



# City of Yuma City Council Meeting Agenda - Final

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Wednesday, January 3, 2024

5:30 PM

Yuma City Hall Council Chambers  
One City Plaza, Yuma

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

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

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

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

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

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

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **FINAL CALL**

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

## I. MOTION CONSENT AGENDA

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

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

*There are no minutes scheduled for approval at this time.*

### 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 2024-001](#)      **Bid Award: Polymer Meter Boxes and Lids**
2. [MC 2024-002](#)      **Bid Award: Aluminum Chlorohydrate**
3. [MC 2024-003](#)      **Bid Rejection: Ave B, 24th Street to 16th Street Project**
4. [MC 2024-004](#)      **Cooperative Purchase Agreement: Grounds & Turf Maintenance Equipment**
5. [MC 2024-005](#)      **Request for Proposal Award: Promotional Testing Services**
6. [MC 2024-006](#)      **Contract Increase: Hotel Del Sol Multi-Modal Transportation Center**
7. [MC 2024-007](#)      **Contract Increase: Post Design Engineering Services for Desert Dunes Water Reclamation Facility (WRF) Capacity Increase Project**

## II. ADOPTION OF ORDINANCES CONSENT AGENDA

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

1. [O2023-040](#)      **Text Amendment: Off-Street Parking**  
Attachments:      [1. P&Z REPORT Off Street Parking Text Amendment](#)  
                                 [2. ORD Off Street Parking Text Amendment](#)

## 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. [O2024-001](#)      **Grant of Utility Easement: Fire Station at Avenue 8½ E**  
Attachments:      [1. AGMT Grant of Utility Easement: Fire Station at Ave 8 1/2E](#)  
                                 [2. ORD Grant of Utility Easement: Fire Station at Ave 8 1/2E](#)
2. [O2024-002](#)      **Intergovernmental Agreement Amendment: Yuma County and Yuma County Airport Authority, Inc.**  
Attachments:      [1. AGMT IGA: Yuma County and Yuma County Airport Authority](#)  
                                 [2. ORD IGA: Yuma County and Yuma County Airport Authority](#)
3. [O2024-003](#)      **Easement Exchange: 24th Place and 31st Drive**  
Attachments:      [1. ORD Easement Exchange: 24th Place and 31st Drive](#)  
                                 [2. EXH A Easement Exchange: 24th Place and 31st Drive](#)  
                                 [3. EXH B Easement Exchange: 24th Place and 31st Drive](#)
4. [O2024-004](#)      **Rezoning of Property: 1719 S. Madison Avenue**  
Attachments:      [1. P&Z RPT Rezoning of Property: 1719 S. Madison Ave](#)  
                                 [2. ORD Rezoning of Property: 1719 S. Madison Ave](#)
5. [O2024-005](#)      **Rezoning of Property: 1641 W. 10th Place**  
Attachments:      [1. P&Z Rpt Rezoning: 1641 W. 10th Place](#)  
                                 [2. ORD Rezoning: 1641 W. 10th Place](#)

## FINAL CALL

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

#### IV. ANNOUNCEMENTS AND SCHEDULING

*Discussion and possible action on the following items:*

1. 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 December 21, 2023 through January 3, 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.

2. Scheduling:

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

#### V. 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.*

#### VI. CALL TO THE PUBLIC

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

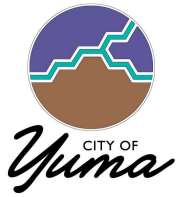
## VII. EXECUTIVE SESSION

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

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

## ADJOURNMENT

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



# City of Yuma

## City Council Report

**File #:** MC 2024-001

**Agenda Date:** 1/3/2024

**Agenda #:** 1.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
<b>Finance</b>	<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
<b>DIVISION:</b>	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
<b>Procurement</b>	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

**TITLE:**

**Bid Award: Polymer Meter Boxes and Lids**

**SUMMARY RECOMMENDATION:**

Award to the lowest responsive and responsible bidder the purchase of various polymer meter boxes and lids at an annual expenditure of approx. \$438,250.00 for a six-year period (total expenditure \$2,629,500.00) to: Yuma Winnelson Co. (Utilities RFB-24-145) (Jeremy McCall/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council's strategic outcome of Safe and Prosperous by ensuring the reliability and quality of the City's water distribution system.

**REPORT:**

The polymer meter boxes will replace the existing concrete and metal meter boxes and lids. This replacement is in conjunction with the Advanced Metering Infrastructure (AMI) installation. AMI endpoints must be installed in polymer/plastic meter box lids for optimum communication and lifespan. The project is planned to be completed within a six-year period, with four to five thousand meter boxes being replaced each year.

Two bid responses were received. Yuma Winnelson is the lowest responsive and responsible bidder.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$2,629,500.00	BUDGETED:	\$ 2,700,000.00
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 \$2,629,500.00			
421-97-77-8160 Water Fund			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

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

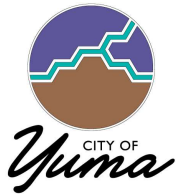
NONE

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023





# City of Yuma

## City Council Report

File #: MC 2024-002

Agenda Date: 1/3/2024

Agenda #: 2.

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

**TITLE:**

**Bid Award: Aluminum Chlorohydrate**

**SUMMARY RECOMMENDATION:**

Award a three-year contract to the lowest responsive and responsible bidder for the purchase of Aluminum Chlorohydrate (ACH) at an estimated expenditure of \$129,339.00 for this fiscal year, and an estimated annual expenditure for two and one-half years of \$366,460.16 to USALCO of Baltimore, Maryland (Utilities-RFP-24-150) (Jeremy McCall/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Safe and Prosperous by ensuring the reliability, quality, and regulatory compliance of the City’s Main Street Water Treatment Plant.

**REPORT:**

Aluminum Chlorohydrate (ACH) is a chemical that aids in the treatment of surface water at the Main Street Water Treatment Plant. Pilot testing of the product has shown favorable results for compliance with Safe Drinking Water Act regulations. ACH will replace Aluminum Sulfate as the preferred coagulant used for surface water treatment.

Bids were received by three vendors and staff has recommended awarding to the lowest responsive and responsible bidder.

Approval of this motion awards the bid to USALCO, Baltimore, Maryland in the amount of \$366,460.16 (approximately 74,800 gallons per year at \$4.8992 per gallon) over the three-year period.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 129,338.88	BUDGETED:	\$ 222,720.00
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			
421-41-41.6804 Water Fund			
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

Sufficient budget authority is provided in the FY 2024 City Council approved budget for the first partial year of this contract. The City estimates to expend approximately \$129,339.00 in FY 2024. Budget authority for subsequent years will be included in the City Administrator’s Recommended budget at the full annual contract amount.

**ADDITIONAL INFORMATION:**

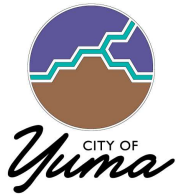
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



# City of Yuma

## City Council Report

**File #:** MC 2024-003

**Agenda Date:** 1/3/2024

**Agenda #:** 3.

<b>DEPARTMENT:</b> <b>Finance</b>	<b>STRATEGIC OUTCOMES</b> <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	<b>ACTION</b> <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance - Introduction <input type="checkbox"/> Ordinance - Adoption <input type="checkbox"/> Public Hearing
<b>DIVISION:</b> <b>Procurement</b>		

**TITLE:**  
**Bid Rejection: Ave B, 24<sup>th</sup> Street to 16<sup>th</sup> Street Project**

**SUMMARY RECOMMENDATION:**  
 Pursuant to Yuma City Code § 36-36, reject all bids received for the reconstruction of Avenue B, 24th Street to 16th Street, due to the bids exceeding the budgeted amount for the project. (Engineering RFB-23-203) (David Wostenberg/Robin R. Wilson)

**STRATEGIC OUTCOME:**  
 This item supports the City Council’s strategic outcome of Respected and Responsible by rejecting all bids which exceed the budgeted amount.

**REPORT:**  
 Yuma City Code § 36-36 permits the City Council to reject all bids received in response to a solicitation “if it is determined by the Council that such action is taken in the best interests of the City.”

The Avenue B, 24th Street to 16th Street project in the Fiscal Year 2024 Capital Improvement Program was funded in the amount of \$2,600,000. The two bids received exceed the funded amount approved by City Council. Rejection of all bids is recommended and City staff will evaluate and reprogram the project in the Fiscal Year 2025 Capital Improvement Program. A new solicitation is anticipated to be released in early Fiscal Year 2025.

Approving this motion will reject all bids received.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 0.00	BUDGETED:	\$ 2,600,000.00
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 \$ 0.00			
102.97-77.8110 City Road Tax			
To total; right click number & choose “Update Field”			

**FISCAL IMPACT STATEMENT:**

None

**ADDITIONAL INFORMATION:**

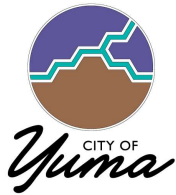
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Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



# City of Yuma

## City Council Report

**File #:** MC 2024-004

**Agenda Date:** 1/3/2024

**Agenda #:** 4.

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

**TITLE:**

**Cooperative Purchase Agreement: Grounds & Turf Maintenance Equipment**

**SUMMARY RECOMMENDATION:**

Authorize the purchase of various Grounds and Turf Maintenance Equipment from: Hillyard Inc., Mesa, AZ; Stotz Equipment, Avondale, AZ; and, RDO Equipment, Yuma AZ, utilizing Sourcewell and Mohave Education Services cooperative purchase agreements, at an estimated cost of \$210,888.38 (Parks & Recreation -CPA-24-131) (Eric Urfer/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This action supports the City Council’s strategic outcome of Active and Appealing by utilizing the equipment to ensure green spaces throughout the City are maintained.

**REPORT:**

The following purchases are necessary for the daily operations of parks maintenance:

- Terrain Rotary Mower (Dealer-Stotz Equipment, Avondale, Arizona)
- Z-track Mower (Dealer- RDO Equipment, Yuma, Arizona)
- Tenant Ride on Sweeper (Hillyard Inc., Mesa, Arizona)

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

The aging equipment being replaced will be processed for surplus.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 210,888.38	BUDGETED:	\$ 324,000.00
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 \$210,888.38

122-50-34.8940 / Parks Baseball Complex 141- 50-40.8940 / Parks Downtown Mall		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

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

**ADDITIONAL INFORMATION:**

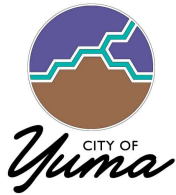
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Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



# City of Yuma

## City Council Report

File #: MC 2024-005

Agenda Date: 1/3/2024

Agenda #: 5.

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

**TITLE:**

**Request for Proposal Award: Promotional Testing Services**

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a one-year contract for Promotional Testing Services with Morris & McDaniel of Alexandria, Virginia with the option to renew for four additional one-year periods at an estimated annual expenditure of \$50,000. (Police RFP-24-149) (Thomas Garrity/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Respected and Responsible as this service will provide assessment center exercises and analysis of individual performance for advancement within the department.

**REPORT:**

The City processed Request for Proposals to seek experienced firms for Promotional Testing Services. Services include the development of a job analysis for the position of Police Sergeant and Lieutenant, develop pre-examination training and training materials, develop a multiple-choice examination for the rank of Sergeant and Lieutenant, conduct assessment center exercises, administer the assessment center, and provide analysis of individual performance and final report for the positions of Police Sergeant and Lieutenant. These actions are conducted for the purpose of establishing an eligibility list.

The City has not had this service in over 15 years and will contract for professional assistance to conduct the services listed above.

The City received three responses and staff chose Morris & McDaniel as the top-ranking consultant.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 50,000.00	BUDGETED:	\$ 50,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ Click or tap here to enter text.	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL	\$ 50,000.00	Grant Fund 191-60-12-PDOSEQ.6201	
To total; right click number & choose "Update Field"			

**FISCAL IMPACT STATEMENT:**

Sufficient budget capacity for this federally funded contract is provided in the City Council FY 2024 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

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Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023





# City of Yuma

## City Council Report

File #: MC 2024-006

Agenda Date: 1/3/2024

Agenda #: 6.

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

**TITLE:**

**Contract Increase: Hotel Del Sol Multi-Modal Transportation Center**

**SUMMARY RECOMMENDATION:**

Authorize a change order in the amount of \$214,030.00 to CORE Construction, Inc. of Phoenix, Arizona for preconstruction services. (Engineering RFQ 2020-20000136) (David Wostenberg/Robin R. Wilson)

**STRATEGIC OUTCOME:**

Awarding this change order will encompass the design changes the Arizona State Historic Preservation Office (SHPO) has requested be included to save some of the major historic elements in support of the City Council's strategic outcome of Unique and Creative. This item also supports the strategic outcome of Respected and Responsible by preserving a major historical exterior element of Historic Downtown Yuma while utilizing the structure to provide a much-needed centralized transportation hub for the community.

**REPORT:**

On September 16, 2020, City Council authorized the City Administrator to execute a contract in the amount of \$1,015,000 for design-build (DB) services for the Hotel Del Sol Multi-Modal Transportation Center to CORE Construction, Inc. The original goal of the project was to restore the building and incorporate the Multi-Modal Transportation Center into the 1<sup>st</sup> floor.

On December 21, 2022, City Council authorized a change order of \$633,306.00 for the change in scope of work to redesign and to rebuild the interior structure to current, modern standards while preserving the historic Spanish Colonial archways and architecture on the exterior. The footprint and street view will be nearly identical. The building will retain the historical integrity on the north and east sides of the façade preservation.

Staff is requesting approval for an additional \$214,030.00 for preconstruction services as CORE Construction has been working with the City, Arizona SHPO and Federal Transit Administration, coordinating site visits, weekly meetings, research, and contributing to the documentation required for governmental agency reviews and approval, as well as making changes to the design documents to incorporate the comments received from the SHPO.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 214,030.00	BUDGETED:	231,251.00
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 \$ 214,030.00

102-97-77.8120 0065- HA City Road Tax		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

Sufficient budget capacity is provided in the FY 2024 City Council approved budget and Capital Improvement Plan.

**ADDITIONAL INFORMATION:**

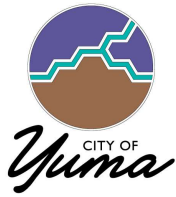
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Acting City Administrator: John D. Simonton	Date: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



# City of Yuma

## City Council Report

**File #:** MC 2024-007

**Agenda Date:** 1/3/2024

**Agenda #:** 7.

DEPARTMENT:	STRATEGIC OUTCOMES	ACTION
<b>Finance</b>	<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
<b>DIVISION:</b>	<input type="checkbox"/> Connected & Engaged	<input type="checkbox"/> Ordinance - Adoption
<b>Procurement</b>	<input type="checkbox"/> Unique & Creative	<input type="checkbox"/> Public Hearing

**TITLE:**

**Contract Increase: Post Design Engineering Services for Desert Dunes Water Reclamation Facility (WRF) Capacity Increase Project**

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a contract increase for the Desert Dunes WRF Capacity Increase Project, for post design engineering services to Carollo Engineers, Inc. Phoenix, Arizona in an amount not to exceed \$1,456,212.00. (Engineering-RFQ-22-068) (David Wostenberg/Robin R. Wilson)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Safe and Prosperous. The Post Design Engineering Services for the Desert Dunes WRF Capacity Increase Project (“Project”) will ensure achievement of key items for the construction phase of this project.

**REPORT:**

Carollo Engineering, Inc. is the design consultant for the Project and with this proposed increase, will be the Consultant for post design engineering services and responsible for the following tasks:

- Attend construction progress meetings and review of shop drawings
- Issue interpretation, clarification, and address requests for information
- Change orders and engineering service during construction
- Electrical system study
- Site visits and design changes
- Record drawings
- Substantial and final completion inspection

This project is anticipated to begin September 2024.

**FISCAL REQUIREMENTS:**

CITY FUNDS:	\$ 1,456,212.00	BUDGETED:	\$ 96,000,000.00
STATE FUNDS:	\$ 0.00	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	

TOTAL \$ 1,456,212.00

0048-SEWER12 432 Wastewater Capacity Fund		
To total; right click number & choose "Update Field"		

**FISCAL IMPACT STATEMENT:**

Sufficient unencumbered funds are available to enter into this contract and budget authority is provided in the FY 2024 City Council approved budget and CIP 2024-2028.

**ADDITIONAL INFORMATION:**

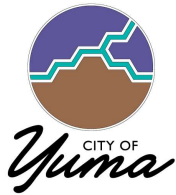
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



# City of Yuma

## City Council Report

**File #:** O2023-040

**Agenda Date:** 12/20/2023

**Agenda #:** 1.

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

**TITLE:**

**Text Amendment: Off-Street Parking**

**SUMMARY RECOMMENDATION:**

Amend Title 15, Chapter 154 of the Yuma City Code, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

The proposed text amendment will facilitate reducing the costs associated with development and the impacts of the urban heat island effect, while also freeing land for additional development opportunity, supporting the City Council's strategic outcomes of Active and Appealing and Respected and Responsible.

**REPORT:**

This text amendment updates the existing off-street parking regulations to reduce the number of required parking spaces for certain uses, updates the section on permitted reductions for special circumstances, clarifies language and provisions related to shared parking, formalizes allowances for compact parking, and updates language related to the parking of vehicles and recreational vehicles within the front yard setback of residentially zoned properties.

The goal of the text amendment is to provide adequate parking while limiting excessive, unnecessary parking spaces. Land within the City is a finite resource that can be put to a more productive use than parking. With the cost of one surface parking space exceeding \$5,000, reducing parking also serves to reduce the cost of development. Fewer parking spaces also allow for a more walkable environment and reduce the impacts of the urban heat island effect.

Below is a more detailed description of each proposed amendment:

- 1. Paving materials:** In an effort to reduce pavement requirements within residential districts, the proposed amendment identifies the use of rock or gravel for certain primary and secondary parking areas. Additionally, the proposed amendment formalizes provisions for utilizing ribbon driveways for single and two-family residential developments.
- 2. Shared parking:** The proposed amendment attempts to simplify and encourage the use of shared parking agreements when mixed use developments support such a design.
- 3. Parking space dimensions:** This component of the amendment will locate parking stall dimensions

into one singular location of the code, as well as identify provisions for compact parking and parking space overhangs.

