICANTS REPRESENTATIVE

Mohamad Hasan, 9616 E. 33rd Lane, Yuma, AZ, stated the reason why he kept building the wall after the stop construction notice was issued was because he did not think that the wall was in violation. **Hasan** went on to say that he was under the impression that the wall could be constructed up to a certain height if it was not a solid wall. **Hasan** then stated that a majority of the surrounding homes have walls that exceed thirty inches and should also be in violation. **Hasan** then stated that the neighbors in close vicinity of his home are in favor of the variance, because they have no issues with visibility of street signs.

Hearing Officer Ray Urias commented he was aware that there is an active code enforcement case for this property and then stated the purpose of this type of hearing was to verify that the four criteria of the Yuma City Code are met so that a variance could be granted.

Hearing Officer Ray Urias wanted to put on record that a letter was submitted regarding the case that has signatures of other neighbors that are in opposition.

PUBLIC COMMENT

Mike Hoyos, 9577 E. 33rd Place, Yuma, AZ, stated that the wall does not cause visibility issues and that he was in favor of the variance.

Margene Harrell, 9617 E. 33rd Lane, Yuma, AZ, stated she was in favor of the variance.

Jessica LaValle, 9577 E. 33rd Place, Yuma, AZ, stated she was in favor of the variance.

Susan Green, 11459 S. Ave. 9E, Yuma, AZ, stated that the only visibility issues were the vehicles that were parked on the street. **Green** then commented that a wall could not be constructed over thirty inches and could staff confirm if the proposed project was considered a wall or a fence, because it is actually a see-through wrought iron fence. **Jennifer Albers, Assistant Director of Planning** replied that the request was to raise the fence height more than thirty inches, and then stated that a fence could be a brick wall, wrought iron or chain link.

Dora Hammond, 9656 E. 33rd Lane, Yuma, AZ, was opposed to the variance.

Roseanna Trickett, 9673 E. 34th Place, Yuma, AZ, was opposed to the variance.

DECISION

Hearing Officer Ray Urias denied the request to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.


Hearing Officer Ray Urias then stated that the applicant has the right to appeal the decision.

John LeSueur, Assistant City Attorney, commented that the appeal would go in front of the City Council.

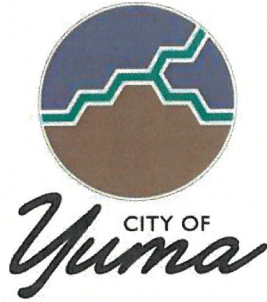
Hasan then asked what type of action would be taken if City Council denies the appeal. **LeSueur** answered that the applicant can meet with staff after the hearing to discuss those types of questions.

Hearing Officer Ray Urias adjourned the meeting at 10:23 a.m.

Minutes approved and signed this 11 day of July, 2024.



Hearing Officer



**Department of Planning
and Neighborhood Services**

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

May 9, 2024

Mohamad Hasan
9616 E. 33rd Lane
Yuma, AZ 85365

**RE: 9616 E. 33RD LANE
INCREASE ALLOWABLE FENCE HEIGHT
CASE NO. VAR-42542-2024**

On Thursday, May 9, 2024, the Hearing Officer for the City of Yuma **DENIED** your request for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

You have the right to appeal the decision of the Hearing Officer to the City Council. Please return the attached notification of appeal form within (10) business days of the decision of the Hearing Officer (May 28, 2024).

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

Sincerely,


Amelia Dombay
Senior Planner

AD/am
Enclosures (1)
1. Appeal Form

NOTIFICATION OF APPEAL

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

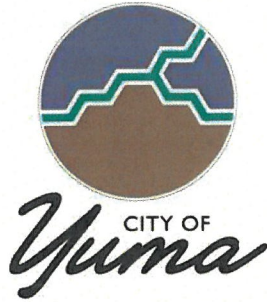
You have the right to appeal the decision of the Hearing Officer to the City Council. If you would like to appeal, please indicate in the appropriate space below by signing and dating this form.

I wish to appeal the decision of the Hearing Officer on Case No.: _____
to the City Council.

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

Name

Date



**Department of Planning
and Neighborhood Services**

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

May 9, 2024

Mohamad Hasan
9616 E. 33rd Lane
Yuma, AZ 85365

**RE: 9616 E. 33RD LANE
INCREASE ALLOWABLE FENCE HEIGHT
CASE NO. VAR-42542-2024**

On Thursday, May 9, 2024, the Hearing Officer for the City of Yuma **DENIED** your request for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

You have the right to appeal the decision of the Hearing Officer to the City Council. Please return the attached notification of appeal form within (10) business days of the decision of the Hearing Officer (May 28, 2024).

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

Sincerely,


Amelia Dombay
Senior Planner

AD/am
Enclosures (1)
1. Appeal Form

NOTIFICATION OF APPEAL

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

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

I wish to appeal the decision of the Hearing Officer on Case No.: **VAR-42542-2024**
to the City Council.

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

Mohamad Hasan

Name

05-10-24

Date



May 20, 2024

Mohamad Hasan, *Appellant*
9616 E. 33rd Lane
Yuma, Arizona 85365

Re: Appeal of Denial of Request for Variance
Case No.: VAR-42542-2024

Dear Mr. Hasan,

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

Your appeal is scheduled to be heard before the City Council as a quasi-judicial body on Wednesday, **July 17, 2024**. The City Council will receive the written materials that were presented to the Hearing Officer in this case. The parties may supplement those materials as follows:

- Appellant Hasan may submit any additional material to Lynda Bushong, City Clerk for the City of Yuma, at clerk@yumaaz.gov on or before **4:00 PM on June 10, 2024**.
- Appellee City of Yuma may submit **its Brief or Reply** to any additional material submitted by Appellant Hasan on or before **4:00 PM on June 20, 2024**.

Any additional material will be shared with both parties and made part of the record submitted to the City Council.

During the appeal hearing on **July 17, 2024**. Each side will be allotted ten (10) minutes to present their case. Appellant Hasan will present first, followed by Appellee City of Yuma. Because Appellant Hasan has the burden of persuasion, Appellant Hasan may opt to reserve two (2) to three (3) minutes of Appellant's allotted ten (10) minutes for final reply.

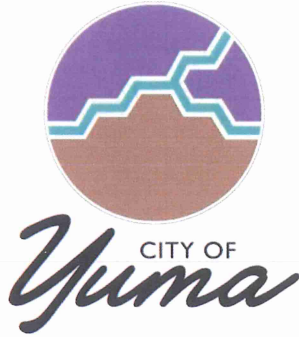
You have the right to be represented by an attorney. If you will be represented by an attorney in this appeal, please instruct your attorney to enter his or her appearance as counsel of record without delay.

The City of Yuma prohibits discrimination based on race, color, sex, national origin, age or disability in its programs and activities. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the City of Yuma's ADA Coordinator at (928) 373-5125 or TTY (928) 373-5149.

Finally, if you wish to withdraw your appeal of the Hearing Officer decision, please inform the Department of Planning and Neighborhood services in writing so the matter may be removed from the agenda.

Sincerely,

Amelia Domby
Amelia Domby,
Senior Planner



**Planning and
Neighborhood Services**

One City Plaza
Yuma, Arizona 85364
(928) 373-5050
Fax (928) 373-5053
TTY (928) 373-5149
www.YumaAZ.gov

TO: City Council
FROM: Amelia Domby, Senior Planner
DATE: June 20, 2024
RE: **Mohamad Hasan’s Appeal of the May 9, 2024, Hearing Officer Denial of his Requested Variance for his Property located at 9616 E. 33rd Lane, Yuma, Arizona.**

Executive Summary

This appeal concerns Mr. Mohamad Hasan’s variance application, VAR-42542-2024, in which Mr. Hasan seeks a variance to increase the allowable fence height from 30 inches to 7 feet in the Recreation Vehicle Subdivision (RVS) District, for his property located at 9616 E. 33rd Lane (“Property”). Within this zoning district, the maximum fence height within the front yard setback or visibility triangle is 30 inches. This Property is located within the Vista Del Sol Unit No. 1 Subdivision.