4. **Parking in residential districts:** The code currently permits 40% of the front yard setback to be utilized for parking. The proposed amendment will increase this amount to 60%, which has proven to be a more feasible and realistic parking need within our community.
5. **Recreational vehicle parking:** The proposed amendment will limit the number of recreational vehicles permitted to park within the front yard setback to one. Any additional vehicles will need to be parked and/or stored beyond the front yard setback.
6. **Parking spaces required:** The proposed reductions in the parking requirements are based on national standards as well as recent development trends specific to our community and communities across Arizona. Parking reductions identified within this amendment include, but are not limited to, restaurants, education facilities, hotels, medical offices, general offices, and multiple-dwelling units.
7. **Redevelopment areas:** The proposed amendment makes several changes to ease barriers to development in the infill area, which is defined as those areas designated in the Redevelopment Element of the General Plan. For these specific areas, the amendment allows on-street parking to be counted towards 50% of the parking requirement for single, two-family and three-family dwellings, and allows a 20% percent reduction of the total parking requirement for non-residential uses.

Public outreach was a major component throughout this process. During the initial drafting of the update, staff met with several local designers to seek input and suggestions on how to better reflect the parking needs of our community. Then, once a draft was complete, the draft was provided to the development community for further review and comments. Overall, the feedback has been positive; all were excited to see such an inclusive approach to the update and appreciative of the opportunity to review and provide feedback on the proposed amendment.

On October 23, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (5-0) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

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

### **QUESTIONS FOR STAFF**

None

### **PUBLIC COMMENT**

“**Gary Wright, 1801 S. 18<sup>th</sup> Ave, Yuma, AZ** expressed his concerns regarding off-street parking and concerns on how the proposed text amendment would affect public safety. **Wright** asked if the reason why parking is being increased in residential areas was because of a shortage of commercial property in the City of Yuma.

“**Andrew McGarvie, Engineering Manager** said he couldn’t answer that question.

“**John Mahon, Planning and Zoning Commissioner** stated that the intent of the proposed text amendment is not to add additional parking to the streets but to allow for better development. **Mahon** noted that current parking regulations kill projects and that the proposed text amendment would allow growth and better future development.

“**Alyssa Linville, Director of Planning and Neighborhood Services** addressed **Wright’s** concerns regarding the parking and stated that the current regulation are not realistic for the community. **Linville** noted that recreational vehicle parking has been allowed since 2017, noting that the proposed text amendment would just limit the number of recreational vehicles allowed to park in the front yard setback. **Linville** also said that the proposed text amendment is in response to community comments that staff have received.

“Commissioner Mahon congratulated Linville and staff for keeping up with parking regulations.

“Chris Hamel, Planning and Zoning Commissioner addressed the fire safety concerns brought up by Wright and said that the proposed text amendment wouldn’t be a problem for public safety.

“Branden Freeman, Planning and Zoning Commissioner stated that the proposed text amendment was provided to the Fire Department, and they had no comments in opposition.

**MOTION**

“Motion by Freeman, second by Mahon to APPROVE ZONE-41775-2023 as presented.

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

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

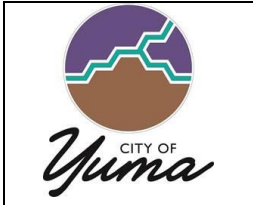
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

Acting City Administrator: Jennifer Reichelt for John D. Simonton	Date: 12/13/2023
Reviewed by City Attorney: Richard W. Files	Date: 12/13/2023



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

**Hearing Date** October 23, 2023

**Case Number:** ZONE-41775-2023

**Project Description:** This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

**Staff recommendation:** Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

**Suggested Motion:** Move to **APPROVE** the text amendment ZONE-41775-2023 as presented in the staff report.

**Effect of the Approval:** By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, to update provisions related to off-street parking.

**Staff Analysis:** This text amendment updates the existing off-street parking regulations to reduce the number of required parking spaces for certain uses, updates the section on permitted reductions for special circumstances, clarifies language and provisions related to shared parking, formalizes allowances for compact parking, and updates language related to the parking of vehicles and recreational vehicles within the front yard setback of residentially zoned properties.

The goal of the text amendment is to provide adequate parking while limiting excessive, unnecessary parking spaces. Land within the City is a finite resource that can be put to a more productive use than parking. With the cost of one surface parking space exceeding \$5,000, reducing parking also serves to reduce the cost of development. Fewer parking spaces also allow for a more walkable environment and reduce the impacts of the urban heat island effect.

Below is a more detailed description of each proposed amendment:

1. **Paving materials:** In an effort to reduce pavement requirements within residential districts, the proposed amendment identifies the use of rock or gravel for certain primary and secondary parking areas. Additionally, the proposed amendment formalizes provisions for utilizing ribbon driveways for single and two-family residential developments.
2. **Shared parking:** The proposed amendment attempts to simplify and encourage the use of shared parking agreements when mixed use developments support such a design.
3. **Parking space dimensions:** This component of the amendment will locate parking stall dimensions into one singular location of the code, as well as identify provisions for compact parking and parking space overhangs.
4. **Parking in residential districts:** The code currently permits 40% of the front yard setback to be utilized for parking. The proposed amendment will



increase this amount to 60%, which has proven to be a more feasible and realistic parking need within our community.

5. **Recreational vehicle parking:** The proposed amendment will limit the number of recreational vehicles permitted to park within the front yard setback to one. Any additional vehicles will need to be parked and/or stored beyond the front yard setback.
6. **Parking spaces required:** The proposed reductions in the parking requirements are based on national standards as well as recent development trends specific to our community and communities across Arizona. Parking reductions identified within this amendment include, but are not limited to, restaurants, education facilities, hotels, medical offices, general offices, and multiple-dwelling units.
7. **Redevelopment areas:** The proposed amendment makes several changes to ease barriers to development in the infill area, which is defined as those areas designated in the Redevelopment Element of the General Plan. For these specific areas, the amendment allows on-street parking to be counted towards 50% of the parking requirement for single, two-family and three-family dwellings, and allows a 20% percent reduction of the total parking requirement for non-residential uses.

Public outreach was a major component throughout this process. During the initial drafting of the update, staff met with several local designers to seek input and suggestions on how to better reflect the parking needs of our community. Then, once a draft was complete, the draft was provided to the development community for further review and comments. Overall, the feedback has been positive; all were excited to see such an inclusive approach to the update and were appreciative of the opportunity to review and provide feedback of the proposed amendment.

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

Yes.

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

Yes. The proposed 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?**

No. The proposed amendment will merely change certain parking requirements for particular uses, but will have no impact on the range of uses permitted within the zoning code.

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

Yes. The proposed amendment will modify certain development standards of the parking requirements within the zoning code.

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

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include:

- Reduce costs associated with commercial development
- Reduce urban heat island effect
- Free land for additional development opportunity

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?  
Yes.
7. Does the proposed amendment conform to prior City Council actions regarding this issue?  
Yes.

**Public Comments Received:** None Received.

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** N/A

**Final staff report delivered to applicant on:** N/A

**Attachments:**

A	B
Draft Text	Agency Notification

**Prepared By:** *Alyssa Linville*

**Date:** October 12, 2023

Alyssa Linville, Director of Planning and  
Neighborhood Services

[Alyssa.Linville@yumaaz.gov](mailto:Alyssa.Linville@yumaaz.gov)

(928) 373-5000, ext.  
3037

**Approved By:** *Jennifer L. Albers*  
Jennifer L. Albers,  
Assistant Director of Planning

**Date:** 10/12/23

**ATTACHMENT A  
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection C be amended to insert the bolded text:

- (C) *Paving; materials.* All off-street parking spaces, parking lots, access ways, and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement concrete, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture, or suburban ranch, **Low Density Residential (R-1-40), or the Residential Estate (RE-35)** zoning districts where **alternative paving materials, such as rock, gravel or ABC** may be used. **Secondary driveways in residential districts may also utilize gravel or rock.**

*Alternative paving materials.*

- (1) **The rock or gravel may not be smaller than one-quarter inch and no larger than three-quarter inch.**
- (2) **The depth of the gravel shall be three inches.**
- (3) **The gravel driveway must be contained within a permanent border deep enough to maintain required gravel depth.**

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection E be amended to insert the bolded text and delete the strike through text:

- (E) ~~Joint usage of~~ **Shared parking.** **Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.** ~~The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:~~

- ~~(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;~~
- ~~(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and~~
- ~~(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.~~

**Shared parking shall be subject to the review and approval of the Director of the Department of Planning and Neighborhood Services. An application for shared parking shall conform to the following standards:**

- (1) **A narrative statement shall be supplied explaining how shared parking will be managed. This narrative must explain the proposed hours of operation for each use on site;**
- (2) **Floor plans and a parking count analysis shall be included, and the analysis will illustrate parking needs without a shared use and with a shared use plan; and**

(3) **Completion of a recorded agreement between business and/or property owners, and the City of Yuma.**

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 2, Subsection F be amended to insert the bolded text and delete the strike through text:

- (F) *Parking spaces for ~~the disabled~~ **people with disabilities**.* In accordance with the current Americans with Disabilities Act (ADA) standards, parking for **people with disabilities** ~~disabled persons~~ shall be provided in all public places in convenient locations and reserved for **people with disabilities** ~~the disabled~~. A ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection A be amended to insert the bolded text and delete the strike through text:

(A) *Design standards.*

- (1) *Site plan.* A site plan for any proposed parking lot for five or more required spaces shall be submitted to the ~~Department of Development Services~~ **Department of Planning and Neighborhood Services** for review and approval at the time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.
- (2) *Minimum parking lot ~~lot~~ **space** dimensions.* All parking ~~lots~~ **spaces** shall conform to the following minimum parking lot dimensions: ~~where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.~~
- (a) **Minimum space length: 19 feet;**
  - (b) **Minimum space width: 10 feet, except for employee parking which can be 9 feet when clearly identified (pavement marking, signs, or other method);**
  - (c) **Compact parking: 16 feet by 9 feet. Compact parking may be utilized in commercial and high-density residential zoning districts where there are 10 or more parking spaces. Up to 20% of proposed parking may be compact. Compact parking must be clearly identified (pavement markings, signs, or other method);**
  - (d) **Parking space overhang: Parking space dimensions can utilize an overhang of up to 24 inches when located adjacent to an internal walkway/sidewalk or a landscape area provided that:**
    - i. **The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or the trunk of a tree; and**

- ii. **The unobstructed width of the walkway/sidewalk, exclusive of the 24-inch overhang, is not less than 3 feet.**
  - (e) **Single-family residential parking shall provide parking space dimensions each measuring 10 feet in width by 20 feet in depth.**
- (3) *Site plan.* ~~The scale of the site plan shall contain not more than 50 feet to the inch.~~ The site plan shall be drawn according to the following requirements and shall show these items detailed herein:
  - (a) Zoning, setbacks and statement of use;
  - (b) North arrow and scale;
  - (c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;
  - (d) Ownership of the parcel being developed;
  - (e) Use, total floor area and location of each existing and proposed structure;
  - (f) Complete dimensions of parking lot;
  - (g) Grading and drainage plan of parking lot;
  - (h) Landscaping, walls, ~~lighting~~ and irrigation system;
  - (i) **Lighting, including a parking lot light coverage plan;**
  - (ij) Type and thickness surface and base of parking;
  - (jk) **If applicable, N**number of employees in proposed business;
  - (kl) If public assembly, number of seats and/or occupant capacity; and
  - (~~lm~~) If applicable, the number of rooms or beds.
- (4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of ~~Public Safety and Engineering Division.~~

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection B (3) be amended to insert the bolded text and delete the strike through text:

- (3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the ~~Engineering Division~~ **Department of Engineering;**

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 3, Subsection B (6) be amended to insert the bolded text and delete the strike through text:

- (6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with ~~four~~ **five** or more parking spaces. Open parking lots shall ~~be illuminated~~ **illuminate parking stalls** with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection A be amended to delete the strike through text:

- (A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In instances where the rear property line is adjacent to an alley and parking is accessed from the rear yard alley, parking spaces may be set back zero feet from the property line. ~~In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection B be amended to insert the bolded text and delete the strike through text:

- (B) In residential districts, parking is permitted within the front yard setback in front of garages, carports or on ~~an adjacent paved~~ **a surface in accordance with § 154-16.02(C).** Such area shall not exceed ~~40%~~ **60%** of the front yard setback, **while continuing to provide adequate on-site retention.**

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, Subsection D be amended to insert the bolded text and delete the strike through text:

- (3) That said vehicle shall be located on ~~a paved~~ surface in accordance with § 154-16.02(C); and
- (4) Each residential lot shall ~~have no more than one area of~~ **be limited to the parking and/or storage of one recreational equipment, recreational vehicle, or watercraft within the front yard setback.**

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 4, be amended to insert Subsection E:

- (E) **Ribbon or Hollywood driveways may be utilized in single and two-family residential developments, where such parking spaces are accessed perpendicularly from the adjacent roadway. The hard surfaced material of the parallel strips shall be a minimum of two feet in width and shall be separated by a three foot wide pervious area (grass or decorative rock). The total extent of the parking area shall be in conformance with the parking dimensions required of the residential use.**

**SECTION 11:** That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 7 be amended to insert the bolded text, delete the strike through text, and renumber accordingly:

- ~~(A)~~ ~~Adult arcade.~~ One space for each arcade machine plus one space for each employee per shift.
- ~~(B)~~ ~~Adult bookstore.~~ One space for each 300 square feet of gross floor area.
- ~~(C)~~ ~~Adult cabaret.~~ One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.
- ~~(D)~~ ~~Adult motel.~~ One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:
  - ~~(1)~~ One parking space for every 100 square feet of gross floor area where public is served;
  - ~~(2)~~ One parking space for every 400 square feet of gross floor area of commercial accessory use; and
  - ~~(4)~~ One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.
- ~~(E)~~ ~~Adult motion picture theater.~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(F)~~ ~~Adult theater.~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(G)~~ ~~Adult video store.~~ One space for each 300 square feet of gross floor area.
- ~~(H)~~ **(A)** *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.
- ~~(I)~~ **(B)** *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)
- ~~(J)~~ **(C)** *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)
- ~~(K)~~ **(D)** *Banks.* One space for every 200 square feet of gross floor area.
- ~~(L)~~ **(E)** *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)
- ~~(M)~~ **(F)** *Cafes, restaurants, cocktail lounges or bars.*
  - (1)** *Sit down establishments.* One space for each ~~50~~ **75** square feet of gross floor area where the public is served.

- (2) **Establishments with drive-thru windows.** One space for each 100 square feet of gross floor area where the public is served.
- (3) **Establishments with take-out only.** One space for each 300 square feet of building area.
- ~~(N)~~ **(G)** *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.
- ~~(O)~~ **(H)** *Child day care services, large.* One space per 300 square feet of gross floor area.
- ~~(P)~~ **(I)** *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or “stack-up”, preceding customer service space:
  - (1) *Drive-in bank.* Three spaces for each service window.
  - (2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.
  - (3) *Drive-in theater.* One space for each four viewing spaces within theater.
  - (4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.
- ~~(Q)~~ **(J)** *Educational facilities.*
  - (1) *Elementary and secondary schools, kindergartens and parochial schools.* ~~shall provide one~~ One space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.
  - (2) **Colleges, universities, trade or vocational schools.** One space for each 200 square feet of classroom and office space.
- ~~(R)~~ ~~Escort agency.~~ One space for each 300 square feet of gross floor area.
- ~~(S)~~ **(K)** *Grocery, supermarkets.* One space for each 300 square feet of gross floor area.
- ~~(T)~~ **(L)** *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.
- ~~(U)~~ **(M)** *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.
- ~~(V)~~ **(N)** *Hotels and motels.* One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:
  - (1) One parking space for every 100 square feet of gross floor area where public is served;
  - (2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and



- (3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.
- ~~(W)~~ **(O)** *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.
- ~~(X)~~ **(P)** *Offices and clinics; medical, **dental, clinic.*** One space for each ~~150~~ **250** square feet of gross floor area.
- ~~(Y)~~ **(Q)** *Motor fuel sales (wholesale).* One parking space per employee per shift.
- ~~(Z)~~ **(R)** *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one for each 20 outdoor vehicle display spaces.
- ~~(AA)~~ **(S)** *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.
- ~~(BB)~~ ~~—~~ *Nude model studio.* One space for each 300 square feet of gross floor area.
- ~~(CC)~~ **(T)** *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.
- ~~(DD)~~ **(U)** *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.
- ~~(EE)~~ **(V)** *Offices (not otherwise specified herein).* One space for each ~~300~~ **400** square feet of gross floor area, exclusive of floor area used for utility equipment.
- ~~(FF)~~ **(W)** *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.
- (1) *Single-family dwellings.* Two spaces for each dwelling unit.
  - (2) *Duplex dwellings.* Two spaces for each dwelling unit.
  - (3) ~~*Multiple-dwellings. One and one-half spaces for each efficiency one-bedroom or two-bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.*~~
    - (b) *One-bedroom dwelling unit.* One space for each dwelling unit.**
    - (c) *Two-bedroom dwelling unit.* One and one-half spaces for each dwelling unit.**
    - (d) *Three or more-bedroom dwelling unit.* Two spaces for each dwelling unit.**

- (4) Rooming and boarding houses. One space for each two guest rooms, plus two spaces for any permanent residence on the property.
- ~~(5) *Manufactured housing park (MHP)*. Two spaces for each manufactured home or one space for each park model or recreational vehicle.~~
- ~~(6) *Manufactured housing subdivision (MHS)*. Two spaces for each lot.~~
- ~~(7) *Recreational vehicle subdivision (RVS)*. Two spaces for each manufactured home or one for each park model or recreational vehicle.~~
- (5) *Manufactured homes*. Two spaces for each manufactured housing unit.**
- (6) *Park models or recreational vehicles*. One space for each park model or recreational vehicle.**

~~(GG) (X) *Retail stores, shops, convenience food stores*. One space for each 400 square feet of gross floor area.~~

~~(HH) *Trade schools, business colleges*. One space for each 200 square feet of gross floor area.~~

~~(H) (Y) *Wholesaling and warehousing*. One space for each 1,500 square feet of gross floor area.~~

~~(JJ) (Z) *Shopping centers*. One space per 250 square feet of gross floor area.~~

~~(KK) (AA) *Self-storage facilities*. One space for each 50 storage cubicles plus two spaces.~~

~~(LL) *Sexual encounter center*. Parking spaces shall be not less than 30% of maximum occupancy as determined by the International Building Code as amended.~~

**SECTION 12:** That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 8, Subsection B, Table No. 4 be amended to insert the bolded text and delete the strike through text:

Table No. 4 – Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
12,500 up to and including <del>40,000</del> <b>100,000</b>	1
<del>40,001 up to and including 100,000</del>	<del>2</del>
100,001 up to and including 160,000	<del>3</del> <b>2</b>
160,001 up to and including 240,000	<del>4</del> <b>3</b>
240,001 up to and including 320,000	<del>5</del> <b>4</b>
320,001 up to and including 400,000	<del>6</del> <b>5</b>
For each additional 90,000 over 400,000	1 additional

**SECTION 13:** That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 9, Subsection B be amended to insert the bolded text and delete the strike through text:

- (B) The ~~Community Development~~ Director of **Planning and Neighborhood Services** shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of ~~Community Development~~ **Planning and Neighborhood Services** and recorded against the properties.

SECTION 14: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 10, Subsection A (1) be amended to insert the bolded text and delete the strike through text:

(A) *Reductions for certain uses in areas designated in the Redevelopment Element of the General Plan.*

- (1) *Reduction based on on-street parking for certain residential uses in areas designated in the redevelopment element of the General Plan.* On-street parking for single-family dwellings, **two-family dwellings, three-family dwellings**, ~~small Residential Care Facilities Home~~, small Child Care Services, and community gardens may be counted on a space-for-space basis toward the total required amount of parking up to 50% provided the parking is located on the same side of the street as the use, does not extend beyond the street frontage of the subject property, and on-street parking spaces are approved by the City of Yuma Traffic Engineering. If a single-family dwelling meets the exception provided for in § ~~154-16.07~~(FF), the single space required for the dwelling unit may be provided on-street in accordance with this section.

SECTION 15: That the Yuma City Code, Title 15, Chapter 154, Article 16 Off-Street Parking and Loading Regulations, Section 10, Subsection A (3) be amended to insert the bolded text and delete the strike through text:

- (3) *Reduction based on certain non-residential uses in areas designated in the Redevelopment Element of the General Plan.* Non-residential uses located within an area designated in the Redevelopment Element of the General Plan ~~with a parking formula of one space per 300 square feet of gross floor area or less intense formula~~ are allowed a **parking** reduction of up to ~~10%~~ **20%** of the total required parking.

**ATTACHMENT B  
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (09/29/23)
- 34 Commenting/Reviewing Agencies noticed: (09/07/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (10/23/23)
- Comments due: (09/18/23)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Comment”</b>	<b>Written Comments</b>	<b>Comments Attached</b>
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					
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Conditions”</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
N/A	N/A

**PUBLIC COMMENTS RECEIVED: NONE RECEIVED.**

**ORDINANCE NO. O2023-040**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO ALLOWABLE PAVING MATERIALS, PARKING DIMENSIONS, AND PARKING ALLOWANCES WITHIN RESIDENTIAL AND COMMERCIAL DISTRICTS**

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 23, 2023 in Case no: ZONE-41775-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 29, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-41775-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this zoning code text 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 16, Off-Street Parking and Loading Regulations, Section 2, Subsection C is amended to insert the following bolded text:

- (C) *Paving; materials.* All off-street parking spaces, parking lots, access ways, and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement concrete, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture, ~~or~~ suburban ranch, **Low Density Residential (R-1-40), or the Residential Estate (RE-35)** zoning districts where **alternative paving materials, such as rock, gravel or ABC** may be used. **Secondary driveways in residential districts may also utilize gravel or rock.**

*Alternative paving materials.*

- (1) **The rock or gravel may not be smaller than one-quarter inch and no larger than three-quarter inch.**
- (2) **The depth of the gravel shall be three inches.**
- (3) **The gravel driveway must be contained within a permanent border deep enough to maintain required gravel depth.**

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection E is amended to insert the following bolded text and delete the strike through text:

(E) *Joint usage of Shared parking.* **Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.** ~~The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:~~

- ~~(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;~~
- ~~(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and~~
- ~~(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.~~

**Shared parking shall be subject to the review and approval of the Director of the Department of Planning and Neighborhood Services. An application for shared parking shall conform to the following standards:**

- (1) A narrative statement shall be supplied explaining how shared parking will be managed. This narrative must explain the proposed hours of operation for each use on site;**
- (2) Floor plans and a parking count analysis shall be included, and the analysis shall illustrate parking needs without a shared use and with a shared use plan, while also demonstrating a plan to address any future change of use; and**
- (3) Completion of a recorded agreement between business and/or property owners with an acknowledgement that any changes in use or hours of operation may invalidate the agreement. City regulations shall be consulted.**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection F is amended to insert the following bolded text and delete the strike through text:

- (F) *Parking spaces for ~~the disabled~~ **people with disabilities**.* In accordance with the current Americans with Disabilities Act (ADA) standards, parking for **people with disabilities** ~~disabled persons~~ shall be provided in all public places in convenient locations and reserved for **people with disabilities** ~~the disabled~~. ~~A ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.~~

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection A is amended to insert the following bolded text and delete the strike through text:

- (A) *Design standards.*
- (1) *Site plan.* A site plan for any proposed parking lot for five or more required spaces shall be submitted to the ~~Department of Development Services~~ **Department of Planning and Neighborhood Services** for review and approval at **the** time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.

- (2) *Minimum parking lot space dimensions.* All parking lots ~~spaces~~ shall conform to the following minimum ~~parking lot~~ dimensions: ~~where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.~~
- (a) **Minimum space length: 19 feet;**
  - (b) **Minimum space width: 10 feet, except for employee parking which can be 9 feet when clearly identified (pavement marking, signs, or other method);**
  - (c) **Compact parking: 16 feet by 9 feet. Compact parking may be utilized in commercial and high-density residential zoning districts where there are 10 or more parking spaces. Up to 20% of proposed parking may be compact. Compact parking must be clearly identified (pavement markings, signs, or other method);**
  - (d) **Parking space overhang: Parking space dimensions can utilize an overhang of up to 24 inches when located adjacent to an internal walkway/sidewalk or a landscape area provided that:**
    - i. **The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or the trunk of a tree; and**
    - ii. **The unobstructed width of the walkway/sidewalk, exclusive of the 24-inch overhang, is not less than 3 feet.**
  - (e) **Single-family residential parking shall provide parking space dimensions each measuring 10 feet in width by 20 feet in depth.**
- (3) *Site plan.* ~~The scale of the site plan shall contain not more than 50 feet to the inch.~~ The site plan shall be drawn according to the following requirements and shall show these items detailed herein:
- (a) Zoning, setbacks and statement of use;
  - (b) North arrow and scale;
  - (c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;
  - (d) Ownership of the parcel being developed;
  - (e) Use, total floor area and location of each existing and proposed structure;
  - (f) Complete dimensions of parking lot;

- (g) Grading and drainage plan of parking lot;
  - (h) Landscaping, walls, ~~lighting~~ and irrigation system;
  - (i) **Lighting, including a parking lot light coverage plan;**
  - (ij) Type and thickness surface and base of parking;
  - (jk) **If applicable, N**number of employees in proposed business;
  - (kl) If public assembly, number of seats and/or occupant capacity; and
  - (lm) If applicable, the number of rooms or beds.
- (4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of ~~Public Safety and Engineering Division~~.

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (3) is amended to insert the following bolded text and delete the strike through text:

- (3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the ~~Engineering Division~~ **Department of Engineering;**

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (6) is amended to insert the following bolded text and delete the strike through text:

- (6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with ~~four~~ **five** or more parking spaces. Open parking lots shall ~~be illuminated~~ **illuminate parking stalls** with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection A is amended to delete the following strike through text:

- (A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In instances where the rear property line is adjacent to an alley and parking is accessed from the rear yard alley, parking spaces may be set back zero feet from the property line. ~~In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).~~



SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection B is amended to insert the following bolded text and delete the strike through text:

- (B) In residential districts, parking is permitted within the front yard setback in front of garages, carports or on ~~an adjacent paved~~ a surface in accordance with § 154-16.02(C). Such area shall not exceed ~~40%~~ **60%** of the front yard setback, **while continuing to provide adequate on-site retention.**

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection D is amended to insert the following bolded text and delete the strike through text:

- (3) That said vehicle shall be located on a ~~paved~~ surface in accordance with § 154-16.02(C); and
- (4) Each residential lot shall ~~have no more than one area of~~ **be limited to the parking and/or storage of one recreational equipment, recreational vehicle, or watercraft within the front yard setback.**

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, is amended to insert the following Subsection E:

- (E) **Ribbon or Hollywood driveways may be utilized in single and two-family residential developments, where such parking spaces are accessed perpendicularly from the adjacent roadway. The hard surfaced material of the parallel strips shall be a minimum of two feet in width and shall be separated by a three foot wide pervious area (grass or decorative rock). The total extent of the parking area shall be in conformance with the parking dimensions required of the residential use.**

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 7 is amended to insert the following bolded text, delete the strike through text, and renumber accordingly:

- (A) ~~Adult arcade. One space for each arcade machine plus one space for each employee per shift.~~
- (B) ~~Adult bookstore. One space for each 300 square feet of gross floor area.~~
- (C) ~~Adult cabaret. One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.~~
- (D) ~~Adult motel. One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:~~
- (1) ~~One parking space for every 100 square feet of gross floor area where public is served;~~
- (2) ~~One parking space for every 400 square feet of gross floor area of commercial accessory use; and~~
- (4) ~~One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.~~

- ~~(E)~~ ~~*Adult motion picture theater.* One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.~~
- ~~(F)~~ ~~*Adult theater.* One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.~~
- ~~(G)~~ ~~*Adult video store.* One space for each 300 square feet of gross floor area.~~
- ~~(H)~~ (A) *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.
- ~~(I)~~ (B) *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)
- ~~(J)~~ (C) *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)
- ~~(K)~~ (D) *Banks.* One space for every 200 square feet of gross floor area.
- ~~(L)~~ (E) *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)
- ~~(M)~~ (F) *Cafes, restaurants, cocktail lounges or bars.*
- (1) ***Sit down establishments.*** One space for each ~~50~~ **75** square feet of gross floor area where the public is served.
  - (2) ***Establishments with drive-thru windows.*** **One space for each 100 square feet of gross floor area where the public is served.**
  - (3) ***Establishments with take-out only.*** **One space for each 300 square feet of building area.**
- ~~(N)~~ (G) *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.
- ~~(O)~~ (H) *Child day care services, large.* One space per 300 square feet of gross floor area.
- ~~(P)~~ (I) *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or “stack-up”, preceding customer service space:
- (1) *Drive-in bank.* Three spaces for each service window.
  - (2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.

- (3) *Drive-in theater.* One space for each four viewing spaces within theater.
- (4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.

~~(J)~~ **(J)** *Educational facilities.*

- (1) *Elementary and secondary schools, kindergartens and parochial schools.* ~~shall provide~~ ~~One~~ One space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.
- (2) ***Colleges, universities, trade or vocational schools. One space for each 200 square feet of classroom and office space.***

~~(R)~~ ~~Escort agency. One space for each 300 square feet of gross floor area.~~

~~(S)~~ **(K)** *Grocery, supermarkets.* One space for each 300 square feet of gross floor area.

~~(T)~~ **(L)** *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.

~~(U)~~ **(M)** *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.

~~(V)~~ **(N)** *Hotels and motels.* One ~~and one-tenth~~ parking space shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:

- (1) One parking space for every 100 square feet of gross floor area where public is served;
- (2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and
- (3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.

~~(W)~~ **(O)** *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.

~~(X)~~ **(P)** *Offices and clinics; medical, dental, clinic.* One space for each ~~150~~ **250** square feet of gross floor area.

~~(Y)~~ **(Q)** *Motor fuel sales (wholesale).* One parking space per employee per shift.

~~(Z)~~ **(R)** *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one for each 20 outdoor vehicle display spaces.

~~(AA)~~ **(S)** *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.

- ~~(BB)~~ ~~*Nude model studio.*~~ One space for each ~~300~~ square feet of gross floor area.
- ~~(CC)~~ (T) *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.
- ~~(DD)~~ (U) *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.
- ~~(EE)~~ (V) *Offices (not otherwise specified herein).* One space for each ~~300~~ **400** square feet of gross floor area, exclusive of floor area used for utility equipment.
- ~~(FF)~~ (W) *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.
- (1) *Single-family dwellings.* Two spaces for each dwelling unit.
  - (2) *Duplex dwellings.* Two spaces for each dwelling unit.
  - (3) ~~*Multiple-dwellings. One and one-half spaces for each efficiency one bedroom or two bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.*~~
    - (b) ***One-bedroom dwelling unit. One space for each dwelling unit.***
    - (c) ***Two-bedroom dwelling unit. One and one-half spaces for each dwelling unit.***
    - (d) ***Three or more-bedroom dwelling unit. Two spaces for each dwelling unit.***
  - (4) Rooming and boarding houses. One space for each two guest rooms, plus two spaces for any permanent residence on the property.
  - ~~(5) *Manufactured housing park (MHP).* Two spaces for each manufactured home or one space for each park model or recreational vehicle.~~
  - ~~(6) *Manufactured housing subdivision (MHS).* Two spaces for each lot.~~
  - ~~(7) *Recreational vehicle subdivision (RVS).* Two spaces for each manufactured home or one for each park model or recreational vehicle.~~
  - (5) ***Manufactured homes. Two spaces for each manufactured housing unit.***

(6) **Park models or recreational vehicles. One space for each park model or recreational vehicle.**

~~(GG)~~ (X) *Retail stores, shops, convenience food stores.* One space for each 400 square feet of gross floor area.

~~(HH)~~ *Trade schools, business colleges.* One space for each 200 square feet of gross floor area.

~~(H)~~ (Y) *Wholesaling and warehousing.* One space for each 1,500 square feet of gross floor area.

~~(J)~~ (Z) *Shopping centers.* One space per 250 square feet of gross floor area.

~~(KK)~~ (AA) *Self-storage facilities.* One space for each 50 storage cubicles plus two spaces.

~~(LL)~~ *Sexual encounter center.* Parking spaces shall be not less than 30% of maximum occupancy as determined by the International Building Code as amended.

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 8, Subsection B, Table No. 4 is amended to insert the following bolded text and delete the strike through text:

Table No. 4 – Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
12,500 up to and including <del>40,000</del> <b>100,000</b>	1
<del>40,001 up to and including 100,000</del>	<del>2</del>
100,001 up to and including 160,000	<del>3</del> <b>2</b>
160,001 up to and including 240,000	<del>4</del> <b>3</b>
240,001 up to and including 320,000	<del>5</del> <b>4</b>
320,001 up to and including 400,000	<del>6</del> <b>5</b>
For each additional 90,000 over 400,000	1 additional

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 9, Subsection B is amended to insert the following bolded text and delete the strike through text:

(B) The ~~Community Development~~ Director **of Planning and Neighborhood Services** shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of ~~Community Development~~ **Planning and Neighborhood Services** and recorded against the properties.

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (1) is amended to insert the following bolded text and delete the strike through text:

(A) *Reductions for certain uses in areas designated in the Redevelopment Element of the General Plan.*

- (1) *Reduction based on on-street parking for certain residential uses in areas designated in the redevelopment element of the General Plan.* On-street parking for single-family dwellings, **two-family dwellings, three-family dwellings,** ~~small~~ Residential Care Facilities **Home**, small Child Care Services, and community gardens may be counted on a space-for-space basis toward the total required amount of parking up to 50% provided the parking is located on the same side of the street as the use, does not extend beyond the street frontage of the subject property, and on-street parking spaces are approved by the City of Yuma Traffic Engineering. If a single-family dwelling meets the exception provided for in § 154-16.07(FF), the single space required for the dwelling unit may be provided on-street in accordance with this section.

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (3) is amended to insert the following bolded text and delete the strike through text:

- (3) *Reduction based on certain non-residential uses in areas designated in the Redevelopment Element of the General Plan.* Non-residential uses located within an area designated in the Redevelopment Element of the General Plan ~~with a parking formula of one space per 300 square feet of gross floor area or less intense formula~~ are allowed a **parking** reduction of up to ~~10%~~ **20%** of the total required parking.

SECTION 16: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

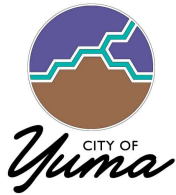
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney



# City of Yuma

## City Council Report

**File #:** O2024-001

**Agenda Date:** 1/3/2024

**Agenda #:** 1.

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

**TITLE:**  
**Grant of Utility Easement: Fire Station at Avenue 8½ E**

**SUMMARY RECOMMENDATION:**  
 Grant a utility easement near the intersection of Avenue 8½ E and Desert Springs Drive to Arizona Public Service Company (APS) for the installation of electric facilities necessary to serve the new City fire station. (City Administrator/Jay Simonton)

**STRATEGIC OUTCOME:**  
 Granting an easement for electrical facilities at this location supports the City Council's strategic outcome of Safe and Prosperous development of the eastern part of the City of Yuma.

**REPORT:**  
 A fire station is under construction on a 2-acre parcel of City-owned property near the intersection of Avenue 8½ E and Desert Springs Drive (the Property).

APS has requested a utilities easement on the City-owned Property for the installation of electric facilities that will serve the new fire station.