Mr. Hasan constructed an addition to the existing brick wall within the front yard setback, resulting in a 7-foot-tall wall along the front Property line. After Mr. Hasan began the construction of the wall, a code enforcement case was initiated (CODE-BS-009089-2024). On March 3, 2024, Mr. Hasan was mailed a notice of violation for the construction of a 7-foot-tall wall within the front yard setback.

After receiving the notice of violation, Mr. Hasan submitted a variance application to increase the allowable fence height in the front yard setback from 30 inches to 7 feet to keep the newly constructed wall along the front Property line.

On May 9, 2024, the Hearing Officer held a hearing on Mr. Hasan’s request for a variance. City Staff filed a report with the Hearing Officer and recommended denial of the request, noting that the applicants request for a variance failed to meet the criteria of §154-03.04(D) of the Yuma City Code. After taking testimony on the variance application, the Hearing Officer denied the variance request.

Pursuant to Yuma City Code § 154-02.02(C) Mr. Hasan appeals the Hearing Officer’s denial of his variance request.

Argument

State law and City code require four conditions for a variance. See A.R.S. § 462.06 and Y.C.C. § 154-03.04(D). Specifically, Y.C.C. § 154-03.04(D)(1) states that the Hearing Officer:

. . . shall grant a variance(s) *only when* findings of fact are made that *all of the following conditions exist*:

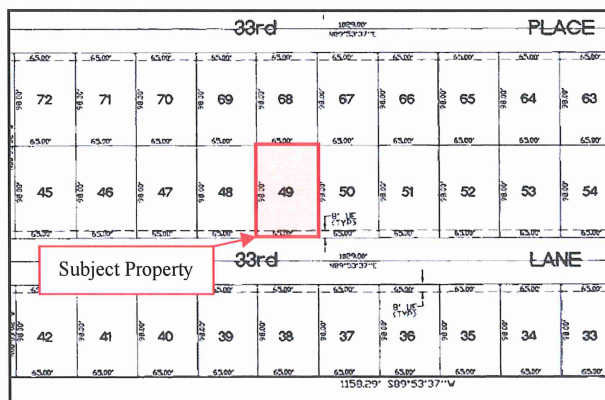
- (a) There is a special circumstance(s) or conditions(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.
- (b) The special circumstance was not created or caused by the property owner or applicant.
- (c) The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.
- (d) The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

Each of the four (4) criteria required for the approval of a variance application must be answered in the affirmative. The inability to answer any one of the four (4) criteria in the affirmative, as a matter of law, must result in the denial of the variance application.

In this case, Mr. Hasan has failed to meet all four required conditions.

I. The question at Section 154-03.04 (D)(a) cannot be answered in the affirmative.

As depicted in the recorded Vista Del Sol Unit No. 1 plat and the aerial photo below, there is no special circumstance or condition that applies to this Property which does not apply to most other properties in the district. The dimensions of this property are 98 feet by 65 feet (6,370 square feet), which has the same size, topography, and shape as most other properties within the Vista Del Sol Unit 1 Subdivision.





II. The question at Section 154-03.04(D)(b) “Special Circumstance” cannot be answered in the affirmative.

There is no special circumstance that applies to this property. In addition, the applicant did not demonstrate a special circumstance.

III. The question at Section 154-03.04(D)(c) cannot be answered in the affirmative.

The property owners within the Vista Del Sol Unit No. 1 are required to comply with the development standards of the Recreation Vehicle Subdivision (RVS) District, including fence height requirements. Mr. Hasan argued that the new wall addition would protect the electric pedestal on his Property. However, properties within the neighborhood have similar electric pedestals and are similar in size as the subject Property.

IV. The question at Section 154-03.04(D)(d) cannot be answered in the affirmative.

As depicted in the photographs below, the granting of the variance will be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare. The newly constructed 7-foot-tall wall could impede visibility and significantly alter the character of the neighborhood.





Conclusion

The strict requirements for the approval of a variance application required by State law and Yuma City Code § 154-03.04(D) cannot be satisfied by the applicant. The applicant has not demonstrated a special circumstance that applies to the Property. Therefore, Mr. Hasan is not eligible for a variance under State law or City code. As such, the variance application for the Property cannot be approved and must be denied.