The Property and proposed Easement Area are described and depicted, respectively, in Exhibit A and Exhibit B of the proposed City of Yuma-APS Utility Easement Agreement.

**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:**  
 Constructing and maintaining a new fire station on the Property will have a fiscal impact to the City, but

granting the requested easement will not.

**ADDITIONAL INFORMATION:**

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

- 1. Draft City of Yuma-APS Utility Easement Agreement

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: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



NE¼-11-09S-22W  
32.667288 -114.485938  
APN 699-35-003  
SW-23-44  
WA706727  
RM/JGF

## **CITY of YUMA-APS UTILITY EASEMENT**

**CITY OF YUMA**, a municipal corporation of the State of Arizona, (hereinafter called "Grantor"), is the owner of the following described real property located in Yuma County, Arizona (hereinafter called "Grantor's Property"):

### **SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement, 8 feet in width or as further described in attached exhibits at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

### **SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF**

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; and install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities solely for Grantee's own use incidental to supplying electricity (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"). Grantee Facilities shall consist of underground electric lines and appurtenant facilities including pad mounted equipment, the locations of which are set forth in Exhibit "B." In no event may any overhead electric lines and associated overhead equipment be installed unless in an emergency to restore power. Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, driveways, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises without the prior written consent of Grantee, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, cement, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's Property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating Grantee Facilities; and (2) Grantor provides Grantee with a new easement in a form and location acceptable to Grantee and at no cost to Grantee. Upon the acceptance by Grantee of a new easement and after the relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement. The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

If any of Grantee's electric facilities in this easement are not being used or are determined not to be useful, Grantor may request that the facilities that are no longer needed be removed and that portion of the easement be abandoned. Grantee will execute and record a formal instrument abandoning the easement, or a portion thereof. Any facilities that are determined to still be needed for Grantee's electrical system can be relocated pursuant to the above relocation requirements.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity (other than to an affiliated entity of Grantee or an entity that acquires from Grantee substantially all of Grantee's electric distribution facilities within the area of Grantor's Property) without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of the transfer, conveyance or assignment of any rights granted herein.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, City of Yuma, a municipal corporation of the State of Arizona, has caused this Utility Easement to be executed by its duly authorized representative, this \_\_\_ day of \_\_\_\_\_, 2023.

APPROVED AS TO FORM:

CITY OF YUMA  
**Jay Simonton**

\_\_\_\_\_  
**City Attorney**

By: \_\_\_\_\_  
**Jay Simonton, Acting City Administrator**

ATTEST:

\_\_\_\_\_  
**City Clerk**

STATE OF \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.

This instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_ of \_\_\_\_\_, on behalf of \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal

\_\_\_\_\_  
Notary Public

## **EXHIBIT “A”**

**(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)  
AS RECORDED IN INSTRUMENT NUMBER 2011-26964 Y.C.R.**

**The South 226.00 feet of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 11 Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona;**

**EXCEPTING there from the East 130.00 feet and the West 49.00 feet and the South 30 feet.**

**EXHIBIT "B"**  
ARIZONA PUBLIC SERVICE JOB #WA706727

A Utility Easement situated within the Northeast quarter of Section 11, Township 9 South, Range 22 West of the Gila and Salt River Meridian, Yuma County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of that City of Yuma parcel as described in Warranty Deed No. 2011-26964 YCR, and as shown on that Record of Survey, Book 11 of Surveys, Page 54, from which the Northeast corner of said parcel bears South 89 degrees 27 minutes 18 seconds East, a distance of 487.57 feet (basis of bearings);

THENCE South 89 degrees 27 minutes 18 seconds East, along the North line of said City of Yuma parcel, a distance of 241.04 feet;

THENCE departing said North line, South 00 degrees 32 minutes 42 seconds West, a distance of 20.12 feet;

THENCE North 89 degrees 27 minutes 18 seconds West, a distance of 16.00 feet;

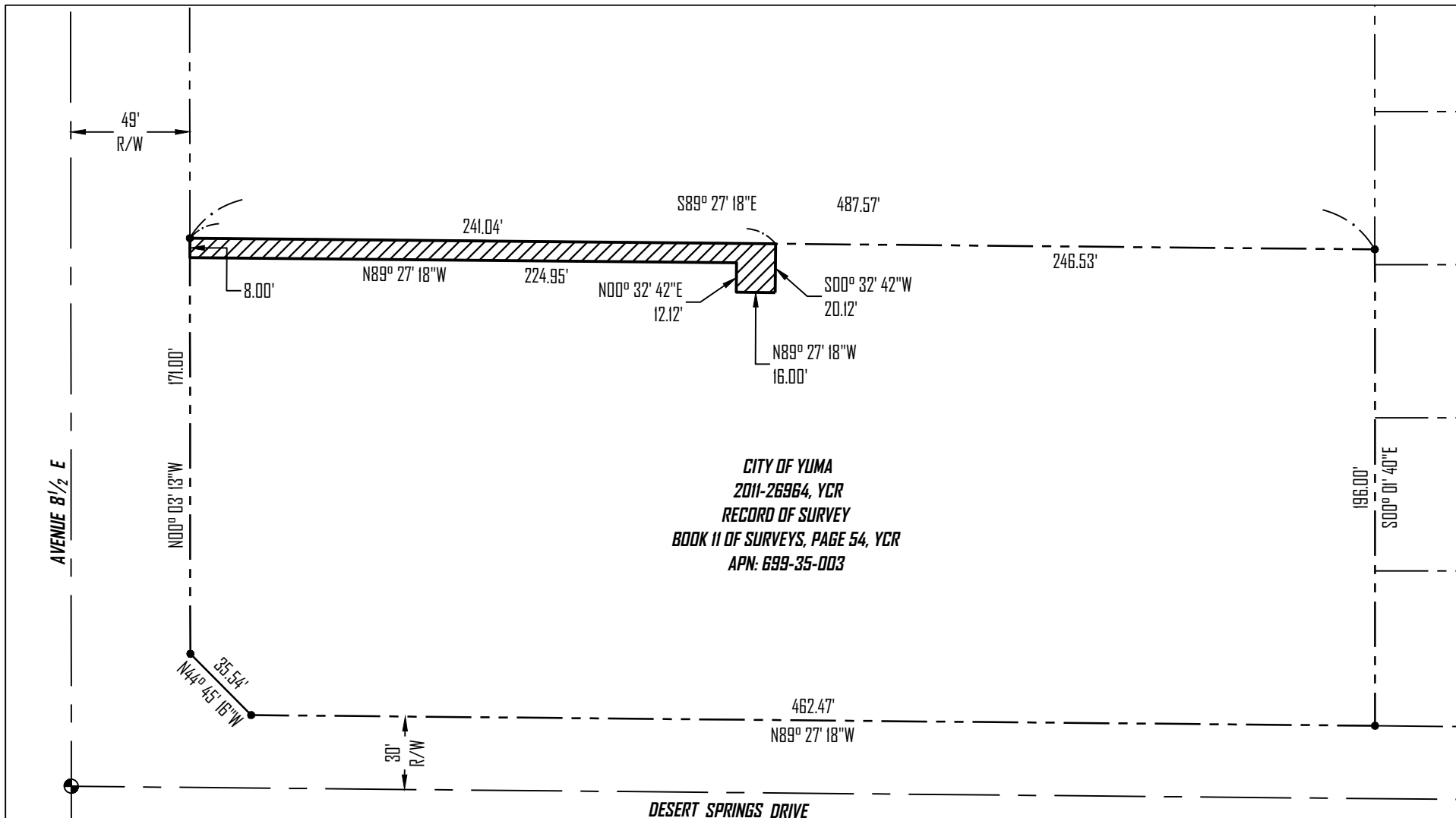
THENCE North 00 degrees 32 minutes 42 seconds East, a distance of 12.12 feet;

THENCE North 89 degrees 27 minutes 18 seconds West, a distance of 224.95 feet to a point on the West line of that aforementioned City of Yuma parcel;

THENCE North 00 degrees 03 minutes 13 seconds West, along said West line, a distance of 8.00 feet to the POINT OF BEGINNING.

Containing an area of 2121.90 square feet or 0.05 acres, more or less.





CITY OF YUMA  
 2011-26964, YCR  
 RECORD OF SURVEY  
 BOOK 11 OF SURVEYS, PAGE 54, YCR  
 APN: 699-35-003



LEGEND	
	EASEMENT AREA
	MONUMENT LINE
	PROPERTY LINE
	PROPERTY CORNER
	MONUMENT

 NORTH			<b>EXHIBIT "B"</b>	
	JOB#	WA706727	DATE:	05.10.2023
	NE 1/4	SEC II	T 09 S	R 22 W
	SCALE:	1"=60'	INDEX:	SW-23-44
	R/W:	R. MILLARD		
	SURVEY:	CHEE		
BY:	RICHARDS	SHEET	2 OF 2	

**ORDINANCE NO. O2024-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,  
ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY  
EASEMENT FOR THE INSTALLATION OF NEW ELECTRICAL  
FACILITIES AT CITY-OWNED PROPERTY NEAR THE  
INTERSECTION OF AVENUE 8½E AND DESERT SPRINGS DRIVE**

WHEREAS, a new City fire station is under construction on a 2-acre parcel of land the City owns near the intersection of Avenue 8½E and Desert Springs Drive, more particularly described in Exhibit A of the City of Yuma-APS Utility Easement Agreement (the “Property”); and,

WHEREAS, Arizona Public Service Company (“APS”) has requested a utilities easement from the City of approximately 2,122 square feet along the North boundary of the Property as described and depicted in Exhibit B of the City of Yuma-APS Utility Easement Agreement (“Easement Area”) for the installation of facilities necessary to provide electric service to the new fire station

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

SECTION 1: As a matter of public necessity and public welfare, the City grants an easement to APS for the installation of new electrical facilities within the Easement Area. The described easement shall be in substantially the form of the City of Yuma-APS Utility Easement Agreement on file with the City Clerk.

SECTION 2: The City Administrator is authorized to execute all necessary documents on behalf of the City to grant the above-referenced easement to APS.

SECTION 3: The City Clerk shall maintain all exhibits on file at the Office of the City Clerk.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

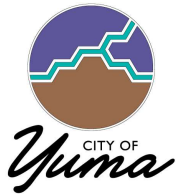
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney





# City of Yuma

## City Council Report

**File #:** O2024-002

**Agenda Date:** 1/3/2024

**Agenda #:** 2.

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

**TITLE:**

**Intergovernmental Agreement Amendment: Yuma County and Yuma County Airport Authority, Inc.**

**SUMMARY RECOMMENDATION:**

Amend the intergovernmental agreement (IGA) between the City and Yuma County with signature consent by the Yuma County Airport Authority, Inc. for the 40<sup>th</sup> Street Lift Station and force main improvements. (David Wostenberg)

**STRATEGIC OUTCOME:**

This item supports the City Council’s strategic outcome of Safe and Prosperous. The project will improve the sewer collection system in the area. Replacing the lift station will increase safety and prosperity of the neighborhood by providing a safe and reliable collection system for the area.

**REPORT:**

On February 1, 2023, City Council adopted Ordinance No. O2023-003 authorizing the City to enter into an IGA with Yuma County for the development of a new sewer lift station near 40th Street and 4th Avenue and for the construction of a new manhole within the 40th Street right of way to connect existing sewer lines to the new lift station. The City’s contractor discovered that there is not enough area to construct the manhole within the 40th Street right of way, so the plans were redrawn to construct the manhole on Yuma County property south of the 40th Street right of way. The new plans will require additional easement area for the manhole and pipeline connecting with the lift station. This ordinance seeks authorization to amend the existing IGA to acquire additional easement area from the County to accommodate the new plans.

The amendment of the IGA and acquisition of the new easement area will not require any expenditures from the City.

**FISCAL REQUIREMENTS:**

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

TOTAL \$ 0.00

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

**FISCAL IMPACT STATEMENT:**

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: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023

**AMENDMENT TO:  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF YUMA AND THE COUNTY OF YUMA WITH SIGNATURE  
CONSENT BY THE YUMA COUNTY AIRPORT AUTHORITY, INC. FOR  
40<sup>TH</sup> STREET LIFTSTATION AND FORCE MAIN IMPROVEMENTS**

This Amendment is to the Intergovernmental Agreement between the City of Yuma, an Arizona municipal corporation (“City” or “City of Yuma”) and the County of Yuma, a political body in the State of Arizona (“County” or “Yuma County”) that was originally executed on January 4<sup>th</sup>, 2023 (“IGA”). Yuma County and the City of Yuma are collectively referred to as the “Parties” and individually as a “Party.” Yuma County Airport Authority, Inc., an Arizona non-profit corporation (“YCAA”), is a signatory to this IGA signifying YCAA’s acceptance of and consent to the Amendment’s terms and conditions.

**RECITALS**

WHEREAS, Arizona Revised Statutes (A.R.S.) § 11-951 *et seq.* authorizes Yuma County to enter into this IGA and A.R.S. §11-951 *et seq.* and the Yuma City Charter, Article III, Section 13, authorizes the City of Yuma to enter into this Amendment; and,

WHEREAS, the City wishes to acquire an additional sewer easement to facilitate the construction of the sewer lift station, Yuma County desires to grant such additional easement, and YCAA desires to consent to such additional easement; and

WHEREAS, all existing recitals and provision from the original IGA dated January 4, 2023 remain in full force and effect.

**PROVISIONS**

NOW THEREFORE, in consideration of the terms and conditions contained in the recitals and herein, each of which the parties acknowledge as true and incorporated into this IGA by reference, the parties agree as follows:

1. Grant of Additional Easement: Yuma County does thereby grant an additional easement to the City for the purpose of constructing the sewer lift station, known as the Project on YCAA property, in the form attached hereto as Exhibit 1.
2. Counterparts: This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed an original, but which together shall constitute on and the same instrument.
3. Exhibits and Attachments; Sections: All attachments and exhibits to which reference is made in this Amendment are deemed incorporated in herein and made part of the IGA. References to Sections are to Sections of this IGA unless stated otherwise.

Dated this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Yuma County

City of Yuma

By: \_\_\_\_\_  
Martin Porchas  
Chairman, Yuma County Board of Supervisors

By: \_\_\_\_\_  
John D. Simonton  
City Administrator

Attest

By: \_\_\_\_\_  
Ian McGaughey  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Lynda L. Bushong  
City Clerk

YCAA Consent

By: \_\_\_\_\_  
Bill Craft  
President

**Attorney Approval For Yuma County**

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to Yuma County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the City of Yuma to enter into this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By: \_\_\_\_\_  
Minda M. Davy  
Deputy County Attorney

**Attorney Approval For City of Yuma**

I have reviewed the above-referenced Intergovernmental Agreement between the County of Yuma and the City of Yuma, an agreement among public agencies, which has been reviewed pursuant to Arizona Revised Statutes §§11-951 through 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to the City of Yuma under the laws of the State of Arizona.

No opinion is expressed as to the authority of the County of Yuma to enter into this Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

By: \_\_\_\_\_  
Richard W. Files  
Yuma City Attorney

# Exhibit 1- Grant of Easement

When Recorded, Return To:  
(The City of Yuma Will Pick Up)

---

**GRANT OF EASEMENT**

---

**GRANTOR**

Yuma County  
An Arizona Political Subdivision  
198 South Main Street  
Yuma, Arizona 85364

**GRANTEE**

City of Yuma  
An Arizona Municipal Corporation  
One City Plaza  
Yuma, Arizona 85364-1436

---

EXEMPT from Affidavit and Filing Fees (A.R.S. 11-1134(A)(2))

---

For and in consideration of ten dollars and other valuable consideration, Yuma County, an Arizona political subdivision (“**Grantor**”), hereby grants and conveys to the City of Yuma, an Arizona municipal corporation (“**Grantee**”), its successors and assigns, the right, privilege and perpetual, nonexclusive easement to install and construct, and the right to operate, maintain, repair, replace, reconstruct, and access, a lift station and force main, together with public utilities and utility maintenance access or devices and appurtenances used or useful in the operation of the lift station and force main, and to remove objects interfering therewith, at any and all points within, through, over and across the area more particularly described and depicted on Exhibit A, incorporated herein (the “**Premises**”).

Grantee, at its own cost and expense, shall maintain the Premises in good condition at all times and shall promptly make all repairs that may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of the lift station and force main.

By virtue of Granting this perpetual, nonexclusive, easement, Grantor, for and on behalf of itself and its successors in interest to any and all of the described real property, hereby acknowledges that the Grantee will use the property for the purposes of the installation, operation, restoration and maintenance of a sewer lift station and force main and accepts the attributes of such use, which may include noise, vibration, and odors.

IN WITNESS WHEREOF, the Grantor has executed this perpetual, nonexclusive, easement this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**GRANTOR:**

Yuma County, an Arizona  
political subdivision

By: \_\_\_\_\_  
Ian McGaughey  
Yuma County Administrator

State of Arizona                    )  
  ) ss.  
County of Yuma                    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_,  
by Ian McGaughey, Yuma County Administrator, on behalf of Yuma County, an Arizona political  
subdivision.

My Commission Expires: \_\_\_\_\_  
Signature and Seal of Notary Public

ACCEPTED and APPROVED, by **GRANTEE**, the City of Yuma, an Arizona Municipal  
Corporation.

By: \_\_\_\_\_  
John D. Simonton  
City Administrator

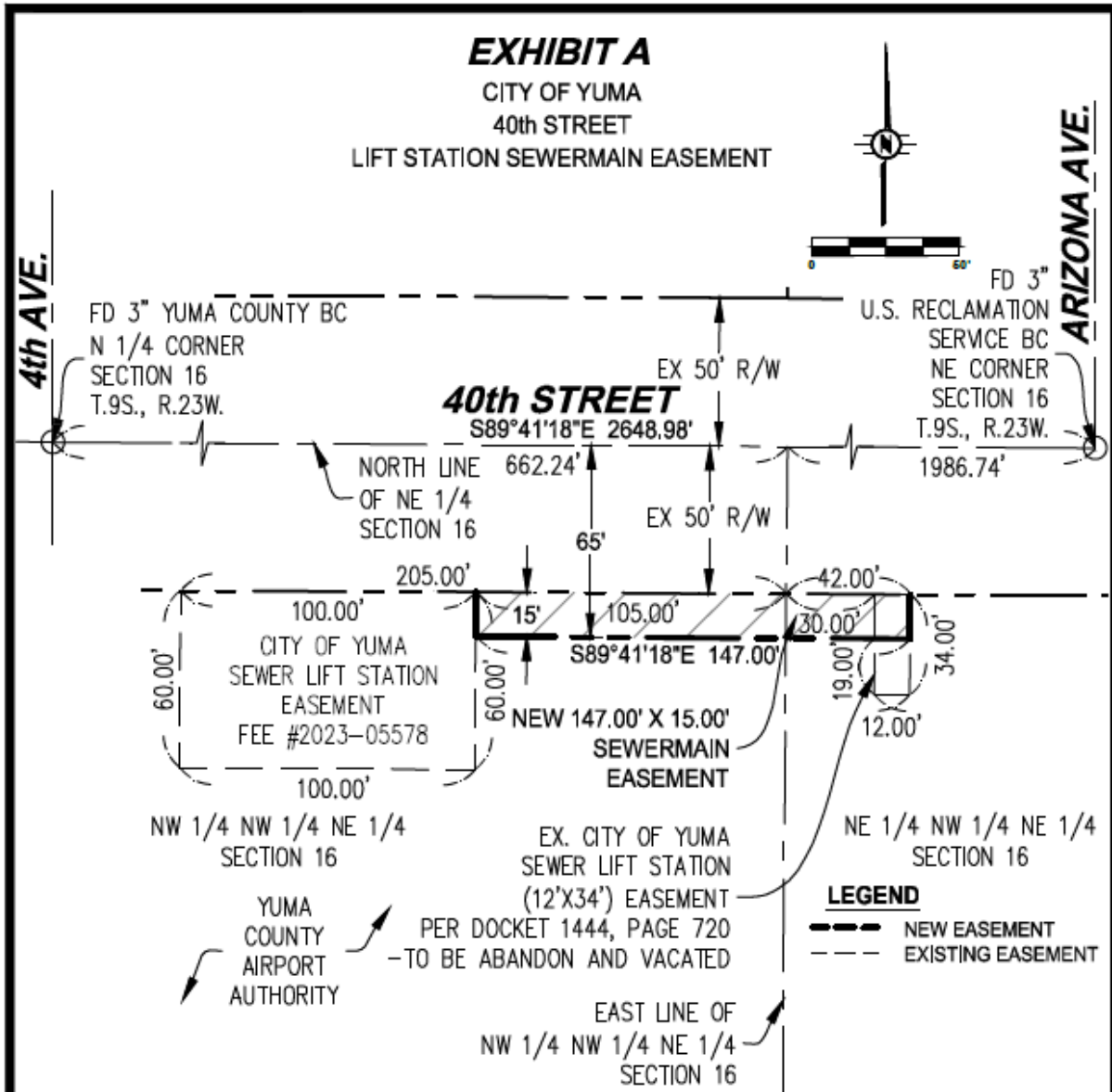
Attested: \_\_\_\_\_  
Lynda Bushong  
City Clerk

Legal Description Verified By:	Vidal Ochoa
City Engineering Department	12/11/2023



# EXHIBIT A

## CITY OF YUMA 40th STREET LIFT STATION SEWERMAIN EASEMENT



### NEW LIFT STATION SEWERMAIN LEGAL DESCRIPTION

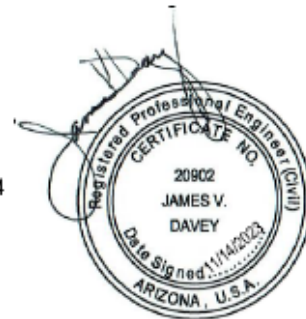
AN EASEMENT IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NW1/4 NE1/4) AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NW1/4 NE1/4) OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 23 WEST, GILA & SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE EAST 105.00' OF SAID NW1/4 NW1/4 NE1/4 OF SAID SECTION 16

AND

THE SOUTH 15.00' OF THE NORTH 65.00' OF THE WEST 42.00' OF SAID NE1/4 NW1/4 NE1/4 OF SAID SECTION 16.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,205 SQUARE FEET OR 0.051 ACRE MORE OR LESS.



**ORDINANCE NO. O2024-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE AMENDMENT OF AN INTERGOVERNMENTAL AGREEMENT WITH YUMA COUNTY AND AUTHORIZING THE ACQUISITION OF A NEW EASEMENT AREA NECESSARY FOR THE CONSTRUCTION OF A NEW SEWER LIFT STATION AND MANHOLE NEAR 40TH STREET AND 4TH AVENUE**

WHEREAS, the City of Yuma (City) is authorized, pursuant to the City Charter, Article III, Section 13, to enter into and amend intergovernmental agreements; and,

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

WHEREAS, Ordinance No. O2023-003 authorized the City to enter into an intergovernmental agreement with Yuma County for the acquisition of an easement on Yuma County property necessary for the construction of a new sewer lift station along 40<sup>th</sup> Street, between 4<sup>th</sup> Avenue and Arizona Avenue; and,

WHEREAS, the City has subsequently identified a need to acquire additional easement area for the construction of a new manhole necessary to connect existing sewer lines to the new lift station; and,

WHEREAS, Yuma County is willing to provide the City with the necessary additional easement area as described and depicted in Exhibit A to the *Amendment to Intergovernmental Agreement Between the City of Yuma and the County of Yuma With Signature Consent By the Yuma County Airport Authority, Inc. For 40<sup>th</sup> Street Liftstation and Force Main Improvements* on file with the Yuma City Clerk and made a part of this ordinance by reference.

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

SECTION 1: The City is authorized to acquire the easement area described and depicted in Exhibit A to the *Amendment to Intergovernmental Agreement Between the City of Yuma and the County of Yuma With Signature Consent By the Yuma County Airport Authority, Inc. For 40<sup>th</sup> Street Liftstation and Force Main Improvements*.

SECTION 2: On behalf of the City of Yuma, the City Administrator is authorized to amend the intergovernmental agreement approved in Ordinance No. O2023-003 to allow the acquisition of the new easement area and to take all necessary acts to effectuate the intent of this ordinance.

SECTION 3: Pursuant to Arizona Revised Statutes § 9-802, the City Clerk shall maintain all referenced exhibits on file at the City Clerk's Office.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

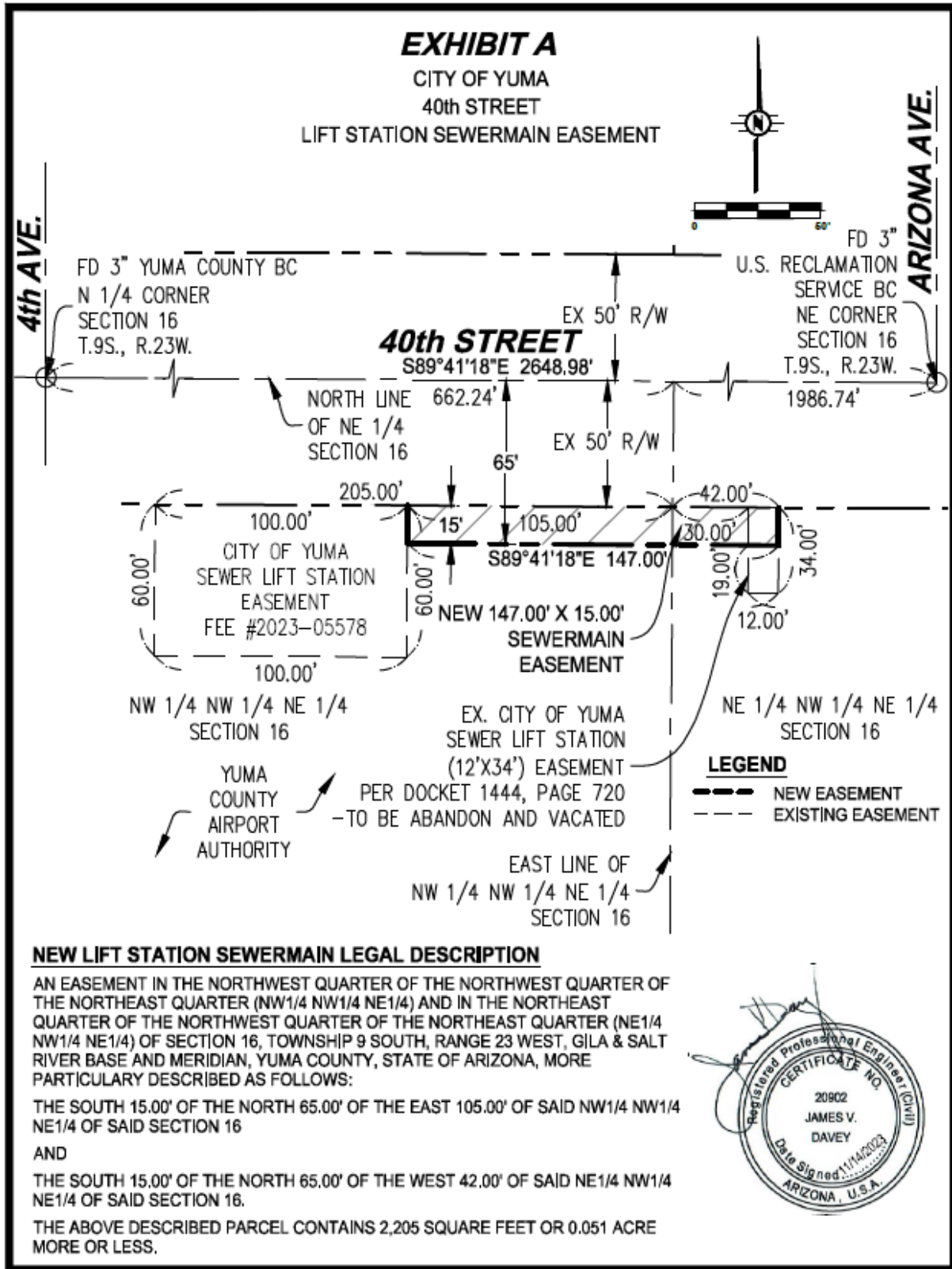
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

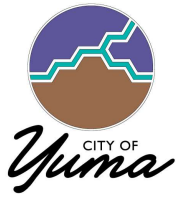
APPROVED AS TO FORM:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

\_\_\_\_\_  
Richard W. Files  
City Attorney



Legal Description Verified By:	Vidal Ochoa
City Engineering Department	12/11/2023



# City of Yuma

## City Council Report

**File #:** O2024-003

**Agenda Date:** 1/3/2024

**Agenda #:** 3.

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

**TITLE:**  
Easement Exchange: 24<sup>th</sup> Place and 31<sup>st</sup> Drive

**SUMMARY RECOMMENDATION:**  
Accept a new water meter easement and abandon a portion of an existing sewer line located west of 24th Place and 31st Drive. (Engineering/Development Engineering) (David Wostenberg)

**STRATEGIC OUTCOME:**  
This item supports the City Council’s strategic outcome of Respected and Responsible by providing the City access to water meters and abandoning a sewer line not utilized by the public.

**REPORT:**  
Garret J. Marks and Jesse A. Haines, owners of Assessor Parcel Numbers 694-03-306 and 694-03-305 shown on the map noted as Exhibit B to the Ordinance, have requested City abandonment of the existing sewer line west of the manhole located at the intersection of 31<sup>st</sup> Drive and 24<sup>th</sup> Place. In exchange, Marks and Haines will grant the City a water utility easement also shown on Exhibit B. The abandonment will result in the owner assuming all responsibility for the maintenance and repair of that entire section of sewer line west of the manhole. The water utility easement will allow for City installation and maintenance of water meters on the property.

**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: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023

**ORDINANCE NO. O2024-003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF A SANITARY SEWER LINE IN EXCHANGE FOR A WATER UTILITY EASEMENT**

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

WHEREAS, Garret J. Marks and Jesse A. Haines (owners) have requested that the City of Yuma abandon a section of existing sewer line in exchange for granting the City a water utility easement; and,

WHEREAS, the abandonment will result in the owner assuming all responsibility for the maintenance of a section of sanitary sewer line west of the manhole located at the intersection of 31<sup>st</sup> Drive and 24<sup>th</sup> Place as shown on Exhibit B on file with the Yuma City Clerk and made a part of this ordinance by reference.

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

SECTION 1: The City of Yuma shall accept a water utility easement described in Exhibit A on file with the Yuma City Clerk and made a part of this ordinance by reference, containing an area of 239.28 square feet, more or less, in exchange for City abandonment of a section of sanitary sewer line west of the manhole located at the intersection of 31<sup>st</sup> Drive and 24<sup>th</sup> Place.

SECTION 2: The water utility easement shall be recorded with a sanitary sewer covenant in a form acceptable to the City of Yuma.

SECTION 3: Upon recording of the water utility easement and sanitary sewer covenant, the sanitary sewer line west of the manhole located at the intersection of 31<sup>st</sup> Drive and 24<sup>th</sup> Place shall be deemed abandoned to the benefitted properties owned by Garret J. Marks and Jesse A. Haines and the covenant for repair and maintenance of the abandoned sanitary sewer line shall become a burden on the benefitted properties.

SECTION 4: The City Administrator is authorized and directed to execute all documents and instruments associated with this abandonment of the utility easement and the acceptance of the new water utility easement.

SECTION 5: Pursuant to Arizona Revised Statutes § 9-802, the City Clerk shall maintain all referenced exhibits on file at the City Clerk's Office.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

\_\_\_\_\_  
Richard W. Files  
City Attorney

## EXHIBIT A

CITY OF YUMA

### WATER METER EASEMENT FOR PARCEL "A" AND PARCEL "B" OF THE MARKS/HAINES LOT SPLIT, FEE# 2019-24657, BK. 31, PG.16

A WATER METER EASEMENT IN PARCEL "A" AND PARCEL "B" OF THE MARKS/HAINES LOT SPLIT, FEE# 2019-24657, BOOK 31 OF PLATS, PG. 16, AS RECORDED IN THE YUMA COUNTY RECORDERS, BEING A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 23 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A BRASS CAP AT THE NORTH QUARTER CORNER OF SAID SECTION 6, ALSO BEING THE AVENUE "B ½ ALIIGNMENT AND 24<sup>TH</sup> STREET,

THENCE NORTH 89°43'08" EAST ALONG THE NORTH LINE OF SAID SECTION 6 A DISTANCE OF 427.71' FEET TO A POINT,

THENCE SOUTH 01°00'28" EAST A DISTANCE OF 80.00' FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID 24<sup>TH</sup> STREET ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL "A",

THENCE CONTINUING SOUTH 01°00'28" EAST ALONG THE EAST LINE OF SAID PARCEL "A" A DISTANCE OF 129.21' FEET TO A POINT ON THE SOUTHEAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID PARCEL "B" ALSO BEING THE **TRUE POINT OF BEGINNING**,

THENCE CONTINUING SOUTH 01°00'28" EAST ALONG THE EAST LINE OF SAID PARCEL "B" A DISTANCE OF 10.00' FEET TO A POINT,

THENCE SOUTH 89°43'08" WEST A DISTANCE OF 8.00' FEET TO A POINT,

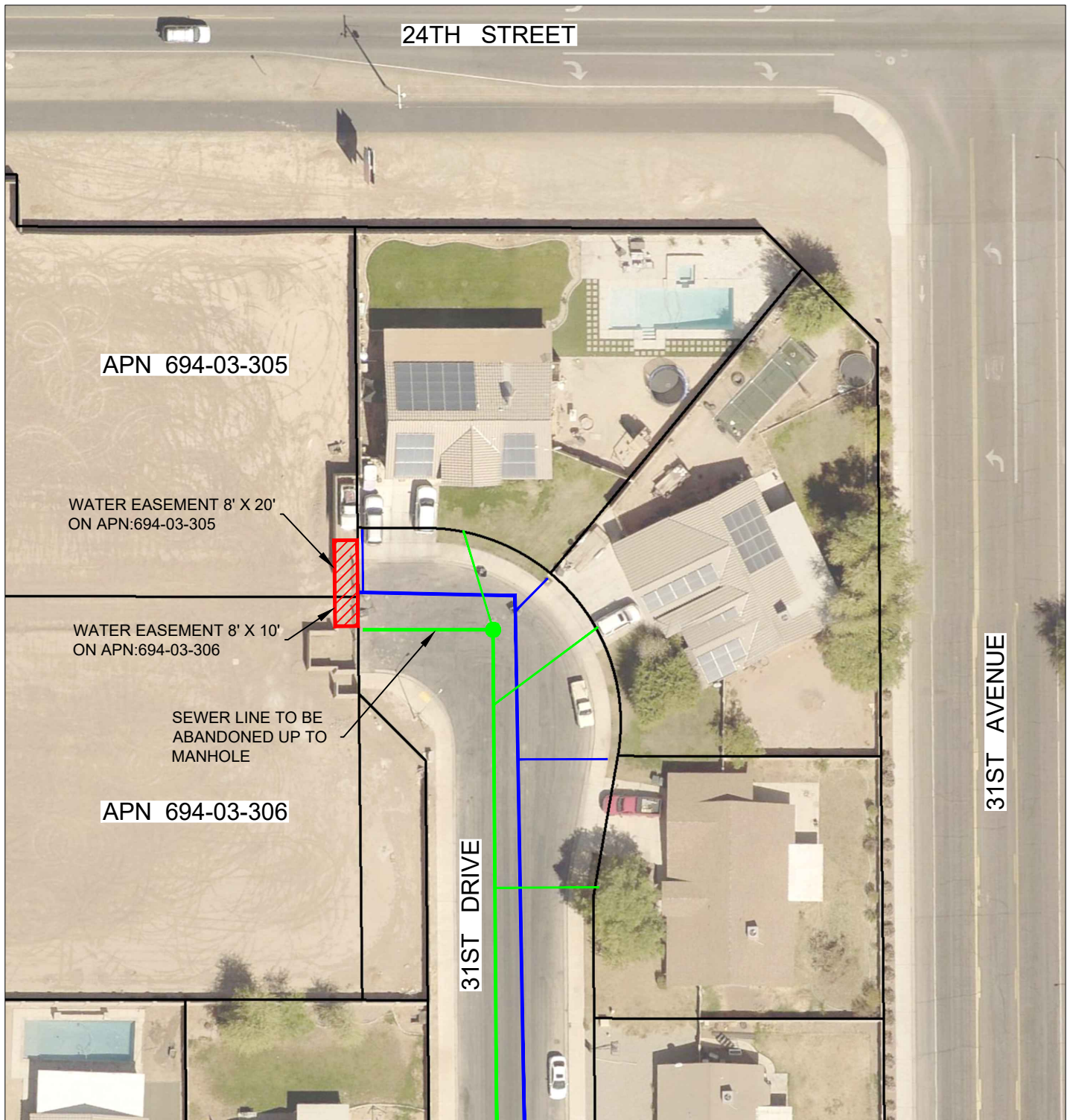
THENCE NORTH 01°00'28" WEST A DISTANCE OF 10.00' FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A" AND THE NORTH LINE OF SAID PARCEL "B",

THENCE CONTINUING NORTH 01°00'28" WEST A DISTANCE OF 20.00' FEET TO A POINT,

THENCE NORTH 89°43'08" EAST A DISTANCE OF 8.00' FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A",

THENCE SOUTH 01°00'28" EAST A DISTANCE OF 20.00' FEET ALONG THE EAST LINE OF SAID PARCEL "A" TO A POINT ON THE SOUTHEAST CORNER OF SAID PARCEL "A" AND THE NORTHEAST CORNER OF SAID PARCEL "B", ALSO BEING THE **TRUE POINT OF BEGINNING**.

CONTAINING AN AREA OF 239.98 SQ. FT. OR 0.006 OF AN ACRE, MORE OR LESS.



**LEGEND**



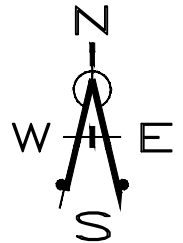
SUBJECT PROPERTY



SEWER LINE



WATER LINE



**EXHIBIT B**

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

CITY OF YUMA

ENGINEERING DEPARTMENT

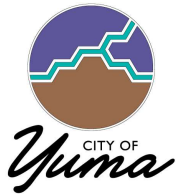
Date: 10-16-2023

SCALE: N.T.S.

SHT: 1

Prepared by: JOHN NYE





# City of Yuma

## City Council Report

**File #:** O2024-004

**Agenda Date:** 1/3/2024

**Agenda #:** 4.

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

**TITLE:**  
**Rezoning of Property: 1719 S. Madison Avenue**

**SUMMARY RECOMMENDATION:**  
 Rezone approximately .15 acres from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District for property located at 1719 S. Madison Avenue, Yuma AZ. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

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

**REPORT:**  
 The subject property is located at 1719 S. Madison Avenue, in the Clarence Trigg Subdivision Unit 2, which was recorded on May 15, 1951. The property is approximately 6,286 square feet in size and is currently developed with a 980 square foot single-family home built in 1930. The home was originally designed as a duplex but was later converted into a single-family home. The area was annexed in 1956 and following annexation, the area was zoned Industrial “A”. In 1981 the area was rezoned to the Light Industrial (L-I) District.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Low Density Residential/Infill Overlay (R-1-6/IO) District, with the intention of selling the property in the near future. If the homeowner restores or makes any modifications to the existing home, the new residential construction would require the property to be rezoned to residential.

Several properties in the area are developed with residential homes and the rezone of this property would match the surrounding character and nature of the current uses. This request would also be in conformance with the Land Use Element of the General Plan.

On November 27, 2023, the Planning and Zoning Commission voted to recommend APPROVAL (6-0 with Planning and Zoning Commissioner Branden Freeman absent) of the request to rezone approximately 0.15 acres from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1719 S. Madison Avenue.

**PUBLIC COMMENTS - EXCERPTS FROM PLANNING AND ZONING COMISSION MEETING MINUTES:**

**Questions for Staff:**

“ Lorraine Arney, Planning and Zoning Commissioner asked if the applicant agreed with the conditions in Attachment A. Guillermo Moreno-Nunez, Assistant Planner confirmed.

**Questions for Applicant:**

“Vicente Cenicerros, 1719 S. Madison Ave, Yuma, AZ was available for questions.

**Public Comments:**

None

**Motion:**

“Motion by Arney second by Edgar Olvera, Planning and Zoning Commissioner to APPROVE Case Number ZONE-41869-2023.

“Motion carried unanimously (6-0, with Branden Freeman, Planning and Zoning Commissioner Absent).’

**FISCAL REQUIREMENTS:**

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

**FISCAL IMPACT STATEMENT:**

NONE

**ADDITIONAL INFORMATION:**

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

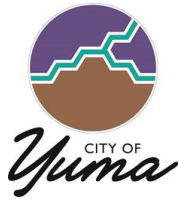
NONE

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

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

Acting City Administrator: John D. Simonton	Date: 12-27-2023
--	---------------------

Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023
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**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – REZONE**  
**CASE PLANNER: GUILLERMO MORENO-NUNEZ**

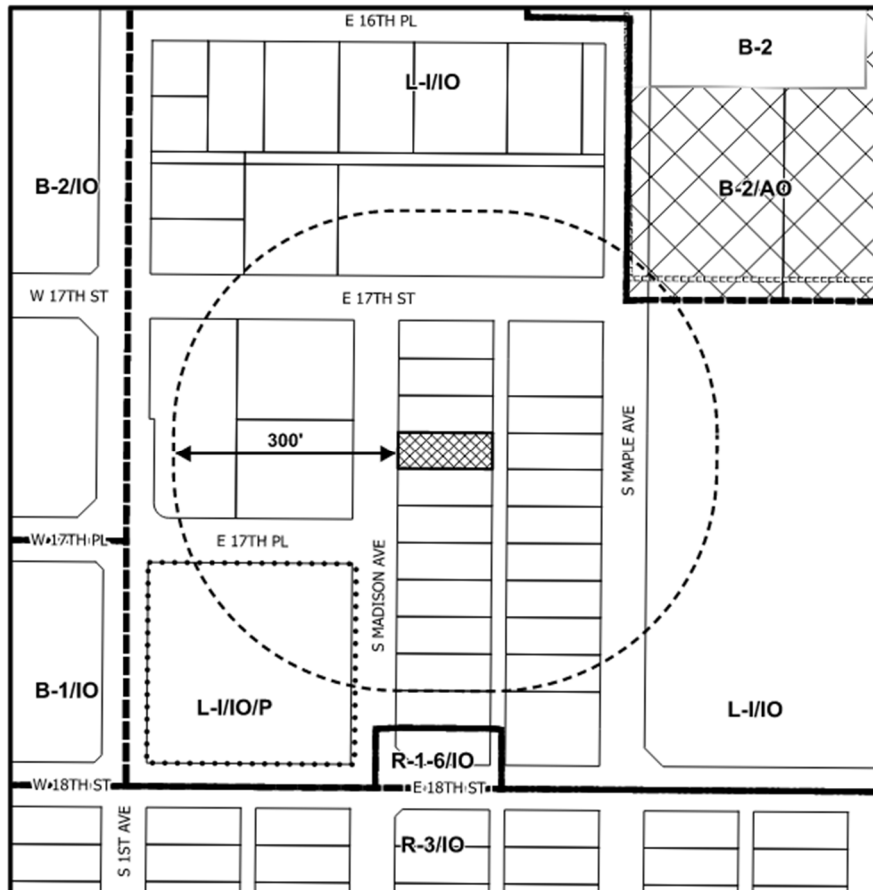
**Hearing Date:** November 27, 2023

**Case Number:** ZONE-41869-2023

**Project Description/Location:** This is a request by Vicente and Beatriz Cenicerros to rezone approximately .15 acres from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District for property located at 1719 S. Madison Avenue, Yuma AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
<b>North</b>	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
<b>South</b>	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
<b>East</b>	Light Industrial/Infill Overlay (L-I/IO)	Single Family Home	Low Density Residential
<b>West</b>	Light Industrial/Infill Overlay (L-I/IO)	Commercial Building	Mixed Use

**Location Map**



**Prior site actions:** Annexation: Ord. 672 (July 21st, 1956), Subdivision: Clarence Trigg Subdivision Unit No.2 (Mary 15,1951). Rezone: Ord. 1979 (January 7<sup>th</sup>, 1981) Industrial “A” rezoned to Light Industrial (L-I)

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Light Industrial/Infill Overlay (L-I/IO) District to the Low Density Residential/Infill Overlay (R-1-6/IO) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-41869-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone to Low Density Residential/Infill Overlay (R-1-6/IO) District for the property located at 1719 S. Madison Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is located at 1719 S. Madison Avenue, in the Clarence Trigg Subdivision Unit 2 which was recorded on May 15, 1951. The property is approximately 6,286 square feet in size and is currently developed with a 980 sq. ft. single-family home built in 1930. The home was originally designed as a duplex but was later converted into a single-family home. The area was annexed in 1956 and following annexation, the area was zoned Industrial “A”. In 1981 the area was rezoned to the Light Industrial (L-I) District.

The applicant is requesting to rezone the property from Light Industrial/Infill Overlay (L-I/IO) to the Low Density Residential/Infill Overlay (R-1-6/IO) District, with the intention of selling the property in the near future. If the homeowner restores or makes any modifications to existing home, the new residential construction would require the property to be rezoned residential.

Several properties in the area are developed with residential homes and the rezone of this property would match the surrounding character and nature of the current uses. This request would also be in conformance with the Land Use Element of the General Plan.

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

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

2. Are there any dedications or property easements identified by the Transportation Element?  
No.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Madison Avenue- Local	29 FT H/W ROW	30 FT H/W ROW				
Bicycle Facilities Master Plan	17 <sup>th</sup> Street - proposed bike route					
YCAT Transit System	Green route 4/4A – 16 <sup>th</sup> Street across Redondo Center Drive					
Issues:	None					

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

Yes.

Parks, Recreation and Open Space Element:							
Parks and Recreation Facility Plan							
Neighborhood Park:	Existing: Joe Henry Optimist Park			Future: Joe Henry Optimist Park			
Community Park:	Existing: Kennedy Memorial Complex			Future: Kennedy Memorial Complex			
Linear Park:	Existing: East Main Canal			Future: East Main Canal			
Issues:	None						
Housing Element:							
Special Need Household:	N/A						
Issues:	None						
Redevelopment Element:							
Planned Redevelopment Area:	Mesa Heights Development						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes	X	No				
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
<u>Population Impacts</u> Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Single Family</i>						
	Maximum	Per Unit		Officers	GPD	AF	GPD
	1	2.9	3	0.01	600	0.7	203
Minimum							
1	2.9	3	0.01	600	0.7	203	
Fire Facilities Plan:	Existing: Fire Station No. 3			Future: Fire Station No. 3			
Water Facility Plan:	Source:	City	X	Private	Connection:	4" line on Madison Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" line on alley	
Issues:	None						
Safety Element:							
Flood Plain Designation:	X		Liquefaction Hazard Area:		Yes	No	X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St		X	Avenue B & 32 <sup>nd</sup> St.	
	North End		Pacific Ave & 8 <sup>th</sup> St			Estancia	

Issues:	None
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**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes.

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

Yes.

**Public Comments Received:** None Received

**External Agency Comments:** See Attachment C

**Neighborhood Meeting Comments:** See Attachment D

**Proposed conditions delivered to applicant on:** October 26, 2023

**Final staff report delivered to applicant on:** November 14, 2023

- Applicant agreed with all of the conditions of approval on: (enter date)
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – Emailed customer on October 26, 2023. Discussed with homeowner in person at time of neighborhood meeting on November 2, 2023, homeowner stated he was going to review conditions and get back to me, but no response or comments after this.

**Attachments**

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

**Prepared By:** *Guillermo Moreno-nunez* **Date:** November 7, 2023  
 Guillermo Moreno-nunez  
 Assistant Planner Guillermo.moreno-nunez@yumaaz.gov (928)373-5000, x3038

**Reviewed By:** *Jennifer L. Albers* **Date:** 11/13/23  
 Jennifer L. Albers  
 Assistant Director of Planning

**Approved By:** *Alyssa Linville* **Date:** 11/14/2023  
 Alyssa Linville  
 Director, Planning and Neighborhood Services

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

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

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

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
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, Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x3038**

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

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



**ATTACHMENT B  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/03/23)
- **300' Vicinity Mailing:** 10/10/23
- **34 Commenting/Reviewing Agencies noticed:** 10/26/23
- **Site Posted on:** 10/10/23
- **Neighborhood Meeting:** 11/02/23
- **Hearing Date:** 11/27/23
- **Comments due:** 10/23/23


<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Comment”</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	Yes	10/16/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	10/13/23	X		
Yuma County Planning & Zoning	Yes	10/13/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	10/16/23	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Conditions”</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/17/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	10/17/23			X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT C  
AGENCY COMMENTS**

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

Condition(s)                       No Condition(s)                       Comment

Enter conditions here: Subject parcel, APN 665-36-031, is located near a known flight path. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

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

**ATTACHMENT D**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 11/02/23

**Location:** 1719 S Madison Avenue

**Attendees:** Vicente A. Cenicerros, Patrick Hodges and Guillermo Moreno-nunez

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

- MR. HODGES ASKED THE REASON OF THE REZONE REQUEST AND EXPRESSED HIS CONCERN ABOUT ALL PROPERTIES ON THE BLOCK REZONING TO RESIDENTIAL. MR. HODGES OWNS THE CROSS FIT YUMA GYM ACROSS THE STREET AND IS CONCERNED THAT ANY NEW DEVELOPMENT ON HIS PROPERTY WOULD MAKE HIM SUBJECT TO THE NEED FOR A CUP.
- MR. CENICERROS EXPLAINED WHY HE IS APPLYING FOR THIS PROCESS.

**ATTACHMENT E**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
AEA FEDERAL CREDIT UNION	1780 S 1ST AVE	YUMA	AZ	85364
BONILLA PABLO	1743 S MADISON AVE	YUMA	AZ	85364
CENICEROS VICENTE A & BEATRIZ JT	4835 W 27TH ST	YUMA	AZ	85364
CONTRERAS RICARDO	1725 S MADISON AVE	YUMA	AZ	85364
DENNIS KEITH A	PO BOX 1987	YUMA	AZ	85366
DENNIS KEITH A	PO BOX 1987	YUMA	AZ	85366
DOBOSZ DANIEL P & TARA M	3049 W 12TH LN	YUMA	AZ	85364
FUENTES VERONICA & CARLOS JR	2953 S ROYAL ABERDEEN LOOP	GREEN VALLEY	AZ	85614
GAMBOA DAVID JR	1821 S 3RD AVE	YUMA	AZ	85364
GARCIA MIKE	PO BOX 1846	YUMA	AZ	85366
HARVEST POWER COMMUNITY DEVELOPMENT	350 E 18TH ST	YUMA	AZ	85364
HAYNES PROPERTIES AZ LLC	11483 E VIA SALIDA	YUMA	AZ	85367
HERRERA EDUARDO & GONZALEZ MAYRA LIZETH MEDRANO CPWROS	1749 S MADISON AVE	YUMA	AZ	85364
KING GERALD JR & CATHY JT	1712 S MAPLE AVE	YUMA	AZ	85364
MARTINEZ ORALIA	1761 S MADISON AVE	YUMA	AZ	85364
MAY VIOLA	2525 E BROADWAY BLVD STE 200	TUCSON	AZ	85716 5300
MEDRANO ANDRES &	920 E 24TH PL	YUMA	AZ	85365
NEVAREZ RUBEN	3736 W 25TH PL	YUMA	AZ	85364
NEXT LEVEL HOME BUYERS LLC	2903 W 12TH PL	YUMA	AZ	85364
PANHO LLC	350 W 16TH ST STE 332	YUMA	AZ	85364
QUINTERO VALERIE JEAN	1910 W 17TH PL	YUMA	AZ	85364
RANGEL SERGIO R &	1737 S MADISON AVE	YUMA	AZ	85364
RICO BRANDY ANNETTE	4600 SW 122ND ST	OKLAHOMA CITY	OK	73173
SMITH WM MICHAEL & DELLA E	1321 W 19TH ST	YUMA	AZ	85364
SPONGROSS KATHY M	1715 S MADISON AVE LOT A	YUMA	AZ	85364
STUHR ROSARIO RAMOS	15385 S AVENUE 4E	YUMA	AZ	85365
TRES ESTRELLAS HOLDINGS LLC	13484 S AVENUE 5 E	YUMA	AZ	85365
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA SAFE STORAGE LLC	4062 S NAVEL AVE	YUMA	AZ	85365

**ATTACHMENT F  
NEIGHBOR MAILING**

This is a request by Vicente and Beatriz Cenicerros to rezone approximately .15 acres from the Light Industrial (L-I) District to the Low Density Residential (R-1-6) District for property located at 1719 S. Madison Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-41869-2023**

**NEIGHBORHOOD MEETING**  
11/02/2023 @ 5PM  
ON-SITE

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



Because you are a neighbor within 300' of 1719 S. Madison Avenue, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Guillermo by phone at (928) 373-5000 ext. 3038 or by email at [Guillermo.Moreno-nunez@YumaAz.gov](mailto:Guillermo.Moreno-nunez@YumaAz.gov)

ATTACHMENT G  
AERIAL PHOTO



**ORDINANCE NO. O2024-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LIGHT INDUSTRIAL/INFILL OVERLAY (L-I/IO) DISTRICT TO THE LOW DENSITY RESIDENTIAL/INFILL OVERLAY (R-1-6/IO) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on November 27, 2023 in Zoning Case no: ZONE-41869-2023 in the manner prescribed by law for the purpose of rezoning parcels of real property hereafter described to the Low Density Residential/Infill Overlay (R-1-6/IO) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on November 3, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41869-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

*A portion of land located in the East Half of the Southwest Quarter, Northeast Quarter, Northeast Quarter, of Section 33, Township 8 South, Range 23 West, of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and being more particularly described as follows;*

*Block 6, Lot 16 of the **Clarence Trigg Subdivision Unit No. 2**, subdivision plat, Book 3, Page 67, Dated May 18, 1951 as recorded in Yuma County Records Office, City of Yuma, State of Arizona.*

*Containing 6,290.0 sq. ft. or 0.14 of an acre more or less.*

shall be placed in the Low Density Residential/Infill Overlay (R-1-6/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and

requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Residential/Infill Overlay (R-1-6/IO) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Low Density Residential/Infill Overlay (R-1-6/IO) District, and

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

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

**SECTION 3:** Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to A.R.S. §9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

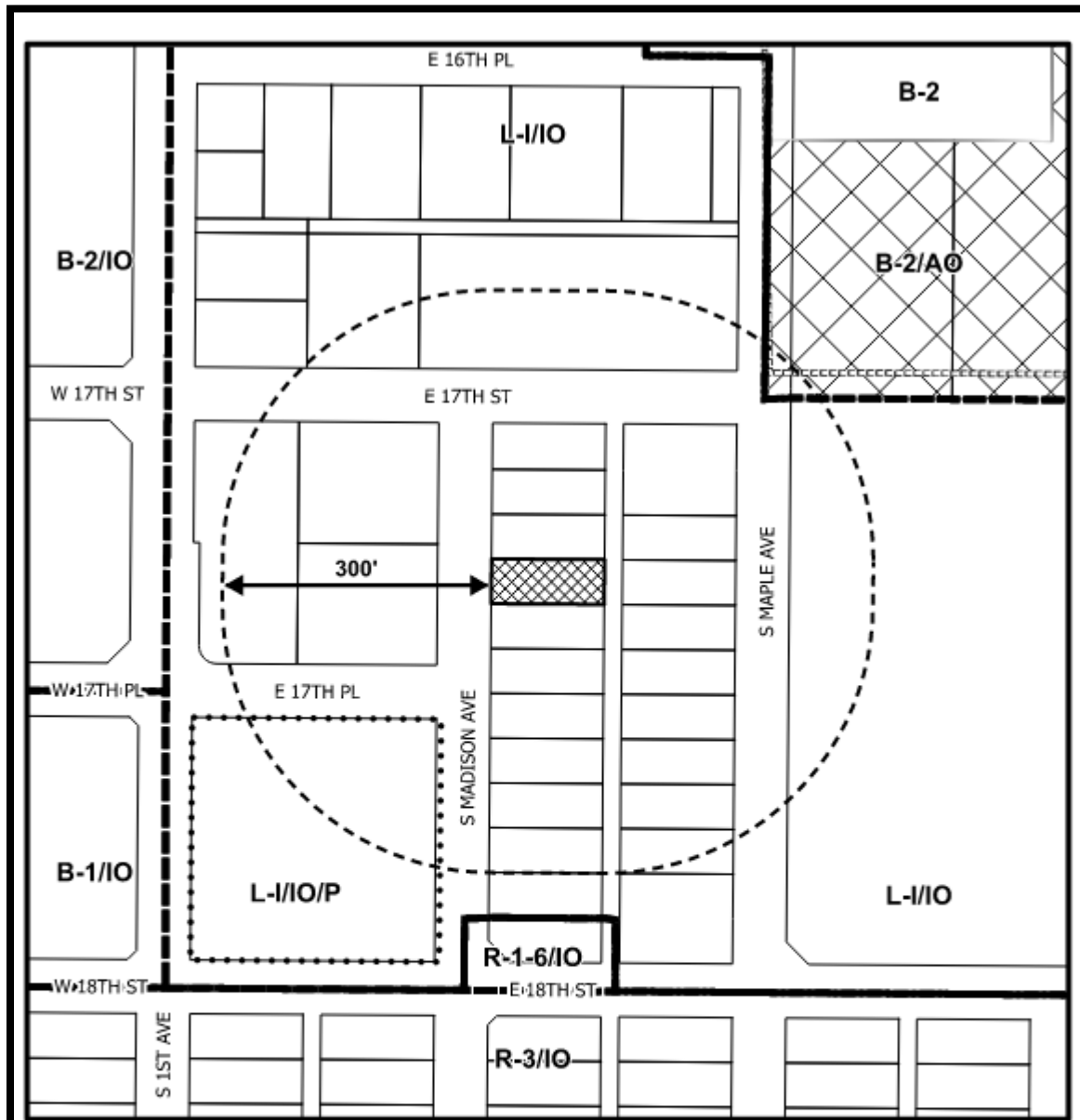
\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:


\_\_\_\_\_  
Richard W. Files  
City Attorney



Exhibit A



**LOCATION MAP**

 LOCATION OF SUBJECT PROPERTY

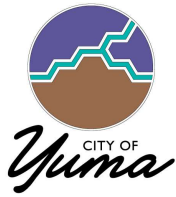


Prepared by: DG  
 Checked by: JLA



Date: 10/4/2023  
 Revised:  
 Revised:

Case #:  
 ZONE-41869-2023



# City of Yuma

## City Council Report

**File #:** O2024-005

**Agenda Date:** 1/3/2024

**Agenda #:** 5.

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

**TITLE:**

**Rezoning of Property: 1641 W. 10<sup>th</sup> Place**

**SUMMARY RECOMMENDATION:**

Rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place. (Planning and Neighborhood Services / Community Planning) (Alyssa Linville)

**STRATEGIC OUTCOME:**

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

**REPORT:**

The subject property is located at the end of the 10th Place cul-de-sac, just east of the East Main Canal. The property is approximately 1.33 acres in size and is undeveloped. The property owner intends on developing townhomes on this site.

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

High Density Residential (R-3) District:

The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area:

- A minimum front yard setback of 20 feet;
- A minimum side yard setback of 7 feet; and
- A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the High Density Residential District is 40’, however, the maximum building height is reduced to 20’ (one story maximum) for all land located within 60’ of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the High Density Residential District (R-3) are met.

The potential residential development could contain between 17 and 39 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District is in conformance with the General Plan.

On November 27, 2023 the Planning and Zoning Commission voted to recommend APPROVAL of the rezoning from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, subject to the following conditions:

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

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

##### **Questions for Staff:**

“**Chris Hamel - Planning and Zoning Chairman** asked **Amelia Domby - Senior Planner** if she received a copy of a packet with notes and photos that a neighboring property owner provided.

“**Amelia Domby - Senior Planner** confirmed.

##### **Questions for Applicant:**

“**John Mahon, 3453 W. 39th Street, Yuma, AZ** was available for questions and stated that the property has been vacant for a long time, and it's being used as a dump. **Mahon** also informed the commission that he hired a local surveyor to survey the subject property and no easements or rights-of-way were found.

##### **Public Comments:**

“**Chris Mazza, 1730 W. 10th Pl. Yuma, AZ**, provided a packet to the commission and public that contained notes and pictures of the adjacent property. **Mazza** is in opposition of the request and stated that the property has been vacant for a long time because it is undevelopable and noted that the subject property is the only way to access his back yard. **Mazza** stated that this request would impede him from getting his septic tank serviced. **Mazza** also expressed concerns on the value of his property decreasing if the request was approved.

“**Melvin Hotchkiss, 1730 W. 10th Pl. Yuma AZ**, spoke in opposition of the request. Hotchkiss stated that the previous owner of the subject property allowed him to use the property as an access point to his backyard and place fill in the property. **Hotchkiss** expressed concerns regarding access to his septic tank and was also concerned about the value of his property decreasing.

“**Gregory Castillo, 1681 W. 10th St, Yuma, AZ**, spoke in opposition of the request. Castillo stated that the area would be overpopulated. Castillo also stated that the septic tank in his home can only be serviced if

accessed through the subject property. **Castillo** mentioned that there was a fire along the back side of the property and the fire department was able to access the fire using the subject property. **Castillo** stated that this request would eliminate the access for the fire department. **Castillo** also noted that Arizona Public Service and Southwest gas have lines in the back side of the properties and this request would impede them from servicing their lines. **Castillo** also expressed concerns on the value of his property decreasing due to this request.

**Edgar Olvera - Planning and Zoning Commissioner** asked **Castillo** if a single-family home was built on the subject property, instead of multiple units, would it still affect the access to his septic tank. **Castillo** confirmed.

**Chris Hamel - Planning and Zoning Chairman** noted that there appeared to be an issue with the property lines and easements and that visual representation may not be accurate.

**Mahon** said that prior to him trimming the trees and clearing the property, no utility truck or fire truck could've accessed the back side of the property. **Mahon** referenced page 4 of the packet that Mazza provided, noting that the photo showed a clear path and access point through their own property for them to service their septic tanks. **Mahon** mentioned that he paid a land surveyor to survey the property, and that if the neighbors had concerns regarding their property lines, they could hire a different surveyor.

**Gregory Castillo, 1681 W. 10th St, Yuma, AZ** stated that there is no other way to access his backyard to service his septic tank.

**Chris Mazza, 1730 W. 10th Pl. Yuma, AZ**, clarified that there was no alternative access to the back end of the neighboring properties without driving over the septic system and knocking down trees. **Mazza** said that they had an oral agreement with the previous owner regarding an easement that allowed them adequate access to their back yard, noting that the agreement is valid and should've been communicated to Mahon when he purchased the property.

**Edgar Olvera - Planning and Zoning Commissioner** referenced the photo on page 4, provided by Mazza and asked if there was access through an area highlighted on the photo. **Mazza** said that there was a septic tank in that area that prevented them from making it an access point to the back end of the property.

**Mahon** said that he had conversations with the neighbors previously and they refused to trim their trees to access their own back yards. **Mahon** noted that there were no recorded easements on the subject property. **Mahon** said that if the neighbors need access to their own back yards, they should trim their own trees to gain necessary access. **Mahon** also said that he would be developing the property according to the City's standards and regulations.

**Chris Hamel - Planning and Zoning Chairman** noted that a lot of points had been brought up. These concerns are a factor to be considered but the Commission is looking at changing the density allowed.

**Edgar Olvera - Planning and Zoning Commissioner** said that the concerns of the neighbors were valid and appreciated, also noting that the City was underdeveloped and housing was needed.

#### **Motion:**

**Motion by Lorraine Arney - Planning and Zoning Vice-Chairman, second by Ashlie Pendleton - Planning and Zoning Commissioner to APPROVE Case Number ZONE-41893-2023.**

“Motion carried unanimously (5-0, with Branden Freeman Planning and Zoning Commissioner absent and John Mahon Planning and Zoning Commissioner recused).”

**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:**

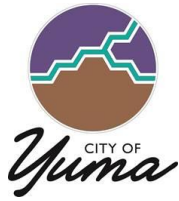
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 12-27-2023
Reviewed by City Attorney: Richard W. Files	Date: 12-25-2023



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

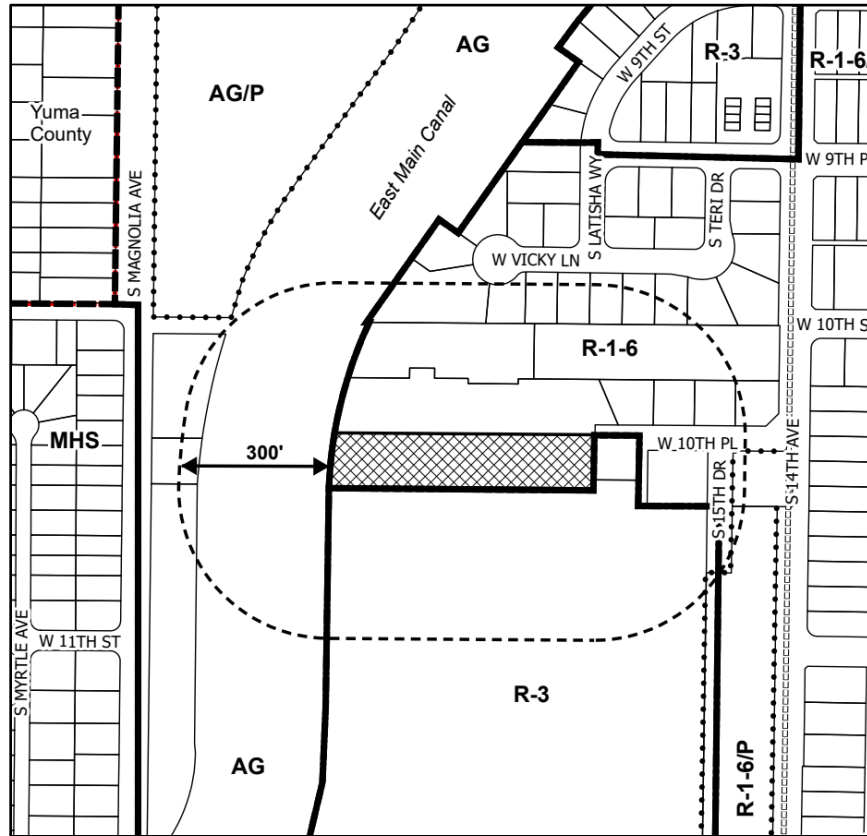
**Hearing Date:** November 27, 2023

**Case Number:** ZONE-41893-2023

**Project Description/Location:** This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10th Place, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	Low Density Residential (R-1-6) District	Undeveloped	High Density Residential
<b>North</b>	Low Density Residential (R-1-6) District	Single-Family Residence	Low Density Residential
<b>South</b>	High Density Residential (R-3) District	Rio Santa Fe Apartments	High Density Residential
<b>East</b>	High Density Residential (R-3) District	Apartments	High Density Residential
<b>West</b>	Agriculture (AG) District	East Main Canal	Medium Density Residential

**Location Map**



**Prior site actions:** Annexation: Ord. 787 (December 31, 1959); Pre-Development Meeting: November 10, 2023

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-41983-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located 1641 W. 10th Place, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The subject property is located at the end of the 10<sup>th</sup> Place cul-de-sac, just east of the East Main Canal. The property is approximately 1.33 acres in size and is undeveloped. The property owner intends on developing townhomes on this site.

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

**High Density Residential (R-3) District:**

The maximum lot coverage in the High Density Residential (R-3) District shall not exceed 35% of the lot area; an additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentage listed above, provided that the total lot coverage does not exceed 50% of the lot area;  
A minimum front yard setback of 20 feet;  
A minimum side yard setback of 7 feet; and  
A minimum rear yard setback of 10 feet;

Additionally, the maximum building height in the High Density Residential District is 40', however, the maximum building height is reduced to 20' (one story maximum) for all land located within 60' of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

In accordance with the current City codes and other applicable laws and principles, the developer, engineer, and architectural experts will need to submit development plans to ensure all of the development standards for the High Density Residential District (R-3) are met.

The potential residential development could contain between 17 and 39 dwelling units based on the density allowable in the City of Yuma 2022 General Plan. The request to rezone the property from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District is in conformance with the General Plan.

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

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

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

<b>FACILITY PLANS</b>							
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard	Truck
10 <sup>th</sup> Place – Local Street		30 FT H/W	30 FT H/W				
14 <sup>th</sup> Avenue – Local Street		30 FT H/W	30 FT H/W				
Bicycle Facilities Master Plan		14 <sup>th</sup> Avenue – Bike Route					
YCAT Transit System		Purple Route 6A					
Issues:		None					

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

**Parks, Recreation and Open Space Element:**

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Netwest Park	Future: Netwest Park
Community Park:	Existing: Carver Park Complex	Future: Carver Park Complex
Linear Park:	Existing: East Main Canal Linear Park	Future: East Main Canal Linear Park
Issues:	None	

**Housing Element:**

Special Need Household:	N/A
Issues:	None

**Redevelopment Element:**

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

**Conservation, Energy & Environmental Element:**

Impact on Air or Water Resources	Yes	No	X
Renewable Energy Source	Yes	No	X
Issues:	None		

**Public Services Element:**

Population Impacts Population projection per 2017-2021 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	<b>Dwellings &amp; Type</b>		<b>Projected</b>	<b>Police</b>	<b>Water</b>		<b>Wastewater</b>	
	<i>Multi-Family</i>		Population	Impact	Consumption		Generation	
	Maximum	Per Unit		Officers	GPD	AF	GPD	
	39	1.9	74	0.14	15,339	17.2	5,187	
Minimum								
17	1.9	32	0.06	6,686	7.5	2,261		
Fire Facilities Plan:		Existing: Fire Station No. 1			Future: Fire Station No. 1			
Water Facility Plan:		Source:	City	X	Private	Connection:		6" AC – 10 <sup>th</sup> Place
Sewer Facility Plan:		Treatment:	City	X	Septic	Private	Connection: 8" PVC – 10 <sup>th</sup> Place	



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

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

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

**Public Comments Received:** See attached.

**External Agency Comments:** See Attachment.

**Neighborhood Meeting Comments:** See Attachment.

**Proposed conditions delivered to applicant on:** November 3, 2023

**Final staff report delivered to applicant on:** November 20, 2023

Applicant agreed with all of the conditions of approval on: November 20, 2023

**Attachments**

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

**Prepared By:** *Amelia Domby* **Date:** **November 8, 2023**

Amelia Domby  
Senior Planner  
Amelia.Domby@yumaaz.gov (928)373-5000, x3034

**Reviewed By:** *Jennifer L. Albers* **Date:** *11/13/23*

Jennifer L. Albers  
Assistant Director of Planning

**Approved By:** *Alyssa Linville* **Date:** **11/20/23**

Alyssa Linville  
Director, Planning and Neighborhood Services

**ATTACHMENT A  
CONDITIONS OF APPROVAL**

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

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

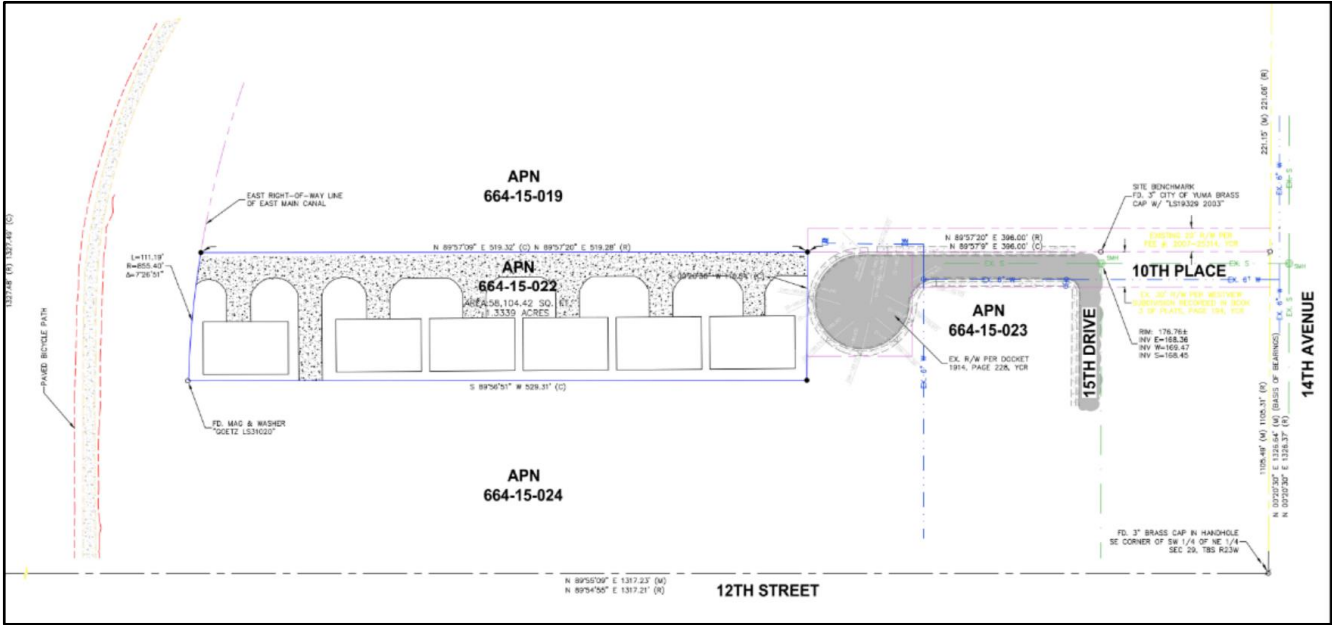
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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

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

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

# ATTACHMENT B CONCEPTUAL SITE PLAN



**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (11/03/23)
- **300' Vicinity Mailing:** (10/09/23)
- **34 Commenting/Reviewing Agencies noticed:** (10/12/23)
- **Site Posted on:** (10/18/23)
- **Neighborhood Meeting:** (10/25/23)
- **Hearing Date:** (11/27/23)
- **Comments due:** (10/23/23)


<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	10/12/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/20/23	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	YES	10/12/23			X
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/16/23	X		
Yuma Proving Ground	YES	10/12/23	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	Yes	10/17/23			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  
AGENCY COMMENTS**

Condition(s)
  No Condition(s)
  Comment

Enter conditions here: Subject property, APN 664-15-022, is located across the canal from Kiwanis Park, a known landing zone hub for the Weapons and Tactics Instructors (WTI) course. It is requested an Avigation Disclosure statement be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA\_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

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



Amelia,  
 Yuma Elementary School District #1 is supportive of this rezoning request from low to high density housing, as long as the proposed use is for resident housing, not H2A Corporate Housing. Given the number of housing units that have been converted to Corporate Housing in this area, our schools welcome replacement housing projects designed to serve our local families.  
 Sincerely,  
 Jamie Sheldahl

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

Condition(s)
  No Condition(s)
  Comment

Enter conditions here: Provide adequate primary and secondary fire department access and site flow. Please show on site plan how the proposed access meets the fire code requirements.

DATE: 10/17/23    NAME: Kayla Franklin    TITLE: Fire Marshal  
 CITY DEPT: Fire  
 PHONE: 928-373-4865  
 RETURN TO: Amelia Dombay  
 Amelia.Domby@YumaAZ.gov

## ATTACHMENT E PUBLIC COMMENTS

**From:** scast3467@aol.com  
**Sent:** Thursday, October 19, 2023 10:39 AM  
**To:** Amelia Domby  
**Cc:** scast3467@aol.com  
**Subject:** 1641 W. 10th Place Yuma AZ high density construction meeting

You don't often get email from scast3467@aol.com. [Learn why this is important](#)

**⚠ CAUTION:** External Email

Good morning,

Amelia Domby

I am a homeowner within 300 ft of 1641 W. 10th Place under consideration by JP Mahon to build a high density residential project ( otherwise known as an Apartment complex ) within 300 ft of my residential property. I will not be able to attend the on-site meeting, so I would like to voice my concerns over this proposal by submitting this email to you:

" This proposal to build on this property should not be allowed to proceed or ever be considered. These are my following reasons:

1. The forecast population that would occupy this region will be well over the amount able to be sustained by the current infrastructure. Currently, the area is too overcrowded for both the human population and the traffic management. There have been numerous times when I'm driving and nearly hit a pedestrian crossing in the middle of the street because so many people, including migrant farm workers, are traveling to and from the local businesses and their apartments. This places an unnecessary safety hazard on everyone. In so far as the population growth, The overcrowding this will cause will lead to numerous flare ups in crime and police responses....just look at the Santa Fe apartments as a model and the amount of crime in that area.

2. I currently have an easement with my neighbor using a side access road that would be unusable if this development would proceed in it's current form. The access easement is vital and necessary to allow my septic tank in my backyard to be serviced. In addition, landscaping necessities such as palm tree trimming, mature tree trimming, lawn cutting...etc. all need to access my backyard through this easement road. In addition, APS and Southwest gas have an easement through my property and need to access that road to service their facilities running through my back property. There are numerous times throughout the year that this easement is vital to maintaining the property"

I am against this project, as this proposed development is NOT necessary, does not better the community, and would cause logistic problems in this area.

I will attend the public hearing on 11/27/2023, at which time I will have a copy of the easement agreement and verification from APS, Southwest Gas, PU Septic, and my landscaping service verifying the need to keep this access road open.

Thank you,

Gregory Scott Castillo  
Megan Castillo

1681 West 10th St.  
Yuma AZ 85364  
(928) 783-9035 H  
(928) 246-1845 C  
(928) 246-3848 C

**ATTACHMENT F**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** October 25, 2023

**Location:** On-site, 5pm

**Attendees:** Applicant: JP Mahon; Staff: Amelia Domy, Jennifer Albers; four neighbors in attendance: Megan Castillo, Gregory Scott Castillo, Bud Hatchkis, Chris Mazza

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

- STAFF EXPLAINED THE REZONE REQUEST AND PROCESS.
- NEIGHBORS EXPRESSED THEIR CONCERN WITH THE NUMBER OF CARS PARKING ON THE STREET. STAFF INFORMED THE NEIGHBORS THE NEW DEVELOPMENT WILL HAVE MINIMUM OFF-STREET PARKING REQUIREMENTS. THE NUMBER OF PARKING SPACES WILL BE DETERMINED BY THE NUMBER OF UNITS AND THE NUMBER OF BEDROOMS.
- THE APPLICANT PROVIDED A CONCEPTUAL SITE PLAN OF THE PROPERTY.
- THE NEIGHBORS ASKED IF THE UNITS WOULD BE FOR LOW-INCOME RESIDENTS. THE APPLICANT INFORMED THE NEIGHBORS THESE WOULD BE EXPENSIVE UNITS.
- THE NEIGHBORS NOTED THAT THEY WERE OPPOSED TO THIS PROPOSAL. IN ADDITION, THEY EXPRESSED THEIR CONCERNS WITH THE NEW DEVELOPMENT ON THIS PROPERTY. THE NEIGHBORS HAVE UTILIZED THIS PROPERTY TO ACCESS THEIR REAR YARD.
- THE APPLICANT EXPLAINED THAT HE USED TO WORK FOR APS AND UTILITY COMPANIES SHOULD NOT DRIVE THROUGH OTHER PROPERTIES TO ACCESS A PROPERTY. THERE ARE NOT ANY EASEMENTS ON THIS PROPERTY.
- THE NEIGHBORS ASKED IF THIS REQUEST WAS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, THE NEIGHBORS ASKED WHAT STAFF LOOKS AT FOR REZONE REQUESTS. STAFF INFORMED THE NEIGHBORS THAT THIS REQUEST IS IN CONFORMANCE WITH THE GENERAL PLAN. IN ADDITION, STAFF EXPLAINED THAT EXTERNAL AND INTERNAL AGENCIES ARE NOTIFIED OF THE PROPOSED REQUEST.

**ATTACHMENT G**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
ALEMAN OLGA	1397 W 1ST STREET	YUMA	AZ	85364
BELTRAN JOHN T & GENEVIEVE C	1553 W VICKY LN	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CASTILLO GREGORY SCOTT & MEGAN JT	1681 W 10TH ST	YUMA	AZ	85364
CUELLAR FELIX JR & ESCOBEDO EDUARDO & AURORA ESPERANZA	9875 S AVE 9E	YUMA	AZ	85365
FIGUEROA ROBERT E SR	2527 S 18TH AVE	YUMA	AZ	85364
GERARDO ABEL & CAROLINA A	1011 S MAGNOLIA AVE	YUMA	AZ	85364
GONZALEZ HECTOR	1529 W VICKY LN	YUMA	AZ	85364
HOTCHKISS MELVIN K & MABLE J TRUST	1504 W 10TH PL	YUMA	AZ	85364
JPM DEVELOPMENT LLC	1730 W 10TH PL	YUMA	AZ	85364
LARA JOSE & ROSA	3453 W 39TH ST	YUMA	AZ	85365
LILLIE DAVID W	1536 W 10TH PL	YUMA	AZ	85364
MORA HECTOR J	1565 W VICKY LN	YUMA	AZ	85364
ORTA BARBARA J	1528 W 10TH PLACE	YUMA	AZ	85364
RANGEL NOE T & MARIA C JT	1515 W VICKY LN	YUMA	AZ	85364
REGALADO SARA MORALES DE	PO BOX 5797	SALINAS	CA	93915
RIO SANTA FE OWNER LLC	1541 W VICKY LN	YUMA	AZ	85364
TORRES STEVEN SAL	11999 SAN VICENTE BLVD #325	LOS ANGELES	CA	90049
VALVERDE TIMOTHY DAVID & LISA HEATHER	1521 W VICKY LN	YUMA	AZ	85364
VELAZQUEZ JOSE L & ALMA D	1547 W VICKY LN	YUMA	AZ	85364
YUMA CITY OF	1516 W 10TH PL	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	ONE CITY PLAZA	YUMA	AZ	85364
	450 W 6TH ST	YUMA	AZ	85364



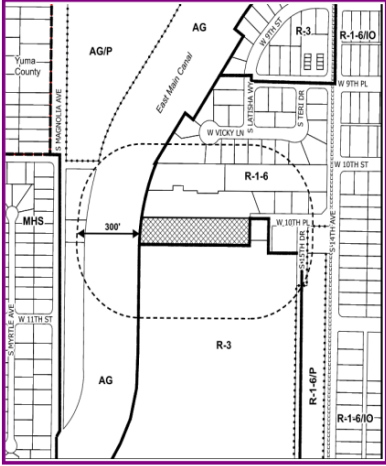
**ATTACHMENT H  
NEIGHBOR MAILING**

This is a request by JP Mahon on behalf of JPM Development, LLC, to rezone approximately 1.33 acres from the Low Density Residential (R-1-6) District to the High Density Residential (R-3) District, for the property located at 1641 W. 10<sup>th</sup> Place, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
ZONE-41893-2023**

**NEIGHBORHOOD MEETING**  
10/25/2023 @ 5PM  
ON-SITE

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



Because you are a neighbor within 300' of 1641 W. 10th Place, Yuma AZ, you are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments please contact, Amelia Dombay by phone at (928) 373-5000 ext. 3034 or by email at [Amelia.Dombay@yumaaz.gov](mailto:Amelia.Dombay@yumaaz.gov)

ATTACHMENT I  
AERIAL PHOTO



**ORDINANCE NO. O2024-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT TO THE HIGH DENSITY RESIDENTIAL (R-3) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on November 27, 2023 in Zoning Case no: ZONE-41893-2023 in the manner prescribed by law for the purpose of rezoning a parcel of real property hereafter described to the High Density Residential (R-3) District as provided in Chapter 154 of the Yuma City Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on November 3, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41893-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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

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

*The South one-third of that portion of the North half of the North half of the Southwest quarter of the Northeast quarter (N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 29, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, in the City of Yuma, Yuma County, Arizona, lying East of the East Main Canal, more particularly described as follows:*

*BEGINNING at the Northeast corner of said South one-third, which lies South 0°21' West 221.07 feet from the Northeast corner of the North half of the North half of the Southwest quarter of the Northeast quarter (N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 29, Township 8 South, Range 23 West;*

*thence South 89°58<sup>1</sup>/<sub>4</sub>' West 1023 feet, more or less, to the East bank of the East Main Canal;*

*thence in a Southerly direction along said East Canal Bank 110 feet, more or less, to a point where the South line of the North half of the North half of the Southwest quarter of the Northeast quarter (N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) intersects the said East Canal Bank;*

*thence North 89°58<sup>1</sup>/<sub>4</sub>' East 1023 feet, more or less, along the South line to the Southeast corner of said North half of the North half of the Southwest quarter of the Northeast-quarter (N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 29;*

*thence North 0°21' East 110.53 feet, along the East line of above tract to the point of beginning;*

*Exclusive of the United States Reclamation Service Right of Way along the East side of the said East Main Canal;*

*EXCEPT the East 396 feet thereof.*

*Containing 57,934 square feet or 1.33 acres, more or less.*

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

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

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

**SECTION 3:** Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to A.R.S. §9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

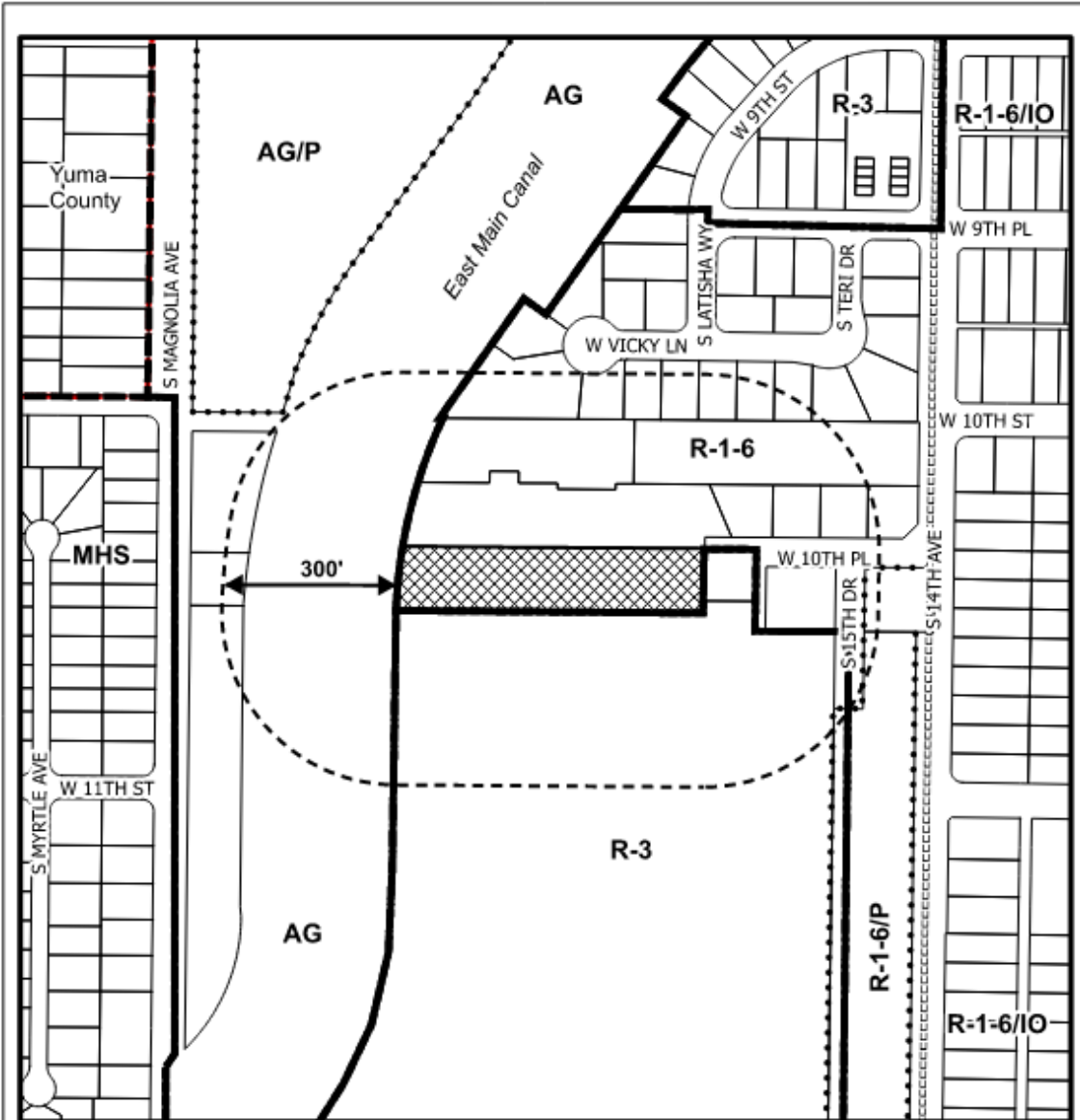
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk


APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

Exhibit A



**LOCATION MAP**

 LOCATION OF SUBJECT PROPERTY



Prepared by: DG  
Checked by: JLA



Date: 10/4/2023  
Revised:  
Revised:

Case #:  
ZONE-41893-2023